

BAZETTA TOWNSHIP TRUSTEES REGULAR MEETING MINUTES

Date: May 25, 2010 at 7:30pm
Bazetta Township Administration Building
3372 State Route 5 NE
Cortland, Ohio 44410

Meeting called to order at 7:30pm.

Present:

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

Minutes to be suspended or accepted as written:
May 11, 2010 Regular Meeting Minutes
May 25, 2010 Zoning Hearing Minutes

162-10 To accept the minutes from the May 11, 2010 Regular and May 25, 2010 Zoning Hearing Meeting.

Motion: Trustee Parke
Second: Trustee Urchek
Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

163-10 To authorize the Fiscal Officer to pay all outstanding invoices incurred and approve all warrants issued.

Motion: Trustee Urchek
Second: Trustee Parke
Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

Zoning Inspector:

- Zoning Inspector Nuss reported the following activity since the last meeting
 - 4 zoning permits
 - 3 tent permits
 - 1 dumpster permit
 - 6 warning letters
- Zoning Inspector Nuss asked the trustees for advice regarding a property where the grass has not been mowed, no one resides at the property, and residents have been complaining
 - Atty. Finamore stated that the township can enact ORC §505.87 and go for an abatement of removal of items from a property the township declares a nuisance
 - A recommendation from the Trustees would be required to do this
 - He has the documentation already prepared and that can send it to the township
 - He has a list of companies that can perform this service
 - Trustee Hovis asked how much notice is required and how payment is received
 - Atty. Finamore stated 7 days notice from posting the declaration
 - Atty. Finamore stated that payment is received when tax collection occurs or whenever the property is sold, whichever is first
- Zoning Inspector Nuss presented the Mahoning County Geographical Information System's website

- This is the sort of information and presentation of information that he would like Bazetta to move towards to answer zoning questions
 - If Bazetta was to begin using something like this, the township would be on the cutting edge
 - Trustee Urchek asked how Trumbull County could do something similar
 - Zoning Inspector Nuss said Bazetta needs to get all township zoning in order, then begin to link up with Trumbull County
 - Atty. Finamore noted that the Trumbull County GIS proposal was discussed at the Trumbull County Association Meeting last week
 - Directed residents to www.efficientgov.com to vote for the Trumbull County GIS project before the deadline
 - Chief Lewis said to go to Bazetta's website and there is a link to the site
 - Dennis explained what the project is about and encouraged people to vote for it
 - Atty. Finamore asked if this is something that could be done on Bazetta's website
 - Joel Davis said that this would be possible
- Trustee Hovis introduced Mr. Davis, the township's IT Specialist
 - Mr. Davis showed the new website (www.bazettatwp.org), described some of the information available on the new site, and asked for suggestions regarding the site

164-10 To authorize the Fiscal Officer to transfer \$1,521.05 from 01-A-27 (General: Transfers) to 01-A-15 (General: Workmen's Compensation).

Motion: Trustee Parke

Second: Trustee Urchek

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

- Chief Miller requested that we table the motion to change the Police Department hours until he can discuss this with the Trustees
 - Trustee Urchek asked why we were considering this change
 - Trustee Hovis said because much of the Police Department information, e.g. police reports, can now be gotten from the township website
 - Trustee Hovis said it is also a way to save money in the Police Department
 - Mike Swiatkwich asked why Trustee Urchek was unaware of this motion
 - Trustee Hovis said that the Trustees receive the proposed agenda several days before each meeting
 - Trustee Hovis said Trustees usually discuss motions during a caucus prior to meetings, but that was not done this time
 - An unnamed resident asked if there was a request from the public for the change
 - Trustee Hovis said there was not
 - Mike Swiatkwich asked who had asked for the motion
 - Trustee Parke said that he had
 - Mike Swiatkwich said Trustees should honor the liaison positions that were established at the beginning of the year
 - Trustee Hovis said that Trustees fill-in for one another when a liaison is not available
 - Trustee Hovis stated that, just because one Trustee is the liaison to a department, that does not mean that each do not have a responsibility to the entire township

TABLED To revise Police Department Hours of Operation to 8:00am-1:00pm Monday-Friday, effective June 1, 2010.

- An unnamed resident asked what the resolution regarding the job description meant
 - Trustee Hovis said he was unclear because this motion was not discussed prior to the meeting
 - Trustee Hovis stated that a resolution had already been passed with the job description that encompasses all of the duties handled by Deanna Boggess
 - Trustee Urchek said that it has been brought back up because the interpretation is that Deanna is now compelled to do work in the Administration Building instead of the Police Department or her home as has been done in the past
 - Mike Swiatkwich says the job description does not fit with what she has been doing
 - Concern that only one of the three jobs is one that has a specific schedule
 - Curious why were the responsibilities were changed
 - Trustee Hovis noted that, by resolution, Mrs. Boggess was hired to be the Zoning Commission secretary first, substitute Administration second, and Police Department third
 - Trustee Hovis said the problem is that there has been no job description for the position
 - Mike Swiatkwich asked if all other employees had a job description
 - Trustees Hovis and Parke said that they did
 - Mike Swiatkwich asked if this was true for the Trustees
 - Atty. Finamore said that job descriptions for Trustees are a matter of statute
 - Mike Swiatkwich asked why zoning work is being restricted to the Administration Building
 - Trustee Hovis said it is a matter of the deed stating that only police work can be done in the Police Department
 - Trustee Hovis noted that there have been resident complaints when non-police work has been conducted at the Police Department
 - Mike Swiatkwich asked why Mr. Davis has an office at the Police Department
 - Chief Miller and Trustee Hovis said that Mr. Davis does not have an office at the Police Department
 - Both stated that Mr. Davis has no specific office because he works in all township buildings as needed
 - Trustee Hovis stated that he was surprised by the desire to change the job description
 - All three Trustees passed it back in April
 - Does not think that the description should be changed in a public forum
 - Trustee Parke said that he thinks Atty. Finamore should review any proposed changes, just as he reviewed the job description when it was created
 - Atty. Finamore said the only change is that language is being deleted that restricts the location where zoning and administration work can be done
 - Chief Miller noted that a job description for Police Department Secretary exists and believed the confusion comes from the combination of multiple job descriptions
 - Atty. Finamore said the Trustees seem to need better communication between themselves, the Fiscal Officer, and the department heads
 - Atty. Finamore suggested that motions for resolutions only be placed on the agenda with the agreement of all Trustees
 - Trustee Urchek said this issue has been brought up verbally prior to this meeting
 - Deanna Boggess asked who wrote the job description
 - Trustee Hovis said it was written by himself and Fiscal Officer Drew and that it was reviewed by Atty. Finamore
 - Deanna Boggess asked why is she the only person receiving a new job description
 - Trustee Hovis noted that her position was intended to be a fill-in Administration Secretary first and Police Department second and that is how things have worked since he became a Trustee
 - Trustee Parke noted that her combined position was the only one in the township without a job description

- Trustee Hovis said that she does a good job and that no one has any issues with her job performance
 - Trustee Hovis said the concern was that there were incidents where the Police Department Secretaries refused to fill in at the Administration Building
- Trustee Urchek asked if the job description could be revised as submitted
- Paul Carlson suggested that this be tabled until the next meeting so that the Trustees can meet with Deanna Boggess to discuss this issue
 - Trustees Hovis and Parke said they were fine with tabling
 - Trustee Urchek asked Deanna Boggess if she was fine with this
 - Deanna Boggess said she was not
- Mike Swiatkwich said Deanna Boggess is concerned that she is working in a hostile work environment and that the job description is a separate issue
 - Trustee Urchek asked Deanna Boggess who she talked to regarding her mistreatment
 - Deanna Boggess said she talked to Trustee Hovis and Zoning Commission Chairman Webb
- Chief Miller said this situation has become convoluted
 - Deanna Boggess does a good job at the Police Department
 - Both secretaries are valuable and he needs them both
 - Does not believe the job description was done as a punitive measure
 - Asked that the job description be tabled so everyone can get on the same page
 - Agrees that notion of a hostile work environment is a separate issue that should be discussed at a later time
- Trustee Urchek said he would like to have an informational meeting between Trustees, Police Department, and Zoning
 - Trustee Hovis reminded that a pre-arranged meeting would have to be a Special Meeting with notice being sent to the press

TABLED To either rescind Board Resolution **128-10**, wherein a job description for Zoning/Fill-In Administration/Police Department Secretary was approved or amend the job description as attached.

- Trustee Hovis said the township does not need to start looking for a need fill-in Administrative Secretary until the above issue is resolved
 - Rita Benoit asked why do we need to hire someone if Deanna Boggess is already the fill-in
 - Trustee Urchek said that he placed this on the agenda because the Police Department Secretaries do not want to come to the Administration Building due to the hostile work environment being created by 2 unnamed individuals
 - Deanna Boggess said the Police Department would have to be closed for one of the secretaries to fill in at the Administration Building
 - Chief Miller said he thought this problem was solved because the phones could be forwarded and garage sale permits could be brought to the Police Department
 - Chuck Metheny said Robyn Metheny, the township Administrative Secretary, has worked here for 31 years with no problems until now
 - Hostile work environment are words he does not like to hear
 - For many years, she has had a fill-n for whenever she needed time off
 - Administration Building has always remained open
 - When one Police Department Secretary is off, she would cover Administration
 - The Police Department Secretaries do not work at the same time, so why can't one be in the Administration Building and one be at the Police Department
 - Trustee Parke thanked Chuck Metheny for speaking up for Robyn Metheny

- Atty. Finamore said the problem has gotten way out of hand
 - No one wants to offend anyone
 - It is a common sense thing that both buildings need to be open
 - The problem is resolvable if everyone comes together in good spirit
- Deanna Boggess said that she had never before worked in a hostile environment
 - Never had a personality conflict
 - Always thought she had a good working relationship with everyone
 - Problem is that no one wants to cooperate
- Trustee Urchek noted that the township has a procedure for hostile work environments
- Trustee Urchek said this problem started when it was said that the township would close the Police Department rather than the Administration Building when a fill-in was needed
- Trustee Hovis asked Chief Miller how often the phones were forwarded from the Police Department to the Administration Building with no problems
 - Chief Miller said he was unsure
 - Sgt. Hovis said this happened roughly 10 times per year
- Trustee Hovis said this situation has gotten way out of hand
- Trustee Hovis stated that he had asked Assistant Prosecuting Attorney James Saker about this
 - He would not give a written legal opinion because it was a management issue, not a legal one
 - He did caution that the Administration Building should be open and available to the public every day
- Trustee Urchek noted statistics from surrounding communities regarding the number of residents and the number of secretaries employed by those townships
 - Point is that he thinks the township can survive a day or two without the Administration Building being open
- Mike Swiatkwich said that situations like this need to be mediated in the future so they do not occur again

TABLED To begin the process of hiring a part-time fill-in Administrative Secretary.

Correspondence (Copies available upon request):

- Reminder from Trumbull County Human Resources Department about free seminar on May 24, 2010 discussing Workers' Compensation claims
- Notification from Trumbull County Engineer
 - Will be picking up trash along roadsides from June 4 – August 6, 2010
 - Will need to know if any county roads in the township require clean up
- Estimate from Trumbull County Engineer
 - Centerline and Edgeline Painting throughout the township would cost \$7,453.42
 - This cost does not include fuel charge and any liability and insurance requirements
- Information from the Trumbull County Health Commissioner
 - Animal Rabies Vaccination Clinics to be held Wednesday, June 9 from 1:00-3:00pm
 - Further information has been posted in the Administration Building and on the website
- Trustee Urchek stated that he attended the Human Resources Department seminar
- Trustee Urchek expressed concern that a township employee had an injury back in February 2008 that was never properly documented
 - Chief Lewis said that he has contacted PRM to find out what has to be done
 - Trustee Parke said that issues like this will never happen again
- Trustee Urchek said he is working with the employee to see what can be done about the injury

Administrative Reminders:

- None

Zoning Commission:

- No Report Given

165-10 To authorize Zoning Inspector Nuss, Zoning Commission Chairman Webb, and Zoning Board of Appeals Chairman Michael Swiatkwich to attend the Northeast Ohio Planning & Zoning Workshop at the Avalon Inn on June 25, at a cost of \$50 per person, to be paid for by Zoning.

Motion: Trustee Parke

Second: Trustee Urchek

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

Road Department:

- Road Superintendent Parke requested approval to pay for centerline and edgeline painting, though he thinks the estimate is a bit high
 - Trustee Urchek disagrees with paying for this from the General Fund and believes that the payment should be made from Road & Bridge Fund or from Gas Tax Fund
 - Road Superintendent Parke said that this could throw up a red flag with state auditors if the township starts paying for this service from a different fund than in the past
 - Trustee Parke said this expense has been paid out of the General Fund for 20 years
 - Trustee Parke said the budget in the Road & Bridge Fund is tight
 - If this is paid from the Road & Bridge Fund, then the Road & Bridge Fund will run out of money by the end of the year
 - Trustee Urchek said we can pay for this from the salt money or materials that he does not believe the township will need this year
 - Road Superintendent Parke said the township will most certainly need to purchase salt and other materials again before the end of the year
 - Trustee Hovis said it should be paid for by the General Fund because it is a safety issue
- Road Superintendent Parke asked that he be allowed to spend some money to buy a new truck to replace the 1988 truck he is using and that no one will be able to repair once James Goodhart retires

166-10 To approve the expenditure of \$7,453.42 for centerline and edgeline painting by the Trumbull County Engineer, to be paid for from the General Fund per past practice.

Motion: Trustee Parke

Second: Trustee Hovis

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - No

- Trustee Hovis asked Road Superintendent Parke to elaborate on the plaque situation
 - Road Superintendent Parke said the township recently had a plaque that was ordered
 - The plaque included something that was very difficult to make
 - The plaque was made and now the family wants it to be done differently
 - Trustee Parke said this resolution needs to be passed so this problem does not come up again

167-10 To require that all cemetery brass plaques with built-in bases must be set in granite, not concrete.

Motion: Trustee Parke

Second: Trustee Hovis

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Abstain

- Trustee Hovis asked for an update on the Northview Paving project
 - Road Superintendent Parke reported the following
 - He had spoken to the contractor and they said the tentative scheduled is the first week in June
 - He had arranged parking at Home Savings and Loan for all residents
 - He will do his best to get a letter to all residents at least 2 days before work begins
 - He will alert the Police Department so extra security can be provided
- Trustee Parke complimented Road Superintendent Parke on how good the cemeteries look
- Trustee Urchek gave an update of the Andrews Drive Sewer Project
 - Main line should be done this week
 - Other project is in heavier rock that was not anticipated and will take longer than expected

Fire Department:

- See Attached Report

168-10 To conditionally hire Fire Department volunteers Mathew Lewis and Wesley Whitaker, following negative test results for drug screening and background checks.

Motion: Trustee Urchek

Second: Trustee Parke

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

- Atty. Finamore asked Chief Lewis if the purchase had to be approved by the Prosecutor’s Office
 - Chief Lewis said no because it was under \$25,000

169-10 To approve the purchase of nozzles, valves, rollers, and spanner sets from Finley Fire Equipment at a cost of \$20,348, with \$1,033 to be paid for by the Fire Department and the remainder coming from the Firefighter Assistance Grant.

Motion: Trustee Parke

Second: Trustee Urchek

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

- Trustee Urchek complimented Chief Lewis on his grant writing efforts
 - Chief Lewis said that he is working on two more grants

170-10 To accept the feasibility study conducted by Baker Bednar & Associates.

Motion: Trustee Urchek

Second: Trustee Parke

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

- Chief Lewis asked the Trustees for their input regarding whether or not he could purchase a new pick-up truck in 2010 instead of 2011, when he had planned to make the purchase, because he was being offered a \$13,000 savings if the purchase was made now
 - Trustee Parke asked if the total purchase would go over the \$25,000 limit
 - Trustee Hovis asked if Chief Lewis could get a price on all the equipment the truck will need
 - Atty. Finamore reminded that townships cannot break up the parts of an item being purchased to do an end run around the bidding requirements
 - Atty. Finamore suggested getting the aggregate price for all the items before determining how whether it had to be bid out

- Trustee Parke announced that Fiscal Officer Drew had passed all NIMS tests and asked where her certifications should be filed
 - Chief Lewis said they should be kept in Fiscal Officer Drew's personnel file and copies should be given to Chief Lewis for his files
 - Chief Lewis pointed out that these are required certifications that certain township employees and elected officials must have so the township can receive federal grants
 - If the certifications are not in place, the township will be asked to return any federal grant monies awarded

Police Department:

- Chief Miller would like the Trustees to accept the resignation submitted by Roy Nichols
 - He has turned in all of his equipment
 - He has not worked since that date indicated
 - He has submitted a written copy of the resignation

171-10 To accept the Roy Nichols resignation, effective May 11, 2010.

Motion: Trustee Urchek

Second: Trustee Parke

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

- Trustee Parke informed Chief Miller that some residents had complained about people blowing the stop sign at Timber Creek and Quail Run

Parks & Recreation Board:

- Rita Benoit, Secretary of the Parks & Recreation Board, reported the following
 - May meeting had been rescheduled to Tuesday, June 1 at 6:00pm
 - Tabled the car show idea until next year because the Board was unable to handle it
- Martha Urchek, Member of the Parks & Recreation Board, said the Board would like to know what the township is planning to do about the eyesore caused by dirt that is piled up in the parking lot
 - Trustee Parke said it was piled up because some tennis courts had been torn out
 - Trustee Parke agreed that it is an eyesore and that it is taking up part of the driveway
 - Trustee Parke said the township did not want to dispose of it because of the cost
- Trustee Hovis asked if the Board was waiting on bids or quotes for redoing the parking lot
 - Road Superintendent Parke said he talked to Gary Zuga about a week ago, who said he was behind and had not even begun to prepare the quote
- Rita Benoit asked if the dirt could be moved elsewhere
 - Trustee Parke said this would be difficult
 - Trustee Parke said he would talk to other townships to see if they would like to purchase it
- Road Superintendent Parke asked if the township could sell all the extra dirt
 - Atty. Finamore said that this could be done by resolution
 - Atty. Finamore said that he is willing to prepare the documentation
 - Road Superintendent Parke noted that the money from the sale should go to the park portion of the General Fund

172-10 To declare that the aggregate located in the park is worth less than \$2,000 and can be disposed of by private sale.

Motion: Trustee Urchek

Second: Trustee Parke

Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

Safety Committee:

- Chief Lewis reported that elected officials, supervisors and employees completed drug free work place training
 - All required paperwork has been submitted to the Bureau of Workers Compensation
 - Not sure if we will get the 7% fee reduction, but thought the township should conduct the training anyway
 - Training was provided at no cost
- Chief Lewis reported that the township has attended all required meetings and is well on the way to getting other fee reductions
- Trustee Hovis thanked Chief Lewis and Road Superintendent Parke for all their extra work

Health Insurance Committee:

- Trustee Urchek stated that he would like to table the motion regarding BE Solutions because he has no information about this
 - Chief Lewis said the motion is to replace Commercial Financial Services as the township’s agent of record and Myriad Health as our third party administrator
 - Atty. Finamore suggested that BE Solutions send over an information sheet
 - Trustees Urchek said he would like to see a written proposal
 - Sgt. Hovis said that delaying would cost township employee’s money because many are being sent to collections because the current companies are not getting bills paid
 - Chief Lewis noted that this is simply a change of agent, not a change of policy
 - Trustee Hovis stated that making the change will allow the new agent to get applications and check pricing with other insurance providers
 - Trustee Parke noted that information was presented by BE Solutions at a previous Health Insurance Committee meeting attended by himself and Trustee Urchek

173-10 To hire BE Solutions as Bazetta Township’s health insurance agent of record and third party administrator, effective immediately.

Motion: Trustee Urchek
Second: Trustee Parke
Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

Asked to be placed on the Agenda:

- None

Public Comment:

- Art Kreller asked if he would be trespassing if he were to open a manhole that is township property
 - Atty. Finamore said that he would not provided that he had township permission to do so
 - Trustee Parke recommended not doing this because of confined spaces and fumes
 - Trustee Urchek reminded that he would be talking to Mrs. Yount once the project was done
- Art Kreller asked why his opinion on the sewer matter is different from the opinion given by a previous township attorney
 - Atty. Finamore stated that he was unsure because he did not know what was said by the previous attorney
 - Atty. Finamore stated that the responsibility lies with the person who receives the benefit
 - Atty. Finamore reminded that the Sanitary Engineer’s Office said the sewer would still be in use after the project is over

- Steve Perhach questioned whether the township would be liable if permission was given to Art Kreller and he got hurt
 - Atty. Finamore said no because the township does not actually own the manhole
 - Atty. Finamore recommended that the township does not give anyone permission to do this

- Unnamed resident stated that he has a deed from 1964 that does not say that he owns the road or the sewer and that all the drain spouts drain into the ditches
 - Rita Benoit stated that she had spoken with an engineer who told her that sump pumps and down spouts hook into a different system and that the problem system will only be used for storm water
 - Trustee Parke said that most of the water going into the problem system will be taken care of by the new sewer system once the project is complete
 - Atty. Finamore reaffirmed that the township does not own the system and the law states that the system will never be the responsibility of the township

- Trustee Parke asked Atty. Finamore what the time limit is for replying to public documents requests for Trustee Urchek’s time study
 - Trustee Urchek said he has not complied with the request because he was unclear what was being requested
 - Atty. Finamore said that Trustee Urchek had to provide any and all documents relating to the time study
 - Atty. Finamore said the township must properly prepare all records requested and should not wait too long to do so with 5-10 business days being more than enough time
 - Atty. Finamore stated that the township must respond or face a possible injunction that could cost the taxpayers thousands of dollars

- Unnamed resident stated that he has no use for the sewer system, that he is not responsible for it, and that he returned his certified letter regarding the project

174-10 To adjourn the meeting at 9:28pm.

Motion: Trustee Parke
Second: Trustee Urchek
Vote: Trustee Hovis – Yes Trustee Parke - Yes Trustee Urchek - Yes

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

_____ Dated: _____
 Approved by: Chairman Trustee Paul Hovis