

LITCHFIELD BOARD OF TRUSTEES
REGULAR MEETING

July 25, 2016

The Litchfield Township Board of Trustees met in regular session on Monday, May 23, 2016, at the Litchfield Town Hall after the requirements of the Sunshine Law were met by notification and posting. Chairman Pope called the meeting to order at 6:00 p.m. with Trustees Horvath and Wargo present. There was an audience of 16. All stood to recite the Pledge of Allegiance.

Trustee Pope made a motion to accept the minutes from the May 9th Public Hearing as written; second by Horvath. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Pope made a motion to accept the minutes from the April 25th regular meeting as written; second by Wargo. Voting yes: Pope and Wargo. Abstaining: Horvath. Motion carried.

Trustee Wargo stated that after the April 25th meeting, she contacted the prosecutor's office.

Trustee Wargo read the following: "I inadvertently approved payment of vouchers 23825-23907 last month, April 2016, at the trustee meeting. I did not intend to approve voucher 23907 for TruGreen. So at this time with advice from the prosecutor's office I rescind my approval of TruGreen voucher 23907 dated 4/25/2016." Trustee Pope stated that an email was received from the prosecutor's office and asked Fiscal Officer Shaw to read the section of the email that dealt with the TruGreen voucher. Trustee Pope explained that he signed with TruGreen to treat the grass around the township properties. Trustee Pope stated that TruGreen has been doing the work since 2010 and they do a good job at a good price. The money is being spent to beautify the grass/lawns around the township. Trustee Pope stated that Trustee Horvath had even given him the name of another vendor to contact to do the work but their estimated price for one spraying of the cemetery was the same amount that TruGreen charges for 3 sprayings of all areas. Trustee Pope apologized for not bringing the matter to the board but stated that according to the O.R.C. a trustee can spend up to \$3000 without board approval. Trustee Horvath stated that he has never approved TruGreen's spraying of township properties and he always thought that the board does not have the authority to sign a contract without board approval. Trustee Horvath stated that he did not want to set a precedent of a trustee signing a contract without board knowledge. Trustee Wargo stated that she agrees with Trustee Horvath and stated that for the 2nd year, she has been the trustee responsible for the cemeteries and the park and every time she turns around, Trustee Pope is butting in. Trustee Wargo stated that last year she said that she did not think that the township should have the lawns/grass sprayed this year. Trustee Wargo stated that she believes that Trustee Pope purposely did it this way because he knew he would not have the trustees' votes. Trustee Wargo stated that she did not think it was fair to the employees when they have more than 1 trustee telling them how to do their job. Trustee Pope apologized and stated that he did not make the agreement for the reason stated and he goes to Trustee Wargo first regarding employees. Trustee Pope stated that when he is out around the township he will stop and talk to the employees. For example, last week he saw a grave site that had sunk 1 ½' so he contacted Sexton Marco. Trustee Pope stated that as a trustee, he is

responsible for all of the township but he is not calling employees daily with daily orders. Trustee Wargo stated that out of respect for the trustee in charge of an area, Trustee Pope should contact them and not the employee. Trustee Horvath stated that based on the prosecutor's opinion/statement, he will approve the TruGreen check. Trustee Horvath made a motion that no person in the township – trustee, fiscal officer or employee – be allowed to enter the township into any legally binding contract without board approval; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. There was a discussion among the board, fiscal officer and fire chief regarding what would constitute a contract – whether a service maintenance agreement is a contract or is a contract a multi-year agreement - and how much a trustee could spend or agree to without board approval. Trustee Wargo stated that one trustee has gone “a little off kilter” and she hates when there are rules made because one person could not abide by the team; they go ahead and do something and then apologizes afterwards. Trustee Wargo stated that she did not think a motion is needed and it might not be possible to make a motion specific enough regarding contracts. Trustee Wargo suggested the trustees meet with the prosecutors to discuss this. Trustee Pope agreed “whole heartedly” that one trustee is doing things on her own. Trustee Pope stated that he and Trustee Horvath wanted the prosecutor's opinion regarding the placing of businesses in the newsletter but Trustee Wargo went and had the newsletter run without their approval after sending them an e-mail that she wasn't planning on doing the newsletter. Trustee Pope stated that Trustee Wargo advertised her personal Facebook page which was not approved by the trustees in the newsletter. Trustee Pope stated that Trustee Wargo spent over \$500 last year on ads for the garage sales in the township; the expense for the ads was not approved by the board. Trustee Pope asked Fiscal Officer Shaw to read the section of the prosecutor's e-mail stating that this expense was not allowed. Trustee Wargo stated that she is waiting for an opinion on this from the Attorney General before she would discuss this. Trustee Wargo stated again that it would be good for the 3 trustees to meet with the prosecutors. Trustee Horvath stated that he still wanted his motion regarding contracts but felt it may need to be clearer; he would ask advice from the prosecutors. Trustee Horvath made a motion to rescind the previous motion regarding contracts in order to give the motion further thought; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried.

Fire and Rescue: Chief Davis’ report: from 4/25 – 5/22 there were 10 medical emergency calls and 4 fire calls. Litchfield gave mutual aid to Erhart twice for squad calls and to Chatham for a fire call. We received mutual aid once from Erhart for a squad call. Vice-President Deb Yorko held the monthly Fire Association meeting on April 28th. Chief Davis held the monthly officer meeting on May 3rd. Fire training on May 5th was conducted by Capt. Yorko and Lt. Butcher and held at the MCCC tower on hose movement and pump operation. Several members of the department participated in the mock crash at Buckeye High School on May 11th. Chief Davis attended the county chiefs' meeting on May 11th. Capt. Yorko held work night on May 12th where building and truck maintenance was performed. Capt. Yorko held EMS training on May 19th on OB focusing on delivering a baby and the issues that may arise with both the mother and the child. The fire department will be hosting the ice cream social on July

8th and the Family Fun Day sponsored by the Fire Association will be on July 10th from 12-4. 47-1 went to Burgess to have a squeak between the cab and the box eliminated. FF Strickland and FF Porter are in a FF II class at Hinckley Fire Department and are taking their test this evening after which the department will have 12 out of 21 members trained to FF II (a professional level). John Smith is taking his basic EMT course completing it next month. Kyle Barski and Kathy Szpak completed their 36 hour volunteer FF course and passed their test. Andy and Kathy Szpak signed up for EMT Basic classes. Lt. Perkins has been heading a committee looking at the purchasing of a first response vehicle. The committee presented Chief Davis with 3 proposals and he presented the trustees with a proposal from Kovatch Ford, Inc. Chief Davis stated that a first response vehicle would be a great addition and useful vehicle to have. It would be used to open up driveways in the winter for squad/fire calls, roll on all CO calls instead of an engine, be the 1st vehicle out on fire/MVC calls, tow the trailer, driven to fire inspections and trainings, respond to EMS calls when there is only 1 EMT available, help to keep mileage and wear/tear off of the larger vehicles that cost over \$300,000. Chief Davis stated that the maximum cost for the truck from Kovatch would be \$72,298.57. Trustee Pope stated that he thinks it would be a good idea to purchase the truck as a 1st responder. Trustee Horvath stated that he would like to meet with Chief Davis and discuss this vehicle further. Chief Davis stated that the department members will be in vehicles providing traffic control for the Memorial Day Service.

Roads: Jim Meermans' road report: assisted with an ash burial; replaced the light fixture and the wiring on the cemetery's wood trailer; changed the oil and lube on the pick up truck; painted the backhoe to ready it for clean-up days; clean-up days went smoothly thanks to everyone who helped out and loaned their trac-hoe; moved equipment into the new cemetery storage building; took the new International to the dealer for warranty work; stacked the last 150 tons of salt; Ian, Mitch and Corey are back as summer road crew members. Trustee Wargo stated that she returned the signed road bids to the county engineer's; she has not heard yet from Melway regarding a start date for the road paving. Trustee Wargo stated that it is time to order road salt for next winter. Trustee Wargo wondered how many tons to order. Jim stated that she should order 600 tons. Trustees Pope and Horvath thought this would be a good amount. Trustee Wargo made a motion to purchase 600 tons of salt for the 2016-17 season from the ODOT Winter Road Salt Contract Participation; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Wargo wondered if the 4500 truck should be kept for road work. Trustee Horvath stated that he had no problem with keeping the truck. Jim stated that he would like the truck kept because it could still be of use; the road crew could be sent in 2 different directions with 2 trucks available. Trustee Pope stated that he was confused because when the trustees were discussing purchasing a new truck, it was said that the 4500 was an old truck that was breaking down, had a leaking roof, and it was difficult to find parts for so it should be sold and the money used towards a new truck. Trustee Pope stated that a motion was made to find out how much the truck would bring from being sold on E-Bay and then the trustees would decide whether to keep the truck or sell it. Trustee Pope stated that the truck was referred to as a

“money pit.” Trustee Wargo and Jim stated that the truck broke down in the winter when plowing snow but did not have that problem doing summer road work. Trustee Horvath stated that since the motion was made, the trustees should find out how much the truck could bring in from an E-Bay sale. Trustee Wargo stated that another pick up truck is needed for road work since there are more on the road crew this summer. Trustee Wargo suggested using the truck for the summer and then obtaining a price from E-Bay in August. Trustee Horvath thought this was a good idea. Trustee Pope stated that this would be okay; he was just curious on what the truck might bring in off of E-Bay. Trustee Wargo stated that he should check on it if he was curious. Trustee Wargo stated that the trustees interviewed 2 people on May 9th for summer road crew: Kyle Lasch and Nicholas Sturgill. The trustees said both would be good additions to the crew. Trustee Wargo made a motion to hire Kyle Lasch and Nicholas Sturgill for part-time, minimum wage, with no benefits offered for summer help for 2016 on an as needed basis; second by Pope. Trustee Pope asked how many members were on the road crew right now. Jim stated that there are 6 guys. Trustee Wargo stated that Bill Marks has stated that he would like to work only 2-3 days/week. Jim stated that adding 2 guys to the crew would be the right thing to do. Voting yes: Horvath, Pope, Wargo. Motion carried. Kyle has already received his background check and Nicholas will be obtaining a work permit since he is a high school student. Trustee Wargo stated that she received an e-mail from Cargill that they could store road salt at a storage fee of \$10/ton/month but it was decided that that would not be necessary. Trustee Pope asked the status of the Crow's Nest Lane ditch project. Trustee Wargo stated that Al Nimer contacted her and said that he would be closing the plant from July 3-7 so the gas could be turned off then and the township could do the ditch work. Trustee Wargo stated that she contacted the sonar company, Tom Giese, Paul K. from Columbia Gas and they are all available during that week. Clyde Calvert asked when the bridge on Rt. 83 would be repaired since the hole is becoming bigger. Trustee Pope stated that he spoke with Howard Goodyear from ODOT in the spring and was told that the repair work is on their list. Trustee Pope stated that he would try to contact ODOT again. Another Avon Lake Rd. resident asked if both sides of the road could be checked since there are cracks and crumbling concrete on both sidewalks. Cars and motorcycles speeding down Rt. 83 was also discussed. Trustee Horvath stated that he would discuss this with Deputy Snider. Trustee Pope stated that the trustees have discussed lowering the speed limit with ODOT there many times but the state feels that the current speed is okay.

Safety: Trustee Pope stated that the MC Safety Council Meeting was attended on May 17th and was on ergonomics and repetition of workers.

Police: For the month of April: days worked: 21; hours worked: 100; miles driven: 1,186; calls/complaints investigated: 12; police/fire personnel assisted: 4/2; citizens assisted: 35; suspicious people/vehicles checked: 0/0; business checks: 161; traffic stops: 7; traffic citations issued: 4 warning citations issued: 4; arrests: 2. Traffic citations: speed: 3; seat belt: 1. Traffic warning: yield: 1; equipment: 1; speed: 2. Arrests: abusing harmful intoxicants: 1; possession of marijuana: 1. Fines received for March were \$312.50. Trustee Horvath asked if there have been

many accidents around the circle due to the change in the traffic pattern. Chief Davis stated that he has not heard of any, at least none for which the squad has been called.

Town Hall: Trustee Horvath stated that there was no report. Trustee Wargo asked if a lock had been installed on the men's room door. Trustee Horvath stated that he was waiting for a cost estimate for installing a divider in the rest room. Trustees Pope and Wargo stated that they did not think a divider is necessary. Trustee Wargo asked if the lights have been fixed in the back building. Trustee Horvath stated that he has received 2 quotes and is waiting for 1 more. Trustee Wargo stated that she did not think that there should be planters of flowers around the circle this year. Trustee Wargo stated that she did not think money should be put into flowers for the circle since there is no one who is available to water the planters everyday. Trustee Pope stated that he thought the planters around the town hall were kept up pretty well last year. Trustee Horvath stated that he will discuss it with Patti. Trustee Horvath stated that Patti and he have been discussing purchasing new plastic tables (8' and 10') to replace some of the wood rental tables. Trustee Horvath stated that the plastic tables would be stronger and lighter to handle.

Cemetery and Park: Sexton Marco's report: there were 3 funerals and 7 grave sites sold with 2 more to be sold on Tues.; work is being done in the cemetery to ready it for the Memorial Day Service. Trustee Wargo stated that R.L.C.W.A. sent a letter stating that the newly installed pump in the circle needs to be replaced by a different type. R.L.C.W.A. sent guidelines that should be followed for the new pump. Trustee Wargo stated that Schaeffers is willing to credit the township \$300/hydrant for the one on the east side and the west side of the park. Trustee Wargo feels that only the west side pump should be replaced. Trustee Wargo stated that she spoke with Andy from R.L.C.W.A. and told him that she has been in touch with Schaeffers. Trustee Pope stated that he contacted Wellington Farm and Fleet which stated that they had 2 sanitary pump/hydrants in stock for \$450. Trustee Pope stated that the same type of line should be used. Trustee Wargo stated that the new cemetery storage building is completed and passed inspection; it should be very useful. John Kruggel stated that there is an ice cream social scheduled for the 1st Friday in June and wondered if the new water pump will be installed. Trustee Wargo stated that it would not be installed by then. Trustee Wargo asked if Trustees Horvath and Pope have seen the new barn and wondered if they felt that the driveway on the side with the gravel should be extended so the dirt pile could be further back. Trustee Wargo asked if she should order gravel from Archer's. Trustee Pope stated that some of the dirt would need to be dug out from the ground before gravel is put down. Trustee Wargo stated that she received a letter from Fred Boreman regarding preventative maintenance on the existing cemetery drives. Trustee Wargo stated that she contacted local companies about doing the work but did not obtain prices unless the trustees are planning on approving the work. Trustee Pope stated that he would need to know the cost involved before deciding whether the work should be done. Trustee Horvath stated that Trustee Wargo should obtain the cost quotes. Trustee Wargo stated that she would obtain them before the next meeting. The trustees signed cemetery deeds.

Trustee Pope stated that a letter was received from Williams and Batchelder, LLP stating that Anne Silhavy left 15 acres of land on Vandemark Rd. to the township to be used as a park. Celia Kruggel stated that she is the executrix of the estate and that if the township accepts the bequest there are strings attached. If the township does not accept the donation the land reverts back to the estate. Fiscal Officer Shaw read the letter from Williams and Batchelder. Trustee Pope stated that this was a generous donation from Anne and thinks the land should be turned into a nature preserve with a small parking lot, walking paths, wildflowers, etc. Trustee Horvath agreed with this idea. Anne Seitz stated that Anne S. loved to go and sit by the York Township park and thinks this is what she had in mind for her property. Trustee Wargo stated that the trustees can take their time before making a definite decision. Trustee Horvath stated that he would speak with the prosecutors for advice on how to proceed. Chief Davis stated that families with small children frequent the York Township park often so the kids can play with others and that it would be nice to have a park with playground equipment off the main road. Trustees Pope and Horvath stated that in the meantime the current farmer can continue to farm it and hay it to keep the weeds down; the same practice has been used for the 7 acres behind the cemetery. John Kruggel stated that Spencer Township does not use mulch or ground-up material at their park because those are flammable materials. ZI Noderer stated that the park would be a conditional use in a residential area which would need BZA approval. Trustee Pope thanked Celia for attending the meeting and asked everyone for a moment of silence in honor of Anne Silhavy.

Zoning: ZI Noderer's report for the month of April: site visits: 7; meetings attended: 5; miles driven: 170; zoning certificates issued: commercial portable sign: 1; above ground pool: 1; accessory building: 1; deck and accessory building: 1. AG permit: cat fence: 1. Lot split: a 3.1377 acre parcel was created from 67.5 acres at 2854 Erhart Road. Zoning violations: 8109 Branch Rd – case #15CIV0677 hearing on 6/1; 9940 Norwalk Rd. - monitor compliance efforts, additional equipment to be removed, 10/23 last contact; 9696/9706 Crow Rd. - zoning certificates pending MCE ECSW permit. ZI Noderer inspected the building south of the creek which the owner said is an AG building since it is used for a farm market; 3933 Avon Lake – solid waste removal monitored by MCHD, last contact 2/17/16 (J. Gammell); 8963 Spieth Rd. - referred to the MC Prosecutor by the MCHD. ZI Noderer stated that he received confirmation of a course on May 31st at 6:30 at the MC Library. ZI Noderer stated that he forwarded the e-mail to the zoning secretary and she should have sent it to the zoning members.

Trustees: Trustee Wargo stated that she received an e-mail from Scott from ODOT regarding the railroad crossing on Rt. 83 & Stone Rd that she had requested they look at when they were here to discuss the traffic circle. Scott had stated that he would try to contact the railroad if Trustee Wargo didn't hear back from them. Since, she has not heard from the railroad she will contact Scott again.

Fiscal Officer: The trustees received their monthly reports and signed the bank reconciliation statement.

Old Business: Trustee Wargo stated that the township clean-up days went well; she counted 343 vehicles that passed through. Trustee Wargo thanked everyone who helped those days and stated that many residents thanked the trustees for holding this event.

New Business: There was no new business.

Correspondence and Communications: There were no correspondences or communications.

Public Comment: John Kruggel stated that if the weather is not good for this Sunday's Memorial Day Service the event will be moved to the annex building so he asked that the road equipment be moved elsewhere. John also asked for the microphone and stand for the speaker. ZI Noderer thanked the trustees for holding the Clean-Up days since it helps to keep the township clean; he wished that something could be done about the litter on township roads. Trustee Pope made a motion to adopt Resolution 15-16 to amend appropriations; second by Horvath. Voting yes: Horvath, Pope, Wargo. Motion carried.

Trustee Pope made a motion to approve Purchase Order 22-16 and Blanket Certificates 57-16 to 66-16 and authorize payment of vouchers 23908-23975 & 23983-23989; second by Horvath. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Pope made a motion to authorize payment of voucher 23907; second by Horvath. Voting yes: Horvath and Pope. Voting no: Wargo. Motion carried.

Trustee Pope made a motion to adjourn; second by Horvath. Voting yes: Horvath, Pope, Wargo. Motion carried. Meeting adjourned at 8:50 p.m.