

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:

Steve Miller, President  
John Arnold, Vice President  
Jeremy Yoder, Member

Also Present:

Bob Moss	Sam Miller
Joy Dingman	Gloria Morgan
Bob Wise	Pam Bixler
Becky Oberg	Illegible

Steve Miller called the regular meeting to order.

20-095 A resolution was made by Steve Miller approving the Minutes of February 24, 2020 as submitted. Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

20-096 A resolution was made by Steve Miller authorizing processing and payment of payroll for March 20, 2020. Seconded John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

20-097 A resolution was made by Steve Miller approving Financial (Fund/Appropriation/ Revenue Status and Cash Summary by Fund) Reports as of March 9, 2020 reports will be attached to the minutes and made a part thereof. Seconded by Jeremy Yoder. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

20-098 A resolution was made by Steve Miller authorizing all EXPENDITURES as of March 9, 2020 in the amount of \$79,694.16, reports will be attached to the minutes and made a part thereof. Seconded John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

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**CORRESPONDENCE**

1. Ohio Bureau of Workers' Compensation – request to complete satisfaction survey
2. Stark County Regional Planning Commission – March 3, 2020 Agenda and February 4, 2020 Minutes
3. The University of Akron/CUE – seeking commitment of salt for 2020-2021 contract
4. The Shelly Company – 2020 asphalt prices
5. Independent Energy Consultants – quarterly update report for Q4 2019
6. Ohio Township Association – March 2020 *Grassroots Clippings* newsletter; legislative update/information
7. Richard Currie – follow up to February 17<sup>th</sup> letter, requesting reply
8. Stark County Transportation Improvement District – February 10<sup>th</sup> Meeting Minutes and March 9<sup>th</sup> Agenda
9. Stark County Sheriff's Office – information regarding the countywide 700/800 MHz "Stark/MARCS" radio equipment
10. Ohio APWA – information on upcoming 2020 North American Snow Conference in Cleveland, Ohio
11. Ohio Department of Administrative Services – Cooperative Purchasing contract amendment updates
12. Mayor Cindy Billings/Village of Hartville – notice of meeting scheduled for March 20<sup>th</sup> at 3:00 p.m. to discuss drainage issues in and around Danbury Glen
13. Ford Motor Company – notice of extended warranty coverage on the front driver door of certain 2014 Police Interceptor vehicles
14. U.S. Bankruptcy Court – information regarding Case No. 18-50757 FirstEnergy Solutions Corp, et al/debtors
15. Stark County Township Association – request for updated information for SCTA Handbook
16. Mike Sombrio – question about opening date for yard waste

- In reference to the following correspondence:

No. 3 – The Board noted that they have decided not to participate in the University Of Akron/CUE program for salt. They will be participating in the Stark County Program.

No. 12- Trustee Yoder will call Mayor Billings for more information.

No. 16 – Trustee Yoder noted that the Township Yard Waste Recycle program will open Thursday April 2, 2020

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**DEPARTMENT REPORTS**

**Police Department**

- None

**Road Department**

- None

**Zoning Department**

- The Board acknowledged receipt of the February 2020 Zoning Department Statistical Report.

**Fire Departments/Fire Prevention Office**

- None

**OLD BUSINESS:**

- Trustee Miller noted that they will reach out to the Lake Historical Society if they decide to move forward with the proposal from the society and asked the other trustees for their input. Trustee Arnold said he is waiting on further information on how funds are being used. Trustee Yoder stated he is not comfortable giving township funds without a clear plan. Trustee Yoder will contact Mr. Tawney for more information.

**NEW BUSINESS:**

20-099 A resolution was made by Steve Miller authorizing the Board and Fiscal Officer to execute the following Cemetery Deeds:

- Mt. Peace Cemetery – Section 3, Lot 58, Grave 3
- Mt. Peace Cemetery – Section 3, Lot 71, Graves 4 & 5
- Uniontown Greenlawn Cemetery – Section P, Lot 18, Grave 3

Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

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- Trustee Yoder noted that he and the Zoning Administrator, Nicole Wilkinson, interviewed Mike Stackpole for a position on the Lake Township Zoning Commission and thinks he will bring a lot to the team.

20-100 A resolution was made by Steve Miller appointing Mike Stackpole to fill the unexpired term of Joh White as a regular member on the Lake Township Zoning Commission which appointment shall commence immediately and run through February 27, 2022. Seconded by Jeremy Yoder. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

- Trustee Arnold noted that John White, who has moved out of Lake Township, served for a long time and was much appreciated.

20-101 A resolution was made by Steve Miller accepting the February 25, 2020 Quote No. QUO-61938-X9S2 from *Watchguard Video* and authorizing an expenditure, for the Police Department, in the amount of \$2,400.00 for the renewal of their Evidence Library/DVR Software Maintenance services. Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

20-102 A resolution was made by Steve Miller to participate in the Stark County Co-Operative Purchasing Program for rock salt for the 2020-2021 Winter Season and the 2021-2022 Winter Season as follows:

- 2020-2021 Commitment = 1,500 Tons
- 2021-2022 Commitment = 2,500 Tons

Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

- The Board noted that in the Stark County Co-Operative Purchasing Program we have the ability to under purchase or over purchase our commitment by 20% depending on need.

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20-103 Trustee Miller motioned the following resolution:

WHEREAS, Bryna Bell has been working for Lake Township, initially in the capacity of a part-time/auxiliary officer with Uniontown Police effective April 8, 2019, and currently in the capacity of a full-time Uniontown Police Officer effective November 11, 2019; and

WHEREAS, Ms. Bell has accumulated/unused sick leave available for transfer from the Stark County Park District (Stark Parks) in the amount of 220.05 hours and she has requested this to be transferred to Lake Township,

NOW, THEREFORE, BE IT RESOLVED that the Board of Lake Township Trustees, Stark County, Ohio, does hereby authorize Ms. Bell to carry over two hundred twenty and 05/100 (220.05) hours of earned/unused sick leave from her previous employment with the Stark County Park District/Stark Parks. Said hours may be used for sick leave only and are not eligible for cash conversion at any time. All other sick leave benefits are subject to the Lake Township Employee Handbook and/or the Fraternal Order of Police, Ohio Labor Council, Inc. collective bargaining agreement.

Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

- The Board noted that past employees had been able to carry over their sick time but Officer Bell will be the last person as they have made a decision to change the employee handbook.

20-104 A resolution was made by Steve Miller amending Article V – LEAVE / SICK LEAVE of the Lake Township Employee Handbook to add the following language to paragraph one:

**Accumulated/unused sick leave may not be carried over from any other previous employer.**

Said article will read in full as follows:

**ARTICLE V - LEAVE**

**SICK LEAVE** - All township employees on active pay status (working, on vacation or on approved sick leave) accrue sick leave of 4.6 hours with pay (approximately 1 1/4 days per month) for each 80 hours of active pay status. No sick leave accrues, however, for any township employee as to overtime work in excess of 8 hours per day,

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or in excess of 40 hours per week of active pay status. **Accumulated/unused sick leave may not be carried over from any other previous employer.**

*USE OF SICK LEAVE* - (91-514) Sick leave may be used, provided a credit balance is available and upon approval of the Department Head, for the following reasons:

- 1) Absences due to personal illness or injury or to a pregnancy related condition.
- 2) Examination of the employee, including medical, psychological, dental or optical exams, by an appropriate practitioner.
- 3) Exposure to contagious diseases that could be communicated to other employees. Examination for an illness or injury or a pregnancy-related condition of a member of the employee's immediate family by an appropriate practitioner when the employee's presence is reasonably necessary.
- 4) Illness or death in employee's immediate family. (Spouse, parents, grandparents, children, grandchildren, brothers and sisters) (See also Bereavement Leave)

Sick leave shall be used in increments of no less than one (1) hour. Sick leave will not be approved unless the employee completes a Authorized Leave of Absence form that is signed by the Trustees or Department Head.

*PATTERN ABUSE* - If an employee abuses sick leave in a pattern, per examples noted in the section under definitions (not limited to those listed), the department head or trustees may reasonably suspect pattern abuse.

The township maintains the right to investigate any employee absences.

If Pattern Abuse is suspected, the Department Head or Trustee will notify the employee in writing that pattern abuse is suspected. (94-41) The notice will also invite the employee to explain, rebut or refute the pattern abuse claim. In the absence of a satisfactory explanation, the Department Head will notify the Board of Trustees to consider corrective and progressive disciplinary action.

**SICK LEAVE POLICY DEFINITIONS:**

*PATTERN ABUSE* - Consistent periods of sick leave usage. For example:

- 1) Before and/or after holidays.
- 2) Before and/or after weekends or regular days off.
- 3) After pay days.
- 4) Any one specific day.
- 5) Absence following overtime worked.
- 6) Half days.
- 7) Continued pattern of maintaining zero or near zero leave balances.
- 8) Excessive absenteeism - use of more sick leave than granted.

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UNAUTHORIZED USE OF SICK LEAVE

- 1) Failure to notify Department Head of medical absence.
- 2) Failure to complete standard sick leave form.
- 3) Failure to provide physician's verification when required.
- 4) Fraudulent physician verification.

CONVERSION OR CARRY FORWARD OF SICK LEAVE

A full-time employee who has sick time credit remaining at the end of the year may elect to:

- 1) Carry forward the balance.
- 2) Receive a cash benefit equal to one hour at the base rate of pay for every two hours of unused sick leave credit.
- 3) A combination of 1 and 2 which is approved by the Board of Township Trustees.

LIMITATION ON CONVERSION OPTIONS

- 1) Only sick leave credited in the year it was given can be converted to cash. (Maximum 15 days)
- 2) All sick leave balances carried forward are excluded from further cash benefits.
- 3) Failure to elect a conversion option will result in the automatic carry forward of any balance of sick leave credit.
- 4) Any employee who separates from service during the year shall not be eligible for the cash conversion benefit of the unused sick leave. Any cash benefit conversions shall be subject to contributions to any retirement systems by the employee and/or the department. (92-534)

Any employee opting to receive a cash benefit conversion must inform the supervisor in writing no later than the end of the pay period that includes the first (1st) day of December.

The Board of Township Trustees shall pay accrued sick leave to any township employee upon either their termination or retirement from said employment, up to a maximum of thirty (30) days [two hundred forty (240) hours] accrued sick leave. (89-260) However, the Board of Trustees reserves the right to modify this credit at any time. An employee, at the time of service retirement or disability retirement from active service with the township and with ten (10) or more years of service with the township, shall be paid in cash for the value of accrued unused sick leave credit at the employee's base pay rate of up to a maximum of forty-five (45) days [three hundred sixty (360) hours]. (94-248)

Seconded by Jeremy Yoder. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

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20-105 A resolution was made by Steve Miller authorizing a \$2.00/hour increase in pay for the following auxiliary Road Department employees:

- Sam Laspisa: from \$9.00/hour to \$11.00/hour
- Kevin Pierson: from \$14.00/hour to \$16.00/hour

Said increases shall be effective with the pay period that began March 7, 2020.  
Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

20-106 Trustee Miller motioned the following resolution:

As a general policy, upon notification provided to the Board of Trustees that the condition of a tree, vegetation or other foliage located within the right-of-way of a township road may present a potential hazard to the use of the roadway or, otherwise, potentially interfere with the public's interest in the right-of-way, the Board will use its best efforts to determine whether such a condition is patently defective. For purposes of this resolution, a patently defective condition shall be limited to one which is readily apparent and, thus, capable of being observed by visual inspection.

Following notice and inspection, in the event a defective condition of a tree or other foliage located within the right-of-way of a township road is found, the Board may then:

- Proceed with removal pursuant to R.C. 5543.14;
- Proceed with notice and nuisance procedures pursuant to R.C. 505.87 or R.C. 5571.14;
- Otherwise, by agreement with the affected property owner, provide for removal or other remedial action.

Each condition will be handled by the Board on a case-by-case basis.

For notice and inspection purposes, Township employees shall use Exhibit A attached to this resolution. For an Agreement between the Board of Trustees and the Landowner, the Trustees may use Exhibit B attached to this Resolution.

Pursuant to this Resolution, any determination by the Board and action, if any, undertaken, shall be memorialized using the accompanying forms. Neither the adoption of this Resolution, nor any action or inaction in furtherance thereof shall abridge or affect immunities otherwise extended as a function of law to the Township, the Board and all officers and employees. This Resolution is adopted to provide a

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procedural mechanism for documentation of any right-of-way tree, vegetation or foliage complaints, notice and actions.

Nothing in this Resolution limits the authority of the Township Road Superintendent from exercising discretion on a case-by-case basis with regard to utilizing the Road Department to remove the condition of a tree, vegetation or other foliage located within the right-of-way of a township road which may present a potential hazard to the use of the roadway or, otherwise, potentially interfere with the public's interest in the right-of-way. The Road Superintendent may enter into a written Agreement with the Landowner to remove the condition of a tree, vegetation or other foliage which extends beyond the township roadway right-of-way, so long as written consent is provided prior to any such action. If the Road Superintendent determines to enter into a written Agreement for such purposes, the Road Superintendent shall use the Agreement form attached hereto as Exhibit C.

Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

- Trustee Yoder asked Legal Counsel if this is for all situations? Township Legal Counsel responded that this is for the Township if they want to enter into agreement with a landowner either for the landowner to conduct themselves or if it's a serious situation that might require more involvement. That is why the policy states it does not limit the authority of the Road Superintendent to do it themselves. Counsel went on to explain that if the Road Superintendent is out and sees a problem, they can knock on the door or if the landowner refuses to cooperate, they can still cut up to the road right-of-way, but if there's still something beyond the road right-of-way that's causing some kind of visibility problem, that's where we'd want to use forms A & B to notify the landowner that a visibility problem exists beyond the road right-of-way and needs to be removed. The homeowner will then be responsible for removing it and if they don't, the Township will do it by declaring it a nuisance and bill them for it. Trustee Miller asked if that limits the ability of the road department to work on a project outside of right-of-way, with the mutual consent of the owner, to fix it for esthetics, not necessarily for visibility or a nuisance issue. Legal Counsel responded that is fine and is what exhibit C would be used for; that way everyone is in agreement and the landowner recognizes that there is a problem and there's written consent for the Road Department to cut the shrubs on their property. She further explained that the Road Department has the legal authority to do it up to the right-of-way, but in stopping at the right-of-way it may not look pleasing or may not eliminate the problem if it's just cut up to the right-of-way.

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- The Board discussed the request of Lake Youth Baseball for permission to repair a field located at the Lake Community Park and a request for funds from the Township to help with the repairs. Trustee Yoder explained that the president of the Lake Youth Baseball group reached out and advised that they have a need for a 60/90 field and that there's a field at the Community Park that would accommodate this, but it's in need of repair. He further explained that Lake Youth Baseball has parents who have volunteered to help them with repairs, and they're going to truck in an estimated \$3,000 worth of dirt and are looking for funding help for the cost of the dirt/material. They'd like to complete the work, including seeding, so they can maybe play on this field in the spring. They also would like to add fencing along the baseline. Trustee Yoder explained that they approached him to see if the Township would be ok with them doing all of these things and to see if the Township would help support with improving the grounds. Trustee Yoder talked to the president of the association about scheduling, because through our Park Agreement, the School is in charge of scheduling and the fields are able to be used by anyone in the public, including Lake Youth Baseball. The Board noted that the walking track is also in need of repairs. Trustee Miller stated any funds contributed towards the repair of these items is the township putting money into property that the township owns and is available to everyone ... not just Lake Youth Baseball; similar to the green mile that is in need of repair/maintenance. Trustee Yoder added that this field wouldn't be just for Lake Youth Baseball, but rather they're involved because they're volunteering some of the time and money into the repair. Trustee Miller stated that he'd be fine with making some type of financial contribution, perhaps splitting into thirds with the School, Lake Youth Baseball and the Township contributing. It wasn't clear to the Board whether or not the School has actually committed to any part of the project or if it was just Lake Youth Baseball? Trustee Yoder will reach out to the Athletic Director to see if they will help with the repair of the field. Trustee Miller is fine with making a commitment but wants to know a dollar amount and would like to see an invoice directly to us from a vendor for the dirt instead of a giving a check to Lake Youth Baseball. Trustee Yoder suggested talking to Danny to see if we have the ability to resurface the walking track. Trustee Arnold added that this is something that will probably need to be contracted out because it may not be well-suited for the Road Department, with the time that will be involved in resurfacing the track in additional to all of the other responsibilities that the Road Department has. The Board would like more information regarding the resurfacing of the walking track. It was decided amongst the Board to not make any formal resolutions at this time, until they've gathered further information.

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20-107 A resolution was made by Steve Miller accepting the proposal, received March 9, 2020, from Maddy Dudek, to hold a 2020 Community Dog Walk day on April 5, 2020 from 1:00 – 3:00 p.m. at the Lake Township Community Park as part of her 2020 National Honor Society project. The Board further resolves that the following provisions must be met:

- All portions of the park must be kept open/accessible to the public during this event
- Owners must pick up after their pets
- Event host must confirm with the School, that there are no scheduling conflicts

Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

- Trustee Yoder noted that Ms. Dudek will be accepting donations and any funds raised will be donated to The Canine Companion Organization.

### **MEETING REPORTS/MISCELLANEOUS**

- Trustee Miller attended the Stark County Combined Health District Advisory Council annual meeting. One representative from every township and municipality within Stark County attended to discuss general information and the Coronavirus.

### **FISCAL OFFICER'S REPORT**

20-108 A resolution was made by Steve Miller authorizing the Board and Fiscal Officer to sign all Purchase Orders, Vouchers, and Reconciliations. Seconded by John Arnold. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

20-109 A resolution was made by Steve Miller accepting the 2020 Lake Township Annual Permanent Appropriations for a total amount of \$16,304,932.55, a copy of which will be attached hereto and made a part of these minutes. Seconded by Jeremy Yoder. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

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20-110 A resolution was made by Steve Miller authorizing the Fiscal Officer of Lake Township to request from the Stark County Auditor an Additional Amended Certificate as follows:

<u>Fund</u>	<u>Amount</u>	<u>Source</u>
#2021 Gasoline Tax Fund	\$262,503.00	Gas Tax/ODOT

Additional monies are a result of HB62 increase to local Gas Tax. Seconded by Jeremy Yoder. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

**PUBLIC SPEAKS**

*Bob Wise, 11611 Holbrook Ave, Uniontown:* Mr. Wise asked the Board what has changed with the policy for tree and vegetation removal in the right-of-way from the previous policy? Do they need to notify the property owner that they're going to do some type of work, not necessarily on their property, but in the right-of-way? Are they going to give the owner the opportunity to have the work done on their own? Legal Counsel responded that the change is they have memorialized an informal policy that is in place by way of a matter of law. The statutes that are cited in the resolution are already in operation, they control what the Road Department does or does not do. Under the resolution that was adopted tonight, if there is a problem with something in the right-of-way that is causing some kind of hazard or danger there are a few different avenues. Either the Road Superintendent can address it himself/herself, but they will have to first get written permission from the landowner. If the landowner does not want them to do anything beyond the right-of-way, then the road department won't touch anything beyond the right-of-way. If there is something on private property that continues to pose some kind of danger to the public whether it be a visibility problem or affecting the vehicles then the Township Trustees will be able to proceed with one of the three options outlined in the resolution of either declaring it a nuisance, giving notice to the landowner having them do it, having the township abate it at the expense of the landowner or entering into some kind of other arrangement with the land owner. These are the available options, but they only come into play when there's a public hazard and the landowner has not agreed to allow the Road Department to go onto private property to abate it. Trustee Arnold added for clarification that if there is a limb that has fallen into the road from someone's tree, we don't want to have to go through a long process of removing the limb from the roadway, we want to get it removed quickly, but nothing else out of the right-of-way. If it would be a better fix, while they're on road right-of-way to do a little out of right-of-way, then they have to get permission. Trustee Arnold assured Mr. Wise that under no circumstance are they coming onto private property without consent. Trustee Miller added, and the rest of Board agreed, that they are allowed to take care of anything within road right-of-way without the written approval. Trustee Arnold explained that there are times when we don't want to have to draw out paperwork when there's a

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situation that needs to be taken care of immediately. Mr. Wise stated that he understood. He also advised that the remaining limbs that they spoke of a couple of meetings ago, a company is coming out tomorrow, weather permitting, and taking care of those. Trustee Arnold reiterated that if there's ever a situation where our Road Department is going to go onto private property, it's going to be documented with these forms. Mr. Wise added that it would be with the permission of the homeowner; the Board and counsel affirmed this. Counsel briefly explained the form and how it allows for the information to be detailed and work described, how the situation will be resolved and it's signed by both parties. She reiterated that this is for anything on private property, beyond the road right-of-way. She added that it would've been used for his situation, where we could've just cut the limbs in the right-of-way, but it may have looked odd so we would use this form to go beyond right-of-way. In addition, like Trustee Arnold's example, if there's a large branch that falls across road right-of-way, we're going to be out there removing the part that's in the road right-of-way, but it might cause an inconvenience for the homeowner if we stop at the right-of-way, we can remove it but that would require us to go onto private property so at that point we'd need to get permission. The Board advised, as a reply to Mr. Wise, that the form would be attached to the Minutes and offered him a copy.

20-111 A resolution was made by Steve Miller to adjourn the meeting at 7:03 p.m. Seconded by Jeremy Yoder. Roll call votes were:

Steve Miller	yes
John Arnold	yes
Jeremy Yoder	yes

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Bob Moss, Fiscal Officer

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Steve Miller, President

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John Arnold, Vice President

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Jeremy Yoder, Member

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