

**BAZETTA TOWNSHIP TRUSTEES
REGULAR MEETING MINUTES**

Date: January 12, 2010 at 7:30pm
Bazetta Township Administration Building
3372 State Route 5 NE
Cortland, Ohio 44410

Meeting called to order at 7:30pm.

Present:

Presiding Trustee Paul Hovis
Trustee Frank Parke
Trustee Don Urchek
Fiscal Officer Rita K. Drew

Minutes to be suspended or accepted as written:
January 5, 2010 Special Meeting Minutes

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **021-10** to accept the January 5, 2010 Special Meeting Minutes.

Vote:

| | |
|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

- Ted Webb stated that he believes that the meeting on January 5, 2010 was an illegal meeting
 - No notification appeared in the Tribune Chronicle
 - Ohio's Sunshine Law states that the meeting should have been cancelled
 - There was more done in the meeting than just reorganizational issues
 - Asked that the minutes be suspended and the meeting be declared illegal
- Trustee Hovis noted the following
 - Tribune Chronicle failed to put notice in the paper
 - Tribune Chronicle did receive notice more than 24 hours before the meeting
 - Tribune Chronicle's lack of publication does not make the meeting illegal
- Ted Webb distributed sections of the Ohio Open Meetings Act to the Trustees and Fiscal Officer
 - Pointed out areas regarding publication of notice
 - Pointed out areas regarding executive sessions
 - Again asked that the meeting minutes from the January 5, 2010 meeting be suspended
- Trustee Hovis said that he asked Atty. Finamore about this
 - Atty. Finamore said it is not the responsibility of the Trustees to ensure the notice is printed, Trustees merely have to ensure submission of notice
- Trustee Hovis noted several problems with recent press releases in the Tribune Chronicle being published incorrectly or not at all
 - Problem lies with the staff of the Tribune Chronicle
 - Bob Coupland at the Tribune Chronicle is willing to discuss this issue with any resident who contacts him
- Ted Webb said that more was done in the January 5, 2010 meeting than items that were reorganizational in nature
 - Again asked that the minutes be suspended and meeting be declared illegal

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **022-10** to authorize the Fiscal Officer to pay all outstanding invoices incurred and approve all warrants issued.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

Correspondence (Copies available upon request):

- Received letters from Trumbull County Engineer regarding Ohio Public Works Commission Program Year 2010
 - Copy of Full Application for T.H. 199A Durst Clagg Road Improvement Project, Phase I
 - Copy of Full Application for T.H. 157 Henn Hyde Road Improvements
- Received invitation from Trumbull County Engineer to schedule a meeting with the Engineer's Office to discuss "current projects, issues, and concerns in [our] township as it relates to the work [they] do at the Engineer's Office"
- Received opinion from Atty. Mark Finamore regarding appointment of Fiscal Officer
 - Fiscal Officer is an "independent Township elective office, not subject to any authority or control by the Township Trustees, except where specifically prescribed by law"
 - Fiscal Officer has "exclusive authority ... to hire and appoint one or more persons as the fiscal officer finds necessary to provide assistance"
 - Fiscal Officer authority and duties are the same whether the office holder was appointed or elected
- Received annual notification from Trumbull County Recorder of the Trustees regarding "duty to file zoning resolutions and amendments ... within five working days after the resolution or amendment goes into effect"

Zoning Commission:

- See attached report submitted by Chairman Ted Webb
- A Special Meeting will be held between the Trustees and the Zoning Commission at 7pm on January 19, 2010 in the Administration Building
- Chairman Webb asked Fiscal Officer Drew if she would submit notification for this meeting
- Fiscal Officer Drew stated that she would do so

Road Department:

- Road Superintendent Parke was unable to attend

Fire Department:

- See attached report
- Trustee Urchek asked if Chief Lewis had enough money to hire Baker, Bednar & Associates
 - Chief Lewis stated that he did
- Trustee Urchek asked if we had to have the architectural work in line in order to get the combined fire station grant
 - Chief Lewis said we had to have all of the architectural plans in place before writing the grant proposal

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **023-10** to hire Baker, Bednar & Associates to move forward with the Proposed Action Plan in the Bazetta Township Fire Station Study at a cost of up to \$40,000.

Vote:

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| Paul Hovis | Yes |
|------------|-----|

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|-------------|-----|
| Frank Parke | Yes |
| Don Urchek | Yes |

- Trustee Urchek asked if Chief Lewis had the money to hire new personnel
 - Chief Lewis said he had already budgeted for new part-timers and volunteers

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **024-10** to conditionally hire the following Fire Department personnel, following negative test results for drug screening and background checks.

Volunteers

Jeffery Coen
Mark Roper
Grayson Root
Aaron Hanson
Erik Bartolo

Part-Time at \$11.00/hour

Anthony McMillion
Patrick Dales
Michael Rodriques
William Lembach
Scott Bubanyor

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

A motion was made by Trustee Urchek and seconded by Trustee Parke to pass Board Resolution **025-10** to allow Chief Lewis and Fiscal Officer Drew to auction the 1995 ambulance on eBay with a reserve of \$3,500 and at a cost of up to \$129.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

- Trustee Urchek asked Chief Lewis to explain how he would pay for this new ambulance
 - Chief Lewis said he had already set aside \$100,000 in capital improvements to pay for it
 - Had a carryover of \$181,000 from 2009
 - Had already budgeted to purchase an ambulance this year
 - Chief Lewis expected that costs will be closer to \$87,000
 - Anticipated earning more via eBay than offered trade-in value for 1995 ambulance
 - Asked for \$98,000 just in case costs are more than expected
 - Doing a joint purchase with the City of Cortland in order to get a cost savings
 - Will pay cash for the ambulance to get another cost savings
- Trustee Parke asked if the purchase had to go to bid
 - Chief Lewis said that it did not because it is part of the State Purchase Program
- Trustee Parke asked if this is a 2009 body with 2010 box
 - Chief Lewis stated that it was

A motion was made by Trustee Urchek and seconded by Trustee Parke to pass Board Resolution **026-10** to approve the expenditure of up to \$98,000 for a 2009 Ford Wheeled Coach Ambulance.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

- Trustee Hovis asked if requested software is to update current systems
 - Chief Lewis stated that it was for an update and to work toward a paperless system

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **027-10** to approve the expenditure of \$6,415 for FIREHOUSE Software through ACS Government Systems.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

- Trustee Urchek asked if we have Brian Taylor's rate of pay
 - Captain Lewis stated that his current rate is \$15.44 and the new rate will be \$16.81

A motion was made by Trustee Urchek and seconded by Trustee Parke to pass Board Resolution **028-10** to promote Lt. Brian Taylor to Captain at an hourly rate of \$16.81, effective January 24, 2010.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

Police Department:

- See attached report
- Chief Miller asked for an executive session to discuss hiring of police personnel

Safety Committee:

- Nothing to report

Administrative Reminders:

- The results of the State of Ohio audit for 2007 and 2008 are scheduled to be delivered in early January 2010

Public Comment:

- Ted Webb
 - Questioned recent instances when Trustee Parke assisted the road department without pay
 - Asked how Trustee Parke is covered and rated under Bureau of Workers' Compensation if he were to be hurt while performing volunteer duties
 - Trustee Urchek said it states in the Ohio Township Trustees Manual that Trustees can operate a township vehicle without additional compensation
 - Chief Lewis said every employee, elected official, or board member is covered and rated under the Bureau of Workers' Compensation
 - Trustee Urchek said he asked Trustee Parke to get a letter from the Teamster's regarding this volunteer activity
 - Trustee Parke stated that he had obtained and provided such a letter
 - Trustee Urchek said the Mecca and Johnson Townships both have Trustees who operate road equipment
- Cheryl Tennant
 - Asked if the township had received the deed for the cemetery
 - Trustee Hovis said we had not

- Trustee Parke said he was going to be looking into it
 - Asked what section of the Ohio Revised Code Atty. Finamore quoted when presenting his opinion regarding the Fiscal Officer
 - Trustee Hovis said he cited ORC §507.01, §507.021A, and §507.021
 - Said these sections refer to Fiscal Officer compensation and the deputy fiscal officer
 - Trustee Hovis agreed and asked what Mrs. Tennant's question was
 - Reiterated that these sections refer to compensation and the deputy fiscal officer
 - Trustee Hovis again asked what Mrs. Tennant's question was
 - Stated that Fiscal Officer Drew works at the pleasure of the Trustees until her elected term begins on April 1, 2010
 - Trustee Hovis noted that Fiscal Officer Drew was appointed by a judge, not by the Trustees
 - Asked why Fiscal Officer Drew had requested this opinion at taxpayer expense
 - Fiscal Officer Drew stated that she had not requested the legal opinion
 - Trustee Parke stated that he asked for the opinion because of a question that Mrs. Tennant herself had raised in a previous meeting
 - Trustee Urchek reiterated that Trustee Parke requested the opinion because a question had been asked at the end of 2009
 - Stated that she disagreed with the opinion
 - Trustee Urchek stated it is immaterial at this point because Fiscal Officer Drew has not hired anyone
 - Questioned why Trustee Urchek both made the motion and voted for his wife (Martha Urchek) and to be appointed to the Parks & Recreation Board
 - Trustee Urchek said that he voted for the slate of appointees and not any individual on the Parks & Recreation Board
 - Threatened an injunction regarding this appointment
 - Questioned Trustee Parke about the \$40,000 in compensation he claimed he was waiving
 - Questioned his number of sick hours at his rate of pay at retirement
 - Questioned his number of vacation hours
 - Questioned how determined these numbers were determined
 - Trustee Parke stated that he had the sick and vacation time available to him prior to his retirement because he had not used it
 - He further stated chose not to use the time instead of using it in a questionable way as previous retiring employees had done
 - Trustee Hovis stated this has nothing to do with moving the township forward
 - He further stated that Trustee Parke could have taken 18 months off and collected his sick time as many other township employees have done
 - Trustee Urchek said he disagreed with the presentation of this issue during the election
 - He commended Trustee Parke for not taking advantage of the system
 - Trustee Parke commented that he was simply trying to say that he was not taking advantage of the township
- Felicia Mooney
 - Asked about the driveway specification
 - Trustee Parke said that they are working on this
 - Working on her specific situation
 - Working with Atty. Finamore to get in line with Trumbull County specifications
 - Trustee Hovis said that many of these issues will be discussed at the Special Meeting on January 19 with the Zoning Commission
 - Trustee Parke said that he will contact Atty. Finamore to rectify her situation

Zoning Inspector:

- Inspector Nuss has done the following
 - Issued 1 building permit for a building already under construction
 - Sent out roughly 11 warning letters to get some things cleaned up, e.g. old cars in yards
 - Working with Zoning Commission to see how strict enforcement should be
- Discussed a specific incident that warranted a warning letter
- Urged residents to contact him if they had any concerns or complaints

A motion was made by Trustee Parke and seconded by Trustee Urchek to pass Board Resolution **029-10** to recess into Executive Session to discuss the police contract and personnel issues.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

The Trustees reconvened at 9:00pm.

A motion was made by Trustee Urchek and seconded by Trustee Parke to pass Board Resolution **030-10** to rescind Board Resolution **515-09** from December 14, 2009, which accepted the Zoning Map

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

A motion was made by Trustee Urchek and seconded by Trustee Parke to pass Board Resolution **031-10** to hire Nathan Greathouse as a full-time police officer at an hour rate of \$17.82, effective January 12, 2010.

Vote:

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|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

A motion was made by Trustee Urchek and seconded by Trustee Hovis to pass Board Resolution **032-10** to adjourn the meeting at 9:05pm.

Vote:

| | |
|-------------|-----|
| Paul Hovis | Yes |
| Frank Parke | Yes |
| Don Urchek | Yes |

_____ Dated: _____
Attested by: Fiscal Officer Rita K. Drew

_____ Dated: _____
Approved by: Chairman Trustee Paul Hovis