

# RECORD OF PROCEEDINGS

Minutes of Regular Meeting

Meeting

DANTON LEGAL BLANK, INC., FORM NO. 10148  
 Held \_\_\_\_\_ on September 24<sup>th</sup>, 2013

The Atwater Township Trustees held their regular scheduled meeting at the Atwater Town Hall located at 1219 St. Rt. 183 in Atwater, Ohio on September 24<sup>th</sup>, 2013.

### ATTENDANCE

Trustees John Kovacich, Danny Derreberry, Lynn Whittlesey, Fiscal Officer Shawn Renee Miller, Martha Brevard, Naomi Wise, Fire Chief Mel Russell, Becky Myers, Rodney Myers, Tom Eland, Richard Boyd, Shirley McAlister, Jack Keen, John Lanham, Leo Lanham, Walt Baine, James Conley, Clyde Custer, Jim Donovan (Atwater Zoning Inspector), Peggy Baine, Fran Croft

John Kovacich called the meeting to order at 7:10 pm. Roll Call: Dan Derreberry - yes; Lynn Whittlesey - yes; John Kovacich - yes.

John Kovacich asked the Board if they had each received & reviewed the Sept. 10<sup>th</sup> meeting minutes. Lynn Whittlesey moved to accept the minutes from September 10<sup>th</sup>, 2013 via Draft #2; Dan Derreberry second. Roll Call Vote: Dan Derreberry - yes; Lynn Whittlesey - yes; John Kovacich - yes. Motion carried.

### FINANCIAL

John Kovacich asked the board if they had a chance to review the Township Financial reports dated September 24<sup>th</sup>. All agreed they had received & reviewed. Lynn Whittlesey moved to accept the Township Financial Reports as of September 24<sup>th</sup>, 2013; John Kovacich second. Roll Call Vote: Dan Derreberry - yes; Lynn Whittlesey - yes; John Kovacich - yes. Motion carried.

### COMMUNICATIONS

NONE

### FIRE DEPARTMENT Old Business

- 1) Chief Mel Russell stated that Advanced Floor is ready to come in and sand the topcoat to resal. Chief expressed concerns with the expansion joint in the floor; there is cracking occurring in the filler at the surface of the color coat. Advanced Floor believes that the floor is moving; Chief disagrees as there are NOT cracks elsewhere in the floor. Advanced Floor will NOT stand behind the cracking in the joints.

Lynn Whittlesey asked if filler was done before or after the sealer.

Chief Russell & Dan Derreberry both believe it was done before, otherwise how would it be sealed correctly.

John Kovacich asked how big the expansion joint, 1/2 inch, 3/8 inch is.

Chief Russell believes 3/8 inch. In addition, at the location of the squad there are chips in the floor paint. Advance Floor states this is due to rocks in the tires; again Chief Russell disagrees as there would be chips everywhere, not just one spot.

Chief Russell stated he will contact Advanced Floor again on 9/28 to schedule a meeting and asked that Dan Derreberry be present for the meeting to get this all sorted out.

Chief Russell expressed his concern with the weather; Advanced Floor had indicated they wanted/needed to get this done by October due to the changing in weather & temps in the

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fall/winter. Chief Russell stated that the last time this was done; the equipment had to sit out for 3-4 days.

- 2) Chief Russell then spoke about the Don DeCrane Records Request and provided a stack of copies to the trustees for delivery to DeCrane. Stated that everything that was within the AFD Files is in the stack, Training Signature Pages. Not all Outside Agency records are kept by the department; they are kept by the particular agency.

Chief then stated that Dan Derreberry was provided a letter by Paula Baughman for the records request. Dan Derreberry stated he did not have the letter

- 3) Dan Derreberry stated that Paula Baughman attended an online BWC Grant writing course and provided a summary via letter to the Trustees of the Grant. (she was unable to attend the meeting)

Total charge to replace the cot in Squad 1112 with the same cot has recently purchased PLUS the loading mechanism to load the cot in and out of the squad = \$41,169.20; with BWC paying \$27,446.20 and AFD paying \$13,723.00 (compared to the new cot purchased in 2013 = \$13,962.63).

Trustees questioned how the math calculation can be correct when they were told it was 3:1 ratio. Dan Derreberry was unsure; **this is pending until 10/8 meeting.**

Lynn Whittlesey expressed concern about service contracts; Chief Russell agreed.

Lynn Whittlesey asked if current grant for NEW Cot could be used to add a power load system to the cot recently purchased.

Chief Russell stated yes.

Lynn recommends a NEW Cot only, concerned about the load system being able to be transferred to a new squad and costs associated.

Again, decision pending until 10/8 meeting, request for 3 pricing scenarios.

- 4) Tom Eland spoke regarding the Fire Association recently purchased AFD shirts for the staff at \$143.00 for 21 shirts and requested reimbursement.

Lynn Whittlesey stated in the future, please make the request upfront for proper accounting procedures.

Dan Derreberry moved to reimburse the Association \$143.00 for 21 shirts for the staff from BC 12-2013; John Kovacich second. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes; motion carried.

Fiscal Officer, Shawn Renee Miller, requested a copy of the actual invoice for accurate reimbursement. Tom Eland stated it would need to come from Tom Nellis.

- 5) Dan Derreberry requested Executive Session to review the AFD Letters due to extenuating circumstances.
- 6) Chief Russell requested an Executive Session to discuss Fire Department Personnel.

**FIRE DEPARTMENT**  
New Business

Nothing new at this time.

**ROAD DEPARTMENT**  
Old Business

- 1) John Kovacich provided an update on the water issue at the Lanham property at 1328 Bank Street. Worked with Portage County on the pipe 2 ½ feet below the stone at the tracks. Confirmed it is plugged at the tracks; John is concerned with what is under the tracks.

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Went to Depot and worked back to the tracks and stopped, again don't know where pipe goes from/at the tracks. In addition, they worked at the pipe in front of Mr. Lanham's.

James Conley asked if the work done was still going to flood Mr. Lanham's basement?

John Kovacich stated he doesn't know, it could happen.

James Conley asked if anyone spoke with Fred Martz?

James Conley feels the Board should hear what John Lanham has to say. He stated that John Lanham was treated very poorly after the hole was dug and they were closing it up. Neighbors complained to Conley.

Lynn Whittlesey asked James Conley if he was giving first-hand information?

Mr. Conley stated no, but John Lanham and his neighbors believe that you cannot treat senior citizens that way.

John Kovacich stated the issue was located, cleaned in the right-of-way, put back and the Township is done.

Mr. Conley agreed but Mr. Lanham's basement has flooded three times and equipment has been replaced.

John Kovacich asked John Lanham when the situation happened; was it Thursday when hole was dug and being jetted or on Friday when they were backfilling?

John Kovacich stated that they need to dig to the mailbox to keep off the edge of the road.

Leo Lanham stated the drain inlet is too low.

John Kovacich asked John Lanham if the Township brings in more dirt will that make him happy with the situation. John then stated to John Lanham that you wanted the pipe lower and road cut off a foot; then additional dirt.

Walt Baine expressed concern, there should be a guard rail installed due to the depth of the hole at the road.

Dan Derberry explained that Jim from Portage County Soil & Water Conservation District was brought out due to the water on the road and resident safety. He then stated that if there is nowhere for the water to go; it will need to seep into the ground but obviously will not keep up when there is a lot of water.

James Conley stated that Portage County claims the water goes to Waterloo Road.

Lynn Whittlesey states, not trying to be disrespectful, but if you are in an operating room you TRUST the surgeon, the same thing here. John and Road Crew have experience and you have to trust them.

Leo Lanham asked why is this taking three years? Why do you (the Board) not care or check with the older resident? Stated he does not have faith in the system.

John Kovacich asked Leo Lanham where does the pipe go?

Leo Lanham said on the hill down past the house into the storm drains, no problem until the sanitation system was put in. They agreed to fix broken tile and was never done. Finally did on Elm.

Trustees asked Leo Lanham when was the sanitation system put in.

Leo Lanham, stated 1968-1969.

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Lynn Whittlesey asked if the gas line had something to do with the issue,

Leo Lanham state NO it didn't, in his opinion.

Lynn Whittlesey said Road Department put drain in and ran into a bunch of electric wire mess.

Leo Lanham stated that was at the Winter's Property on Bank

Lynn Whittlesey stated Township is concerned about the Road Water not resident footer water.

Lynn Whittlesey and John Kovacich encourage Leo Lanham to contact the state and local representatives if he wants things changed.

Leo Lanham states you Trustees are getting paid; don't you think you should make the contact?

Lynn Whittlesey reiterated that Trustees are governed by the State

Walt Baineey stated that 25 years ago he was contacted for a pipe installation from Fairview & across his property to drain water.

John Kovacich stated he will make up work order for the Road Department for Friday 9/27 to correct the issue at the Road for Mr. Lanham and will be on site.

- 2) John Kovacich stated that the Chip and Seal project is up to date; ALL major roads have been done in last four years with exceptions of shorter side streets.

Peggy Baineey stated that has always been done.

- 3) John Kovacich stated that the old pump was shipped back to Skid Steer Solutions. New one has been installed.

- 4) Walt Baineey asked why the vacant Residence at Petrie & Laubert has not been brought up for removal.

Jim Donovan (Zoning Inspector) states that is one that is can be added to the list along with the one next to the motel on Waterloo.

John Kovacich states that within the past year that property has become unsecure.

- 5) Richard Boyd asked the Trustees if there was an ordinance for barking dogs.

Jim Donovan (Zoning Inspector) there is NOTHING in Zoning at this time. States to call Sherriff &/or Dog Warden and get with the Zoning Commission to get something in the books.

Richard Boyd asked if was allowed to shoot guns into the air.

Peggy Baineey spoke about there is something about firing off Firearms in the Town Center

Richard Boyd stated I am just firing them in the air to quiet them down.

Lynn Whittlesey stated that just like "Engine Brake Signs" mean nothing; actually cause them to do more.

#### ROAD DEPARTMENT New Business

Nothing new at this time.

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Old Business**

Jim Donovan provided updates on the following:

- Walter Smith Property received no bids
- Property on Lake Street; would rather work with him
- 1300 Porter Road vacant and concern of grass growth; now at Sheriff Sale in October
- Next one in line for demolition is the one next to Motel
- Property on 183 is being cleaned up by the bank

Leo Lanham questioned the Board about running people off their property and then it turns into a junk hole mess.

John Kovacich states there are a lot of years involved to get to Sheriff Sale; the Township tried to block of driveway so dumping would stop.

Leo Lanham states that the Township ran him out with nowhere to go.

Jim Donovan spoke up and states the Smith Property goes back 10 years or more

Leo Lanham states Township got on him for trash and junk cars, ran him out and now the property is worse off

Richard Boyd spoke about property next to him, he is stuck with the mess and working with the property owner, not the Trustees Fault.

Dan Derberry spoke of policy, procedure and the court system; everything takes longer than anyone expects. Dan then asked Leo Lanham\_Do you not want Zoning?

Leo Lanham states you cannot sell something that is a mess.

John Kovacich looking into the next steps with the Smith Property. There were zoning violations, numerous court cases and this is where we are now.

Nothing new at this time.

**ZONING  
New Business****CEMETERY/REAL ESTATE****Old Business**

Lynn Whittlesey spoke about the Water Well. Contacted Alliance Water Conditioning and a quote was received for \$350.00. Davidson was also contacted, but nothing has been received to date. Lynn Whittlesey requested approval to use Alliance Water for the water well at the hall based on the quote of \$350.00 and indicated it could be paid for from BC 22-2013. Trustees agreed to allow Lynn to move forward.

Nothing to report at this time.

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

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**ADMINISTRATION****Old Business**

Fiscal Officer Shawn Renee Miller provided update on the AT&T invoices. Spoke with AT&T and was able to secure all three lines at \$25.00 per month fee and \$10.00 per month for long distance and ALL are guaranteed for 24 months. All services remain the same and new amounts could take 1-2 billing cycles but will monitor.

Trustees signed the minutes from the August 27<sup>th</sup> meeting.

Lynn Whittlesey moved to accept to LifeForce Accounts as resident waivers in the amount of \$120.11; Dan Derreberry second. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes. Documents signed and returned to FO for processing.

**ADMINISTRATION****New Business**

Shawn Renee Miller informed the Trustees that the OTARMA Liability renewal is coming up January 1<sup>st</sup>. She was in contact for clarification the payroll amounts as she was unable to determine how the amounts were calculated previously. The Questionnaire that is sent to the Township is simply the current information so that OTARMA can begin working on the renewal.

DEPARTMENT	REASON	AMOUNT	NOTES	Motion		Roll call vote
				Enter Name	Enter Name	
Road Department BC	3-6-2013: Repairs/Maintenance	\$6,500.00	Replaces #35-2013	John	Lynn	Dan-yes, Lynn-yes, John-yes
Road Department T/N PO	77-2013: Operating : DJL	\$4,959.00	Adjustment to payment	John	Dan	Dan-yes, Lynn-yes, John-yes
RD & AFD PO	80-2013: 4th Quarter & Jan Vision Premiums	\$194.84	Replaces #60-2013	John	Dan	Dan-yes, Lynn-abstained, John-yes
AFD & Road Dept. PO	81-2013: Medical Claims/HRA Payments	\$2,000.00		John	Dan	Dan-yes, Lynn-abstained, John-yes
		\$13,653.84				
AFD PO	78-2013: 4th Quarter & Jan Medical Premiums	\$4,159.40	Replaces #49-2013	John	Dan	Dan-yes, Lynn-yes, John-yes
AFD PO	79-2013: Annual Fire Dependents Fund	\$150.00		John	Dan	Dan-yes, Lynn-yes, John-yes
TWP BC	37-2013: Operating Supplies	\$1,500.00	Replaces #25-2013	John	Dan	Dan-yes, Lynn-yes, John-yes
		\$5,809.40				

- Shawn Renee Miller requests motion to appropriate Receipts #217-2013 thru 230-2013 totaling \$13,199.44 as of 09/24/2013. Lynn Whittlesey moved to approve, Dan Derreberry second. RCV: Dan Derreberry – Yes; Lynn Whittlesey – Yes; John Kovacich– Yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Non-Road payments via Electronic Voucher #82-2013 thru 87-2013 totaling \$306.24. Lynn Whittlesey moved to approve; Dan Derreberry second. RCV: Dan Derreberry – Yes; Lynn Whittlesey – yes; John Kovacich– Yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Non-Road payments via Warrants #32026-32041 & 32054 & 32055 totaling \$19,129.26; Dan Derreberry moved to approve; John Kovacich second. RCV: Dan Derreberry – Yes; Lynn Whittlesey – yes; John Kovacich– Yes. Motion carried.
- Shawn Renee Miller requests a motion to approve Non-Road Payroll payments via Warrants #32042-32048 & 32053 totaling \$3,172.40; Dan Derreberry moved to approve; John Kovacich second. RCV: Dan Derreberry – Yes; Lynn Whittlesey – yes; John Kovacich– Yes. Motion carried.

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Shawn Renee Miller requests a motion to approve Road payments via Warrant #32049 & 32050 totaling \$2,160.23; Dan Derreberry moved to approve; John Kovacich second. RCV: Dan Derreberry - Yes; Lynn Whittlesey - abstained; John Kovacich- Yes. Motion carried.

Shawn Renee Miller requests a motion to approve Road Payroll payments via Warrants #32051 & 32052 totaling \$2,215.33; Dan Derreberry moved to approve; John Kovacich second. RCV: Dan Derreberry - Yes; Lynn Whittlesey - abstained; John Kovacich- Yes. Motion carried.

Announcements

- Historical Society Meeting 9/25 with Landscaper Artist as Special Guest
Lions Club Candidates Night to be held 10/21 @ 7pm at the Atwater Townhall
AFD Breakfast on 10/13 from 8am to 12pm.

Walt Bainey advised the Board that his street light investigation is on hold as Robyn (past contact) is coming back to First Energy and she will get his questions answered.

Dan Derreberry provided an update on the AFD Painting of the inside of the Station; it is complete and looks great.

John Kovacich moved to go to Executive Session at 8:54pm to discuss Fire Department Personnel and the language for the AFD letters; Dan Derreberry seconded. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes. Motion carried.

At 9:26pm John Kovacich requested a motion to return to regular session; Dan Derreberry second. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes. Motion carried.

Lynn Whittlesey explained no decision nor action will come of the Executive Session as the Board wants additional Legal Counsel to review for verbiage.

John Kovacich moved to pay the bills at 9:28pm; Dan Derreberry second. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes. Motion carried.

John Kovacich moved to return to regular session at 9:30pm; Dan Derreberry second. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes. Motion carried.

John Kovacich moved to adjourn the meeting at 9:31pm; Dan Derreberry second. Roll Call Vote: Dan Derreberry-yes, Lynn Whittlesey-yes, John Kovacich-yes. Motion carried.

X [Signature] Trustee
X [Signature] Trustee

X [Signature] Trustee
X [Signature] Fiscal Officer