

The Board of Lake Township Trustees met in regular session at 5:00 p.m. at 12360 Market Avenue North, Hartville, Ohio. The meeting was open to the public and streamed live via Facebook with the following members present:

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

Also Present:

Matt Erb
Mitchell Thomas

Frank Pilato

John Arnold called the regular meeting to order.

21-380 A resolution was made by Jeremy Yoder approving the Minutes of the December 13, 2021 as submitted. Seconded by Jeremy Yoder. Roll call votes were:

John Arnold yes
Jeremy Yoder yes
Steve Miller yes

21-381 A resolution was made by John Arnold authorizing payment and processing of payroll for December 31, 2021. Seconded by Steve Miller. Roll call votes were:

John Arnold yes
Jeremy Yoder yes
Steve Miller yes

21-382 A resolution was made by John Arnold authorizing payment and processing of payroll for January 7, 2022. Seconded by Jeremy Yoder. Roll call votes were:

John Arnold yes
Jeremy Yoder yes
Steve Miller yes

21-383 A resolution was made by John Arnold approving Financial (Fund/Appropriation/ Revenue Status and Cash Summary by Fund) Reports as of December 27, 2021 reports will be attached to the minutes and made a part thereof. Seconded by Jeremy Yoder. Roll call votes were:

John Arnold yes
Jeremy Yoder yes
Steve Miller yes

21-384 A resolution was made by John Arnold authorizing all EXPENDITURES as of December 27, 2021 in the amount of \$64,909.69 reports will be attached to the minutes and made a part thereof. Seconded by Steve Miller. Roll call votes were:

John Arnold yes
Jeremy Yoder yes
Steve Miller yes

OLD BUSINESS:

Frank Pilato, 3596 Farnham St NW, N. Canton: Mr. Pilato addressed the Board on behalf of the Lake Youth Fastpitch Softball. He informed the board that they have merged with Greentown Athletics girls fastpitch, so now all the girls that live in Lake Township can play for the same organization and have access to the same fields. He stated that the Lake Varsity Field will be the only field large enough for 16U and above. The Board was pleased with this is new information as well as the request for equal partnership from Lake Township, Lake Local School District and Lake Athletic Booster Club.

21-385 A resolution was made by John Arnold approving the Varsity Softball Field Renovation Proposal Addendum 12.22.2021 as submitted. Lake Local Schools and the Lake Athletic Booster Club will each contribute \$4,700.00 and Lake Township will contribute \$4,382.00. Seconded by Steve Miller. Roll call votes were:

John Arnold	yes
Jeremy Yoder	abstain
Steve Miller	yes

CORRESPONDENCE

1. Stark County Regional Planning Commission – January 4th meeting packet; *Planning Progress* newsletter; RPC 12.07.2021 Nominating Committee Minutes
2. Ohio Township Association – legislative alerts and updates; Johnson & Johnson National Opioid Settlement update
3. Robert Dickson – thank you for extending closing of the yard waste facility
4. Stark County Metropolitan Sewer District – upcoming water project aka P-620, anticipated bid of project fall of 2022
5. U.S. Census Bureau – announcing the 2020 Census Count Question Resolution operation
6. Ohio Department of Administrative Services – Cooperative Purchasing Program weekly report of new contracts and amendments
7. Stark County Schools COG – information/overview of 2021
8. 415 Group – announcement of Microsoft Office 365 price increases effective March 1, 2022; additional monthly cost/email account for upcoming security changes

DEPARTMENT REPORTS

Police Department

- None

Road Department

- None

Zoning Department

- None

Fire Departments/Fire Prevention Office

- None

NEW BUSINESS:

21-386 A resolution was made by John Arnold authorizing the Board to execute the following Cemetery Deeds:

- Woods Cemetery – Section South, Lot 507, Graves 1 & 2

Seconded by Steve Miller. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

21-387 A resolution was made by John Arnold scheduling a meeting for January 3, 2022 at 4:00 p.m. for the purpose of conducting any final business and payment of any final bills to close out the 2021 year and scheduling the 2022 Organizational Meeting immediately following. Seconded by Steve Miller. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

- The Board discussed the 15% increase for services from legal counsel. The Board noted they will be looking at other firms at renewal time next year.

21-388 A resolution was made by John Arnold pursuant to O.R.C. 309.09, the Board of Lake Township Trustees accepts the December 15, 2021 Proposal and agrees to renew and retain the services (with a monthly increase of \$500.00) of Tonya J. Rogers and the law firm of Baker, Dublikar, Beck, Wiley & Mathews, as additional legal counsel for Lake Township. Said renewal shall take effect January 1, 2022 and continue through December 31, 2022, at the rate of \$4,000/month, for a total of \$48,000.00 per year.

Seconded by Jeremy Yoder. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

- The Board noted that the Springwater sign is less intrusive than a cluster mailbox. It also replaces the sign that was removed during the widening of St. Rt. 619.

21-389 Trustee Arnold moved the adoption of the following Resolution:

WHEREAS, Lake Township was informed that the Springwater Gardens allotment seeks to erect a sign in the public road right-of-way at the entrance of the subdivision to replace a sign that was previously erected in 1979 in the right-of-way controlled by the state of Ohio and was removed during a road construction project; and

WHEREAS, a representative of the allotment, Paul Gingo, has collected funds to replace the sign and relocate it within the Township road right-of-way; and

WHEREAS, the Township Zoning Regulations provide authority to the Board of Zoning Appeals to consider the type of style of a proposed allotment sign; and

WHEREAS, Mr. Gingo submitted a request for a conditional use permit for the erection of the allotment sign; and

WHEREAS, Mr. Gingo has proposed placing the new allotment sign within the Township controlled road right-of-way at the entrance of the allotment located on Williamsburg Avenue Northwest, from State Route 619, adjacent to Parcel No. 2203675; and

WHEREAS, on October 21, 2021, the Township Board of Zoning Appeals approved Mr. Gingo's proposed sign design and placement; and

WHEREAS, R.C. 5571.14 generally governs the authority of the Township Board of Trustees over right-of-way encroachments, nuisances and obstructions, and;

WHEREAS, R.C. 5571.16 authorizes the Township Board of Trustees to approve certain permits for the use of road rights-of-way, and;

WHEREAS, The Board has evaluated the circumstances of, as well as the nature and extent of, the subject sign encroachment and makes the following determinations.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. Under current circumstances, the proposed allotment sign does not qualify as a nuisance for purposes of R.C. 5571.14(A). The fence does not interfere with snow or ice removal from, the maintenance of, or the proper grading, draining, or dragging of the road, does not cause drifting of snow on the road, and does not otherwise obstruct or endanger the public travel of the road.

2. A roadway obstruction is ordinarily considered something that is a "hindrance, obstacle, barrier or an object that delays, impedes or hinders" travel or use of the road right-of-way. *Steigerwald v. Branagan*, 2008-Ohio-1528 (7th Dist.). Under

the current circumstances, the proposed sign, to be located within the right-of-way, does not qualify as an obstruction.

3. R.C. 5571.14 contemplates that encroachments within a township road right-of-way may be allowed to remain “on land belonging to a township road pursuant to a franchise or other grant of public authority.” R.C. 5571.14(C). R.C. 5571.16 otherwise empowers a Board of Township Trustees to require persons to obtain permits for the installation of driveway culverts or making of other excavation or use of (including placement of any facilities within) a township road or road right-of-way.

4. The Board necessarily recognizes that its discretion regarding right-of-way encroachments is not unlimited. Thus, it has been observed that a Board of Township Trustees does not have authority to subordinate its easements for roadway purposes by means of granting a perpetual franchise or easement. 1980 Ohio AG LEXIS 68. Future circumstances may occur which could require more-expansive use of any given road right-of-way, whether for road relocation, widening, or other road improvement or right-of-way use by the public. A permanent or perpetual franchise or easement would, in effect, operate as a roadway vacation, and a Board of Township Trustees does not have authority to vacate any portion of a public roadway. Consequently, the authority of the Board in this instance is confined to extension of a license or permit, subject to the superior right of the public in the prospective future use of the right-of-way. 1980 Ohio AG LEXIS 64.

5. Consistent with its authority as set forth herein, this Resolution shall serve as a revocable permit extended to Paul Gingo for the sign, as approved by the Board of Zoning Appeals, to be placed within the public road right-of-way at the entrance of Springwater Gardens allotment, located on Williamsburg Avenue Northwest, from State Route 619, adjacent to Parcel No. 2203675, subject to any future determination of the Board of Trustees.

7. The revocable permit represented by this Resolution is subject to the discretion of the Board and, consequently, may be revoked at any time upon any determination of the Board causing such revocation.

Seconded by Steve Miller. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

21-390 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to execute the following Road Open Permits:

- D-21-60: Dominion Energy Ohio – 8207 MacThomas Ave. (long side service line)

Seconded by Jeremy Yoder. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

MEETING REPORTS/MISCELLANEOUS

- Trustee Miller noted the Road Superintendent invited the trustees to breakfast last week and it was their first time seeing the new vactor truck which was impressive.
- Trustee Arnold attended a Land Bank Board Meeting last week and with the new federal monies available we may end up with a net zero invested for the greenhouse cleanup.

FISCAL OFFICER'S REPORT

21-391 A resolution was made by John Arnold authorizing the Board and Fiscal Officer to sign all Purchase Orders, Vouchers, and Reconciliations. Seconded by Steve Miller. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

21-392 A resolution was made by John Arnold accepting the 2022 Temporary Appropriations in the amount of \$11,279,944.47 and hereby acknowledging that a copy of which will be attached to and made a part of these minutes. Seconded by Jeremy Yoder. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

PUBLIC SPEAKS

Mitchel Thomas; He is an AP Government student at Hoover High School and attended the meeting for extra credit.

- There will be no public speaks through the Facebook Live streaming; however, the Trustees still welcome your “public speaks” comments to be emailed to info@laketwpstarkco.com

21-393 A resolution was made by John Arnold to adjourn the meeting at 5:19 p.m.
Seconded by Steve Miller. Roll call votes were:

John Arnold	yes
Jeremy Yoder	yes
Steve Miller	yes

Matt Erb, Fiscal Officer

John Arnold, President

Jeremy Yoder, Vice President

Steve Miller, Member
