

RECORD OF PROCEEDINGS

Minutes of Austinburg Township

Meeting

Held October 1,

2007

The regular meeting of Austinburg Township held October 1, 2007 was called to order at 7:30pm with the pledge. Trustees Frank, Burke, and Spade were present. Audience present were Dave Long, Jim Cox, John A. Kusar, Winnie Cerbin, Eileen Kusar, Mike Schaab, Byron Dutton II, Shelley Kelner, Nelson Hejduk, Marcy Hejduk, Molly Smith, Connie Coons, Dave Irons, Lorna Masek, Sarah Masek, and Diane Mongenel.

Janie stated she is in disagreement with the word "dissatisfied" used in reference to the letters from residents reported in the Sept. 10 minutes. She also stated the letters were sent addressed to all three trustees. The letters in question were from Eileen Kusar on behalf of the Grange. Mrs. Kusar expressed her concerns with sewer costs to the grange members, and that Res. 757-07 is useless. Mrs. Kusar thanked Jerry Burke for his interest in the sewer problems. The letter from Marietta Montgomery also stated her concerns for the sewer costs, and she also feels Res. 757-07 is useless. The letter from the Jordans stated their sewer cost concerns, and stated that they had put their trust in Lynn Frank and Janie Spade when they were elected as trustees, and that Lynn and Janie had let them down.

Janie said all three trustees agreed to the meeting change from Sept. 17, 2007 to Sept. 18, 2007.

Res. 781-07 Janie moved to accept the minutes from Sept. 10, 2007 with the above noted. Lynn seconded. The roll; Burke, no. Frank, aye. Spade, aye.

Res. 782-07 Janie moved to accept the minutes from the Sept. 18, 2007 meeting. Jerry seconded. The roll; Spade, aye. Frank, aye. Burke, aye.

Res. 783-07 Janie moved to pay the bills as the lawful obligation to the township. Jerry seconded. The roll; Frank, aye. Burke, aye. Spade, aye.

Receipts were \$9,112.43. Bills were \$15,791.73.

We received correspondence regarding a Public Records Policy from the Attorney General's office and the Ohio Twp. Association. It pertained to the training in public records laws for elected officials.

Res. 784-07 Jerry moved to appoint the Fiscal Officer as designee for the Board to attend public records training. Lynn seconded. The roll call vote; Spade, aye. Burke, aye. Frank, aye.

Res. 785-07 Janie moved to adopt the Public Records Policy from the Ohio Twp. Association. Jerry seconded. The roll; Frank, aye. Spade, aye. Burke, aye. A copy of this policy is in the office of the town hall.

We received a letter asking for support of the Friendly Neighbor Program through University Hospital Systems. A copy of the township's last letter of support was included.

Res. 786-07 Janie moved to send a letter of support for the Friendly Neighbor Program. Jerry seconded. The roll call vote; Frank, aye. Burke, aye. Spade, aye. Janie will write the letter.

Zoning Administrator John Beninato gave his zoning report. He submitted photos of a vacant home and property on Woodside Dr. for the trustees to view. He has received calls about the condition of this property. A discussion on the property and legal avenues to take to clean it up was held.

Res. 787-07 Janie moved to send information, pictures, and any documentation on this issue to the County Prosecutor's office, for advice on how the township may proceed. Lynn seconded and added copies should be sent to the County Health Dept. John Beninato will draft the letter. The roll call vote; Spade, aye. Frank, aye. Burke, aye. Jerry said if an answer is received from the Prosecutor, a copy should be sent to the financial institution that takes possession of the property. They may do something about it then.

Jerry reported the salt/ sand and cinders for ice control have been ordered.

Jerry said the battery drill combo pack has been purchased.

Jerry stated he would still like to put the International truck we are going to sell out by the road and take bids, not just advertise it in the OTA magazine. Janie said she would like to try the magazine first.

Jerry said Waffle House is now looking at property across the street at GH Dr.

AIM came to pick up the old tar truck for scrap, but it would not fit on the truck. The roadmen will cut it up and then it can be moved.

Jerry reported Mill Creek Rd. is open. It still needs a little bit of work, mainly the marker posts for the road sides.

RECORD OF PROCEEDINGS

Minutes of Austinburg Township

Meeting

Held October 1,

2007

Res. 788-07 Jerry moved to purchase 50 side marker posts for Lampson and Mill Creek Rds. Janie seconded. The roll call; Frank, aye. Spade, aye. Burke, aye.

Jerry said that since there was a low turn out for clean up day, we might consider canceling the fall clean up. Lynn stated last year's flooding may have increased the amount brought in to the fall clean up last year.

Jerry said a resident of Rodgers contacted him and wanted to know why the residents on Rodgers had not been notified about the paving the way Ravinewood had been. Janie said the reason Ravinewood was notified was because they were going to make only one pass when paving Ravinewood. She said Pete asked her to notify the Ravinewood residents so the road would not be used for two hours.

Lynn stated she agreed with Jerry's comments about the fall clean up. Perhaps we should go back to one, and if more interest is shown then we could go back to two.

Janie said the NAD Board meeting will be October 3 at 6:00.

Janie stated Bill Wilms took training for the electronic transmission of fire reports. She thought he should be paid for the day he went to training. Jerry stated he should be paid his regular day.

Res. 789-07 Janie agreed and moved Bill Wilms be paid his regular hours worked for the day he went to training. Jerry seconded. The roll; Frank, aye. Burke, aye. Spade, aye. Janie will notify Pete.

Janie reported she has spoken with Jim Pearson of Geneva about JEDD agreements. Jim said Geneva has done them with Harpersfield, and this may be explored for the Austinburg sewer project. Janie is trying to set up a work session with Growth Partnership, the trustees, and a representative from Geneva city. Shelley Kelner asked if this would be an open meeting. It would be open.

Jerry mentioned Joe Mayernick had commented on growth at Rt. 45 and Clay St.

Jerry stated he would like to see about 4 - 5 more miles done with CRS2

Res. 790-07 Jerry moved that as more roads get into shape, the township apply CRS2 on 4-5 more miles. Janie seconded. The roll; Burke, aye. Spade, aye. Frank, aye.

Janie said she thinks we should think about replacing the one ton truck that is having transmission trouble.

Janie brought up the purchase of defibrillators that has been discussed. She said one could be useful for the garage and one at the town hall.

Res. 791-07 Janie moved the township spend up to \$3,000.00 for two defibrillators. Lynn seconded. Mike Schaab stated the road garage is empty 99% of the time. It would be more useful in the trucks. Janie said they are portable and may be moved. Discussion was held on the location of the defibrillators. The roll; Spade, aye. Frank, aye. Burke, stated he can't see one for the road garage, the town hall might be a good idea but there is one in the fire hall next door, so he votes no.

Lynn addressed the Sept. 25 meeting with Sarah Masek, Ted Seifert, and the trustees on what the zoning text needs. Points discussed were recording revisions if made, programs with index systems, hours necessary to make changes and/or completely re-type. Sarah submitted a task list with time frame needed. This list was reviewed by the trustees. Lynn will check with the Recorder's office and Al Dispenza and bring information back to the board.

Packets from the Public Hearing the Zoning Commission held on the 1,000 feet requirement between B&Bs were received by the trustees this evening. The trustees need to set a date for their Public Hearing on the issue within 30 days.

Res. 792-07 Lynn moved to have the Public Hearing on Oct. 24, 2007 at 7:00pm at the town hall. All trustees agreed that this date will be alright. Janie will notify Cindy. John Kusar asked what the Commission decided. Lynn read from the packets turned in by the Zoning Commission. John said the trustees voted unanimously to ask the Zoning Commission to change the 1,000 feet. Lynn said the trustees asked the Zoning Board to review the 1,000 feet. Jerry read the resolution made. John stated the key word in the resolution is "change". Discussion was held on the wording of the resolution, and the purpose of the Public Hearing to come.

Jim Cox requested a copy of the complete packet.

Lynn reported on the Water Advisory Board meeting held last Wednesday. There are no

RECORD OF PROCEEDINGS

Minutes of Austinburg Township

Meeting

Held October 1,

2007

new projects being planned.

The ACDES advises the public to watch for illegal use of hydrants.

Jerry inquired about the fire dept. using the town hall for a Texas Hold-Em. It would be about 5 to 6 times during the winter and used as a fund raiser for the department. Janie stated she has no problem using the town hall for this as a fund raiser. Jerry will check on the legality issues.

In audience participation, Dave Long addressed the small, 3" step at the bottom of the new town hall steps. He asked if it will pass inspection. Jerry said he thinks there will be no problem with it. Dave said he had been in Columbus recently, and the township sewer issue is well known there. Dave believes financial help may come at election time. Dave stated Dadeyville Rd. is holding up well.

Jim Cox asked for a copy of the Zoning Commission packet turned in this evening, and any Commission meeting minutes that deal with the B&B issues.

John Kusar asked if the trustees have contacted the EPA yet. Jerry said they have not. Janie stated she passed information she gathered on to the Commissioners and Larry Meany. John has made phone calls to the EPA, and gave names to the board. He said the trustees could take certain parts out of the bid and do the work using Issue I money. John also stated the trustees should contact the County Health Dept. The EPA could possibly un-mandate the project as it is, and use a cluster approach. This is a group of small collection systems, but the Health Dept. would have to be behind us 100%. Then the Ohio EPA may back off.

John Kusar stated a question the trustees could put to County Prosecutor Sartini, is if the ORC puts limits on how much of the property total value may be assessed. Some of these sewer assessments exceed the actual value, and John thinks this may not be legal.

John Kusar said that Sherrod Brown's office had told him Diane Wilkinson would be helpful to the township in asking for 2009 appropriations. He stated the trustees need to pursue federal grants, and use the legal resources the township residents pay for with Sartini's office if necessary.

Janie said she will draft a letter asking about a cap on assessments under the ORC.

Byron Dutton asked Lynn if there is a place yet for people to get water in Austinburg as had been previously discussed. Lynn stated that is on hold for right now due to costs.

Byron offered to donate one of the markers he sells to be placed on Donald Young's grave. He would need the information to put on it. Janie said she would like to stop by and take a look at the markers.

Shelly Kelner asked if the trustees had contacted Tom Sartini to request he represent the township. Jerry stated he had sent a letter over and requested that. Mr. Sartini explained he would act as a mediator in the event of a dispute. If the county and township needed council, Mr. Sartini would excuse himself and get outside council for both sides.

Nelson Hejduk stated he had questions about discrepancies with the sewer plans. He asked if Larry Meany was the one to talk to. He said Larry has had the questions for three weeks and is not calling back. Nelson asked for the support of the whole board and said it is time the board start to hammer Larry and push for these answers. Janie said she has had no problems getting a hold of Larry and will contact him.

Marcy Hejduk spoke about the sewer meeting on November 4 at Jewels. She gave the trustees an invitation to the meeting and explained this flyer will be sent to all the residents of the township. Mike has contacted legislators, and the news channels have been contacted to cover the meeting. Marcy asked if the township could donate money to pay the postage for the mailing. Nelson Hejduk said everyone is doing their share, and we need the support of the whole board. Janie said she is glad to be invited, Lynn agreed.

Res.793-07 Janie stated the board of trustees has been invited to the Nov. 4 meeting and will be in attendance. Lynn seconded. Jerry said he doesn't see the need for a resolution. Janie stated it is to announce their attendance at a meeting so as not to violate the Sunshine Law. The roll call vote; Burke, aye. Spade, aye. Frank, aye.

Janie said we need to make sure it is legal to pay the postage for the mailing and asked the fiscal officer if there is a line item to pay the postage for this mailing. Barb said the General Fund can donate money. Janie said this is not a township mailing. Discussion was held on the fact this is an informational mailing and this issue affects everyone in the township.

RECORD OF PROCEEDINGS

Minutes of

Austinburg Township

Meeting

Held October 1,

2007

Res. 794-07 Jerry moved to pay the postage of this mailing and use the bulk mail permit. Lynn seconded the motion and said she will print out the labels using the newsletter data base and donate the labels. The roll call vote; Burke, aye. Spade, aye. Frank, aye.

Lorna Masek inquired about the speed limit on Dadeyville Rd. The north end of the road has a 35mph speed limit sign. Jerry said that was left from the road project done there. It is really 55mph. Discussion was held on the trustees setting a speed limit on a township road. A traffic study should be done first.

Res. 795-07 Jerry moved to contact the County Engineer's office to perform a traffic count on Dadeyville. Janie seconded the motion. Janie asked if Jerry will handle it. The roll call vote; Frank, aye. Burke, aye. Spade, aye.

Res. 796-07 With no other business to come before the board, Janie moved to adjourn the meeting. Lynn seconded. The meeting adjourned at 9:50pm.

Barbara Schaub
Jerry Burke