

**RES#12-253**

**Nimishillen Township Board of Trustees**

**Township Hall: 4422 Maplegrove NE, Louisville, OH 44641**

**November 8, 2012**

On Thursday, November 8, 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.

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

**INVOCATION:** Mike Lynch

**FIRE DEPARTMENT:** (Chief Richard Peterson)

**Training on Shale Exploration, Development & Drilling Operations:** Rich reported he attended the eight-hour training session on Shale Exploration, Development & Drilling Operations. It was held at Stark State College and put on by Penn State. He said it's really a good program and very interesting. There will be another session sometime in January or February 2013 and suggested it would be good for the elected officials, zoning and road personnel to attend.

**Meeting with Ohio Billing:** The meeting with Ohio Billing is set for Wednesday, November 14<sup>th</sup>. Trustee Johnson will be in attendance as well. The Chief will share information talked about at the meeting with the Board at the next Trustees' meeting.

**GIS Support Letter Request:** After discussion, Rich said he will send the support letter that Shanda Yeager is requesting.

**Approve September 2012 Fire Report:** TRUSTEE LYNCH MOTIONED TO APPROVE THE SEPTEMBER 2012 FIRE REPORT AS WRITTEN SECONDED BY TRUSTEE JOHNSON.

**MOTION CARRIED. RES#12-230**

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

**ROAD DEPARTMENT:** (Jack Magee, Superintendent)

**Leaves in ditches:** Jack reported while driving the township roads, he noticed a lot of leaves in ditches. He is asking residents to refrain from blowing leaves in ditches. Leaves, brush, etc. can be dropped off at the compost area located at 4915 N. Nickelplate. For everyone's convenience, it's open 24 hours a day - 7 days a week.

**Resolution - Approve Road Report:** TRUSTEE LYNCH MOTIONED TO APPROVE THE ROAD REPORT FOR NOVEMBER 8, 2012 AS WRITTEN SECONDED BY TRUSTEE JOHNSON.

**MOTION CARRIED. RES#12-231**

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

**ZONING DEPARTMENT:** (Inspector Dale Riggerbach)

**Resolution – Approve Zoning Report:** TRUSTEE JOHNSON MOTIONED TO APPROVE THE NOVEMBER 8, 2012 ZONING REPORT AS WRITTEN SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-232**

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

**Resolution – Approve October 2012 Zoning Report for Stark County Auditor:** TRUSTEE LYNCH MOTIONED TO APPROVE THE OCTOBER 2012 ZONING REPORT FOR THE STARK COUNTY AUDITOR SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-233**

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

**FISCAL OFFICER:**

**Resolution - Approve the following transfers:**

TRUSTEE LYNCH MOTIONED TO APPROVE \$9,118.28 FROM 10-A-14 (Group Ins.) TO 10-A-02 (PERS) SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-234**

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

TRUSTEE JOHNSON MOTIONED TO APPROVE \$1,000.00 FROM 10-A-14B (Commercial Ins.) TO 10-A-02 (PERS) SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-235**

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

TRUSTEE LYNCH MOTIONED TO APPROVE \$5,000.00 FROM 10-A-10 (Repairs) TO 10-A-09 (Supplies) SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-236**

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

**CITIZENS:**

**David Pumneo, 7476 Brookside St., stepped to the podium regarding the Brookside 'Common Road' and said:**

- Sent email Oct. 16<sup>th</sup> to the township. Both Dale & Sharon said they did not receive it. Mr. Pumneo will re-send it;
- Received copy of letter from Attorney Bickis dated Oct. 25, 2012 were Mr. Bickis said this is a civil matter;
- Met with an attorney who said:
  - ✚ it is not a civil matter because no one owns the 'common road',
  - ✚ no one can get a 'quite title' because too many people use it,
  - ✚ no one has the right to make 'alterations' to this 'common road' – it's a gray area and,
  - ✚ may never be heard by a judge because no one owns it.

Trustee Lynch asked Sharon to send a letter to Stark County Engineers, explain the situation and schedule a meeting at the site ('Common Road') with someone from the SCE, trustees and Mike Bickis.

Trustee Lynch asked Dale to find out if Josh's Tree Service located at 5591 N. Chapel St. is in compliance with running a business in an R-1 Single Family Residential district.

**TRUSTEES:**

Discuss discontinued Phase II Illicit Discharge Contract: Effective December 31, 2011, the Board of Health discontinued contracts with the Phase II communities to do the *illicit discharge detection and elimination minimum control measure*. After discussion, Trustee Johnson said he would contact Todd Paulus with the Stk. Co. Health Dept. and ask him to come to a trustees meeting to explain what we need to do. Mr. Paulus also suggested we make a public records request sometime in January or February and they will give us information on failing systems, complaints, etc. for the upcoming EPA report.

Resolution – Approve October 25, 2012 Minutes: TRUSTEE LYNCH MOTIONED TO APPROVE THE MINUTES FOR OCTOBER 25, 2012 AS WRITTEN SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-237**

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

Resolution – Approve purchase orders, financial report and pay bills: TRUSTEE LYNCH MOTIONED TO APPROVE ALL PURCHASE ORDERS, FINANCIAL REPORT AND PAY BILLS IN THE AMOUNT OF \$48,243.88 SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-238**

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

**EXECUTIVE SESSION:**

Resolution - Adjourn into Executive Session: TRUSTEE LYNCH MOTIONED TO ADJOURN INTO EXECUTIVE SESSION AT 7:26 PM FROM THIS REGULAR MEETING OF NOV. 8, 2012 AS AUTHORIZED UNDER ORC 121.22(G) (4) FOR THE PURPOSE AND CONSIDERATION OF COLLECTIVE BARGAINING MATTERS PREPARING FOR, CONDUCTING OR REVIEWING NEGOTIATIONS OR BARGAINING SESSIONS WITH PUBLIC EMPLOYEES SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-239**

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

Resolution - Return from Executive Session: TRUSTEE LYNCH MOTIONED TO RETURN FROM EXECUTIVE SESSION AT 7:44 PM AND RESUME THE REGULAR MEETING SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-240**

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 7:44 PM SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-241**

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