

RECORD OF PROCEEDINGS

Minutes of

Austinburg Township

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 21,

20 14

The bid opening and regular meeting of Austinburg Township held April 21, 2014 was called to order at 7:00pm. Trustees Burke, Dutton, Kusar, Mike Petro, Ted Seifert, Earl Koon, Bruce Tomasello, Terry Benson, Judy Sims, Eva Lebzelder, Fred Mongenel, Abe Cantor, Joe Bocchi, Jim Buchan, Douglas Grout, and Phil Miller were present. This list is according to the sign in sheet that was circulated.

Stone material bids were received from Nelson Sand and Gravel, Benson Trucking, and Simak Trucking. Emulsion material bids were received from Frank Martuccio Asphalt and Paving, Suit-Kote, and Russell Standard Corp.

Res.606-14 John moved to accept the bid from Benson Trucking for #8, #57, #67 Lime stone at \$20.68 per ton delivered; #304 and #411 Limestone at \$17.68 per ton delivered; #304 concrete at \$14.50 per ton delivered; unscreened asphalt grindings at \$13.00 per ton delivered. Jerry seconded. The roll call vote; Dutton, aye. Burke, aye. Kusar, aye.

Res. 607-14 John moved to accept the bid from Simak Trucking for screened asphalt grindings (1" -down) at \$17.95 per ton delivered; #8 washed stone at \$16.95 per ton delivered; and #411 slag at \$15.50 per ton delivered. Jerry seconded. The roll; Kusar, aye. Dutton, aye. Burke, aye.

Res. 608-14 John moved to accept the bid from Frank Martuccio Asphalt & Paving for CRS2 delivered and applied at \$1.688 per gal; and \$2.163 per gal delivered and applied with equipment; township supplies stone. Jerry seconded. The roll; Kusar, aye. Dutton, aye. Burke, aye.

Res. 609-14 John moved to accept the bid from Frank Martuccio Asphalt & Paving for AEP at \$1.523 per gal delivered and applied. Byron seconded. The roll; Burke, aye. Kusar, aye. Dutton, aye.

Res. 610-14 John moved to accept the bid from Russell Standard Corp for MC70 at \$3.104 per gal delivered and applied. Township supplies stone. Jerry seconded. The roll; Dutton, aye. Burke, aye. Kusar, aye.

Res. 611-14 John moved to accept the bid from Russell Standard Corp on Cold Patch at \$84.00 per ton delivered. Byron seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Res. 612-14 John moved to approve the minutes of the previous regular meeting as written. Jerry seconded. The roll; Dutton, aye. Burke, aye. Kusar, aye.

Res. 613-14 Jerry moved to pay the bills of the township. John seconded. The roll; Burke, aye. Kusar, aye. Dutton, aye.

Receipts totaled \$6,210.56. Bills totaled \$8,936.13.

Discussion will be held tonight on pending legal action between the township and Russ Janson. The board conferred about whether this discussion should be held at regular meeting or during an Executive Session. Township legal council, Abe Cantor, stated these discussions are privileged and should be held at Executive Session. All subsequent decisions will be announced in regular session.

Res. 614-14 John moved to convene Executive Session per our attorney's advice at 7:35pm. Byron seconded. The roll call vote; Burke, aye. Kusar, aye. Dutton, aye.

Res. 615-14 John moved to adjourn Executive Session and convene the regular meeting at 7:58pm. Jerry seconded. The roll; Dutton, aye. Kusar, aye. Burke, aye.

All resident still waiting were invited back into the meeting.

John explained the township has two options regarding the court action with Russ Janson. An injunction can be filed or let it go to court and let the courts decide how it should be dealt with. John stated he would be in favor of letting the courts deal with this so as not to push the judge into a decision. He said the trustees are all in agreement that John Beninato made his decision on the issue regarding Mr. Janson. Mr. Janson had a right to approach the ZBA and ask for a variance, which he did. The ZBA upheld Mr. Beninato's decision. Then Mr. Janson took the issue to the Court of Common Pleas and it went to mediation.

Res.616-14 Byron made a motion to have Township attorney Abe Cantor go ahead and file an injunction with the courts, hopefully within 60 days. Jerry seconded. The roll; Burke, aye. Dutton, aye. Kusar, no.

Mill Creek residents that were present expressed their concerns over the process. The mediation that occurred was not open to them to enable them to be heard. They felt township

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zoning needs to be upheld. At this time, Abe Cantor discussed the township's side and the court processes to those present.

Jerry indicated how important to the township Issue I is, and said Austinburg is again going to apply for an OPWC grant for Forman Rd.

Res. 617-14 Byron Dutton moved the Austinburg Trustees are in support of Issue I. Jerry seconded. The roll; Kusar, aye. Burke, aye. Dutton, aye.

Jerry reported ODNR would like to work with the township on improving the Tote Rd. boat ramp. It would require a 20% commitment on the township's part.

Jerry said the final paperwork on the Natureworks grant has been sent.

Tim Martin told Jerry that the township will score higher on the OPWC application if we accept a loan as part of the funding application.

Joe Bocchi contacted Jerry and said the county Building Dept. has contacted Joe about his property.

Jerry stated the Kelly Burk property in Eagleville has been torn down.

Discussion was held on the old gas station property in the center of town. The trustees were told if the property has not been a gas station since 1984, thirty years, the township would not have to remove the tanks if they just want to tear down the building and plant grass in an effort to beautify the area. The tanks could be backfilled with no clean up needed. The twp will look into what is necessary to acquire the property. Taxes may have to be paid, and the trustees will find out if our workers can remove the tank sand backfill.

Res. 618-14 John moved to inquire with the County Auditor how we can acquire the gas station property. A letter will be sent to the underground storage agency to have them indicate in writing exactly what the township liability would be regarding this clean up. Byron seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Jerry said there will also be approximately 136 feet of sewer line assessment the township would be responsible for if it takes the property.

John asked about the web site. Byron stated no progress yet but he is working on it.

John said it would be good if the town hall monument can be completed before Memorial Day.

John reported he and Ben Paxton viewed the area where the township is looking at installing a fence adjacent to Ben's property. It will be approximately 170 feet long. John will get some prices.

John said Mike Berkowitz asked if the Little League may remove the sod in the baselines of the new ball field area of the township park. Jerry said he will check with some of the coaches about where the team benches should be positioned. He said he believes they should be bolted down.

John Beninato said Ashtabula Office Equipment will charge \$100.00 just to come on site for a service call for the office copier. He stated it may be more efficient to look into a new one at this time rather than repair the old one.

Jim Cox asked about the drainage issue and catch basins at his Woodside Dr. property. The neighbor was upset about the cost of this. If she does not want to pay for pipe than the township will just open cut the ditch in front of her property.

Ginny Seifert stated her name should be listed if her articles are used in the newsletter. That way if residents want more information on the content, they will know to contact her.

Res. 619-14 Byron Dutton moved to adjourn the meeting. Jerry seconded. The meeting adjourned at 9:00pm.