

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

August 14, 2024

Chairman Robert Toman called the August 14, 2024, regular meeting of the Ellsworth Trustees to order at 7:00 pm. A roll call was taken to establish a quorum: Chairman Robert Toman - present, Vice Chairman William Spellman - present, Trustee Fredrick Houston – present. Also, present was Fire Chief Edward Smith, and Zoning Inspector Wayne Sarna. The Pledge of Allegiance was recited.

MINUTES: Fiscal Officer James DeCenso presented the minutes from the last Regular meeting, which was held July 10, 2024. No one in attendance requested that the minutes be read. **Motion 2024-84:** Trustee Houston made a motion to accept the minutes from the last regular meeting. Trustee Spellman seconded the motion. The roll call vote was all in favor.

FISCAL REPORT: Fiscal Officer James DeCenso reported that July's receipts were \$151,608 and expenditures were \$75,481. Receipts included \$122,000 in Property Tax collections and \$4,163 (5.51%) in bank interest. Expenditures included \$14,230 to BC Communications for the headsets approved in March 2024. The total gross fund balances as of July 31, 2024, was \$930,056 including \$25,963 in unspent ARPA funds w/\$4,746 committed for the Gazebo project for a net available of \$21,217; \$545,341 in Fire/EMS Operations and Equipment funds and \$283,029 in Road funds. The General Fund balance is \$61,631 (including Cemetery and Zoning funds) and there is \$18,768 unencumbered in the General Fund. The Fiscal Officer then presented invoices for \$919.00 to OTARMA to add the new property on W. Akron Canfield Rd. to the property and liability insurance policy, and \$111.27 to the Youngstown Vindicator for the Zoning Commission Solar Amendment hearing that was held on July 12th. Trustee Houston questioned the seemingly high amount from OTARMA for the insurance invoice. Mr. DeCenso agreed to verify the coverage and amount prior to sending the check. **Motion 2024-85:** Trustee Houston then made the motion to approve \$1,030.27 for the invoices presented. Trustee Spellman seconded the motion. The roll call vote was all in favor. The Fiscal Officer then continued by presenting a proposed liquor transfer in the Township Shree Kamlaxi Gas Inc to A & S Singh LTD, located at the Marathon Gas Station. The Board has the authority under Ohio law to hold a public hearing to review the license transfer. **Motion 2024-86:** Trustee Houston then made the motion to dismiss the need to hold a hearing and to approve the license transfer. Trustee Spellman seconded the motion. The roll call vote was all in favor. The Fiscal Officer then continued his report by advising the Board that the bi-annual state audit is in process and so far, the main concerns have evolved around the issuance of payments prior to the certification of funds by the Fiscal Officer. Mr. DeCenso explained that this is a continuous issue and that departments cannot purchase items or services without a certificate or purchase order issued by the Fiscal Officer. The state has the authority to cause the Township to reject payment for uncertified purchases and to cause the employee to make the payment. He also commented that the State is continuously concerned about fraud and that all employees are required to sign off on their knowledge of a "fraud hotline" to report any inconsistencies or fraud concerns by the township.

ROAD and MAINTENANCE: The Road and Maintenance Report of Tom Hoffman was read by Trustee Spellman. Mr. Hoffman reported that there were four burials in the Township and that he received assistance from Berlin. He and Mike have been painting inside doors, primarily in the Fire Station. The pothole on Elias Lloyd was filled and the pond maintenance has been scheduled by Jones Lake Management as previously approved. He also has been cleaning up the new property by digging up two small trees and pulling some posts. His report included a proposal from EMS Plumbing to replace 4 ball valves and install 6 new boiler drains for \$1,520.00. **Motion 2024-87:** Trustee Spellman then made the motion to approve the \$1,520.00 bid to furnish and install 4 ball valves and to furnish and install 6 new boiler drains. Trustee Houston seconded the motion. The roll call vote was all in favor. Chairman Toman then announced that the Township will be accepting bids for the 2024-2025 snow removal on Township Roads and other areas as it appears that the current contactor has terminated his Agreement. He will compile the necessary information for any interested vendor. There were then some comments from the audience members who complained about the high grass and poor maintenance at the cemetery.

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Chairman Toman advised them that an outside contractor was hired last spring due to a labor shortage in the Township. He also commented that the contract would be reviewed prior to next year. He also accepted a complaint from an audience member that a tree is growing out of a catch basin at Elk Rd and West Hill. He commented that the prior attempt to fix this was not done properly. Chairman Toman responded that the situation will be reviewed and corrected.

ZONING REPORT: Zoning Inspector Wayne Sarna reported that he had issued two Zoning permits since the last meeting. One for a single-family dwelling with a double car garage; and one for a storage shed on Salem Warren Rd. This shed was originally a zoning violation for being placed over the property line. The shed is now in compliance. The lawsuit filed against Canfield Corner LLC, seeking injunctive relief to repair the collapsed wall on the northern property line of the Country Pantry store property along St Rt 45 is pending. Canfield Corner is stating that the wall has been repaired. Per review of Section 708, the placed cement construction block is not uniform with the remaining wall. Country pantry is proposing to place the block the length of the wall. The telephonic status conference is scheduled for October 2nd at 11:00 a.m. The zoning violations at 12036 Palmyra Rd are still pending and he is working with the property owner for the cleanup of the property. Mr. Sarna reported that the property appears to be better with vehicles having been removed. The zoning violations at 12082 Palmyra Road which was foreclosed, was sold on July 5, 2024 to Proverbs Brothers in Warren, OH. Their plans are to tear the building down this fall. He has requested notification of the progress on the proposed demolition. Mr. Sarna reported that he attended the Mahoning County Planning Committee hearing on the amended Solar draft in which comments were made by the zoning commission and himself to the MCPC board. The MCPC Board recommended approval. Mr. Sarna reported that he is contacting the prosecutor's office regarding the violation letter he sent to the property owner at 11830 Palmyra Road, Ellsworth Township for accumulated debris and abandoned vehicles. He also reported on an adjudication order issued by the Mahoning County Building Dept regarding the Western Reserve Campground's restroom and game room renovations, being performed without a permit. A stop work order has also been issued. The response date is September 7, 2024. He then reported a complaint on 10653 Berlin Station Rd for accumulated tree debris. He reviewed the property and discussed the situation with the prosecutor's office. They suggested an abatement resolution in compliance with Ohio RC 505.87B. Mr. Sarna presented a written resolution for the Board to review and sign. The notice must be sent by certified mail and/or posted on the property. He had requested Dave Altier to review the property. **Motion 2024-88:** Trustee Spellman then made a motion to declare the property at 10653 Berlin Station Rd a nuisance by reason of overgrown vegetation in accordance with ORC 505.87(B) and that any expenses by the Township be certified by the Fiscal Officer to the County Auditor for placement as a lien on the property to be collected as taxes and returned to the Township in accordance with ORC 505.87(D) and to approve an amount of up to \$5,000.00 for any abatement expenses. Trustee Houston seconded the motion. The roll call vote was all in favor.

Chairman Toman then recognized Angela Javorsky, from the Zoning Commission who presented the proposed solar amendment as adopted unanimously by the Commission at the hearing held August 13, 2024. The Board of Trustees will now hold a public hearing to be held at 6:00pm on September 11, 2024 prior to the next regular Board meeting.

FIRE DEPARTMENT: Fire Chief Edward Smith reported that there were 53 emergency calls in the Township in June of which 39 were EMS related. There were 19 transports during the month that were all provided by Ellsworth. The Chief reported that he received a quote from Myers' Equipment to remount the old ambulance. It requires that the Department get on their production list without any current financial commitment. The proposed availability is not until 2027. The Chief then presented a request for \$1,500.00 to update some of the battery powered tools used by the Department. **Motion 2024-89:** Trustee Houston made the motion to approve the \$1,500 and to utilize the OTA Fire Grant of \$1,000.00 towards these purchases. Also included in the motion is the authorization to place the Ellsworth Fire Department on the list for an Osage Type 3 Ambulance remount. It is noted that the cost of the remount, expected to occur in 2027, would be \$196,090.00 but the funds are not to be encumbered at this time. Trustee Spellman seconded the motion. The roll call vote was all in favor. Chief Smith and the Board then discussed an option to bill Jackson Township for answering EMS related calls by EFD in Jackson Township. Discussion was held regarding mutual aid Agreements which are still in place, however the number of calls by Jackson have exceeded a reasonable number of calls. The Fiscal Officer discussed the costs

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associated with calls particularly when Ellsworth must call out and pay additional staff when the Ambulance is out of the Township. **Motion 2024-90:** Trustee Houston made the motion to charge Jackson Township \$400.00 for each EMS call into their township effective September 1, 2024. EFD will continue to bill the patient (or insurance) for any medical service provided and to continue to balance bill the patient for any amounts approved but not paid by their insurance. The motion includes the authorization to pay Jackson Township up to \$400.00 for any EMS call that they answer in Ellsworth Township. Trustee Spellman seconded the motion. The roll call vote was all in favor.

Chairman Toman then presented a proposal to authorize a feasibility study to be done by the Ohio Fire Chiefs' Association's Consulting Services to analyze the Fire/EMS departments of Ellsworth, Jackson and Milton Townships to determine the strengths and weaknesses of each department for a potential district or shared services Agreement between the township departments. Chief Smith vocalized his opposition to the study as he felt that EFD has established its effectiveness and that the other departments need to work on their issues independently. The total cost of the feasibility study is \$31,582 of which Ellsworth would contribute 1/3rd. Audience members also contributed their displeasure to participating in this study. The Board explained that their concern is the future of the Department and that the continued success of the department will depend on some regionalization of these services. Chief Smith explained his support for a Fire/EMS district but does not feel that the cost of this study would be of value to the Township. The Board agreed that they could review other options, such as a different consulting group, or a different approach to the feasibility of a district. **Motion 2024-91:** Trustee Houston then made the motion to approve up to \$10,527.34 from the Fire Fund as Ellsworth's share of any study to review the feasibility of a joint district between Ellsworth, Jackson and Milton Townships. Trustee Spellman seconded the motion. The roll call vote was all in favor.

COMMITTEE REPORTS:

The Board then discussed the need for Township department heads to attend the regular Board meetings. **Motion 2024-92:** Trustee Houston then made the motion to require all Department heads, or their representative to attend the regular monthly Trustee meetings unless excused by the Chairman. Trustee Spellman seconded the motion. The roll call vote was all in favor.

The Board then discussed the stones removed from the Geeburg Cemetery. **Motion 2024-93:** Trustee Houston then made the motion to state that the stones outlining Geeburg Cemetery that were removed or that may be removed, do not provide any significant gravesite location. The gravesites are located by appropriate pins. Trustee Spellman seconded the motion. The roll call vote was all in favor.

Trustee Houston reported on cleanup work on the grounds that he has performed at the new property on W. Akron Canfield Rd. He indicated that there are two parcels that were included with the purchase. He proposed that the parcels be replotted to make available a potential sale of the house and front property while still maintaining access to the back parcel. **Motion 2024-94:** Trustee Houston then made the motion to hire Alan Ewing, a certified surveyor, to provide drawings to potentially replot the two parcels (23-51-S-15 & 23-51-S-17) purchased by the Township earlier this year into one parcel at a cost not to exceed \$3,000.00 from the Road Fund. Trustee Spellman seconded the motion. The roll call vote was all in favor.

Trustee Spellman discussed a potential Zoning Commission and ZBA workshop in conjunction with Boardman and Canfield Townships. He then discussed the idea to enclose the Pavilion located behind the Road Dept. Building. The Pavilion could then be used for Road Department storage, and by the 4H groups. He had obtained a quote from AIM Construction in the amount of \$29,370.00. **Motion 2024-95:** Trustee Spellman then made the motion to approve up to \$29,370 to enclose the Pavilion. Trustee Houston seconded the motion. The roll call vote was all in favor. Trustee Spellman also reported on a public meeting that will be held by First Energy to review the upcoming power line upgrade located in the Township. More information will be provided in the near future. Trustee Spellman advised that the sewer line extension from the old school location to the Fire Station will begin September 3rd. He then reviewed the new Gazebo that will be used in the Canfield

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Fair exhibit in the Government Building. He thanked the Ellsworth Historical Society and the Hendricks family for their assistance. He reminded the Board that the Ohio State Auditor office has designed a mandatory web-based seminar for all elected officials to view by September 28th. The course is mandatory, and all part-time employees (including fire department members) are required to participate at each employer location.

OLD BUSINESS:

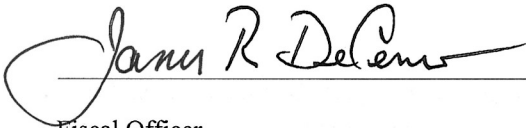
Chairman Toman reported that he has received a quote from MS Consultants, as approved at the last meeting for the Elk Rd. drainage issue. The cost is \$6,973.00. **Motion 2024-96:** Trustee Houston then made the motion to hire MS Consultants to provide the Elk Road Drainage Study and Conceptional Plan at a cost of \$6,973.00. Trustee Spellman seconded the motion. The roll call vote was all in favor.

NEW BUSINESS:

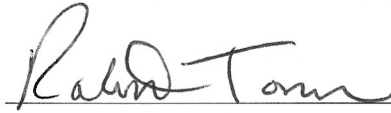
The next regular meeting will be Wednesday September 11, 2024, at 7:00 pm at the Town Hall.

The Zoning Amendment proposed changes hearing will be held one hour prior to the regular meeting.

With no further business, at 9:19 pm, **Motion 2024-97:** Trustee Spellman made a motion to adjourn. Trustee Houston seconded the motion. The roll call vote was all in favor.



Fiscal Officer



Chairman



Trustee



Trustee