

The Board of Lake Township Trustees met in regular session at 6:30 p.m. at 12360 Market Avenue North, Hartville, Ohio with the following members present:

John Arnold, President
Galen Stoll, Vice President
Ellis Erb, Member

Also Present:

Ben Sommers	Joy Dingman
Sam Miller	Michael Wilt
Matthew Wilt	

John Arnold called the regular meeting to order.

15-053 A resolution was made by John Arnold approving the minutes of January 12, 2015 as submitted. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-054 A resolution was made by John Arnold authorizing payment of payroll for January 26, 2015 in the amount of \$62,858.75. Seconded Ellis Erb. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-055 A resolution was made by John Arnold accepting/approving the Financial Report as of January 26, 2015 as submitted by the Lake Township Fiscal Officer. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-056 A resolution was made by John Arnold authorizing payment of bills as of January 26, 2015 in the amount of \$88,193.83. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

CORRESPONDENCE

1. Ohio Township Association -- February 2015 *Grassroots Clippings* Newsletter
2. Stark County Regional Planning Commission -- Notice of February 3, 2015 RPC Meeting; copy of correspondence sent to SBA Towers for Verizon Wireless tower Lake/Midway
3. NEXUS Gas Transmission, LLC -- update of proposed NEXUS Gas Transmission line
4. Lincoln Financial Group -- notice of partner name change
5. U.S. Department of Justice -- notice of mandatory electronic DAG-71 submission starting February 1, 2015
6. Whitaker Myers Insurance -- bond for Dennis Galada and cancellation of bond for Karen Pouliot
7. Robert Smith -- question regarding cost of having a dedicated Sheriff's Deputy for patrolling Lake Township
8. State Employment Relations Board -- request to respond to a 2015 Health Survey
9. Ohio Township Association -- legislative alert and information
10. Ohio Department of Transportation -- Winter 2015 edition of the *District 4* Newsletter
11. The University of Akron CUE -- notice of membership application from Metro Regional Transit Authority, Troy Township and Mahoning County Engineer; notice of Tire Contract for 2015
12. Ohio Plan Risk Management, Inc. -- notice that Ohio Plan will be providing cyber liability coverage to each Ohio Plan member at the Township's renewal date
13. NEFCO -- January 21, 2015 Meeting Agenda
14. FirstMerit Bank -- update of securities pledged by FirstMerit Bank, N.A. for public deposits
15. Bob Moffat -- thank you for Road Superintendent and crew for hosting the Lake Chamber of Commerce meeting at the Service Garage on January 7th
16. Ohio Bureau of Workers' Compensation -- notice of Public Employer State Mandated Annual Recordkeeping Report due on February 1, 2015
17. Woodrow Lahr -- notice of NEXUS Gas Transmission pre-filing application with the Federal Energy Regulatory Commission
18. Frank Gates Risk Management Services -- notice of public employer premium payment options
19. Stark County Regional Planning Commission -- copy of correspondence sent to SBA Towers for Verizon Wireless tower Lake/Midway
20. Stark County Regional Planning Commission -- Notice Subdivision Review plans for February 2/3, 2015
21. Medical Mutual -- information on membership services/representative
22. Federal Communications Commission -- CORES Registration Update
23. Medical Mutual -- notice of acceptance of group health coverage approval

DEPARTMENT REPORTS

Police Department

- The Board acknowledged notice of grant award in the amount of \$6,664.00 for body cameras by the Uniontown Police Department.
- The Board acknowledged receipt of the Uniontown Police Department Statistical Report for December 2014.

15-057 A resolution was made by John Arnold acknowledging receipt of notification for Officer John Koehler to attend a 1-week "Practical Kinesic Interview and Interrogations Phase I and Phase II" training course put on by Public Agency Training Council and sponsored by the Toledo Police Department. The seminar will be held May 4, 2015 - May 8, 2015 at the Toledo Police Training Academy, Toledo, Ohio. The Board further approves lodging for 5 nights at a rate of \$83.00 per night, pursuant to Article 20 of FOP Contract. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

Road Department

15-058 A resolution was made by Galen Stoll authorizing the hiring of James Budd, Brian Robertson and Michael Bianchi as part-time Road Department Group "A" employees to be paid in accordance with Resolution No. 15-013 adopted December 31, 2014, pursuant to the provisions contained in Resolution No. 13-230 adopted June 24, 2013 and subject to all provisions of the Lake Township Trustees, the Lake Township Employee handbook and contingent upon successful completion of a drug test. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

Zoning Department

- None

Fire Departments/Fire Prevention Office

- None

OLD BUSINESS:

- None

NEW BUSINESS:

15-059 A resolution was made by John Arnold authorizing the Board to execute the following Road Open Permits:

- D-15-03: Dominion EOG - 2335 Burberry Street NW (new service line)
- D-15-04: Dominion EOG - 10800 Hoover Avenue (new service line)

Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-060 Trustee Arnold, moved for the adoption of the following resolution which Amends Resolution No. 12-446, adopted December 31, 2012, to read as follows:

WHEREAS, certain sections of the Ohio Revised Code and numerous Ohio court decisions provide that a township board of trustees must maintain its roads in a safe manner for the travel of the motoring public and to provide for the removal, repair, or control of unnatural accumulations of snow and ice or other hazards from within the traveled portion of the township roads, and

WHEREAS, the Lake Township Road Department does an excellent job of providing road maintenance and repairs; including removal, repair, or control of unnatural accumulations of snow, ice and other hazards from within the traveled portion of the township roads, and

WHEREAS, the Lake Township Road Department, on certain occasions and under limited circumstances, will encounter a winter snow and ice storm that may overextend its available resources and require employees to work overly long hours and extended periods of time that places the safety of its departmental employees in jeopardy, and

WHEREAS, the Lake Township Board of Trustees does hereby determine, that on these certain occasions and under these limited circumstances, when the Lake Township Road Department employees will encounter a winter snow and ice storm that threatens to overextend its available resources and require its employees to work overly long hours that may place the safety of its departmental employees in jeopardy to seek additional qualified contract-labor operators, and or owner-operators, to supplement the snow and ice control efforts by the Lake Township Road Department, and to remove, and control unnatural accumulations of snow and ice or other hazards from within the traveled portion of the township roads and under the guidance and direction of the Lake Township Road Superintendent, and

WHEREAS, the Lake Township Board of Trustees, does hereby declare a necessity to supplement and to increase the pool of qualified contract-labor operators, and or owner-operators, in addition to the current contract with Bontrager Excavating; and, to also be for the protection of life, health and safety of the residents of Lake Township, Stark County, and motorists from the general public that use Lake Township roads and mandates that emergency procedures shall be implemented to determine when and under what circumstances that the contract with Bontrager Excavating and contracts with any other qualified contract-labor operators, and or owner-operators, shall be implemented; and

NOW THEREFORE BE IT RESOLVED, to authorize the Lake Township Road Superintendent and the Lake Township Fiscal Officer to seek and to contract with qualified contract-labor operators, and/or owner-operators, to supplement the snow and ice control efforts by the Lake Township Road Department, and to remove, and control unnatural accumulations of snow and ice or other hazards from within the traveled portion of the township roads and under the guidance and direction of the Lake Township Road Superintendent. A qualified independent contractor-labor operator and/or qualified owner-operator shall be at an hourly rate of thirty dollars (\$30.00 / qualified CDL driver rate) or an hourly rate of fifteen dollars (\$15.00 / qualified non-CDL driver rate) using township vehicles or equipment or at an hourly equipment/operator rate while using contractor's own equipment as proposed in writing by each independent contractor. Each contracted independent contractor shall be responsible for fully covering their workers under their own Workers' Compensation Plan. Each qualified independent contractor labor-operator and/or qualified owner-operator, shall not receive any other compensation or benefits, and shall not exceed 1,500 hours during any twelve (12) month period. The combined costs of all contracted-labor operators and/or owner-operators shall not exceed twenty-five thousand (\$25,000.00) dollars per any twelve (12) month period, and

BE IT FURTHER RESOLVED, that the Lake Township Board of Trustees, does hereby declare the necessity of this supplemental contract to be for the protection of the Lake Township Road Department employees and to protect the life, health and safety of the residents of Lake Township, Stark County, and motorists from the general public that use Lake Township roads, and

BE IT FURTHER RESOLVED that the Lake Township Road Department Superintendent shall develop and implement guidelines and emergency procedures to determine when and under what circumstances that the independent-contractor labor operator or an owner-operator shall be activated; and

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-061 A resolution was made by John Arnold reappointing Ellis Erb and Charles Hall III as representatives to the Tax Incentive Review Council for 2015 through Stark County Regional Planning Commission. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	abstain

15-062 A resolution was made by John Arnold moving John Elsey from an alternate position on the Lake Township Zoning Commission to a regular member of the Lake Township Zoning Commission for a 5-year term beginning February 8, 2015 and continuing through February 8, 2020. Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-063 A resolution was made by John Arnold appointing Matt Erb to fill the unexpired term as alternate member on the Lake Township Zoning Commission commencing immediately and continuing through January 27, 2016. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	abstain

- The Board Discussed the Stark County Budget Commission approval of the Stark County Health District Budget and Assessment against Lake Township. Our Township and several others feel that the amount we are being asked to contribute to the Health Department exceeds what is reasonable. The State states that it has to be inside millage, but the Health Department is requesting an amount in excess of that millage. Lake Township along with Perry Township is appealing this amount.

15-064 Trustee Arnold moved the adoption of the following resolution:

WHEREAS, pursuant to Revised Code sections 3709.28, 3709.29 the Stark County Budget Commission has approved the Stark County Health District Budget and apportionment for 2015 against the Lake Township budget; and,

WHEREAS, the Stark County Auditor first informed the Lake Township Fiscal Officer and the Lake Township Board of Trustees of the assessment on January 18, 2015. A copy is attached hereto as Exhibit 1 and fully incorporated by reference as if fully re-written herein; and

WHEREAS, the Stark County Health District Assessment, against the Lake Township budget will render the township's General Fund inside millage tax receipts into a negative balance during each semi-annual real estate tax settlement; and

WHEREAS, the Stark County Budget Commission shall not approve a health district budget or make an assessment against the Lake Township General Fund that is in excess of the township's General Fund inside millage; and

WHEREAS, the Stark County Budget Commission must reduce the Stark County Health District Apportionment for 2015, as against the Lake Township General Fund to an amount less than the township's inside millage; and,

NOW, THEREFORE BE IT RESOLVED that the Lake Township Board of Trustees, Stark County, Ohio, by reason of the requirements as set forth above, and under the specific statutory authority of Revised Code sections 3709.28 (C), 3709.29 (B) does hereby object to the Stark County Budget Commissions' District Health Apportionment for 2015; and

BE IT FURTHER RESOLVED, that the Lake Township Board of Trustees, Stark County, Ohio, by reason of the requirements as set forth above, and under the specific authority of Revised Code section 5747.55 does hereby appeal the Stark County Budget Commissions' District Health Apportionment for 2015 to the Ohio Board of Tax Appeals; and

BE IT FURTHER RESOLVED, that the Lake Township Fiscal Officer shall sign and certify this Resolution to the Stark County Budget Commission and to the Ohio Board of Tax Appeals, and to the Fiscal Officer of the Stark County Health District; and

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Board, and that all deliberations of this Board that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

Seconded by Ellis Erb. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-065 A resolution was made by John Arnold accepting the 2015 Lake Township Annual Permanent Appropriations for a total amount of \$14,420,391.08, a copy of which will be attached hereto and made a part of these Minutes. Seconded by Galen Stoll. Roll call votes were:

John Arnold	yes
Galen Stoll	yes
Ellis Erb	yes

15-066 A resolution was made by John Arnold opposing the granting of any liquor permit to Dolgen Midwest LLC DBA Dollar General Store located at 11186 Cleveland Avenue NW, Uniontown, Ohio 44685. This location is located within precinct 4 of Lake Township which is a “dry” precinct and would require voter approval. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Galen Stoll yes
Ellis Erb yes

15-067 A resolution was made by John Arnold accepting the January 26, 2015 Quote No. 44678 from GPSTrackit for an amount not to exceed \$7, 600.00 for the purchase of thirty-two (32) L2000V GPS Units with external antennas at \$199.00 each for the following departments:

Road and Bridge: 19 units
Police: 11 units
Administrative: 2 units

The Board further authorizes the monthly Global Track Fleet Manager with 1-minute updates per locater device per month at a cost of \$29.99 each per month. Seconded by Galen Stoll. Roll call votes were:

John Arnold yes
Galen Stoll yes
Ellis Erb yes

- The Board discussed the delays in the paving plan this past year and if they should enforce the penalties. The contractor was 6 days late with the paving and 14 days late with the striping.

15-068 A resolution was made by John Arnold determining that Superior Paving and Materials, Inc., was awarded the paving and striping contract for 2014 Lake Township Paving Project. The contract contained a \$500 per day penalty for each day beyond the contractual completion date.

The Board further resolves that the Administrator and Additional Legal Counsel are directed to calculate the total days of delay penalty on the contract for only the resurfacing and to notify the Board of Trustees and the Contractor. The Fiscal Officer, pending any further action by this Board, is hereby directed to deduct the amount of the delay penalty from the final payment to the Contractor. Seconded by Ellis Erb. Roll call votes were:

John Arnold yes
Galen Stoll yes
Ellis Erb yes

MEETING REPORTS/MISCELLANEOUS

- None

FISCAL OFFICER'S REPORT

15-069 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to sign all Purchase Orders and Vouchers. Seconded by Galen Stoll. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

PUBLIC SPEAKS

- None

15-070 A resolution was made by John Arnold to convene an executive session at 6:57 p.m. pursuant to ORC 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee and to include the Trustees and Fiscal Officer. Seconded by Galen Stoll. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

15-071 A resolution was made by John Arnold to return from executive session at 8:21 p.m. . Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

15-072 A resolution was made by John Arnold adjourning the meeting at 8:22 p.m. Seconded by Ellis Erb. Roll call votes were:

Galen Stoll	yes
John Arnold	yes
Ellis Erb	yes

Ben Sommers, Fiscal Officer

John Arnold, President

Galen Stoll, Vice President

Ellis Erb, Member

