

# 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

September 14, 2016

Chairman William Spellman called the September 14, 2016 regular meeting of the Ellsworth Trustees to order at 7:00 p.m. A roll call was taken to establish a quorum: Trustee Robert Toman - present, Vice Chairman Fred Houston – present, Chairman William Spellman – present. Also present were Fiscal Officer James DeCenso, Zoning Inspector Wayne Sarna, Maintenance Supervisor Matt Stroney, Fire Chief Robert Sternburg and EMS Director Brian O'Neil. The Pledge of Allegiance was recited.

MINUTES: Fiscal Officer DeCenso presented the minutes from the August 10, 2016 regular Trustee meeting. No one in attendance requested that the minutes be read. Trustee Houston made a motion to accept the minutes from the August 10<sup>th</sup> regular meeting. Trustee Toman seconded the motion. The roll call vote was all in favor.

FISCAL REPORT: Fiscal Officer James DeCenso reported that the August receipts were \$88,396.51. The month's expenditures were \$41,783.58. For the eight months ending August 30, 2016, total receipts were \$333,647.55 and total expenditures were \$312,924.73. Extra-ordinary events included receipts of \$68,000.00 for 2nd half 2015-tax year property tax advances, and payment of \$5,400.00 to Olive Lighting for the LED signs to be erected at the Admin/Fire Station building. The book cash balance as of August 31, 2016 was \$836,677.72 minus the outstanding SIB loan of \$157,327.00 for a net of \$679,410.79. Mr. DeCenso advised the Board that the 2<sup>nd</sup> half 2014-tax year Homestead estimated amount of approximately \$15,000.00 is still due the Township. He also noted that for the first eight months of 2016, the Township has enjoyed a surplus from revenues over expenditures of \$20,722.82. Mr. DeCenso advised the Board that the Township has received notice from the Ohio Dept of Liquor Control that the Bison Ranch has requested a renewal of their liquor license and that the Township has the ability to request a hearing regarding the license renewal. The Board advised that they are not aware of any issues and no action was necessary. He also advised the Board that there is still an outstanding invoice due to Allied Locks for the approved amount of \$3,285.00. Due to remaining issues with the vendor, the invoice will remain open until they complete the project satisfactorily. The Board concurred. Mr. DeCenso then advised the Board that the 2014-2015 State audit has been completed. He reported that the auditors reported three areas of non-compliance. The first item referred to the account that he used to "book" the proceeds of the loan incurred in 2015. The account used was "Other Revenue-Financing" and the auditor determined that he should have used "Other Revenue-Debt". The other two items of non-compliance referred to both 2014 and 2015 year end resource certificates issued by the County Budget Commission. Since the Township did not collect all of the revenue as estimated at the beginning of each fiscal year and listed on the Original Certificates, the Fiscal Officer should have requested an Amended Certificate to reduce the listed funds available and to advise the Board to reduce appropriations accordingly. Since neither year had expenditures that exceeded the actual funds available, no overspending occurred. The concern would be that legally, the Township could have overspent and the accountability to the County Budget Commission was neglected. To assure that proper documentation is maintained for the future, the Fiscal Officer will re-examine the estimates each December and report to the Board any need to amend the Township's certificate at the December meeting. At that time Trustee Toman made a motion to accept the 2014-2015 audit report as prepared and delivered by Perry and Associates. Trustee Houston seconded the motion. The roll call vote was all in favor. Mr. DeCenso then reported to the Board that the 2016 lighting assessment charges have been forwarded to the County Auditor and that the 2016 Agreement with the Mahoning County Green Team had been executed. The Township will receive \$4,514.00 for lease of space for the placement of the recycling bins. He then advised the Board that the County has calculated the 2016TY estimated property tax at \$231,271.00 for 2017 collection. This requires a motion for acceptance. Trustee Houston made a motion to accept the proposed property tax receipts to be collected in 2017, as determined by the Mahoning County Budget Commission. Trustee Toman seconded the motion. The roll call vote was all in favor. Mr. DeCenso then discussed and presented to the Board a draft version of a Township Investment Policy. He requested the Board to review the proposed policy for discussion at a later meeting.

MAINTENANCE REPORT: Mr. Matt Stroney advised the Board that he had assisted Berlin Twp with two burials. Also, that the Board of Health had inspected and passed the Admin/Fire Building septic system. The Canfield Fair display received some good public feedback and that the Town Hall foundation repair project had been completed. He reported that Baird Brothers Saw Mill made and donated the siding used as part of the Town Hall project. He also reported that the cemetery driveways and the Town Hall parking lot are scheduled for sealing in September. That is also a shared service project with Berlin Twp. He requested a Pole Tree Trimmer that he priced at Do-Cut for \$519.99. The Board suggested that a letter of appreciation be sent to Baird Brothers for their generous donation of materials to the Township. Trustee Houston then made a motion to approve a \$519.99 expenditure to Do-Cut for a Pole Tree Trimmer. Trustee Toman seconded the motion. The roll call vote was all in favor. The Board thanked Mr. Stroney and his crew for the good work on the Town Hall foundation repairs.

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Regular Trustee Meeting September 9, 2016 Continued

**ZONING REPORT:** Mr. Wayne Sarna gave his Zoning report. Since the last meeting, he has written five building permits and one building application for the Dollar Store at 11083 Akron Canfield Rd, as per the Board of Zoning Appeals Board variance dated 7/6/2016. He followed up on a complaint for uncut grass and debris at 8597 Duck Creek Rd. He also reported that the Mahoning County Board of Health has given the property owner of 6336 Elk Rd thirty days to clean up their property or that it could be condemned. He also reported that he has received the recorded copies of the 2016 Zoning resolution and map. Mr. Sarna reported that he would be out of his office after Sept 26<sup>th</sup> for approximately one week. He will be working on Monday Sept 26<sup>th</sup>. The Board discussed the need to hire a deputy zoning inspector in Wayne's absence. Trustee Houston made a motion to give the Board Chairperson the authority to hire Mike Kurilla as a deputy zoning inspector, should the Chairperson determine that he be needed, due to any extended absence of Mr. Sarna. Trustee Toman seconded the motion. The roll call vote was all in favor.

**FIRE DEPARTMENT:** Chief Sternburg gave the Fire Department report. The chief reported one brush fire, one service call, three false alarms, and nineteen EMS calls with eleven transports. The chief requested the acceptance of David Ashburn as a probationary firefighter. The chief also requested three portable radio batteries at \$75.00 each plus shipping, and to re-program six radios for local community frequency changes for \$440.00 total and \$53.75 for call out gear patches. Chief Sternburg then reported that he is still investigating fire-reporting software and that Asst Chief Powell recently reviewed the system as used by Jackson Twp. This system is currently under investigation by the Mahoning County Chiefs Association to be recommended as a county wide system, which could reduce the cost to all departments. He will report back to the Board once a quote is received. Trustee Houston made a motion to accept David Ashburn as a probationary firefighter and to expend up to \$750.00 for equipment as requested by Chief Sternburg. Trustee Toman seconded the motion. The roll call vote was all in favor.

**EMS DEPARTMENT** Asst. Chief & EMS Director Brian O'Neil asked the Fiscal Officer if any additional financing information had been gathered to purchase or lease a new Lifepak Monitor. Mr. DeCenso reported that a lease rate had been obtained but that he had not requested a loan comparison. There was then discussion regarding the process for the Township to borrow money vs. leasing equipment and/or another squad vehicle.

#### COMMITTEE REPORTS:

Trustee Houston reported that he had attended a meeting with State Representative Bocchieri and some other townships' officials. Mr. Bocchieri advised the group of some potential legislation that could go before the House this year. Also that medical marijuana laws will add confusion and complexities to local laws and regulations. Workplace drug testing should still be part of any policy and that medical marijuana does not over-rule any township policy. Trustee Houston also reported that the Pop-Up Library was moving their location to the corner of 224 and 45 onto the Kale property as they thought it would be a more visible location to the public.

Trustee Toman reported that there are now 728 members of the Crime Report. He advised that the new LED signs would be received and erected soon. There have been further complaints about the property located on Duck Creek Rd that is owned by Ohio Edison. He has again followed up to the local OE Manager. He also reported that the property on West Hill that earlier sold during a Sheriff's auction is again going to Sheriff's auction. He has requested that the sale be moved up as early as possible. The Board then discussed the Township's hours for Trick or Treat. Trustee Toman made a motion to set the Trick-or-Treat hours for Monday, October 31<sup>st</sup> from 5:00 p.m. to 7:00 p.m. and to recognize the annual Fire Department's Trick-or-Trunk, which will be held Sunday, October 30<sup>th</sup> from 3:00 p.m. to 5:00 p.m. Trustee Houston seconded the motion. The roll call vote was all in favor.

Chairman Spellman reported that the Township's insurance company would be sending their Risk Assessment representative to the Township on October 24<sup>th</sup> for a review analysis. He requested that Mr. Stroney and any other official be available to meet with her. He reported that the county did pave a portion of Palmyra Rd. Also, that he continued some follow up investigation of the church property located at the corner of Akron-Canfield and Ellsworth Roads. He was able to confirm that the church owned the corner and that they would maintain the grassy area there.

Trustee Toman then reported that two bids were received for the concrete pad replacement in front of the Maintenance Building and the walkway along the east side of the Admin/Fire Hall. The low bid was \$10,740.00 from Ellis Construction. Trustee Toman made a motion to accept the bid from Ellis Construction for \$10,740.00 with completion this season. Trustee Houston seconded the motion. The roll call vote was all in favor.

Chairman Spellman then opened up discussion with the public in attendance regarding the Cemetery decoration rules and regulations. He introduced Mary Ann Stack, who asked the Board to reconsider the rule regarding the prohibition of wreaths and plastic flowers from March 1<sup>st</sup> through November 1<sup>st</sup>. She felt that many residents could not afford live flowers and that many gravesite decorations are currently not in compliance with these rules. The Board responded that the rules have been in place for many years and also the need for these rules due to workers' safety and property liability that can arise from unregulated items left at the gravesites. The Board also discussed that the Township cemeteries are well maintained and

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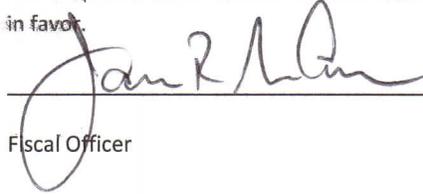
Regular Trustee Meeting September 9, 2016 Continued

that the rules in place will be enforced when there are significant infractions. The Board discussed moving the new signs back to the original locations. The Board thanked Mrs. Stack for her input.

Chairman Spellman then advised the Board members that in regard to the US District Court Case, Northern District 4:15cv136 of Basista Holdings, LLC, et al vs. Ellsworth Township, et al, that the court has issued a summary judgment in favor of the Township. He also reported that the plaintiffs do have the right to appeal to the Sixth Circuit Court of Appeals.

The Board discussed the schedule for the next regular meeting. Trustee Toman made a motion to change the next regular Board meeting to Tuesday October 4, 2016 at 7:00 p.m. Trustee Houston seconded the motion. The roll call vote was all in favor.

At 9:46 p.m. Trustee Houston made a motion to adjourn the meeting. Trustee Toman seconded the motion. The vote was all in favor.

  
Fiscal Officer

  
Chairman

  
Trustee

  
Trustee

Trustee