

RECORD OF PROCEEDINGS

Minutes of

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

20

MINUTES OF ELLSWORTH TWP BOARD OF TRUSTEE'S

REGULAR MEETING

May 10, 2023

Vice Chairman Robert Toman called the May 10, 2023, regular meeting of the Ellsworth Trustees to order at 7:00 pm. A roll call was taken to establish a quorum: Chairman Fredrick Houston - absent, Vice Chairman Robert Toman - present, Trustee William Spellman - present. Also present were Fiscal Officer James DeCenso, Zoning Inspector Wayne Sarna, Fire Chief Edward Smith, and Road/Maintenance Supervisor Tom Hoffman. The Pledge of Allegiance was recited.

Trustee Robert Toman chaired the meeting, due to Chairman Houston's absence due to illness.

MINUTES: Fiscal Officer DeCenso presented the minutes from the last Regular meeting which was held April 19, 2023. No one in attendance requested that the minutes be read. **Motion 2023-57:** Trustee Spellman made a motion to accept the minutes from the last meeting. Trustee Toman seconded the motion. The roll call vote was all in favor.

FISCAL REPORT: Fiscal Officer James DeCenso reported that April's receipts were \$167,040 and expenditures were \$73,594. Receipts included the \$120,912 reimbursement from Norfolk Southern for the equipment and time spent in East Palestine from the train derailment that occurred February 3rd. The Fiscal Officer explained that the reimbursement was calculated based on a fee schedule agreed to by Norfolk Southern, the City of East Palestine and the Ohio EMA. Chief Smith reiterated that the amount included the replacement of gear and air packs that were declared contaminated by the Ohio EMA. The expenditures included \$16,211 settlement fees from the 1st half property tax collections, including \$10,200 paid to the Mahoning County Health Department. The Fiscal Officer then reviewed the 1st half collections. Total receipts were \$406,185 which represents 59% of the 2023 revenue budget. He explained that 59% is typical of 1st half collections and that the \$237,200 collected from the new Fire/EMS levy will adequately fund the Department staffing goals through the fall, when the 2nd half collections begin to arrive. The Fiscal Officer then reviewed the Fund balances. The total gross fund balance as of April 30, 2023, was \$946,119, including \$55,538 in unencumbered ARPA funds; \$501,562 in Fire/EMS Operation and Equipment funds and \$299,658 in Road funds. The General Fund balance is \$74,437 (including Cemetery and Zoning funds). Mr. DeCenso then requested that a prior approved purchase order #BC 23-2022 (Motion 2022-28) be amended to allow general cemetery improvement expenditures in addition to the original purpose of fertilizer only. **Motion 2023-58:** Trustee Toman made a motion to amend purchase order #BC 23-2022 to include any Cemetery repairs or improvements. Trustee Spellman seconded the motion. The roll call vote was all in favor. The Fiscal Officer then presented \$1,875.30 in invoices for approval, including a \$300.00 donation to the VFW Post #9513, pursuant to Ohio RC 307.66 for Memorial Day activities; \$762.00 in UAN fees, \$60.00 to Atty. Finamore for zoning books; \$653.30 for aluminum Cemetery flag holders; and \$100.00 to Turner, May and Shepperd for Zoning legal fees. **Motion 2023-59:** Trustee Spellman made a motion to approve the \$1,875.30 in invoices as presented by the Fiscal Officer. Trustee Toman seconded the motion. The roll call vote was all in favor. Mr. DeCenso concluded his report by discussing the 2024 budget process. He requested that the 2024 process begin much earlier, such as September. This would allow the major portions of the budget process to be completed before year-end activities begin. He explained that the combination of the budget and year-end activities has become overwhelming and a more even flow of activities could eliminate the need for assistance during that time period. The Board agreed to begin the process earlier.

ROAD and MAINTENANCE: Mr. Hoffman reported that there was one burial in the Township in April, with assistance from Berlin township. He also assisted Berlin with one of their burials. He reported that he had purchased the aggregate stone requested by Tim Foor for use when resetting head stones on May 21st. He also had purchased the flowers for the VFW memorial. He reported that he had to have J.W. Murdoch install two new springs on the Fire station overhead door at a cost of \$450.00. Mr. Hoffman reported that he cleaned out a drain on the northwest end of the Fire Station parking lot that had filled with dirt. He felt that this should help with water drainage off of the concrete pad in front of the bay doors. He asked the Board about the disposition of the oldest mower, as to taking it to the Edinburg auction. The Board will consider the matter at the next meeting. He reported that he cleaned two sections of Elias Lloyd Rd to get rainwater to flow properly to the ditch. All road flags are ready to be hung. He reported that Grace Exterminating sprayed the Fire Station and the Town Hall. He

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then discussed with the Board the need to replace the UV light in the portable air recycling unit located in the Fire Station. The Board and Fire Chief felt that the unit was unnecessary at this time.

ZONING REPORT: Mr. Wayne Sarna advised the Board that he wrote three Zoning permits since the last meeting, including a storage building on Leffingwell Rd, a four-foot fence and patio on Palmyra Rd and a deck on Palmyra Rd. He reported on a letter he received from Atty Ross, who represents the Lewis site plan. He indicated that they are waiving their two appeal requests for the property on S Salem Warren Rd and are requesting a refund of \$800. Trustee Spellman requested that the matter be discussed later in executive session. Mr. Sarna reported that he is waiting for the title search information from Atty Finamore on the property at 10610 Akron Canfield Rd before continuing with the approved demolition process. He can then schedule the necessary hearing for the property owner(s) before the Board of Trustees. Mr. Sarna then reported on six other properties that he is reviewing for recent violations. He also reported on the situation with the goat farm at 12525 W Akron Canfield Rd. He indicated that the Sheriff continues to monitor the matter regarding citations regarding the goats getting out of their fenced area. Mr. Sarna explained that the property is zoned as Agricultural, however he has notified the property owner that there should not be any fencing in the front yard.

Vice Chairman Toman then recognized Dee Tripp from the Zoning Commission. She reported that the Zoning Commission has voted to recommend to the Trustees that the Township ban solar farms through the Zoning Resolution, except smaller roof top systems. The Board indicated that the Mahoning County Commissioners have taken up the matter on a county level, but no decisions have been made.

FIRE DEPARTMENT: Chief Smith reported that there were 44 emergency calls in the Township in April of which 16 were EMS related. There were 9 transports during the month that were all provided by Ellsworth. He advised the Board that he has scheduled the annual pump tests and truck preventative maintenance for May. He did report that he had to have some emergency service performed on the ladder truck for an air leak and to repair the driver's seat. He has not yet received an invoice. He then reported on the Department members who are taking various classes to upgrade their certifications. He announced that Dustin Hellman has passed his Firefighter II class. He also submitted two Department applications, one from Matt Rarick Medic, FF II and also one from Nick Heitzer Medic, FF II. Mr. Heitzer's application was submitted last month but was not acted upon. The Chief discussed the need to replace the turn out gear that was contaminated in East Palestine and now reimbursed. He and the Board discussed some options for rentals vs purchases. The Chief suggested that gear be rented for new members and then purchased when it is determined that the employment will be long term. The Board agreed. He has received a quote from Phoenix Outfitters for \$26,712.00. The Fiscal Officer asked if the Department would need additional funds for rentals until any new gear could be delivered. The Chief thought that any new gear ordered now would arrive before the rentals expired. Chief Smith then requested new upgraded computer tablets for the vehicles that would work better with the new software. The cost for three new tablets is \$1,154.97. He also reported that he is working with Ohio BWC to apply for another power cot and stair chair. He also is completing the required Medicare/Medicaid audit. The Chief then discussed a problem with the staff hearing the 911 calls within the Station. Currently members have to carry a radio when working in the bays or outside. He has received a quote of \$856.60 from Hartzel and Son Broadcasting to install a sound system in the Station that would be compatible with the 911 dispatch. The Board then discussed the upcoming career day at Western Reserve Schools with Chief Smith and Assistant Chief Jillian Smith. **Motion 2023-60:** Trustee Spellman made a motion to approve the \$32,552.24 in invoices as presented by the Fiscal Officer and Chief Smith including the \$450.00 for JW Murdoch; \$404.50 to renew the 2023 Rx License; \$213.30 for the Ambulance repair identified last month; \$2,761.04 to Bound Tree for EMS supplies; and then the \$26,712.00 for 6 sets of gear; \$1,154.97 for the tablets and \$856.60 for the sound system. Trustee Toman seconded the motion. The roll call vote was all in favor. **Motion 2023-61:** Trustee Spellman then made a motion to approve the applications from Nick Heitzer and Matt Rarick. Trustee Toman seconded the motion. The roll call vote was all in favor.

COMMITTEE REPORTS:

Trustee Spellman reported that he has requested some grindings from the County Engineer to sure up the parking area at the ballfield. He also indicated that he may have someone interested in a position on the Zoning Board.

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Trustee Toman discussed the current situation with the Elk Rd water problems. The Mahoning County Engineer's office has provided some preliminary information. Trustee Spellman then cautioned that more data is necessary from the homeowners prior to any decisions being made. He wants to be sure that the water drainage issues are not related to problems that originate on private property. The Township can only be responsible and provide funding to fix issues within the Township Road right-of-way. Currently, he has only received one survey back from an affected homeowner. He suggested that a qualified plumber be hired between the residents and the Township to survey the properties.

OLD BUSINESS:

The matter of repairing/replacing the baseball field fences was tabled until after baseball season.

NEW BUSINESS:

Trustee Toman then recognized Ken Calhoun from the VFW Post #9513 who reviewed the upcoming Memorial Day activities to be held on May 28th in Ellsworth. The groups can assemble beginning at 10:00 at the VFW, with a ceremony to begin at 11:00 with the parade to the Cemetery to follow.

The next regular meeting will be Wednesday June 14, 2023, at 7:00 pm.

At 8:28 PM, **Motion 2023-62:** Trustee Spellman then made a motion pursuant to ORC 121.22(g)(3) to go into executive session to review legal issues regarding Zoning. Trustee Toman seconded the motion. The roll call vote was all in favor. The Board requested the Fiscal Officer, the Zoning Inspector, Jim Tripp from the ZBA and Dee Tripp from the Zoning Commission, to join the executive session.

At 9:05 PM, **Motion 2023-63:** Trustee Spellman then made a motion to return to regular session. Trustee Toman seconded the motion. The roll call vote was all in favor.

Motion 2023-64: Trustee Toman made a motion to approve a request from Atty Ross to reimburse \$800.00 in fees paid for two requests for zoning variances regarding the Site Plan submitted by Basista Holdings, LLC. Trustee Spellman seconded the motion. The roll call vote was all in favor. The Board requested that the Fiscal Officer contact Atty Ross for instructions on the reimbursement payment.

At 9:06 PM, **Motion 2023-65:** Trustee Spellman then made a motion pursuant to ORC 121.22(g)(1) to go into executive session to consider the compensation of a public employee. Trustee Toman seconded the motion. The roll call vote was all in favor. The Board requested the Fiscal Officer to join the executive session.

At 9:10 PM, **Motion 2023-66:** Trustee Spellman then made a motion to return to regular session. Trustee Toman seconded the motion. The roll call vote was all in favor.

Motion 2023-67: Trustee Spellman then made a motion to increase Tom Hoffman's hourly rate by \$1.50 effective with the pay period beginning 5/8/2023. Trustee Toman seconded the motion. The roll call vote was all in favor.

With no further business, at 9:2 pm, **Motion 2023-68:** Trustee Toman made a motion to adjourn. Trustee Spellman seconded the motion. The roll call vote was all in favor.

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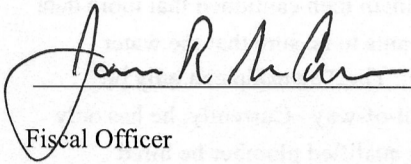
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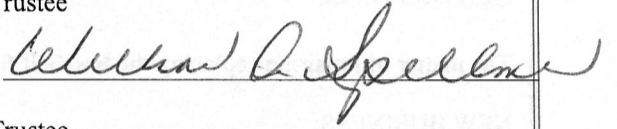

Fiscal Officer

ABSENT FROM MEETING

Chairman



Trustee



Trustee