

RES#16-_____
NIMISHILLEN TOWNSHIP BOARD OF TRUSTEES
Township Hall: 4422 Maplegrove NE, Louisville, OH 44641
November 10, 2016

7:00 PM – Trustees Meeting:

On Thursday, November 10, 2016, the Board of Trustees of Nimishillen Township met in regular session at 7:00 PM at the Nimishillen Township Hall located at 4422 Maplegrove NE with the following members present: Trustee President Lisa R. Shafer, Trustee Vice President Michael L. Lynch, Trustee Todd D. Bosley, and Fiscal Officer, Brian Kandel.

NOTE: All reports and attachments are available at the township office located at 4915 N. Nickelplate at a cost of 10¢ per page or can be sent via fax or email. Audio of tonight's meeting can be emailed to interested parties by calling the township office at 330-875-9924.

Trustee Shafer called the meeting to order and led the staff and audience in the Pledge of Allegiance. Trustee Lynch gave the invocation.

Trustee Shafer excused Road Superintendent Marcus Benson from tonight's meeting due to illness.

EXECUTIVE SESSION:

Resolution- Enter into Executive Session: Trustee Lynch motioned to enter into executive session from this regular meeting at 7:02 PM as authorized under O.R.C. 121.22(G)(3) Pending or Imminent Litigation with Stark County Prosecutor, Jerry Yost, to discuss pending or imminent court action & possible personnel matters seconded by Trustee Bosley. **MOTION CARRIED. RES#16-309**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Return from Executive Session: Trustee Lynch motioned to return from executive session at 7:47 PM and resume this regular meeting seconded by Trustee Bosley. **MOTION CARRIED. RES#16-310**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution: Trustee Lynch motioned to authorize Prosecutor Jerry Yost to offer \$8,250 for Case 2016CV00387 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-311**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

FIRE DEPARTMENT: (*Rich Peterson, Chief*)

Resolution – Appoint Adam Haas as a Firefighter Candidate to proceed with his pre-employment physical: Trustee Lynch motioned to appoint Adam Haas as a Firefighter Candidate to proceed with his pre-employment physical seconded by Trustee Bosley. **MOTION CARRIED. RES#16-312**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Accept resignation of Firefighter Paramedic Steve Zahler effective 11/10/16: Trustee Lynch motioned to Accept resignation of Firefighter Paramedic Steve Zahler effective 11/10/16 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-313**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

ROAD DEPARTMENT: (*Marcus Benson, Superintendent – absent*)

Resolution – Approve November 10, 2016 Road Report: Trustee Lynch motioned to approve the Road Report for November 10, 2016 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-314**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Discussion – Trustee Bosley held a discussion with the Board regarding the recent fatal accident and the increase in traffic at the intersection of Broadway & State Route 62. After discussion, the Board agreed to send letters to ODOT and the Engineers regarding this intersection.

Discussion – Trustee Lynch informed the Board of an off road pipe that needs attend on Meese. Trustee Bosley asked if the entire pipe is also bad under the road as well. After discussion, the Board decided to investigate the extent of the condition of the pipe. Trustee Lynch will contact Gary Connor to look into this.

ZONING DEPARTMENT: (Dale Riggerbach, Inspector)

Resolution – Approve November 10, 2016 Zoning Report: Trustee Lynch motioned to approve the November 10, 2016 Zoning Report seconded by Trustee Bosley. **MOTION CARRIED. RES#16-315**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Approve October 2016 Zoning Report for Stark County Auditor: Trustee Lynch motioned to approve the October 2016 Zoning Report for Stark County Auditor seconded by Trustee Bosley. **MOTION CARRIED. RES#16-316**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Discussion – Zoning Inspector Dale Riggerbach held a discussion with the Board regarding Parcel #33-07611. Trustee Bosley asked Mr. Riggerbach if he has the list of problem properties that was discussed last meeting and if Mr. Riggerbach has researched Trustee Bosley’s neighbor’s property and the neighbor having a home business. Trustee Bosley suggested Mr. Riggerbach to use search engine Google for his research. Much discussion followed.

Discussion – Trustee Shafer informed the Board that the BZA Hearing held on November 2, 2016, letters were not post marked prior to the 10 day deadline. After much discussion, Trustee Shafer asked the Board to advertise for a reconsideration hearing, which needs to be held within 30 days of the prior hearing. The Board agreed.

Resolution – Advertise for Zoning Meeting on November 23, 2016 at 7 p.m.: Trustee Bosley motioned to Advertise for Zoning Meeting on November 23, 2016 at 7 p.m. seconded by Trustee Lynch. **MOTION CARRIED. RES#16-317**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

FISCAL OFFICER: (Brian Kandel)

Resolution: Trustee Lynch motioned to approve transfer \$2,100 from 01 – A – 25 (Contingency Acct.) to 01 – A – 15 (Workers’ Comp.) seconded by Trustee Bosley. **MOTION CARRIED. RES#16-318**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution: Trustee Lynch motioned to approve transfer \$1,100 from 04 – A – 10 (Insurance) to 04 – A – 03 (Workers’ Comp.) seconded by Trustee Bosley. **MOTION CARRIED. RES#16-319**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Approve Change Order for Northstar Asphalt – 2016 Paving Contract in the amount of \$2,808.96: Trustee Lynch motioned to approve Change Order for Northstar Asphalt – 2016 Paving Contract in the amount of \$2,808.96 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-320**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

CONCERNS OF CITIZENS:

Shannon Benson of 5260 Glenoak stepped to the podium regarding:

- Concerns about the Teachers strike

Discussion – The Board held a discussion with Ms. Benson regarding the teachers strike. Trustee Shafer informed Ms. Benson that public speaks has a 5 minute limit and her 5 minutes was up. Trustee Lynch suggested sending a letter to the Board of Education asking them to return to negotiations. The Board agreed.

Jim Morris of 4514 Eastland stepped to the podium regarding:

- Letter to the Prosecutor
- Fire Levy
- Plain Township honoring veterans tomorrow morning

Discussion – Fire Chief Peterson informed Mr. Morris that they plan on a concerted effort for the spring election.

Ronald Salisbury of 4561 Eastland stepped to the podium regarding:

- Eastland Pipe

Donna Fuller of 5857 Rosedale stepped to the podium regarding:

- Broadway & 62 traffic
- Francesca St. & 62 pipe
- South side of Francesca quotes update

Discussion – The Board held a discussion with Ms. Fuller regarding children playing in a pipe on Francesca under SR 62. The Board informed Ms. Fuller they will look into it to see what can be done. Trustee Lynch informed Ms. Fuller that 3 contractors have contacted Road Superintendent Marcus Benson for the packet of information regarding the south side of Francesca.

Judy Piatt of 225 Chapel Sq. Cir. stepped to the podium regarding:

- Teachers Strike

TRUSTEES: (Lisa Shafer, Mike Lynch, Todd Bosley)

Resolution – Reappoint Bill Ehlers to the Board of Zoning Appeals for a 5 yr. term from 1/1/2017 to 12/31/2021: Trustee Lynch motioned to reappoint Bill Ehlers to the Board of Zoning Appeals for a 5 yr. term from 1/1/2017 to 12/31/2021 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-321**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Reappoint Larry Marks to the Board of Zoning Commission for a 5 yr. term from 1/1/2017 to 12/31/2021: Trustee Lynch motioned to reappoint Larry Marks to the Board of Zoning Commission for a 5 yr. term from 1/1/2017 to 12/31/2021 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-322**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Discussion – The Board held a discussion regarding Union Cemetery. Trustee Bosley suggested to have the Prosecutor who wrote the opinion letter to the Board attend a meeting to discuss Union Cemetery. The Board agreed.

Resolution – Enter into Executive Session: Trustee Lynch motioned to enter into executive session from this work session as authorized under O.R.C. 121.22(G)(1) Personnel Matters to consider appointment, employment, dismissal, promotion, demotion, or compensation of a public employee 8:47 p.m. seconded by Trustee Bosley. **MOTION CARRIED. RES#16-323**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Return from Executive Session: Trustee Lynch motioned to return from executive session at 9:14 p.m. and resume this work session seconded by Trustee Bosley. **MOTION CARRIED. RES#16-324**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Approve Minutes for October 27, 2016 Meeting: Trustee Lynch motioned to approve the written minutes for October 27, 2016 Meeting seconded by Trustee Bosley. **MOTION CARRIED. RES#16-325**

Roll call voting: Mrs. Shafer – ABSTAIN; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Approve Purchase Orders, Financial Report and Pay Bills: Trustee Lynch motioned to approve all purchase orders, financial report and pay bills in the amount of \$167,606.76 seconded by Trustee Bosley. **MOTION CARRIED. RES#16-326**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

Resolution – Sign Checks and Adjourn: Trustee Lynch motioned to sign checks and adjourn at 9:15 P.M. seconded by Trustee Bosley. **MOTION CARRIED. RES#16-327**

Roll call voting: Mrs. Shafer – YES; Mr. Lynch – YES; Mr. Bosley – YES

ATTEST: Brian Kandel, Fiscal Officer Lisa R. Shafer, President

Michael L. Lynch, Vice President

Todd D. Bosley, Trustee
Nimishillen Township Board of Trustees