

Held **October 18** 20**10**

The Bath Township Board of Trustees met in the Trustees Meeting Room on October 18, 2010, at 4:00 pm for the purpose of conducting the business of the Township. The President of the Board, Mrs. Elaina Goodrich, convened the meeting. Trustees present were Mrs. Elaina Goodrich, Mr. James Nelson, and Mrs. Becky Corbett.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

Mrs. Corbett moved, and Mr. Nelson seconded a motion to approve the agenda; the motion passed.

FISCAL OFFICER, Sharon Troike

The Fiscal Officer requested, and Mr. Nelson moved, to approve the September 20, 2010 Regular Meeting Minutes. Mrs. Corbett seconded the motion; the motion passed.

The Fiscal Officer requested, and Mrs. Corbett moved, to approve the October 4, 2010 Regular Meeting Minutes. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer requested, and Mr. Nelson moved, to approve requisitions and regular purchase orders 2010-05-1113 through 2010-05-1248, and payments totaling \$148,066.67. Mrs. Corbett seconded the motion and the Fiscal Officer called the roll; all aye, the motion passed.

The Fiscal Officer requested, and Mrs. Corbett moved, to approve intra-fund transfers in the amount of \$7,000.00. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer requested the Trustees consider Resolution 2010-39.

Mr. Nelson presented the following Resolution and moved its adoption.

RESOLUTION NO. 2010-39

**TO AMEND THE 2010 CERTIFICATE OF ESTIMATED RESOURCES
AND THE 2010 PERMANENT APPROPRIATIONS
Amendment #4**

WHEREAS, after careful review of the budget submitted to the Summit County Budget Commission in July 2009, the Department Heads and Township Administrator under 505.032 (F) have developed appropriations to operate the Township; and,

WHEREAS, the Fiscal Officer has reviewed the budget and certified that the expenditures are inside the current Official Certificate of Resources;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Bath Township, County of Summit, State of Ohio, that to provide for the current expenses and other expenditures of said Board of Trustees during the fiscal year ending December 31, 2010, the following adjustments need to be completed to bring the Official Certificate of Resources in line with the Permanent Appropriations.

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REGULAR MEETING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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<u>2010 Certificate of Estimated Resources</u>	<u>2010 Permanent Appropriations</u>
New Fund 638 Assistance to FF Grant \$13,267.00	Increase Fund 638 \$ 13,267.00
Increase Fund 314 Perm Improvement \$13,592.57	Increase Fund 314 \$13,592.57

FURTHER, that said money is appropriated as allowed by law and the Fiscal Officer requests an amendment before the Summit County Budget Commission.

Second by Mrs. Corbett; discussion and roll called:

Mrs. Corbett, Aye	Resolution Adopted
Mrs. Goodrich, Aye	
Mr. Nelson, Aye	

The Fiscal Officer requested, and Mrs. Corbett moved, to accept \$72.21 in Payment in Lieu of Taxes funds for the year 2009. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer reported financial statements through September had been reviewed are were available for public view.

The Fiscal Officer announced Correspondence, Board, Commission, and Committee logs were available for public view.

DEPARTMENT HEADS AND ADMINISTRATORS

Police Chief Michael McNeely

Report:
No report was given.

Recommendations:

Chief McNeely recommended, and Mrs. Corbett moved, to sell at Akron Auto Auction, a 2006 Ford 500 and 2003 Chevrolet 2500 pick-up truck. Mr. Nelson seconded the motion; the motion passed.

Fire Chief James Paulett

Report:
No report was given.

Recommendations: None

Service Director Robert Wilson

Report:
No report was given.

Recommendations:

Mr. Wilson recommended, and Mr. Nelson moved, to approve and sign five copies of Change Order No. 1 and Final to Kenmore Construction for Arbour Green Phase III in the net amount of \$5,855.70. Mrs. Corbett seconded the motion; the motion

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passed.

Mr. Wilson recommended, and Mr. Nelson moved, to approve Arbour Green Phase III, Pay Estimate No. 1 to Kenmore Construction, in the final amount of \$277,297.00. Mrs. Corbett seconded the motion; the motion passed.

Mr. Wilson recommended, and Mr. Nelson moved, to approve payment to Perrin Asphalt Company in the amount of \$24,600.00 for paving Bath Center's parking lot. Mrs. Corbett seconded the motion; the motion passed.

Parks Administrator Michael Rorar

Report:

No report was given.

Recommendations:

Mr. Rorar recommended, and Mrs. Corbett moved, to approve Change Order #1 to Perrin Asphalt Company Inc. in the amount of \$490.00 for the delivery and installation of 24.5 tons of topsoil to the Public Rain Garden at the Bath Center Parking Area. Mr. Nelson seconded the motion; the motion passed.

Mr. Rorar recommended, and Mrs. Corbett moved, to approve payment to Perrin Asphalt Company in the amount of \$33,595.00 for the rain garden and the construction of permeable concrete for drainage in the parking area of Bath Center.

Zoning Inspector/Administrator William Funk

Report:

No report was given.

Recommendations: None

Township Administrator William Snow

Report:

Liquor Permit Hearing

The township received a hearing request notification from the Ohio Department of Commerce, Division of Liquor, for the liquor permit requested by Western Reserve Historical Society d.b.a. Hale Farm & Village. The hearing is scheduled November 22, 2010 at 1 p.m. at the Department of Jobs and Family Services, 33 North Main Street, Room 402, Akron 44308.

Bath Nature Preserve Real Estate Acquisition and Improvement Bonds Series 1998

In 1996, Bath voters approved the sale of bonds, which were issued in the aggregate principal amount of \$3,800,000 for the purpose of acquiring and improving real estate for Township park purposes, including nature areas to be protected and preserved, and to levy taxes outside the ten mill limitation to pay the debt charges on those bonds. Currently, \$2,030,000 of the Series 1998 Bonds remain outstanding, all of which outstanding Series 1998 Bonds are stated to mature on December 1, 2017.

The Trustees held a public meeting on October 13 to receive comments on their proposal to exercise their option to redeem the bonds at 100 percent of the redemption price plus accrued interest to the redemption date of December 1, 2010 in the amount of \$2,080,750.

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Comments from the residents who attended were favorable.

Recommendations:

Mr. Snow requested the Trustees consider Resolution 2010-40.

Mrs. Corbett presented the following Resolution and moved its adoption:

RESOLUTION 2010-40

A RESOLUTION CALLING FOR OPTIONAL REDEMPTION ON DECEMBER 1, 2010, ALL OF THE TOWNSHIP'S OUTSTANDING REAL ESTATE ACQUISITION AND IMPROVEMENT BONDS, SERIES 1998, THAT ARE NOT TO BE REDEEMED PURSUANT TO MANDATORY SINKING FUND REDEMPTION REQUIREMENTS ON THAT DATE; AND MAKING APPROPRIATIONS FOR THE REDEMPTIONS TO OCCUR ON THAT DATE.

WHEREAS, at an election held on March 19, 1996, on the question of issuing bonds of this Township in the aggregate principal amount of \$3,800,000 for the purpose of acquiring and improving real estate for Township park purposes, including nature areas to be protected and preserved (the Project), and of levying taxes outside the ten mill limitation to pay the debt charges on those Bonds and any anticipatory securities, the requisite majority of those voting on the question voted in favor of it; and

WHEREAS, pursuant to the authority provided at that election, Resolution No. 98-7 adopted by this Board on March 9, 1998, and a certificate of award dated March 24, 1998 and signed by the members of the Board of Trustees and the Township's Clerk-Treasurer (collectively, the Bond Legislation), the Township issued its Real Estate Acquisition and Improvement Bonds, Series 1998, dated as of March 1, 1998, in the aggregate principal amount of \$3,799,958 (the Series 1998 Bonds), to provide funds for the Project and to retire at their maturity \$3,800,000 of notes dated October 2, 1998, issued in anticipation of the Series 1998 Bonds; and

WHEREAS, \$2,030,000 of the Series 1998 Bonds currently remain outstanding, all of which outstanding Series 1998 Bonds are stated to mature on December 1, 2017; and

WHEREAS, pursuant to the Bond Legislation, \$215,000 of the Series 1998 Bonds now outstanding are to be redeemed on December 1, 2010, pursuant to mandatory sinking fund redemption requirements; and

WHEREAS, the outstanding Series 1998 Bonds are also subject to redemption by and at the sole option of the Township, either in whole on any date or in part on any interest payment date, on or after December 1, 2010, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date; and

WHEREAS, this Board finds and determines that it is in the best interest of and financially advantageous to the Township to exercise its option to call for redemption on December 1, 2010, all \$1,815,000 of the Series 1998 Bonds now outstanding that are not to be redeemed on that date pursuant to mandatory sinking fund redemption requirements;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of the Township of Bath, Summit County, Ohio, that:

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Section 1: \$1,815,000 of the outstanding Series 1998 Bonds shall be called for optional redemption on December 1, 2010 (the Redemption Date), at a redemption price equal to 100% of the principal amount thereof, plus accrued interest to that Redemption Date.

Section 2: In order to provide for such call for redemption, the Fiscal Officer is hereby authorized and directed to provide to FirstMerit Bank, N.A., as bond registrar and paying agent for the Series 1998 Bonds (the Bond Registrar), not later than October 28, 2010, a certified copy of this Resolution as the notice to the Bond Registrar required by the Bond Legislation for that purpose.

Section 3: The Fiscal Officer is further authorized and directed to deposit with the Bond Registrar on the Redemption Date the aggregate amount of \$2,080,750, being the amount necessary to redeem on that Date: (i) the \$215,000 of the outstanding Series 1998 Bonds to be called pursuant to Mandatory Sinking Fund Requirements (as defined in the Bond Legislation) at a redemption price of 100% of the principal amount of those Series 1998 Bonds, plus accrued interest to that Date, and (ii) the remaining \$1,815,000 of the outstanding Series 1998 Bonds, all of which have been called for optional redemption at a redemption price of 100% of the principal amount of those Series 1998 Bonds, plus accrued interest to that Date, pursuant to Section 1 of this Resolution.

This Board hereby appropriates and authorizes to be expended for that purpose: (i) \$274,606.60 from the Nature Preserve Bond Debt Service Fund, (ii) \$527,914.51 from the Inherence Tax line item in the General Fund, (iii) \$382,055.18 from Fund 290 JEDD Contract Interest, (iv) \$365,805.24 from Fund 291 JEDD Contract Interest and (v) \$530,368.47 from Fund 314 (Permanent Improvements).

Section 4: The Township Administrator and the Fiscal Officer are hereby authorized and directed to take such further actions as may be required by the Bond Legislation, the Bond Registrar Agreement between the Bond Registrar and the Township, dated as of March 1, 1998, or the Bond Registrar in order to notify the bondholder and complete and effectuate the redemption and payment of all of the outstanding Series 1998 Bonds as contemplated herein. Promptly after the redemption of all of the outstanding Series 1998 Bonds on December 1, 2010, those officers are also authorized and directed to notify the County Fiscal Officer that all of the Series 1998 Bonds have been retired and that no further levies for debt service on the Series 1998 Bonds shall be made.

Section 5: This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken, and that all deliberations of this Board that resulted in those formal actions were held, in meetings open to the public in compliance with the law.

Section 6. This Board determines that this Resolution shall be in full force and effect immediately upon its adoption.

Upon roll call on the adoption of the resolution, the vote was as follows:

Second by Mr. Nelson; discussion and roll called:

Mrs. Corbett, Aye
Mrs. Goodrich, Aye

Resolution Adopted

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Mr. Nelson, Aye

Mr. Snow requested the Trustees consider Resolution 2010-41.

Mrs. Corbett presented the following Resolution and moved its adoption.

RESOLUTION 2010-41

TO ACCEPT THE AMOUNTS AND RATES AS DETERMINED BY THE SUMMIT COUNTY BUDGET COMMISSION AND TO AUTHORIZE THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

WHEREAS, the Board of Trustees of Bath Township, Summit County, Ohio, in accordance with the provision of law has previously adopted a tax budget for the next succeeding fiscal year commencing on January 1, 2011; and,

WHEREAS, the Budget Commission of Summit County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, what part thereof is without, and what part within, the ten mill limitation; and,

WHEREAS, this is an annual obligation by state law to make certain that all millage inside the ten mill limitation is directed as the Board intended that it be utilized and that all current levies are included and collected by the County for the benefit of Bath Township and duly adopted according to statute; and,

WHEREAS, attached is the approved extension of time for the Summit County Budget Commission to complete its work and in turn extending the adoption time limit for political entities from October 1st to November 8, 2010.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of Bath Township, Summit County, Ohio, that the amounts and rates as determined by the Summit County Budget Commission in its certification be hereby amended to **remove Park Bond Debt Service .60 mills** concurrent with the call of the bonds December 1, 2010 and that the amended amounts and rates are hereby accepted; and,

FURTHER, that there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as attached hereto.

Second by Mr. Nelson; discussion and roll called:

Mrs. Corbett, Aye

Mrs. Goodrich, Aye

Mr. Nelson, Aye

Resolution Adopted

BUSINESS FROM THE BOARD

Trustees Elaina Goodrich, James Nelson, and Becky Corbett

Mrs. Goodrich reported there was an error in the West Side Leader advertising the public meeting of the BP property and Bath Nature Preserve bond repayment, stating a meeting was being held October 18. Mrs. Goodrich stated there would be an

RECORD OF PROCEEDINGS

Minutes of

REGULAR MEETING

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10128

Held **October 18**20¹⁰

informational presentation at the Friends of Yellow Creek Meeting, October 18, at 7:00 p.m. in the Trustees' Meeting Room.

FUTURE TRUSTEE MEETINGS AND EVENTS

October 18, 2010	Bath Water & Sewer District Board-TCR	6:00 p.m.
October 18, 2010	Friends of Yellow Creek-TMR	7:00 p.m.
October 19, 2010	Board of Zoning Appeals-TMR	7:00 p.m.
October 21, 2010	Park Board-TMR	7:00 p.m.
October 25, 2010	Work Session-TCR	9:30 a.m.
November 1, 2010	Agenda Session-TCR	9:30 a.m.
November 1, 2010	Appearance Review Commission-TMR	5:00 p.m.
November 1, 2010	Board of Trustees-TMR-	
	Summit County Engineer Report	7:00 p.m.
November 4, 2010	Zoning Commission-TMR	7:00 p.m.
November 8, 2010	Work Session-TCR	9:30 a.m.
November 10, 2010	Heritage Corridors of Bath-TCR	5:30 p.m.
November 11, 2010	Veterans Day-Legal Holiday-Offices Closed-	
	<u>No Delay in Trash Service</u>	
November 15, 2010	Agenda Session-TCR	9:30 a.m.
November 15, 2010	Board of Trustees-TMR	4:00 p.m.
November 15, 2010	Bath Water & Sewer District Board – TCR	6:00 p.m.
November 15, 2010	Friends of Yellow Creek-TMR	7:00 p.m.
November 16, 2010	Board of Zoning Appeals-TMR	7:00 p.m.
November 22, 2010	Work Session-TCR	9:30 a.m.
November 25, 2010	Thanksgiving Day-Legal Holiday-Offices Closed-	
	<u>Trash Delayed One Day for Thursday and Friday ONLY</u>	
November 29, 2010	Work Session-TCR	9:30 a.m.

TCR – Trustees Conference Room (Administrative Offices)

TMR – Trustees Meeting Room, lower level, Bath Township Center.

HBTH – Historic Bath Town Hall

~ Future Events~

<i>October 31, 2010</i>	<i>Trick or Treat in Bath</i>	<i>5-7 p.m.</i>
<i>October 31, 2010</i>	<i>Bath Fire Halloween Party</i>	<i>6-8 p.m.</i>

~ Events at the Bath Museum for October~

2010 Exhibit: Bath Township – Medina County-Sundays 1-4 PM Mon. and Wed. 9:30-11:30 AM.

Exhibit on Bath Township when it was part of Medina County from 1818 to 1840

CITIZENS' COMMENTS

Pat McRowe of 365 Springcrest Drive requested the township investigate the use of a trash and recycling service being used in Avon, whereby residents are able to earn coupons, based upon the weight of recyclables to purchase “green” products, such as toilet paper.

ITEMS OF INTEREST

Mr. Nelson read a letter of appreciation to the Bath fire department from Granger Fire Chief John Hadam for Bath's assistance with a fire at Highland Middle School.

ADJOURNMENT

There being no other business before the board, the meeting was adjourned at 4:43 p.m.

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REGULAR MEETING

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Meeting

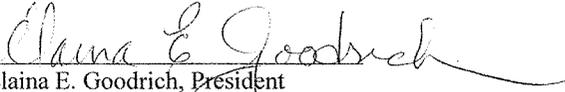
DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

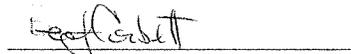
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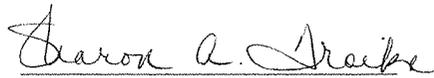
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Elaina E. Goodrich, President
Bath Township Board of Trustees


James N. Nelson, Vice President
Bath Township Board of Trustees


Becky Corbett
Bath Township Board of Trustees


Sharon A. Troike
Fiscal Officer

Date: October 18, 2010
Bath Township Board of Trustees

RECORD OF PROCEEDINGS
REGULAR MEETING

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Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

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Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Held

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