

RECORD OF PROCEEDINGS

Minutes of

Austinburg Township

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held August 3, 2015

20

The regular meeting of Austinburg Township held Monday, August 3, 2015 was called to order at 7:30pm with the pledge. Trustee Burke, Dutton, Kusar, Ted, Ginny Seifert, Eva Lebzelter, Susan Allen, Annette Janson, David, Bill Thomas, Mike Petro, Jim Buchan, Fred Mongenel, Phil Miller, Abe Cantor, Joe Hejduk, and Russ Janson were present.

Res. 88-15 John moved to approve the minutes as written. Jerry seconded. The roll call vote; all affirmative.

Res89-15 John moved to pay all bills of the township. Jerry seconded. The roll call vote; all affirmative.

Receipts totaled \$22,379.59. Bills totaled \$117,674.36.

Mike Petro gave his road dept. report. He stated total chip and seal costs are \$137,532.44. This includes Forman Rd. work and stone. Forman Rd. work is \$44,587.56.

John Beninato gave a zoning report. He said that Byron and he met with the County Prosecutor regarding the Janson court case. Byron stated that Mr. Janson will have 30 days to appeal Judge Yost's decision on the matter. He said that they met with the prosecutor to basically see where the township stands as far as a next step. There was discussion on what may be needed from residents in order to document activity at the Janson Mill Creek Rd. property. Phil Miller indicated to the board that Russ is strip mining the property, and inquired what, if anything can he do there. Russ is to stop all the stone company business activity he had been running from that location. Mr. Mongenel questioned if anyone of the board of trustees had spoken with Russ about this issue outside of when he has attended a meeting. All the trustees stated they had not. Jerry said he believes they should not converse with Russ, and the township's attorney should be the only one that speaks with Mr. Janson. Byron and John agreed. Susan Allen said she believes Russ should be forced to stop what he is doing unless he was to win an appeal filed. At this time, to continue the discussion on this issue with township attorney Abe Cantor;

Res. 90-15 John moved to go into Executive Session at 7:55 to discuss litigation with Abe Cantor. The trustees, John Beninato, and the fiscal officer will stay in the session with Mr. Cantor. All residents were asked to step out. Byron seconded. The roll call vote; Burke, aye. Dutton, aye. Kusar, aye.

Res. 91-15 Jerry moved to adjourn the Executive Session and reconvene in regular session at 8:25. John seconded. The roll; Dutton, aye. Kusar, aye. Burke, aye.

The trustees explained some of the items discussed in their session with Abe Cantor. John said the board will confirm if Abe is covered by township insurance should he continue representing the township in both the appeal process and any enforcement. The township will probably have to use the prosecutor's office for any criminal processes, but will utilize Mr. Cantor where they can. If insurance does not cover costs for Mr. Cantor on enforcement problems, the township will try to pay him to review anything the township has question on coming from the Prosecutor's office as well as answering questions for John Beninato.

John Beninato will put a file together of items from day 1 and any documentation provided, to present to the prosecutor for his review. The township will consult with the prosecutor whether to prosecute criminally or civilly if Russ does not stop the activity in violation. If residents and neighbors see something happening, they should write it down that day. It is important they not write a summary of activity. If any residents feel threatened by his temper or actions, they should contact the Sheriff Dept.

Ted Seifert stated the building department inspector will be going out to see two township properties in very bad disrepair. Ted emailed the department July 20 concerning these properties.

Jerry asked about the work being done on a structure at Coffee Creek Estates. John B. stated Nick Kustala has not come in for his permits and is in violation.

Jerry said Musgrave is working on a price for a new generator and installation.

Jerry reported on the Arths wanting to have the dry hydrant removed from their pond. They believe it is leaking. Jerry stated we need to find out who put it in, first. He will check with the County Engineer about it.

Res.92-15 Jerry moved to hire Penguin Heating and Cooling to install the heaters in the road garage at a cost of \$8,700.00. Ryan did not send in a quote. John seconded. The roll; all affirmative.

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Res. 93-15 John moved to hire Haas Enterprises to repair the town hall steps at a cost of \$2,750.00. Byron seconded. The roll call; Burke, aye. Kusar, aye. Dutton, aye. The other quote from D. Brand in North Bloomfield was \$3,100.00.

John said he has not heard back from anyone in John Patterson's office regarding the gas station property. BUSTR and the EPA cover different things and the office is still working on it.

Byron said the NAD meeting is Tuesday night, August 4.

Eva Lebzelter said she believes township zoning laws should be enforceable for everyone.

Susan Allen said that Mr. Mongenel's ditch is starting to sink where the township placed a culvert. The roadmen will smooth it out now that it should have settled because it apparently settled over the winter.

Bill Thomas said the zoning commission had their second part of the Public Hearing on July 21st. The commission voted to present their changes to the trustees. The proposed change involve the establishment of an Educational District in the zoning text.

Res. 94-15 John moved the trustees will hold their Public Hearing on this proposed change at 7:00pm on August 17, prior to their regular meeting. Jerry seconded. The roll; Dutton, aye. Kusar, aye. Burke, aye.

Res. 95-15 Byron moved to adjourn the meeting. John seconded. The meeting adjourned at 9:10pm.

Barbara Schaub