

**RES#13-\_\_\_\_\_**  
**Nimishillen Township Board of Trustees**  
**Township Hall: 4422 Maplegrove NE, Louisville, OH 44641**

**January 24, 2013**

On Thursday, January 24, 2013, 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 Michael L. Lynch, Trustee Vice President Lou J. Johnson, Trustee Lisa R. Shafer 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 Lynch 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:** (Richard Peterson, Chief)

**Resolution – Approve dispatching contracts for 2013:** TRUSTEE SHAFER MOTIONED TO APPROVE THE FOLLOWING DISPATCHING CONTRACTS SECONDED BY TRUSTEE JOHNSON.

- CANTON TOWNSHIP BOARD OF TRUSTEES - FIRE DEPT @ \$6,352.33 PER MONTH
- LAKE TWP. BOARD OF TRUSTEES – UNIONTOWN POLICE DEPT. @ \$2,375.00 / MO.
- MAGNOLIA FIRE DEPT. @ \$255.00 / MO.
- EAST SPARTA FIRE DEPT. @ \$510.00 / MO.
- TRI DIVISION AMBULANCE DISTRICT @ \$2,258.16 / MO.
- MAGNOLIA POLICE DEPT. @ \$1,250.00 / MO.

**MOTION CARRIED. RES#13-028**

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

**Resolution – Approve annual maintenance contract with Campbell & Associates:** TRUSTEE SHAFER MOTIONED TO APPROVE THE ANNUAL MAINTENANCE CONTRACT WITH CAMPBELL & ASSOC. FOR COMMUNICATIONS CENTER RECORDING EQUIPMENT FOR \$2,800.00 SECONDED BY TRUSTEE JOHNSON.

**MOTION CARRIED. RES#13-029**

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

**Resolution – Approve software upgrade and annual maintenance agreement with ACS Firehouse Software for Fire/EMS RMS:** TRUSTEE SHAFER MOTIONED TO APPROVE SOFTWARE UPGRADE (VERSION 7.14) AND ANNUAL MAINTENANCE AGREEMENT WITH ACS FIREHOUSE SOFTWARE FOR FIRE/EMS RMS FOR A TOTAL OF \$3,035.00 SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-030**

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

Resolution – Accept resignation of firefighter James Russell: TRUSTEE SHAFER MOTIONED TO ACCEPT THE RESIGNATION OF FIREFIGHTER JAMES RUSSELL EFFECTIVE JAN. 24, 2013 SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-031**

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

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

Resolution – Approve Road Report: TRUSTEE SHAFER MOTIONED TO APPROVE THE ROAD REPORT FOR JAN. 24, 2013 AS PRESENTED SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-032**

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

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

Workshop on ‘Completing the MS4 Annual Report: Dale reported he and Sharon will be attending the above mentioned workshop from 8:30 AM to 3:30 PM on Monday, Jan. 28<sup>th</sup> in Richfield, OH.

Resolution – Approve January 24, 2013 Zoning Report: TRUSTEE SHAFER MOTIONED TO APPROVE THE ZONING REPORT FOR JAN. 24, 2013 AS PRESENTED SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-033**

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

**FISCAL OFFICER:** (Brian Kandel) Brian had no report for tonight’s meeting.

**CITIZENS:**

**Pat & Gina Nuske of 5933 Meese** stepped to the podium to discuss the following:

- ❖ Confusion regarding the classification of their 16-acre property. It’s ‘zoned’ R-1 Single Family Residential but ‘classified’ as Agricultural;
- ❖ Phone calls to the zoning inspector not being returned and emails not being answered;
- ❖ Saw discussions in past Trustees’ Minutes about their outdoor wood burning furnace;
- ❖ Received a summons to go to court, which they knew nothing about, and felt it necessary at that point to hire an attorney, which they did;
- ❖ Trustees explained the issue with the outdoor wood burning furnace is now in our attorney’s hands, Mike Bickis with the Stark County Prosecutor’s office, and the township was advised by Atty. Bickis not to talk to them (Mr. & Mrs. Nuske) – from here on out it would be discussed between the attorneys; and
- ❖ Mr. & Mrs. Nuske are required to apply for a variance for a Conditional Zoning Certificate for their outdoor wood burning furnace and go before the Board of Zoning Appeals for a final decision. The Board agreed Trustee Johnson would be the go-between to try to get this case worked out.

**TRUSTEES:** (Mike Lynch, Lou Johnson, Lisa Shafer)

Resolution – Accept Union Contract: Trustee Shafer read the terms of the contract:

- Three (3) year contract
- Pay increases:
  - Year one – 1.5% increase (Date of signing through 7/30/13)
  - Year two – 1.5% increase
  - Year three – 2% increase
- Union employees share for medical insurance premiums will not exceed 15% of the total cost of the medical insurance premium for the term of the contract.
- Union employees share for eye and dental insurance premiums will remain in place for the term of the contract.
- Starting pay rate for newly hired employees with CDL - \$13.27 per hour for the term of the contract.
- Overtime for employees will be paid only for hours of work in excess of 40 accumulated hours in one work week. Accumulated hours shall include all full time employees' paid benefit time off.
- New contract would be effective for three (3) years from the date the new contract is signed by all parties.
- Contract will remain the same other than the sections that would need to be updated to reflect the above changes.

TRUSTEE SHAFER MOTIONED TO ACCEPT THE UNION CONTRACT AS STIPULATED ABOVE EFFECTIVE FOR THREE YEARS FROM THE DATE THE NEW CONTRACT IS SIGNED BY ALL PARTIES SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-034**

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

Resolution – Certification of Highway Mileage: TRUSTEE JOHNSON MOTIONED TO APPROVE THE CERTIFICATION OF HIGHWAY MILEAGE – 67.780 MILES FOR 2012 SECONDED BY TRUSTEE SHAFER. **MOTION CARRIED. RES#13-035**

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

Emergency Management Agency Resource Manual: Trustee Lynch explained the Emergency Management Agency has been asked to update a list of resources the highway departments in Stark County may have available in the event of an emergency and is asking that each department head fill out an *Emergency Contact & Resource* list and return it to the Stark County Engineer's Department by Friday, March 29, 2013. A book will then be compiled and handed out to all department heads after S.C.E. receive the completed forms.

FY2014 Section 319 Grants: Adrienne LaFavre from OEPA said several local MS4s have received funds for their projects. The OEPA is soliciting proposals for grants awarded from the FY2014 Section 319(h) grant. Grants up to \$300,000 will be awarded for the implementation of projects that address nonpoint source pollution and/or storm water runoff and result in water quality improvements in Ohio's streams, rivers and lakes. Water quality improvement projects eligible for Section 319 grant funding include: innovative storm water management projects; stream restoration and re-naturalization; riparian restoration and protection; and wetland restoration and protection. These grants will be awarded for a 3-year period. Trustee Lynch asked Sharon to send 2013, January 24 - Trustees Regular Meeting Minutes (Cont.)

a letter to Tom Ault, City of Louisville Manager, letting him know the township is interested in pursuing a joint project with them in regards to the dredging of Nimishillen Creek and possibly discuss it at the meeting regarding safety issues at N. Nim. Elem. School. No date has been set for the school meeting as of yet.

Resolution – Approve January 10, 2013 organizational and regular meeting minutes: TRUSTEE SHAFER MOTIONED TO APPROVE THE JANUARY 10, 2013 ORGANIZATIONAL AND REGULAR MEETING MINUTES AS WRITTEN SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-036**

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

Resolution – Approve all purchase orders, financial report and pay bills: TRUSTEE SHAFER MOTIONED TO APPROVE ALL PURCHASE ORDERS, FINANCIAL REPORT AND PAY BILLS IN THE AMOUNT OF \$25,792.17 SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-037**

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

Resolution - Executive Session: TRUSTEE SHAFER MOTIONED TO ADJOURN INTO EXECUTIVE SESSION AT 7:32 P.M. AS AUTHORIZED UNDER O.R.C. 121.22(G)(1) PERSONNEL TO CONSIDER THE APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION OR COMPENSATION OF A PUBLIC EMPLOYEE OR TO CONSIDER INVESTIGATION OF CHARGES OR COMPLAINTS AGAINST A PUBLIC EMPLOYEE SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-038**

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

Resolution – Return from Executive Session: TRUSTEE SHAFER MOTIONED TO RETURN FROM EXECUTIVE SESSION @ 8:15 P.M. AND RESUME THIS REGULAR MEETING SECONDED BY TRUSTEE JOHNSON. **MOTION CARRIED. RES#13-039**

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

Upon return from Executive Session, no action was taken.

Resolution – Sign checks and adjourn: TRUSTEE JOHNSON MOTIONED TO SIGN CHECKS AND ADJOURN @ 8:15 PM SECONDED BY TRUSTEE SHAFER. **MOTION CARRIED. RES#13-040**

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

*All signatures on file*

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ATTEST: Brian Kandel  
Fiscal Officer

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Michael L. Lynch, President

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Lou J. Johnson, Vice President

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Lisa R. Shafer, Trustee  
Nimishillen Township Board of Trustees