

RES#12-117
Nimishillen Township Board of Trustees
Township Hall: 4422 Maplegrove NE, Louisville, OH 44641

April 26, 2012

On Thursday, April 26, 2012 the Board of Trustees of Nimishillen Township met in regular session at 7:00 PM at the Nimishillen Township Hall located at 4422 Maplegrove NE with the following members present: Trustee President Lisa R. Shafer, Trustee Vice President Lou J. Johnson, Trustee Michael L. Lynch and Fiscal Officer Brian Kandel.

NOTE: All reports are available at the township office located at 4915 N. Nickelplate at a cost of 10¢ per page. Copies of meeting CD's are available for \$1.00 per CD; however, a **CD will not be available for tonight's meeting due to a glitch while recording, which was unknown to the person recording the meeting.**

Trustee Shafer called the meeting to order at 7:00 PM and led the staff and audience in the Pledge of Allegiance.

Excuse Road Superintendent: Jack Magee was excused from tonight's meeting.

INVOCATION: Trustee Lynch gave the invocation.

EXECUTIVE SESSION: TRUSTEE LYNCH MOTIONED TO ENTER INTO EXECUTIVE SESSION FROM THIS REGULAR MEETING AT 7:02 PM WITH STARK COUNTY PROSECUTOR, MIKE BICKIS, TO DISCUSS PENDING OR IMMINENT LITIGATION UNDER O.R.C. 121.22(G)(3) SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-90**

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer – YES

TRUSTEE LYNCH MOTIONED TO RETURN FROM EXECUTIVE SESSION AT 7:25 PM AND RESUME THE REGULAR MEETING SECONDED BY TRUSTEE JOHNSON.

MOTION CARRIED. RES#12-91

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

With several residents in attendance regarding the Honey Alley vacation, Trustee Shafer asked Attorney Bickis if he would explain what has and will be taking place regarding the proposed road vacation of Honey Alley.

The trustees passed a resolution at the April 26, 2012 Trustees' Meeting, Resolution #12-84 petitioning for the road vacation of a portion of Honey Alley in the Harrisburg Town Plat in Nimishillen. After the Board of Commissioners reviewed the Resolution and Petition, they determined to proceed with the viewing and hearing in full compliance with ORC Sec. 5553.04

Attorney Bickis explained the owner of The Carriage House sent a letter to the trustees requesting the vacation of Honey Alley in Harrisburg and explained the procedure

regarding legal steps the trustees must follow in order to protect the township. If the commissioners vote against the vacation of Honey Alley, any legal action would be against the commissioners and not the township. The trustees are trying to protect the township against any liabilities and being sued.

Trustee Lynch said he wanted to let the residents know that inebriated people should not be allowed to roam on residents' private properties and the residents should not have to put up with loud music. The Board is doing everything they can do legally regarding the situation.

CITIZENS SPEAK:

Kellie Mathie, 8385 Paris NE stepped to the podium and said the alley is half-way in the bar and talked about the problems they are having and called the action a 'political two-step.' The owner of the Carriage couldn't get the vacation passed the first time so they are now going through the trustees. Atty. Mike Bickis commented if the Commissioners vote down the vacation of Honey Alley this time, any legal action would be on them. Mrs. Mathie said if the vacation goes through, the value of their homes will go down and they will be stuck with worthless properties.

The issue of the township maintaining Honey Alley was discussed. Trustee Shafer said the road department plows Honey Alley; however, we are well outside of the road markers of the actual alley. We cannot plow between the pins with any of our trucks. We do keep the alley open, but we are plowing outside the pins, which is the property of the Carriage House.

Trustee Shafer addressed Mrs. Mathie's concerns and explained we are in the process of being sued, and the Board is taking steps to protect the township from a lawsuit.

FIRE DEPARTMENT: Chief Peterson asked for the following resolutions:

Resolution: TRUSTEE LYNCH MOTIONED TO ACCEPT THE RESIGNATION OF PART-TIME CIVILIAN DISPATCHER MARK THOMAS SECONDED BY TRUSTEE JOHNSON. MOTION CARRIED. RES#12-92

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer – YES

Resolution: TRUSTEE LYNCH MOTIONED TO ACCEPT THE RESIGNATION OF FIREFIGHTER JASON PITRE SECONDED BY MR. JOHNSON. MOTION CARRIED. RES#12-93

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

Resolution: TRUSTEE LYNCH MOTIONED TO APPROVE THE MARCH 2012 FIRE REPORT AS PRESENTED SECONDED BY TRUSTEE JOHNSON. MOTION CARRIED. RES#12-94

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

Proceed with the following contracts for Fire Sta. No. 1:

Resolution: TRUSTEE JOHNSON MOTIONED TO APPROVE JOSEPH JEFFRIES CO. TO REMOVE AND REPLACE THE EAST CONCRETE APPARATUS APRON IN THE AMOUNT OF \$19,000 SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED.**

RES#12-95

Roll call voting: Mr. Johnson – YES, Mr. Lynch – YES, Mrs. Shafer – YES

Resolution: TRUSTEE JOHNSON MOTIONED TO APPROVE JOSEPH JEFFRIES COMPANY TO REMOVE THE EXISTING ASPHALT, GRADE THE EXISTING AGGREGATE TO PREPARE FOR NEW ASPHALT AND COMPACT AND TO INSTALL 2.5” BASE 301 ASPHALT AND COMPACT FOR A TOTAL OF \$43,000 AND A FINISH COAT TO BE APPLIED IN EARLY FALL 2012 SECONDED BY TRUSTEE LYNCH.

MOTION CARRIED. RES#12-96

Roll call voting: Mr. Johnson – YES, Mr. Lynch – YES, Mrs. Shafer – YES

Resolution: TRUSTEE LYNCH MOTIONED TO APPROVE THE RENEWAL OF DISPATCHING CONTRACTS AT A RATE OF \$34.00 PER INCIDENT FOR WAYNESBURG FD, PERRY TWP. FD, TRI-DIVISION AMBULANCE DISTRICT AND EAST SPARTA FD SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED.**

RES#12-97

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

ROAD DEPARTMENT: (Brad Bair, Assistant Superintendent, sat in for Jack)

Street Sweeping Quotes: After reading aloud the two quotes received – one from Buckeye Sweeping in Akron for a total cost of \$5,140.00 and one from Alpha & Omega Power Sweeping in Canton for a total cost of \$4,400.00, the following resolution was made:

Resolution: TRUSTEE SHAFER MOTIONED TO AWARD THE STREET SWEEPING CONTRACT TO ALPHA AND OMEGA FROM CANTON, OH FOR A TOTAL PROJECT PRICE OF \$4,400.00 USING A VACUUM TYPE SWEEPER TO COMMENCE NO LATER THAN MAY 14, 2012 AND TO BE COMPLETED NO LATER THAN 30 DAYS FROM THE START DATE SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-98**

Roll call voting: Mrs. Shafer – YES, Mr. Lynch – YES, Mr. Johnson - YES

Compost Facility: Mr. Bair reported the compost facility is busy and they are filling two (2) boxes per day. David Scheurer, reporter for The Repository, wanted to thank the road crew for doing a nice job keeping the compost area clean and free of mud. He said it used to be a muddy mess, cars would get mud all over them and mud would be dragged into their cars from their shoes.

Resolution: TRUSTEE LYNCH MOTIONED TO APPROVE THE ROAD REPORT AS PRESENTED FOR APRIL 26, 2012 SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-99**

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

ZONING DEPARTMENT: Zoning Inspector, Dale Riggerbach, asked for a resolution for the following properties:

Resolution: TRUSTEE LYNCH MOTIONED TO DECLARE THE FOLLOWING PROPERTIES A NUISANCE AND ABATE THE PROPERTIES DUE TO THE LACK OF THE OWNERS MAINTENANCE OF VEGETATION, GARBAGE, REFUSE AND OTHER DEBRIS AND PLACE ALL RELATED COSTS ON THE TAX DUPLICATE IN COMPLIANCE WITH O.R.C. 505.87 AND A PROPERTY WITH AN UNSAFE BUILDING OR STRUCTURE DECLARED INSECURE, UNSAFE AND STRUCTUALLY DEFECTIVE OR UNINHABITABLE AND PLACE ALL RELATED COSTS ON THE TAX DUPLICATE IN COMPLIANCE WITH O.R.C. 505.86 SECONDED BY TRUSTEE JOHNSON: (All were red tagged on 4-19-12 – each property must have individual resolution numbers) **MOTION CARRIED. RESOLUTIONS BELOW.**

- o 4795 Leone St., Parcel #33-05400 High Grass **RES#12-100**
- o 7691 Brookview St., Parcel #33-03660 High Grass / Other Debris **RES#12-101**
- o 4818 Meese Rd., Parcel #33-02026 High Grass / Other Debris **RES#12-102**
- o 6311 Louisville St., Parcel #33-08683 High Grass/Unsafe Structure (garage) **RES#12-103**

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer – YES

Resolution: TRUSTEE LYNCH MOTIONED TO APPROVE THE ZONING REPORT FOR APRIL 26, 2012 AS PRESENTED SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-104**

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

FISCAL OFFICER:

Fiscal officer, Brian Kandel, asked the board for a resolution to renew the Yard Waste Agreement between City of Louisville and Nim. Twp.

TRUSTEE LYNCH MOTIONED TO APPROVE THE RENEWAL OF THE 12-MONTH YARD WASTE AGREEMENT BETWEEN THE CITY OF LOUISVILLE AND NIM. TWP. EFFECTIVE APRIL 1, 2012. **MOTION CARRIED. RES#12-105**

Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

TRUSTEES:

Public Hearing for Honey Alley Vacation: Trustee Shafer announced the Commissioners' Public Hearing regarding the vacation of Honey Alley is Wednesday, May 30, 2012 at 1 p.m.

2012, April 26, Trustees Minutes (Cont.)

RESOLUTION - APPROVE APRIL 12, 2012 MEETING MINUTES:

TRUSTEE LYNCH MOTIONED TO APPROVE THE APRIL 12, 2012 MINUTES AS PRESENTED SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-106**
Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

RESOLUTION - APPROVE ALL PURCHASE ORDERS, FINANCIAL REPORT AND PAY BILLS:

TRUSTEE LYNCH MOTIONED TO APPROVE ALL PURCHASE ORDERS, FINANCIAL REPORT AND PAY BILLS IN THE AMOUNT OF \$102,984.64 SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-107**
Roll call voting: Mr. Lynch – YES, Mr. Johnson – YES, Mrs. Shafer - YES

RESOLUTION - SIGN CHECKS AND ADJOURN:

TRUSTEE JOHNSON MOTIONED TO SIGN CHECKS AND ADJOURN AT 7:55 P.M. SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-108**
Roll call voting: Mr. Johnson – YES, Mr. Lynch – YES, Mrs. Shafer – YES

ATTEST: Brian Kandel
Fiscal Officer

Lisa R. Shafer, President

Lou J. Johnson, Vice President

Michael L. Lynch
Nimishillen Township Board of Trustees