

APRIL 10, 2013

- 1. Call to Order-Roll Call**
- 2. Pledge of Allegiance**
- 3. Minutes**
- 4. Fiscal Report**
 - A. Financial Statement**
- 5. Maintenance Report**
- 6. Zoning Report**
- 7. Fire Department Report**
- 8. EMS Report**
- 9. Crime Watch Report**
- 10. Committee Report**
- 11. Unfinished Business**
 - A. Solid Waste Plan Resolution**
- 12. New Business**
 - A. Maintenance Dept. Budget/Expenses/Gas Card**
- 13. Announcements**
 - A. Next Meeting May 8, 2013**
- 14. For The Good of the Order**
- 15. Adjournment**

MARCH 13, 2013

The March 13, 2013 meeting of the Ellsworth Trustees was called to order at 7:02 pm. A quorum was established with a role call: Trustee Laura Lewis present, Trustee Curtis Morrison present, and Chairman William Spellman present. Also present were Karen Grittie Fiscal Officer, Fire Chief Robert Sternburg, and Bob Russo for security and 8 visitors. Western Reserve News was videotaping. Added to the agenda were the zoning fees that were tabled last month. Trustee Lewis indicated Mr. Spencer had an addition to the agenda. Mr. Larry Spencer asked that Chairman Spellman give an update on his position on the Land Bank. A moment of silence was observed for the passing of Denny Hardinger, Maintenance facilitator and Ed Vitikas. They will be missed. The Zoning Inspector's sister is very ill. The trustees will be going into executive session to discuss maintenance personnel. The Pledge of Allegiance was recited.

MINUTES: Trustee Lewis made a motion to accept the minutes of the February 13, 2013 trustee meeting. Trustee Morrison seconded the motion. All in favor.

FISCAL REPORT: The bank balance was \$925,768.96. The following correspondence was passed out: Salem Hospital invited area officials to attend ceremony for new patient wing, The Mahoning Valley Historical Society nominations and preservation award was given to Chairman Spellman. Trustee Morrison took information on leased land. Chairman Spellman took Canfield Fair Government Building form. Chairman Spellman took the information from ODNR on parks. Earn to Learn is a training program through ODJFS. Trustee Morrison took the ODOT registration form for upcoming seminars pertaining to roads. Chief Sternburg said with the budget cuts, the local fire departments are expected to depose of meth labs. Chief Sternburg will not do that as the department is not trained for that. Chief Sternburg will find out who will now be doing the clean up. A letter from Workers' Compensation was received pertaining to EM Cap which is when you are no longer in a group rating. By participating in program in 2013, the premium is reduced. The trustees were each given a packet concerning EM Cap and the contact information. A resolution to approve the permanent appropriations for 2013 and the permanent appropriations were given to the trustees. The resolution must in to the Mahoning County Auditor before April 1, 2013. Resolution was made by Chairman Spellman and seconded by Trustee Lewis. All in favor. Quest, the ambulance billing company, needs the billing updated as nothing has been turned in since September 2012. This is the only funding for the ambulance. Chief Sternburg commented another officer is training to do computer records that go to state. Brian (O'Neil) had done that. Quest is willing to train additional people to do chart work. Chief Sternburg will speak to Brian (O'Neil) about additional people being trained. The Fiscal Officer brought up to Trustee Morrison the bill for the heating oil delivered to the fire and maintenance departments. Trustee Morrison will contact AgLand again. The fiscal Officer also asked for an update on the water testing at the maintenance department. Trustee Morrison wants a month of good testing on the chlorine and then he will look at the other filters and maybe going to a local water company. He added some small parts have been changed and some tweaking has been done. The water is getting better. The Fiscal Officer discussed a zoning permit from January and asked the Zoning Inspector how he got to the amount he charged. After reviewing the figures, the zoning inspector charges \$200 for porches, patios and porticos that we do not have a fee for. The Fiscal Officer said this amount should be refunded. Also the article summarized in Grass Roots Clipping on legal bills and an article on Obamacare was given to the trustees.

MAINTENANCE: The blades for the zero turn mower were sharpened and paid for by an employee, who will be reimbursed. The following need to be completed: Flag inventory, double check the road sign inventory, check the heating fuel, and replace the light switch in sheriff office. Trustee Lewis asked about the sign inventory paperwork, which is at the maintenance office. The county needs to know how many signs Ellsworth will need. The hall in the administration building needs the walls painted, the carpet replaced, and the blinds dry cleaned. The room needs freshened. The Christmas tree disposal area has been cleaned up and the sign removed. A notice needs to be in the Round Up to take down the Christmas decorations in the cemetery. Organizing the maintenance garage has begun. Jeff Williams will apply the treatments at no charge. Trustee Morrison talked to Jeff Williams who would like to do 5 applications on the ball fields at \$200 per application plus aeration. Trustee Morrison suggested we open an account at Lesko. The applications would be done with pre approval. If enough improvement is seen, we may do less applications. Snowplowing bill was given to Fiscal Officer. Tax exempt certificate was faxed to Mr. Williams 2 times. Mr. Williams gave copies of liability insurance, workers comp certificate, and 5 step plan for ball fields. Matt Stroney asked if the other township buildings would be fertilized and suggested Green Valley be considered for purchasing fertilizer as it is local too. Trustee Lewis felt the ball fields were the first priority. Trustee Lewis commented the executive session for maintenance personnel should be at the end of the meeting.

ZONING: The Zoning Inspector was absent due to his sister's illness. The Zoning Commission has looked at zoning fees in the surrounding areas. The following fees were sent from the Ellsworth Zoning Commission:

RESIDENTIAL

Single/Multi/Family dwelling – frame with vinyl construction \$75 per sq. ft Attached garage new
\$25 per car capacity Porches, decks, and carports
\$25 flat fee Detached structure (storage buildings, sheds, private garages and pole barns) \$25 per sq. ft. Home and building maintenance, ex. New roof, siding and window replacement, inside remodeling, including other type repairs (UNLESS FOOTPRINT CHANGES) NO PERMIT REQUIRED

(Fee calculated at \$4.50 per thousand of improvement)

BUSINESS/INDUSTRIAL – NEW CONSTRUCTION OR ADDITIONS

Warehouse/Storage/Church/School Office \$40 per sq ft Warehouse/Storage with
\$45 per sq ft Professional/Business/Office/Retail/restaurant

sq ft \$55 per sq ft Industrial/Manufacturing/Assembly \$60 per

(Fee calculated @ \$4.50 per thousand of improvement)

SIGNAGE

Temporary directional signs authorized for a period of six (6) months resolution – Section XV, K, 8)	\$5.00 per sign	(Refer to Zoning
Home Occupation	\$25 flat fee	
Commercial Sign	\$65 flat fee	
Billboards	\$125 flat fee	
Fund Raiser/For Sale/Yard Sale	NO FEE REQUIRED	

FENCES

Residential	\$25 flat fee
Commercial/industrial	\$0.10 a running ft

HEARINGS

RESIDENTIAL/BUSINESS/INDUSTRIAL

Zone Change Request	\$350
Appeal/Variance	\$400

NEWCONSTRUCTION PROCEDURES FOR ZONING PERMIT

Accurate set of prints 24 hrs in advance for review – Site Plans and prints
Clearly marked property pins

Call the Zoning Department before and after digging foundation

Modifications to building found on final inspection that have not been reported will be subject to permit fees

MINIMAL ZONING FEE: \$25.00

VIOLATIONS AND PENALTIES

Ohio Revised Code 519.99 has been amended from \$100.00 to \$500.00 for fine penalty.

(Failure to secure Zoning Permit before construction will automatically double permit fees.)

Trustee Morrison explained the \$75 per square foot is used to put a valuation on the construction. That valuation is used to calculate \$4.50 per thousand to calculate the cost of the permit. We are lower than most. On the sheds, under residential, Chairman Spellman felt there should be a notation that the shed was “permanent” and not like the Amish shed (moveable). Clarification of the term “footprint” as to does it include width and length, only or also height, is needed. Trustee Morrison added that the old zoning book said it was over \$500, a permit was needed. Now the new resolution encourages maintenance of the home. All of the fees are calculated at \$5.00 per 1000 of improvement versus the previous \$4.00 per thousand. A discussion of what other areas charge per thousand ensued. Chairman Spellman thought \$4.50 per thousand was a fairer amount and still funded the zoning. Trustee Lewis did not feel any fees should be raised. Trustee Morrison countered with every year we have to supplement the zoning. Trustee Lewis fundamentally disagrees and doesn’t feel the fees need raised. Trustee Morrison commented even at \$4.50 we are the lowest in the surrounding communities that are zoned. Chairman Spellman and Trustee Morrison both like the idea of \$4.50. The Business/Industrial has been broken down for more clarity. Prior there was a flat fee of \$75 per square foot. The \$5.00 per thousand was changed to \$4.50 per thousand for uniformity. Trustee Morrison gave clarity on the sign fees as being a “one time, flat fee”. Chairman Spellman commented that \$0.15 per running foot for a Commercial/Industrial fence seemed like a lot..Chairman Spellman asked if there would any objection to changing the Commercial/Industrial fence fee to \$0.10? The fee was changed to \$0.10 per running foot. Previously the appeals fee was \$300. Trustee Lewis said this is crazy. An appeal is your judicial right. The ORC does not speak to charging fees for appeals. Trustee Lewis looks at it this way, if we are a government that serves of the people, by the people, for the people, we are supposed to provide services. We have \$900,000 in the bank. We do not need to be charging our residents \$25 for a little sign. If we were in the red and having a tough times, then we could look at raising fees. We are doing fine. We should focus our time on writing grants, so we don’t have to spend the people’s money for the projects we are doing and nickel and dime them for every little thing. I totally disagree with it. Chairman Spellman responded to Trustee Lewis that we did not get that much money in the bank by charging too much for zoning fees. We’ve done

it by prudent fiscal, responsible measures. Trustee Lewis said if we continue with those same principals, why would we raise the cost? If someone has a violation, they have the right to appeal. To have the cost of the appeal higher than a zone change or variance, you are saying in that case you don't agree with the zoning. So I can see the cost to that appeal in asking for special arrangement or zoning that you are asking for. It should be easier to appeal a decision of the zoning inspector. Trustee Morrison said that fee doesn't even cover the cost of the appeal hearing which is over \$400. Trustee Morrison said if the appeal was free; you would have an appeal every week. Trustee Lewis countered there would only be an appeal if a violation was found, so how many violations are we issuing every week? Trustee Morrison said if you take someone to court there is a filing fee. Trustee Lewis disagrees with the appeal fee. Chairman Spellman said the right to appeal is not taken away, but there is a fee associated with it. Trustee Lewis felt it should cost more for a zone change or variance, than an appeal. Chairman Spellman said in his tenure he has maybe had one person upset with the zoning fees. Trustee Morrison commented the people of Ellsworth voted in zoning and there is a cost associated with zoning. Trustee Lewis countered the people are already paying taxes and we aren't in the red. Trustee Morrison said every year a check for \$8000 to \$10,000 is signed for a transfer to zoning. Trustee Lewis said she is not looking at it like that. We collect enough taxes to run zoning now. That is my point. Chairman Spellman said if we do nothing else each year we can run zoning until we are broke. Trustee Lewis is not saying to run us into the ground. Chairman Spellman said he has not heard from the people objections to the fees. Trustee Morrison said a new item is if no zoning permit is gotten before construction begins, the penalty is a double fee. He added every other township has a similar clause. Chairman Spellman added the ORC 519.99 has been amended from \$100 to \$500 fine penalty, which is being applied evenly throughout the state. The Fiscal Officer asked if there was a time limit on the doubling of the permit fee as a fine, or is it whenever it is found to be constructed without a zoning permit? Chairman Spellman replied there is no time limit. Chairman Spellman continued that this is the trustees' power and decision. Trustee Morrison commented this is not in the zoning book so we can amend it and work with it. Chairman Spellman said this is comparison of 2005 and 2013. A break has been given in some areas and increases that are very low. Trustee Morrison made a motion to accept the fees as discussed and changed to start June 1, 2013, seconded by Chairman Spellman. The vote was Trustee Lewis No, Trustee Morrison yes and Chairman Spellman Yes. Trustee Lewis said for the record, "For the business and industrial how they break that down, I actually agree with that. I like what they did there. It takes the overall \$75 per sq ft. It is more specific to warehouse storage space, office business, I can understand what they did there. Plus the fee goes in the right direction as far as I am concerned. The rest of it, if you are starting off building a house these days, and you come to Ellsworth Township, I think our fees are just fine and I would never raise the fee on somebody who is trying to build a home in this kind of economic situation. I don't care if it is 50 cents more per thousands, foot, I think we're going to be collecting taxes from you for a long time. I say my hat's off to you, go build your house. We're not going to stand in your way or make it harder. I just think we should be taking our fees the other way. Chairman Spellman commented, "Trustee Lewis said a lot there. We are fair in that we are not the cheapest or highest. We welcome people to Ellsworth, but there is a price to doing business. Chairman Spellman has not heard any complaints about this. For prosperity's sake we hear these things but they do not always get recorded. So when people look at them in years to come; they only hear half the rationale. I let these minutes go tonight in hoping we do not as a board, work together about these things and we don't say some of these things how we say them. I think that's up to those individuals to do that. Ms. Grittie can put these down as minutes, but there's a certain point we can make these minutes 7 pages long again, and we can do it again and go that direction. And we can take and try to correct these again, but I've got to go through and look for changing paragraphs and listen to an opinion that we've had a legal opinion about, certainly to say before we go into an executive session to you I'm out voted doesn't show that you're doing the process. And when you say a person being named in a suit, you're not comfortable putting them on a board, tells exactly how you feel about zoning. And you should feel this and you should realize this that you are appointing people to that board and you continue to hear about hearing a case. I think there is something flawed with that and I think you should excuse yourself from that. Instead of making those comments. That can go on the record." Trustee Lewis said "I would like you to add the fact that no increase is necessary in my belief or perspective, because the tax dollars are still sufficient to run the township and run zoning."

FIRE DEPARTMENT: In the last month there have been 1 mutual aid structure fire with North Jackson, 8 emergencies, and 4 motor vehicle crashes. Mutual aid was received from Berlin Center and mutual aid given to North Jackson and Berlin Center. North Jackson is holding a class on extradition for new hybrid cars. The cost of the class is \$200 for entire fire department. Trustee Lewis shared information on a \$500 grant for safety equipment reimbursement. Two safety belts for the top of the ladder are needed; along with the slings we purchased earlier would make up the \$500 to be reimbursed. Trustee Morrison asked if this grant was secure to receive and Trustee Lewis said yes. There is a class in Wayne County on Oil Field Emergencies at a cost of \$50 each. We would send 2 officers and 2 senior fire fighters for a cost of \$200. All the training classes can be reimbursed through the state. Chairman Spellman said maybe the township could pay for rooms outside the fire department budget. This will be discussed at a later date. Trustee Morrison said a few years ago we had an open policy that he did not want our fire fighters at a well fire with equipment they know nothing about unless an industry expert is there. If it explodes, I'm looking at the safety of the fire fighter. I'm not worried about their equipment. Chief Sternburg said the equipment is going to do what it will do. The main concern is the life safety of the workers and fire fighters. We're going to do what we have to do to protect life. Jess Warren is working on the EMS office. Brian O'Neil will have more information on a computer and printer that was budgeted for. Chief Sternburg had an application from Mike Gomori who is a 240 fire fighter and currently is in EMT classes. Mr. Gomori needs his physical and to pass the agility test. Tom Toporcer has returned and was reinstated as a 240 fire fighter and a paramedic. Trustee Morrison made a motion for \$969 for hand light batteries, hybrid cars training, ladder belts, oil for jaws, oilfield training. Also to approve Mike Gomori as probationary fire fighter and to reinstate Tom Toporcer as fire/medic. Seconded by Trustee Lewis. All in favor.

EMS REPORT: Included in Fire department

CRIME WATCH: No report.

COMMITTEE REPORTS: TRUSTEE MORRISON is looking at the health insurance. The new bid's increase is much less than the increase in cost in 2011 and 2012. He is still looking. The new Generation 911 center will be dedicated on March 22, 2013 at 10:00 am. Chief will see if a representative from the fire department will attend. This is the same day as the Salem Hospital patient tower.

TRUSTEE LEWIS has updated the website with the minutes and the new zoning committee member. Trustee Lewis is looking into exempt sign for Norfolk Southern rail road crossings in township, so busses will not have to stop if the crossing is not in use. The PUCO stated the crossings are state controlled. A letter will be sent to the PUCO asking for a hearing with the school; local government and the rail road. If the track is abandon, the sign must be removed. Randy Boyles said the railroad may run pipe for the shale drilling to Alliance from Youngstown. Randy Boyles commented the railroad never gives up its right of way, even on the bike paths. Trustee Lewis also reported the Planet Aid box at The Pantry will be moved as it is in your sight path.

CHAIRMAN SPELLMAN attended an economic impact forum at Mr. Anthony. Representatives Ryan and Johnson spoke on the win-win in Ohio. Johnson wants to meet with the townships in the area. Dave Turner of First Energy spoke about the power line project. A home on Duck Creek Road has been purchased for this project. The hall at the Fire department will be painted. The carpet also needs replaced. At the next meeting Chairman Spellman will have quotes on sub-compact tractors and the next size up. We have the flag inventory and more will be purchased from Dave Terry. On May 2, 2013 at 7 pm the Historical Society will host The Building Doctor at the town hall. The town hall will be one building to be looked at. A co-sponsor will be looked for. Chairman Spellman is looking into ORC to see if township can participate as a sponsor. A light is needed at the back door of the town hall. Trustee Morrison suggested a motion detector light. MS Consultants will be back to look at structural assessment of maintenance building. Lordstown is preparing an invoice for the road salt we used this winter. The Ohio Attorney general has an opinion on controlled burns, and demolition grant program was given to Chief Sternburg.

UNFINISHED BUSINESS: Mr. Spencer asked Chairman Spellman if he could add more to his position on the Land Bank Board. Chairman Spellman said he was appointed by the Mahoning County Township Association. He is one of the team. Chairman Spellman hopes this gives us tools locally for homes in our township, but on the board he is for Mahoning County. Mr. Spencer said last month he had asked about a property on Rt 224 he was interested in purchasing and Chairman Spellman did not know if it was within his liberty to disclose information on this. Mr. Spencer asked if information on homes or property in our community could be made known to the residents in case they would be interested in purchasing. Chairman Spellman said that was not his role, as the Land Bank has procedures. Our trustees are not to act as an agent for anyone. Call the Land Bank if you are interested about a property. Mr. Spencer said he did a follow up and there seems to be a discrepancy in what you just said, Artie. Mr. Spencer contacted the Land Bank, D'Amico Realty, Wells Fargo the property owner. Chairman Spellman's name was directly linked to helping the neighbor acquire the property. Chairman Spellman replied, "Lie, Wrong". Mr. Spencer asked if Chairman Spellman was calling Brenda, the Director of the Land Bank, a liar. Chairman Spellman replied no. Mr. Spencer asked also how in two weeks Curt Morrison has the contract to tear down the property. Trustee Morrison said a company from Columbus called him for the demolition bid. Mr. Spencer said if the neighbor acquires the property, how is Chairman Spellman going to look? Chairman Spellman stated a trustee also called on that property. Chairman Spellman said if Mr. Spencer wanted to come here and showboat, I'll give you the Ohio Ethic Commission phone number and you can follow through with your accusation. Mr. Spencer asked if Trustee Morrison saw the back yard of Monarc Dumpsters. Does he have a landfill permit? Here are picture of his landfill. There are tires. We have a trustee who had visual contact. Chairman Spellman stated you went through the painstaking part of taking pictures. Go up there (zoning) and fill out the thing. Don't come here and grandstand at the front desk. We have a Zoning Inspector and procedure to follow. You have that right to go to zoning inspector. The Chairman concluded his answers are prudent and correct. Mr. Spencer's accusations are off base and I don't like it.

NEW BUSINESS: Trustee Lewis has a Solid Waste Plan Resolution that must be passed in 90 days. Trustee Morrison asked when this is due. Trustee Lewis responded in 90 days. Pat Sweeney is the new director who negotiated and a new plan was reached. Trustee Lewis will look this over and pass on to the other trustees. Trustee Lewis has typed out the resolution for Ellsworth Township. The resolution will be on the agenda at the next meeting.

MAINTENANCE HELP: The trustee will go into executive session after "For the Good of the Order".

ANNOUNCEMENTS: The next meeting will be on April 10, 2013 at 7 pm in the town hall.

At 9 pm Trustee made a motion to go into executive session to discuss employees, per the ORC 121.22 G1. All in favor. At 10:11 pm Trustee Morrison made a motion to come out of executive session, seconded by Trustee Lewis. All in favor. Trustee Morrison made a motion to hire Matt Stroney as part time facilitator to work up to 24 hrs. per week at \$20 per hour and to continue Jennifer Moore and Jon Behe as temporary part time capped at 24 hrs. per week at the discretion of the facilitator and trustees. Seconded by trustee Lewis. All in favor. Chairman Spellman said Jennifer Moore or John Behe can be scheduled on Saturdays for burials. A list of jobs to be done was discussed: marquee sign for town hall, sign at fire station, landscaping, etc. Matt Stroney will start Monday (March 18, 2013). Chairman Spellman and Trustee Lewis will do orientation on Monday, March 18, 2013, at 8:30 am.

At 10:30 pm Trustee Morrison made a motion to adjourn, seconded by Chairman Spellman. All in favor