

RES#12-215

**Nimishillen Township Board of Trustees
Township Hall: 4422 Maplegrove NE, Louisville, OH 44641**

September 27, 2012

On Thursday, September 27, 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 and Trustee Michael L. Lynch. Fiscal Officer Brian Kandel was absent.

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

'COMMON ROAD' / BROOKSIDE:

Trustee Shafer announced tonight's agenda was going to be switched around. There was an executive session scheduled at 7:00 PM to discuss the '*Common Road*' that borders the south side of Brookside with Stark County Prosecutor Mike Bickis. However, Trustee Lynch, Attorney Bickis and Zoning Inspector Dale Riggerbach met at 6:30 PM to view the lane in question, which is called a '*Common Road*' and affects the residents on Brookside whose back yards border it.

Attorney Bickis stepped to the podium to explain he was contacted by Riggerbach asking for a legal opinion as to whose duty it is to maintain the '*Common Road*'. Bickis said according to records at the Stark County Auditor's office, it is **not** a township road; it's a 'common road' or 'private road' and at this time, it is not dedicated to anyone including Nimishillen Township. The township can't do anything with it even if they wanted to. The best scenario would be for the neighbors to work together on maintaining this 'private' or 'common' road.

Bickis said unfortunately, private property owners would have to pursue it on their own and hire their own council and only a court could decide amongst the neighbors who would take care of it. No one is claiming ownership of this property. This is done through what's called a 'Quiet Title'. According to the records, no one has applied for a 'Quiet Title'. Any one of the neighbors could apply for it. A full Title search would be ordered and only a judge or court could make a decision on it. **Bickis said this is a civil matter, it does not belong to the township, and it's out of the township's jurisdiction.**

GROFFRE COMPANY / COMPLAINT RE: TOP SOIL SCREENING ON BOSLER:

Trustee Shafer asked Attorney Bickis to speak about a formal complaint received at the township zoning office regarding top soil screening taking place on the south side of Bosler Street on property that's still zoned R-1 until the zone change issue is resolved, which will be on the November ballot. The zoning classification to change this particular parcel from R-1 (Single Family Residential) to I-2 (General Industrial) may or may not change depending on the outcome of voters.

Several residents were in attendance to speak.

- **Gregg Breiding, 5705 Bosler St.** (made the formal complaint)
 1. During month of Sept. - Groffre Company is hauling soil in & out starting at 6:30 AM on a parcel still zoned R-1;
 2. Happens on days that are dry – not rainy days;
 3. Doesn't understand how the trustees can let this happen. If the Groffre Company was using the parcel on the north side, it would be okay because the north side is zoned I-2. The south side is still zoned R-1;
 4. There's plenty of other land nearby already zoned commercial that Jeffries could use.

- **Karen Sanford, 5677 Bosler St.**
 1. Sees five or six trucks (all at one time) traveling down Bosler daily;
 2. Wants to make the Board aware that the Groffre Co. is driving heavy equipment down Bosler – not on trucks – but the equipment itself such as bulldozers, etc. & Bosler is not wide enough for trucks and heavy equipment;
 3. It's causing a safety issue for residents and kids waiting for the bus as well as ruining the road causing potholes;
 4. All she can see from her bedroom window is huge mounds of dirt.

- **Justine Sackman, 5751 Bosler St.**
 1. Wanted to know what kind of help they could expect from the trustees to keep this area R-1;
 2. She moved there to live in the country – not to have gravel pits all around;
 3. Wants Bickis to file an injunction next week against the Groffre Co.

Trustee Lynch said he will address all of the resident's issues & concerns with Mr. Jeffries and get back to Mr. Breiding.

Hwy. Superintendent Magee said he would take a look at Bosler and have it repaired.

Attorney Bickis said it's his opinion to wait to file an injunction against the Groffre Co. until after the November election because nothing will take place until after the election anyways. It was suggested Dale start the process now in case it would be necessary to file before the election.

UPDATE RE ONGOING VIOLATIONS ON MEESE RD. & APPLE ST.:

Trustee Shafer asked Atty. Bickis about the progress regarding the outdoor wood burning furnace on Meese (Gina & Pat Nuske) and violations on the parking and storage of vehicles on Apple Street (Gary Reed). Bickis said he is still working on both of these issues.

FIRE DEPARTMENT: (Chief Richard Peterson)

Rope rescue training: Chief Peterson said the rope rescue training will be Sunday, Sept. 30th @ 1:00 PM @ Fire Sta. #3 and invited the trustees and residents to attend.

Resolution – Approve Fire Report: TRUSTEE JOHNSON MOTIONED TO APPROVE THE FIRE REPORT FOR AUGUST 2012 SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-202**

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

ROAD DEPARTMENT: (Jack Magee, Superintendent)

Paving – Chip & Seal: Jack reported the paving and chip & seal have been completed and all went good. He’s been checking for low branches that need to be trimmed before winter so low hanging branches won’t interfere with snow plows and they have been mowing the right-of-ways. He reported they still need to run the maintainer on four (4) roads: Menegay, Crock off California, Shannon and Shilling.

Resolution – Approve Road Report: TRUSTEE LYNCH MOTIONED TO APPROVE THE SEPTEMBER 27, 2012 ROAD REPORT AS PRESENTED SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-203**

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

ZONING DEPARTMENT: (Inspector Dale Riggerbach)

Update on Stk. Co. Land Reutilization Corp. work-shop and Stk. Co. Land Bank: Dale attended a work-shop sponsored by the Stark County Land Reutilization Corporation on Wed., Sept. 19th regarding the Ohio Attorney General Moving Ohio Forward Demolition Grant. The work-shop consisted of an overview of the sub-recipient matching grant agreement required to be signed and executed by all participating jurisdictions. Dale turned in four (4) possible homes in Nimishillen Township for demolition under this program: 5266 Broadway Ave., 5244 Broadway Ave., 3966 Paumier Ave. and 8718 Paris Ave. In order to be reimbursed through the Stark County Land Reutilization Corp. office, we must follow the Ohio Attorney General Moving Ohio Forward Grant Guidelines and Procedures. Each request package for reimbursement must be complete prior to submitting the documents to the Stk. Co. Land Reutilization Corp. office and the process will be reviewed in detail.

Solar Energy Systems as a Conditionally Permitted Use: Dale asked the trustees to look over the draft he received from RPC regarding making Solar Energy Systems as a Conditionally Permitted Use and get back with him on their thoughts and input.

2012, September 27 Trustees Minutes (Cont.)

Resolution – Approve Zoning Report: TRUSTEE JOHNSON MOTIONED TO APPROVE THE SEPTEMBER 27, 2012 ZONING REPORT AS PRESENTED SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-204**

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

FISCAL OFFICER: The Board excused Brian Kandel from tonight’s meeting.

TRUSTEES:

American Flag @ Township office/garage: After discussion, the Board agreed to purchase an American Flag to be flown at the township garage/office. David Scheurer reminded the Board if the flag is flown day and night, a light must be shining on it at night.

Fire Prevention Breakfast: After discussion, the Board agreed Mike Lynch and Rich Peterson will attend the Fire Prevention Breakfast on Tuesday, October 9th – 8:00 AM – 9:15 AM at Skyland Pines. The cost is \$14.00 per person and the township secretary will RSVP for them.

Resolution – Approve September 13, 2012 Minutes:

TRUSTEE LYNCH MOTIONED TO APPROVE THE MINUTES FOR SEPTEMBER 13, 2012 AS PRESENTED SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-205**

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

Resolution – Approve purchase orders, financial report and pay bills:

TRUSTEE JOHNSON MOTIONED TO APPROVE ALL PURCHASE ORDERS, FINANCIAL REPORT AND PAY BILLS IN THE AMOUNT OF \$325,410.57 SECONDED BY TRUSTEE LYNCH. **MOTION CARRIED. RES#12-206**

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

Resolution – Sign checks and adjourn: TRUSTEE LYNCH MOTIONED TO SIGN CHECKS AND ADJOURN AT 8:00 PM SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#12-207**

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

ABSENT

ATTEST: Brian Kandel
Fiscal Officer

Lisa R. Shafer, President

Lou J. Johnson, Vice President

Michael L. Lynch
Nimishillen Township Board of Trustees