

RECORD OF PROCEEDINGS

Minutes of AUSTINBURG TOWNSHIP

Meeting

Held JUNE 18

2007

The meeting held June 18, 2007 was called to order at 7:00 for the purpose of bid opening for the Ravinewood/ Orchard/ Rodgers paving project. Only one bid was received by the township, from Koski Construction Co. Total bid for Ravinewood Subdivision was \$78,030.00. Total bid for Orchard/ Rodgers was \$30,474.00. Total project bid; \$108,504.00. These bids include asphalt concrete and tack coat. Bid guarantee and contract bond was contained in the presented bid.

Res. 717-07 Jerry moved to accept the bid from Koski Construction as a total bid of \$108,504.00. Janie seconded, the bid to be approved by the County Prosecutor. The roll call vote; Burke, aye. Spade, aye. Frank, aye.

Res. 718-07 Janie moved to adjourn the bid opening meeting at 7:10pm. Lynn seconded, meeting adjourned.

The regular meeting of Austinburg Twp. held June 18, 2007 was called to order at 7:30pm with the pledge. Trustees Frank, Burke, and Spade were in attendance. Audience present were Ginny and Ted Seifert, Tom Milligan, Connie Coons, Sheila Arth, Diane Mongenel, and Byron Dutton II.

Regarding June 4, 2007 meeting minutes, Janie stated she would like to correct the previous correction and said she wanted the contract between the Mill Creek Rd. resident and the township (for the acquisition of base material for road work) to be approved by the County Prosecutor.

Res. 719-07 Janie moved to accept the minutes from the June 4, 2007 meeting with the above correction. Lynn seconded. The roll; Burke, aye. Frank, aye. Spade, Aye.

Res. 720-07 Lynn moved to approve the minutes from the June 11, 2007 special called meeting with the addition of the word "immediately" to her resolution to administer the HRA. Jerry seconded. The roll; Spade, aye. Burke, aye. Frank, aye.

Res. 721-07 Jerry moved to pay the bills as the lawful obligation to the township. Janie seconded. The roll call; Frank, aye. Spade, aye. Burke, aye.

Receipts were \$4,011.02 plus \$225.00 turned in from zoning. Bills were \$16,527.34.

In correspondence we received a letter from Michael and Dawn Farinacci, asking the trustees to reverse their decision on the rezoning application of the two acres adjacent to their winery. The complete letter is in the township file.

A letter from Tim Martin regarding the purchase of salt directly from the state was received. Jerry said he will discuss the issue with Pete, on whether this is something the township would want to participate in. We usually buy salt/sand mix from the county.

Res. 722-07 Lynn moved to accept the letter from Tim and ODOT, to be brought back after more information is gathered. Janie seconded. The roll; Burke, aye. Spade, aye. Frank, aye.

A letter from the Dept. of Liquor Control stated an application ^{for} transfer of license was received for Shannon's Mini Mart, formerly Lew's. It asked if the trustees request a hearing on the matter.

Res. 723-07 Jerry moved to return the letter with "no hearing requested". Lynn seconded. The roll; Spade, aye. Frank, aye. Burke, aye.

The language for the township Road and Bridge levy was received from Tom Sartini.

Res. 724-07 Jerry moved to accept the levy language as written. The fiscal officer will file the levy with the Bd. of Elections. Janie seconded. The roll call vote; Frank, aye. Burke, aye. Spade, aye.

John Beninato gave his zoning report.

Res. 725-07 Janie moved to waive the sign permit fee for the First United Church of Christ Vacation Bible School. Jerry seconded. The roll; Frank, aye. Spade, aye. Burke, aye.

At this time the Fiscal Officer stated she has contacted legal council regarding the issue of the HRA, and that the Board has gone against the opinion of the County Prosecutor, and decided to self-administer the plan. She stated for the record, as instructed by her legal council, she is not in favor of this action. Barb read into the record, the last two paragraphs of the letter from Assistant County Prosecutor Rebecca Divoky dated May 16, 2007. The letter is

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attached.

The ADA issues raised by the Prosecutor, in the event of a lawsuit, directly affect the township and the trustees as employers. There is only one township in the County using an HRA, and none are self-administering the plan.

Barb said as stated at last meeting, she would issue reimbursement checks once she had spoken with the State Auditor concerning the EOB forms. The auditor instructed the EOB forms have to be original and unaltered. The fiscal officer read from correspondence she received from Kim Jaster, State Auditor for the township. That correspondence is on file with the township. Kim told Barb she should wait to issue checks, until further information is gathered from their legal division. Barb said that with all the hassles put on the employees, if their deductibles are maxed out, the township will save less than \$2,000.00 per year. Working with guaranteed savings, it would be her recommendation to go back to our old plan. Our savings is not what it should be.

In trustee reports, Jerry referenced the letter from the Farinaccis. Lynn stated she would like to forward a copy to the Prosecutor. She stated she is not sure the board can rescind their decision.

Res. 726-07 Jerry moved to send a copy to the Prosecutor's office, and request his opinion. Lynn seconded. The roll; Burke, aye. Spade, aye. Frank, aye. Lynn will draft the letter to send with the copy.

Jerry said he dropped information off to the County Prosecutor on getting that dirt from the resident on Mill Creek Rd.

Jerry reported on roads, stating the crew is still working on MC70, then maybe coming in with CRS2. It will run approximately \$7,100.00-\$7,400.00 per mile. Janie stated the board should have a work session with Pete to discuss this project. Jerry said that he thinks we could possibly consider doing 8-10 miles of roads with CRS2. Lynn asked if that included Dadeville and Country View. Jerry stated yes, we have to seal those.

Jerry stated Industrial Park Dr. should be crack sealed. A work session will be held on Tuesday, June 19 at 7:00am at the road garage.

Janie said Jim Pearson would like to look at a copy of the Corridor Plan drawn up by Al Dispenza.

Janie said she spoke to Russ Nank, and our check for the scrap from clean-up day should be about \$700.00, with transfer fees taken out.

Janie gave the NAD report. It is available in the township office.

Janie addressed the flag in the park, if it should be left up or taken down. Lynn stated there is no light on it. Jerry recommended it be taken down. Janie stated she will take it down and store it, and will put it back up for the holiday.

Res. 727-07 Janie moved to send a \$100.00 donation to VFW 4953 for their participation in our Memorial Day services. Jerry seconded. The roll; Frank, aye. Burke, aye. Spade, aye.

Lynn stated she will try to contact Renee Dibble again concerning the Zoning Secretary position.

Lynn will leave information from OSU Extension and CSU on comprehensive planning, for the board to review.

Lynn discussed her Corridor Plan questions she sent over to Al Dispenza. They encompassed sidewalk issues and traffic studies.

Lynn said the next Zoning Commission meeting is moved to July 11, 2007 due to the July 4th holiday. She asked the fiscal officer to place notice in the paper for this meeting change.

Discussion on the Record Retention Schedule the board has been reviewing. It will be brought back for more discussion.

In audience participation, Connie Coons asked about the letter from Mike and Dawn Farinacci. She asked questions about the township HRA.

Sheila Arth asked about a Health Savings Account. The township does not qualify for that right now.

Ted Seifert discussed the law regarding in-term increases in compensation.

Diane Mongenel requested a copy of the Farinacci letter. She also asked if work sessions are open to the public.

Byron Dutton discussed in-term increases for officials. He also inquired about roads to be

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done with CRS2, and whether the decision on how many miles to do, is based on financial issues. Janie stated this will all be discussed at the next work session with Pete.

Byron also inquired about the bid turned in at the bid opening tonight.

The fiscal officer stated she wanted to make it clear she is not fighting the township Health Reimbursement Account (HRA), but wants to make sure everything is done legally.

Res. 728-07 With no other business to come before the board, Lynn moved to adjourn the meeting. Janie seconded. The meeting adjourned at 8:55pm.

Barbara Schaub
Jerry Burk