

Held **January 18** 20**11**

The Bath Township Board of Trustees met in the Trustees Meeting Room on January 18, 2011, at 4:00 pm for the purpose of conducting the business of the Township. The President of the Board, Mr. James Nelson, convened the meeting. Trustees present were Mrs. Becky Corbett and Mr. James Nelson.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF THE AGENDA**

Mr. Nelson moved to amend the agenda to move into Executive Session at the end of the regular board meeting to discuss legal matters, in accordance with ORC 121.22, with no action being made upon adjournment of the Executive Session. Mrs. Corbett seconded the amendment of the agenda; the motion passed.

Mr. Nelson requested, and Mrs. Corbett moved, to adopt the agenda as amended. Mr. Nelson seconded the motion; the motion passed.

**FISCAL OFFICER, Sharon Troike**

The Fiscal Officer recommended, and Mrs. Corbett moved, to approve the December 27, 2010 Settlement Meeting Minutes. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer recommended, and Mr. Nelson moved, to approve the December 29, 2010 Special Meeting Minutes. Mrs. Corbett seconded the motion; the motion passed.

The Fiscal Officer recommended, and Mrs. Corbett moved, to approve the January 3, 2011 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 2011-06-0001 through 2011-06-0156, and payments totaling \$254,465.20. Mrs. Corbett seconded the motion and the Fiscal Officer called the roll; all aye, the motion passed.

The Fiscal Officer recommended, and Mrs. Corbett moved, to approve intra-fund transfers in the amount of \$12,600. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer reported the financial statements through December had been reviewed and 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:** None

**Fire Chief James Paulett**

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**Report:**

No report was given.

**Recommendations:**

Chief Paulett recommended, and **Mr. Nelson moved, to hire Jeffrey Dudley and Rafael Muniz for substitute part-time firefighter/medics for Station Two. Mrs. Corbett seconded the motion; the motion passed.**

**Assistant Service Director Michael Rorar for Service Director Robert Wilson**

**Report:**

No report was given.

**Recommendations:**

Mr. Rorar recommended, and **Mr. Nelson moved, to extend the HVAC contract with Gardiner Trane for the optional second year, effective February 1, 2011 to January 31, 2012 in the amount of \$19,000. Mrs. Corbett seconded the motion; the motion passed.**

Mr. Rorar recommended, and **Mr. Nelson moved, to sign five copies of the Arbour Green Phase II Change Order #1 and Final, decreasing the original contract price by \$11,168.73. Mrs. Corbett seconded the motion; the motion passed.**

**Parks Administrator Michael Rorar**

**Report:**

Mr. Rorar reminded residents snow mobiles are prohibited in the Bath Nature Preserve. He stated there had been recent complaints of snow mobiles in the park after dark and the police and park personnel were monitoring the situation to enforce the ban.

**Recommendations:** None

**Zoning Inspector/Administrator William Funk**

**Report:**

Mr. Funk reminded residents the Comprehensive Plan Committee would give a presentation of updates, followed by a question and answer session on Thursday, January 20, 2011 at 6:00 in the Trustees' Meeting Room.

**Recommendations:** None

**Township Administrator William Snow**

**Report:**

**Ohio Township Association Director**

On Tuesday, January 11, the Summit County Township Association hosted a reception for the new Ohio Township Association Director, Matt DeTemple in the Trustees' Meeting Room. Mr. Snow is currently working with Mr. DeTemple representing Ohio townships on the Rules Committee for oil and gas wells throughout the state.

**Ohio Attorney General Agreement**

The Ohio Attorney General has submitted an agreement so that Bath Police Department

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can be reimbursed for the training of Bath Police Officer Vito Sinopoli in Investigation and Response that was held at the University of Akron December 13-14, 2010.

**Mutual Release and Settlement Agreement**

Mr. Snow reported Bath Township and Summit County had reached a settlement with Douglas and Margaret Callander with regard to the flooding of the Callander property.

**Ohio Type III All Hazards Incident Management Team (AHIMT)**

The Ohio AHIMT is a group of multi-discipline emergency responders from across the State of Ohio that performs on-scene incident management activities at the request of any Ohio political subdivision or the State of Ohio. These activities are in preparation for and/or in response to disasters in this state or elsewhere in the nation. Mr. Snow reported the township had been asked to participate in this program.

**Authorization to File a Complaint for Declaratory Judgment and Injunctive Relief**

Commercial/retail activity is being conducted at 5077 and 5177 Medina Road properties. Mr. Snow requested the trustees' permission to authorize the filing of a complaint regarding same to Summit County Common Pleas Court.

Township legal counsel, Robert Konstand, further explained the filing was to bring the legal property owners, David E. Leisure of 5077 Medina Road and Essie B. Widmer, of 5117 Medina Road into the complaint of allowing the illegal use of their properties, zoned R2, for commercial and retail uses.

**Recommendations:**

Mr. Snow recommended, and Mrs. Corbett moved, to approve an agreement between the Ohio Attorney General and the Bath Police Department for reimbursement of training expenses for Officer Vito Sinopoli. Mr. Nelson seconded the motion; the motion passed.

Mr. Snow recommended, and Mr. Nelson moved, to approve a Mutual Release and Settlement Agreement between Douglas Callander, Margaret Dawn Callander, and Bath Township, and the payment of \$2,000. Mrs. Corbett seconded the motion; the motion passed.

Mr. Snow recommended, and Mr. Nelson moved, to sign a Memorandum of Agreement between the Ohio Emergency Management Agency and Bath Township to establish the Ohio Type III All-Hazards Incident Management Team. Mrs. Corbett seconded the motion; the motion passed.

Mr. Snow recommended, and Mrs. Corbett moved, to authorize the filing of Declaratory Judgment and Injunctive Relief complaint against Essie B. Widmer, 5117 Medina Road and David E. Leisure, 5077 Medina Road, regarding the illegal use of their respective R2 Residential premises for commercial/retail uses. Mr. Nelson seconded the motion; the motion passed.

**BUSINESS FROM THE BOARD**

**Trustees James Nelson and Becky Corbett**

In light of two resolutions being presented by the Trustees, Mr. Snow gave a brief explanation, accompanied by a Power Point presentation, of a proposed floating observation deck that would be constructed on Bath pond at the Bath Nature Preserve,

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should the grant monies from the resolutions become available. Mr. Rorar further explained the proposed deck would replace a dock which once existed on the pond but was razed as it was deemed unsafe by the fire department due to deterioration.

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

**RESOLUTION 2011-06**  
**TO APPLY FOR A MATCHING REIMBURSABLE GRANT**  
**TO**  
**THE OHIO DEPARTMENT OF NATURAL RESOURCES LAND AND WATER**  
**CONSERVATION FUND PROGRAM IN THE AMOUNT OF \$90,000.**

**WHEREAS**, the Ohio Department of Natural Resources, Land and Water Conservation Fund, has grant monies available for a trail and an observation/fishing deck on Bath Pond in the Bath Nature Preserve; and,

**WHEREAS**, the Bath Township Board of Trustees desires financial assistance for this project in 2011;

**NOW THEREFORE BE IT RESOLVED**, that the Bath Township Board of Trustees:

1. Approves the filing of an application to the Ohio Department of Natural Resources Land and Water Conservation Fund.
2. That Trustee Elaina Goodrich is hereby authorized and directed to execute and file an application and to provide all information and documentation required to become eligible for possible funding assistance.
3. That Bath Township does agree to obligate the funds required in the amount of not to exceed \$44,000 to satisfactorily complete the proposed project and become eligible for reimbursement under the Land and Water Conservation Fund.

**FURTHER**, that the Fiscal Officer be directed to create Special Revenue Fund #659 and if the grant is awarded, to amend the 2011 Certificate of Estimated Resources and the Permanent Appropriations to reflect the new revenue and expenses.

Second by Mr. Nelson; discussion and roll called:

Mrs. Corbett, Aye  
 Mrs. Goodrich, Absent  
 Mr. Nelson, Aye

**Resolution Adopted**

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

**RESOLUTION 2011-07**  
**TO APPLY FOR A MATCHING REIMBURSABLE GRANT**  
**TO**  
**THE OHIO DEPARTMENT OF NATURAL RESOURCES**  
**NATUREWORKS GRANT IN THE AMOUNT OF \$90,000.**

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**WHEREAS**, the Ohio Department of Natural Resources, NatureWorks Fund, has grant monies available for a trail and an observation/fishing deck on Bath Pond in the Bath Nature Preserve; and,

**WHEREAS**, the Bath Township Board of Trustees desires financial assistance for this project in 2011;

**NOW THEREFORE BE IT RESOLVED**, that the Bath Township Board of Trustees:

1. Approves the filing of an application to the Ohio Department of Natural Resources NatureWorks Fund.
2. That Trustee Elaina Goodrich is hereby authorized and directed to execute and file an application and to provide all information and documentation required to become eligible for possible funding assistance.
3. That Bath Township does agree to obligate the funds required in the amount of not to exceed \$17,000 to satisfactorily complete the proposed project and become eligible for reimbursement under the NatureWorks fund.

**FURTHER**, that the Fiscal Officer be directed to create Special Revenue Fund #660 and if the grant is awarded, to amend the 2011 Certificate of Estimated Resources and the Permanent Appropriations to reflect the new revenue and expenses.

Second by Mrs. Corbett; discussion and roll called:

Mrs. Corbett, Aye  
 Mrs. Goodrich, Absent  
 Mr. Nelson, Aye

**Resolution Adopted**

Fiscal Officer Troike noted that if grant becomes available, the Bath Park Board had graciously offered to donate \$1,000 toward the match of each grant.

**Mr. Nelson moved to submit a request for funding to the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA) Great Lakes Area of Concern Land Acquisition for the property north of Gasoline Alley on Cleveland-Massillon Road. Mrs. Corbett seconded the motion; the motion passed.**

**FUTURE TRUSTEE MEETINGS AND EVENTS**

January 18, 2011	Bath Water & Sewer District Board –TCR	6:00 p.m.
January 18, 2011	Board of Zoning Appeals-TMR	7:00 p.m.
January 24, 2011	Work Session-TCR	9:30 a.m.
January 28, 2011	Bath Attractions	10:30 a.m.
January 31, 2011	Work Session-TCR	9:30 a.m.
February 3, 2011	Zoning Commission-TMR	7:00 p.m.
February 7, 2011	Agenda Session-TCR	9:30 a.m.
February 7, 2011	Appearance Review Commission-TMR	5:00 p.m.
February 7, 2011	Board of Trustees-TMR	7:00 p.m.
February 9, 2011	Heritage Corridors of Bath-TCR	5:30 p.m.

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February 14, 2011	Work Session-TCR	9:30 a.m.
February 15, 2011	Board of Zoning Appeals-TMR	7:00 p.m.
February 17, 2011	Bath Park Board-Police Training Room	7:00 p.m.
February 21, 2011	President's Day -Legal Holiday-Offices Closed- <b>No Delay in Trash Service</b>	
February 22, 2011	Agenda Session-TCR	9:30 a.m.
February 22, 2011	Board of Trustees-TMR	4:00 p.m.
February 22, 2011	Bath Water & Sewer District Board-TMR	6:00 p.m.
February 28, 2011	Work Session-TCR	9:30 a.m.
February 28, 2011	Friends of Yellow Creek - TMR	7:00 p.m.

**TCR** – Trustees Conference Room (Administrative Offices)  
**TMR** – Trustees Meeting Room, lower level, Bath Township Center.  
**HBTH** – Historic Bath Town Hall

Mrs. Corbett noted the Heritage Corridors of Bath would not be meeting on February 9.

**CITIZENS' COMMENTS**

Rosalie Steiner, 3675 Lamesa Drive, stated she opposed a pier being built on the Bath Nature Preserve pond.

Pat Hopper, 4691 Rolling View Drive, stated she did not understand why the township would spend money on a pier for people to fish from.

Pat McRowe, 365 Springcrest Drive, asked, due to the lack of parking at the nature preserve, where those wanting to fish would park.

**ITEMS OF INTEREST**

There were no items of interest.

**EXECUTIVE SESSION**

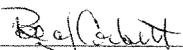
Mr. Nelson recessed the regular meeting to move into executive session at 4:45 p.m.

At 5:00 p.m. **Mrs. Corbett moved, and Mr. Nelson seconded, a motion to close the Executive Session and return to the public meeting.** The Fiscal Officer called the roll; **all aye, the motion passed.**

**ADJOURNMENT**

There being no other business before the board, the meeting was adjourned at 5:00 p.m.

  
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 James N. Nelson, President  
 Bath Township Board of Trustees

  
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 Becky Corbett, Vice President  
 Bath Township Board of Trustees

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Absent

Elaina E. Goodrich  
Bath Township Board of Trustees



Sharon A. Troike  
Fiscal Officer

Date: January 18, 2011  
Bath Township Board of Trustees