

**RECORD OF PROCEEDINGS**  
**Minutes of Regular Meeting**

**Held at 1219 St. Rt. 183 in Atwater, Ohio; on June 10, 2014**

The Atwater Township Trustees held their regular scheduled meeting at the Atwater Town Hall located at 1219 St. Rt. 183 in Atwater, Ohio on June 10, 2014.

**ATTENDANCE**

Trustees Danny Derberberry, Peggy Baine, Lynn Whittlesey, Fiscal Officer Shawn Renee Miller, Martha Bevard, Russell Bevard, Naomi Wise, Becky Myers, Rodney Myers, Walt Baine, Jim Donovan, Lloyd Myers, Wayne Robertson, Rebecca Whittlesey, John Kovacich, Chief Mel Russell (arrived late after training)

Dan Derberberry called the Regular Meeting to order at 7:00pm. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derberberry - yes.

Meeting was opened with the Pledge and prayer offered to all.

Danny Derberberry asked the Board if they had each received & reviewed the May 27, 2014 meeting minutes for the Regular Meeting and asked if there were in any corrections, all agreed there were no changes. Danny Derberberry requested a motion to accept the minutes from the May 27 meeting as written; Peggy Baine so moved, Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derberberry - yes. Motion carried.

**COMMUNICATIONS**

Nothing received

**FINANCIAL**

Danny Derberberry asked if everyone had received and reviewed the Financial Statements and asked if there were any questions or comment; with no questions or comments. Lynn Whittlesey moved to accept the Financial Statements and the May 2014 Bank Reconciliation; Danny Derberberry second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derberberry - yes; motion carried.

**FIRE DEPARTMENT**

**Old Business**

Danny Derberberry stated that Fire Chief Mel Russell was not present and all items would be held until the next meeting.

**FIRE DEPARTMENT**

**New Business**

Danny Derberberry stated that the Portage County Commissioners provided a Memorandum of Understanding for consideration and adoption regarding the assessment for Portage County Hazmat Response and Portage County Search and Rescue Response Team. The assessment for Hazmat is \$0.21 and Search/Rescue is \$0.02. *(See attached document)*

Discussion had amongst the Board regarding the payment of the assessment; should this come from the Fire Fund or General Fund. Danny stated that currently and years pass it was coming from the Fire Fund. Lynn Whittlesey stated Fire Fund since AFD related.

Lynn Whittlesey moved to accept the Memorandum with Portage County Commissioners for Hazmat Response and Search and Rescue; Danny Derberberry second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derberberry - yes; motion carried.

**ROAD DEPARTMENT**

**Old Business**

- Peggy Baine stated that the pipeline company has paved Moff from Industry to Stroup; \$240K road project and once they are completed with their work they will blend the driveways and chip and seal; sometime in August.
- Peggy Baine stated she spoke with Chris Meduri and he confirmed that road projects over \$45,000 need to go for bid; all other TWP purchases are \$50,000.
- Lynn Whittlesey asked about the original plan to Chip and Seal all of Moff; are we planning to only do the other half now?
  - Peggy stated that she asked the others to field audit the other roads in the Township for ones that may need work
  - John Kovacich recommends that Bank St. be Chip & Sealed to maintain the materials/road

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**ROAD DEPARTMENT**

**New Business**

- Peggy Bainez motioned to Chip & Seal Moff Road from Stroup to 183; Danny Derreberry second the motion.  
Roll Call: Lynn Whittlesey - yes; Peggy Bainez – yes, Danny Derreberry – yes; motion carried.
  - Lynn Whittlesey recommends leaving the rest for next year or doing Bank like John mentioned
  - Danny Derreberry stated he will go look at the roads
  - Lynn Whittlesey stated that Bank could use some work

**ZONING**

**Old Business & New Business**

Jim Donovan stated that each Board member received a copy of his May reports.

- Jim Donovan stated he will be working with Weingart to get that property handled
- More topsoil was placed at the demo site on Fairview
- Danny Derreberry read the following:

**BOARD OF TRUSTEES{PRIVATE }  
ATWATER TOWNSHIP, PORTAGE COUNTY, OHIO**

Resolution No. \_\_\_\_\_

**A RESOLUTION**

A Resolution certifying to the Portage County Auditor the costs for removing a structure located at \_\_\_\_\_, Atwater Ohio, 44201 in the Township of Atwater with P.P.R \_\_\_\_\_.

The Board of Trustees of Atwater Township, Portage County, Ohio met at a regular session, on the 10<sup>th</sup> day of June, 2014 at the Atwater Township Town Hall, with the following members present:

Danny Derreberry  
Peggy Bainez  
Lynn Whittlesey

\_\_\_\_\_ moved the adoption of the following resolution:

- Whereas,** Under Section 505.86 of the Ohio Revised Code a board of township trustees may provide for the removal, repair, or security of buildings or structures that have been declared insecure, unsafe, or structurally defective or are unfit for human habitation.
- Resolved,** that the Township now certifies the amount of \_\_\_\_\_ to the county auditor, which are the costs of removal for the structure located at Atwater Ohio, 44201 in Atwater Township with P.P.R \_\_\_\_\_.
- Resolved,** that the above costs be placed upon the tax duplicate as a lien upon the land from and after the date of entry. The cost shall be collected as other taxes and returned to the Township, at which point the Township will distribute according to any previous executed Memorandum of Understanding.
- \_\_\_\_\_ seconded the motion, and the roll was called on the question of its adoption.

The vote was as follows: <b>Name</b>	<b>Vote</b>	<b>Signature</b>
Lynn Whittlesey	_____	_____
Peggy Bainez	_____	_____
Danny Derreberry	_____	_____

Adopted Tuesday June 10<sup>th</sup>, 2014

\_\_\_\_\_  
Township Fiscal Officer

STATE OF OHIO )  
  )ss.  
COUNTY OF PORTAGE )

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I, Shawn Renee Miller, Fiscal Officer of Atwater Township, do hereby certify that the foregoing is taken and copied from the Record of Proceedings of Atwater Township; that the same has been compared by me with the Resolution on the Record and that it is a true and correct copy thereof.

Witness my signature, this 10<sup>th</sup> Day of June, 2014.

\_\_\_\_\_  
Fiscal Officer

- **RESOLUTION: 24-2014:** 6810 Waterloo Road : Certifies \$17,944.88 PPN:01-028-00-00-014-000: Peggy Baine moved to adopt, Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.
- **RESOLUTION: 25-2014:** 6915 Waterloo Road: Certifies \$6,970.80 PPN: 01-036-00-00-023-000. Peggy Baine moved to adopt, Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.
- FO, Shawn Renee Miller, provided Tax Information print outs for each of the properties demoeed from the Portage County Auditors site to each Board Member as a follow-up from the prior meeting
  - o Shawn Renee Miller explained that the 741 Porter Road property has delinquent taxes as illustrated on the attachment plus the demo costs plus the \$19,500 Judgment Lien from the Township
  - o Lynn Whittlesey stated that a couple farmers are interested in the Porter Rd property and would like to discuss the removal of the Liens as this may make the property more favorable
  - o Danny Derreberry explained that interested parties should contact Chris Meduri and Chris will work directly with them, Vicki Kline (County Treasurer) and the Auditor's Office to work out a sale
  - o Lynn Whittlesey asked if the Board should motion to remove the Lien on Porter Road.
  - o Danny Derreberry said not at this time; just contact Chris
  - o Lynn Whittlesey asked Danny Derreberry if Chris working as a realtor
  - o Danny Derreberry stated that he thinks between Chris and Vicki they need to work on how to get these properties back into ownership with tax payments.

**CEMETERY/REAL ESTATE**  
**Old Business**

- Lynn Whittlesey that last month was a struggle for the Cemetery Crew due to all the wet weather
- Lynn Whittlesey stated that there was a disinterment; all legal and handled, paid as open and close
  - o Martha asked Lynn if the deed was returned to the Township
  - o Lynn stated he will need to look at the deed to see
- Danny Derreberry stated that H. Luli did revise their quote; original quote missed the section of road from the salt shed around the hall to the road. New quote is \$30,014 with 23,670 yards.
- Danny Derreberry asked Lynn Whittlesey if Perrin and/or Tallmadge revised their quotes to include the subgrade work
  - o Lynn Whittlesey stated no
  - o Danny Derreberry stated he really wants to see those so a decision can be made with all three quotes quoting the exact same work
  - o Rebecca Whittlesey (resident) asked if an estimate was received from the Road Crew to do the subgrade work
  - o Danny Derreberry stated no since at the last meeting it was unknown how this could be calculated
  - o Danny Derreberry stated he contact Micki Marozzi, Portage County Engineer, and requested he come walk the Cemetery with Danny and Peggy so he can provide explanation/clarification and his opinion.
    - Micki provided a letter to Danny and Danny read aloud ~ Micki believes there is no problem with Chip and Seal if it is prepared properly, there are some low areas in the cemetery that need to be brought up
    - Rebecca Whittlesey (resident) asked Danny if Micki was aware of the concerns about the equipment on the Cemetery Roads
    - Danny answered yes and that the heaviest equipment would be the vault truck

**CEMETERY/REAL ESTATE**  
**New Business**

Nothing at this time.

**ADMINISTRATION**  
**Old Business**

- Shawn Renee Miller provided the Board with the May 13, 2014 meeting minutes for signatures.
- Shawn Renee Miller provided the Board with the May Bank Reconciliation for signatures

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**ADMINISTRATION**  
**New Business**

- Danny Derreberry stated he needed to read the following Motion regarding Township reimbursement for healthcare; information was brought to the attention to the Board from FO, Shawn Renee Miller, regarding changes due to the ACA Law that the IRS has made ruling that does not allow the Trustees to receive medical premium reimbursements without being taxed. Danny Derreberry stated that until all of the information is received from all parties Shawn Renee Miller has recommended to suspend the reimbursements to the Trustees. Danny Derreberry
  - Danny Derreberry stated that there is a penalty of \$100 per day per trustee in default as of January 1, 2014.
  - Shawn Renee Miller stated that she located the information in a May 2014 newsletter
    - Danny Derreberry stated that he does not have a problem paying the double tax.
    - Lynn Whittlesey stated that the W-2's already show these amounts so it is not a double tax
  - Shawn Renee Miller stated that currently the amounts reimbursed do not show on the W-2; the reimbursements come out of accounting just like turning in a receipt.
  - Shawn Renee Miller stated that her issue with automatically switching the reimbursements over to payroll creates a W-2 salary increase thus an issue with audit purposes/state issue.
  - Shawn Renee Miller explained that per the IRS there are three options (1) stop reimbursements, (2) Trustees enroll in the group plan (3) reimbursement becomes Bonus Payment on paycheck
    - Shawn explained further that becoming part of the group plan is an option, but it costs more and it presents further issues if you are not in office
      - Danny Derreberry stated this is not an option for him since he has retirement benefits and would lose them if he left that plan
    - A Bonus Payment will cause issues with the W-2 total salary with the State and our TWP Audits
  - Shawn Renee Miller states the next step is to speak with the state and determine what taxes need taken out and then UAN to determine how to take the correct taxes

Danny read the following motion:

Temporarily to stop the reimbursement of health care to the Trustees that are receiving it until the tax issue is resolved. Upon resolving the tax issue, reimbursement will be paid retroactively to the day it was stopped minus the taxes owed. Shawn Renee

- Peggy motioned to accept the language as read,
- Shawn Renee Miller stated that Danny in your motion you mentioned Trustees; however the January Motion used the language Elected officials. Shawn Renee stated that she is not taking a reimbursement from the Township; however to keep in line with the original motion the language to this needs changed
- Danny Derreberry changed his motion from Trustees to Elected Officials
- Peggy Baine motioned, Lynn Whittlesey second the motion. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.

AFD Chief Mel Russell entered the meeting and Danny asked him if there was anything he would like to report at this time?

- Chief stated that he and four others were at Maple Wood for testing and 4 of the 5 passed (the 5<sup>th</sup> missed it by two questions)
- Chief stated that the Department is up 30 calls at this time compared to last year
- Shawn Renee Miller requests motion to appropriate Receipts #120-2014 thru #130-2014 totaling \$6,563.57. Peggy Baine moved to approve, Danny Derreberry second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried
- Shawn Renee Miller requests a motion to approve Electronic Funds Transfers with Voucher #70-2014 thru 73-2014 totaling \$461.34. Lynn Whittlesey moved to approve, Danny Derreberry second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Withholding Voucher with Voucher #77-2014 thru 79-2014 totaling \$6,586.65 for May Payroll. Danny Derreberry moved to approve, Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Warrants #32612 thru 32623 totaling \$4,156.40. Danny Derreberry moved to approve; Peggy Baine second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Non-Road Payroll via Warrants #32627 thru 62647 totaling \$8,423.54; Dan Derreberry moved to approve, Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.



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- Shawn Renee Miller requests a motion to approve Township Employee Benefit payments via Warrant #32624 totaling \$2,338.13; Dan Derreberry moved to approve, Peggy Baine second. Roll Call: Lynn Whittlesey - abstained; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Road Department Payroll payments via Warrants #32625 & 32626 totaling \$2,412.64; Dan Derreberry moved to approve, Peggy Baine second. Roll Call: Lynn Whittlesey - abstained; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.

Danny Derreberry requested a motion to pay the bills, Peggy Baine motioned to pay the bills at 8:02pm; Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.

FO, Shawn Renee Miller stated she had nothing additional for review or signature.

Peggy Baine motioned to return to regular session at 8:02pm; Lynn Whittlesey second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.

Peggy Baine asked the Board to go take a look at Petrie and Unger for Chip and Seal.

**Announcements ~ NONE**

Danny Derreberry stated the AFD Car show is at Liberty Bible Church

Shawn Renee Miller stated that the Waterloo School Board meets this Thursday (6/12) at 7:00pm

John Kovacich stated that the War Vets and Knights of Columbus are taking in used flags for proper disposal on June 21<sup>st</sup>

Danny Derreberry stated he met with David Miller from D&M regarding the work at the Park and he will be providing a price for the work to be done.



- o Next Park Meeting Thursday, June 26<sup>th</sup> @ 7:00pm

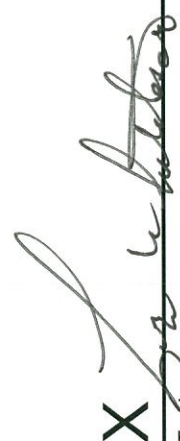

Resident Lloyd Myers stated that the Road Department did a great job getting the Cemetery ready for Memorial Day.

- He also stated that he is interested in the lot on Waterloo by the Motel (6915 Waterloo Demo). Stated that he has already spoken with Regional Planning and Janet's Office and that he was instructed to come to a meeting with the TWP Board. Stated he will now call Chris Meduri.
- He asked the Board if there was any information about an injection well going in on Bank Street? The Board was not aware. Lloyd stated that he is for the drilling but has concerns about the injection well and others contaminating our area and would hate to see that go in there.
- He also stated that a few weeks ago at German Church and Petrie at the water at about 10:30 at night there were gun shots and it goes on often.
  - o Danny Derreberry & Jim Donovan instructed him to contact the Sheriff's Office.
- He also stated that the home by the laundry mat holds target practice in the NE Corner and the neighbor is afraid to go out in their own yard. Lloyd is concerned about shooting occurring so close to the town square; again instructed to contact the Sheriff.

Danny Derreberry asked if there was anything additional; all agreed nothing additional.

Danny Derreberry requested a motion to adjourn the meeting at 8:13pm; Lynn Whittlesey so moved, Danny Derreberry second. Roll Call: Lynn Whittlesey - yes; Peggy Baine - yes, Danny Derreberry - yes. Motion carried.

 X  X  
Trustee Trustee

X  X  X  
Trustee Fiscal Officer