

RECORD OF PROCEEDINGS

7576

Minutes of

REGULAR MEETING

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held **October 7** 20**13**

The Bath Township Board of Trustees met in the Trustees' Meeting Room on October 7, 2013, at 7:00 p.m. for the purpose of conducting the business of the Township. The Vice President of the Board, Mr. James Nelson, convened the meeting. Trustees present were Mrs. Becky Corbett and Mr. James Nelson.

PLEDGE OF ALLEGIANCE

WELCOME

APPROVAL OF AGENDA

Mr. Nelson requested, and Mrs. Corbett moved approval of the agenda. Mr. Nelson seconded the motion; the motion passed.

FISCAL OFFICER Sharon Troike

The Fiscal Officer recommended, and Mrs. Corbett moved, to approve the September 16, 2013 Regular Meeting Minutes. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer recommended, and Mrs. Corbett moved, to approve the September 23, 2013 Special Meeting Minutes. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer recommended, and Mrs. Corbett moved, to approve requisitions and regular purchase orders 2013-08-1032 through 2013-08-1122, and payments totaling \$350,637.97. Mr. Nelson seconded the motion. 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 \$55,705.90. Mr. Nelson seconded the motion; the motion passed.

The Fiscal Officer reported Correspondence, Board, Commission, and Committee log are available for public view.

The Fiscal Officer requested the Trustees consider Resolution 2013-25.

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

**RESOLUTION NO. 2013-25
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, 2014; 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

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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 5, 2013.

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 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**
Mr. Nelson, **Aye**

Resolution Adopted

The Fiscal Officer requested the Trustees consider Resolution 2013-26.

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

RESOLUTION NO. 2013-26
TO AMEND THE 2013 CERTIFICATE OF ESTIMATED RESOURCES
AND THE 2013 PERMANENT APPROPRIATIONS
Amendment #4

WHEREAS, after careful review of the budget submitted to the Summit County Budget Commission in July 2012, 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, 2013, the following adjustments need to be completed to bring the Official Certificate of Resources in line with the Permanent Appropriations with an **increase to:**

2013 Certificate of Estimated Resources
Fund 664 Edward Byrne Justice Grant \$4,491.00

2013 Permanent Appropriations
Fund 664 Edward Byrne Justice Grant \$4,491.00

FURTHER, that said money is appropriated as allowed by law and the Fiscal Officer

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request an amendment before the Summit County Budget Commission.

Second by Mrs. Corbett; discussion and roll called:

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

DEPARTMENT HEADS AND ADMINISTRATORS

Communications Specialist: Angela Potter

Report:

Crime

Theft – 20 Traffic Crashes – 41 Arrests – 29
Traffic Citations – 41 Calls for Service – 744 Burglary -1

Training

- Cold Case Investigation- Detective Lance
- 9-1-1 Calls, Is the Caller the Killer?- Detective Ellinger
- Crisis Intervention Training- Sargent Borton and Officer Griffith

Noteworthy Incident

- Officer Shaffer apprehended a 19 year old Bath man who was accompanied by a missing Revere Middle School student. The student was returned to her parents and the man was charged with Contributing to the Delinquency of a Minor, Possession of Drugs, and served with an outstanding bench warrant.

Recommendations: None

Fire Chief Walter Hower

Report:

August Calls

Station 1	Fire 31	EMS 46	Total station 1 - 77
Station 2	Fire 3	EMS 29	Total Station 2 - 32
Both Stations	Fire 5	EMS 0	Total Both - 5
Totals	39	EMS 75	Total 114

Training

Training	Class	Hours
Emergency Medical	2.5	27
Water Supplies	2.5	25
Fire Inspection	8.0	65
Wild Land Operations	2.5	66

Recommendations:

Chief Hower recommended, and Mrs. Corbett moved, to hire Rochele Bolton for the full-time position of Fire Department Administrative Assistant effective October 21st, 2013, with a one year probation period. Mr. Nelson seconded the motion; the motion passed.

Chief Hower recommended, and Mrs. Corbett moved, to remove Tim Lombardi from his leave of absence effective October 1st, 2013. Mr. Nelson seconded the motion; the motion passed.

Chief Hower requested the trustees consider Resolution 2013-27.

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

RESOLUTION 2013-27
TO APPLY FOR A NO MATCH REIMBURSABLE GRANT
TO
THE OHIO DIVISION OF EMS FOR TRAINING AND EQUIPMENT

WHEREAS, the Ohio Division of EMS has grant monies available for training and equipment; and,

WHEREAS, the Bath Township Board of Trustees desires financial assistance for training and equipment in 2013;

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

1. Approves the filing of an application to the Ohio Division of EMS.
2. That Fire Chief Walter Hower 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 has obligated the funds required to satisfactorily complete the proposed project and become eligible under the terms and conditions of the grant program to be reimbursed.

FURTHER, that the Fiscal Officer be directed to use Special Revenue Fund #658 and if the grant is awarded, to amend the 2013 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**

Mr. Nelson, **Aye** **Resolution Adopted**

Service Director Caine Collins

Report:

Buildings and Grounds

- Bath Center Building: Original building generator replacement is underway.

Roads

- During September, the Service Department completed resident requests including roadside ditching and landscape reclamation, culvert replacements and flushings, and installation of asphalt aprons.
- May we remind residents NOT to rake fallen leaves to the curb or road side. Leaves may be composted, removed by landscape companies or bagged for Bath Township trash pick-up.

Cemeteries

- September burials were as follows: Moore's Chapel- one full burial, two cremations, Ira Cemetery- one full burial, one cremation.

Recommendations:

- Mr. Collins recommended, and Mrs. Corbett moved, to pay Lytle Construction Inc. the amount of \$28,911.21 for the 2013 Joint 405+422 Resurfacing Program on 4 streets. (Boltz Rd., Clouse Ave., Montrose

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Ave., and a portion of Idlebrook Dr.) Mr. Nelson seconded the motion; the motion passed.

- Mr. Collins recommended, and Mrs. Corbett moved to pay \$25,083.00 to Generator Systems for the Generac Unit for the Bath Center Building. Mr. Nelson seconded the motion; the motion passed.
- Mr. Collins recommended, and Mrs. Corbett moved to advertise in the Akron Legal News for bids to furnish one five-ton Dump Truck and equipment. Specifications are available at the Road Department 7:30 a.m. to 3:30 p.m. weekdays (beginning October 11, 2013) and sealed bid packages received until 10:00 a.m. Wednesday, October 30, 2013. Mr. Nelson seconded the motion; the motion passed.

Assistant Service Director/Park Director Michael Rorar

Report:

Bath Nature Preserve

- Park personnel finished constructing the steps that lead from the Regal Beagle down to Bath Pond.
- Bath Pond Observation Deck is completed.
- Hickory Farm Lane was upgraded.
- Park personnel continued treating the exotics plant species within the Moore's Chapel Cemetery.
- Moore's Chapel Cemetery stream restoration is complete.
- Park personnel have continued the annual mowing of this park.

Recommendations: None

Zoning Inspector/Administrator and Solid Waste Coordinator William Funk

Report:

During the month 14 zoning permits were issued in the following categories:

- Accessory Structure 3
- Residential Addition 3
- Pool 4
- Sign 2
- Fence 1
- Business Use 1

Zoning Commission

September 5, 2013, Zoning Commission regular meeting:

- The Commission completed reviewing Article 16: Definitions of the proposed new zoning resolution. Following the review the Commission set the public hearing for Article 12-16 for October 3rd.

Appearance Review Commission

September 9, 2013, The Appearance Review Commission reviewed the following cases:

- ARC 13-17, Ellet Neon Sales & Service, Inc. for Acme Fresh Market, recommended to approve the proposed wall signs, 3979 Medina Rd., located in the B-2.
- ARC 13-18, Carlton Buck of Team 4 & Co., Inc. Architects, West Hill Baptist Church, recommended to approve the proposed revised monument sign, 605 N. Revere Rd., located in the R-3.
- ARC 13-19, James Gilbert of Braun & Steidl Architects for Grace Church, recommended to approve building addition to the existing church, 754 Ghent Rd., located in the R-2.
- ARC 13-20, Jim Pettis of R.B. Stout for Aladdin's Eatery, recommended to

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- approve the proposed outdoor dining, 3895 Medina Rd., located in the B-2.
- ARC 13-21, Richard Stump of Agnew Sign Co. for Merrill Lynch, recommended to approve the proposed wall signs, 4000 Embassy Pkwy., located in the B-3.
- ARC 13-22, Ellet Neon Sales & Service, Inc. for Jimmy John's, recommended to approve the proposed south facing wall sign, 3867 Medina Rd., located in the B-2.

Board of Zoning Appeals

September 17, 2013, Board of Zoning Appeals heard the following cases:

- BZA 13-20, Mike Burianek of Modern Home Concepts, approved variance request for a reduction in the 20' side yard setback between structures for a new residence, 4562 Castlemaine Ct., located in the R-4.
- BZA 13-21, Thomas Yankovich of Ellet Neon Sales and Service, Inc. for Jimmy John's, denied variance request for additional east facing wall sign, 3867 Medina Rd., located in the B-2.
- BZA 13-22, Joseph Albrecht of Albrecht Inc., for Acme Fresh Market, approved variance request for additional wall signage that includes "Acme Fresh Market", "Pharmacy" and "Food", 3979 Medina Rd., located in the B-2.
- BZA 13-23, Carlton Buck of Team 4 & Co., Inc. Architects, West Hill Baptist Church, approved variance request for the revised monument sign that exceeds the overall square footage and height, 605 N. Revere Rd., located in the R-3.
- BZA 13-24, Paul Kaczmarksi of K2A Architects Inc., approved variance request for a reduction in the 20' side yard setback a residential addition, 600 Beaverbrook Dr., located in the R-3.

Solid Waste

September Report:

- New Customers 22
- Canceled Customers 9
- Suspended Customers 12 (2 Quarters Past Due)
- Vacation Customers 8 (30 Days or More)
- Total Active Customers 2,627 (215 Garage Door Customers)

Bath Township utilizes GPS Insight to track the trash trucks

Recommendations:

Mr. Funk recommended, and Mrs. Corbett moved, to waive zoning permit fees for the Bath Township Service Department. Mr. Nelson seconded the motion; the motion passed.

Mr. Funk requested the Trustees consider Resolution 2013-28.

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

RESOLUTION 2013-28
TO ORDER THE REMOVAL OF THE STRUCTURE AT
685 LOIS DRIVE, BATH TOWNSHIP, SUMMIT COUNTY, OHIO
(O.R.C. §505.86)

WHEREAS, the Bath Township Board of Trustees has determined that the structure located at 685 Lois Drive is unsecured, unsafe, unsanitary, and unfit for human occupancy and presents an additional potential fire hazard; and,

WHEREAS, as a result of the above, it is the recommendation of the Summit County Building Department that the structure be razed.

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NOW THEREFORE BE IT RESOLVED THAT pursuant to Ohio Rev. Code § 505.86 that the trustees shall provide for the removal, repair or securance of insecure, unsafe buildings or structures at 685 Lois Drive and the township zoning administrator is directed to retain the services of a contractor to perform the work and all expenses incurred, when approved by the board, be paid out of the township general fund from moneys not otherwise appropriated.

FURTHER, that all expenses incurred by Bath Township in performing such removal shall be entered on the tax duplicate and become a lien upon the property at 685 Lois Drive from the date of entry and thereafter collected as other taxes.

FURTHER, that a copy of this resolution is to be posted on the property, a certified letter sent to the property owner of record and a legal ad placed in a newspaper of general circulation indicating the intent of this board to contract for the work for the removal and to place a lien upon the property for all expenses incurred.

Mrs. Corbett seconded the Resolution and discussion was held.

The Fiscal Officer called the roll:

Mrs. Corbett **Aye**
Mr. Nelson **Aye**

Resolution Adopted

Mr. Funk requested the Trustees consider Resolution 2013-29.

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

**RESOLUTION 2013-29
TO ORDER THE REMOVAL OF THE STRUCTURE AT
1500 N. REVERE ROAD, BATH TOWNSHIP, SUMMIT COUNTY, OHIO
(O.R.C. §505.86)**

WHEREAS, the Bath Township Board of Trustees has determined that the structure located at 1500 N. Revere Road is unsecured, unsafe, unsanitary, and unfit for human occupancy and presents an additional potential fire hazard; and,

WHEREAS, as a result of the above, it is the recommendation of the Summit County Building Department that the structure be razed.

NOW THEREFORE BE IT RESOLVED THAT pursuant to Ohio Rev. Code § 505.86 that the trustees shall provide for the removal, repair or securance of insecure, unsafe buildings or structures at 1500 N. Revere Road and the township zoning administrator is directed to retain the services of a contractor to perform the work and all expenses incurred, when approved by the board, be paid out of the township general fund from moneys not otherwise appropriated.

FURTHER, that all expenses incurred by Bath Township in performing such removal shall be entered on the tax duplicate and become a lien upon the property at 1500 N. Revere Road from the date of entry and thereafter collected as other taxes.

FURTHER, that a copy of this resolution is to be posted on the property, a certified letter sent to the property owner of record and a legal ad placed in a newspaper of general circulation indicating the intent of this board to contract for the work for the removal and to place a lien upon the property for all expenses incurred.

Mr. Nelson seconded the Resolution and discussion was held.

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The Fiscal Officer called the roll:

Mrs. Corbett Aye

Mr. Nelson Aye

Resolution Adopted

Township Administrator Vito Sinopoli

Report:

Bath Township partnered with Summit County and other municipalities in a feasibility and cost benchmarking study to create a shared broadband infrastructure. The study was funded through the Local Government Innovation Fund of the State of Ohio. This potential broadband infrastructure will serve the public, not-for-profit, and private organizations across the county through a network that will connect the entities to each other and to the internet through fiber with high data speed and continuous connectivity.

Summit County Council approved the amendment to Summit County Ordinance 775.99 at its meeting of September 30, 2013. This has been amended to include a criminal penalty for transient vendors who fail to apply for a license with the Office of Consumer Affairs in Summit County. The legislation received unanimous support from the representatives of the nine Summit County Townships.

Recommendations: None

BUSINESS FROM THE BOARD

Trustees Elaina Goodrich, Becky Corbett, and James Nelson

There were no business from the Board.

FUTURE TRUSTEE MEETINGS AND EVENTS

October 7, 2013	Appearance Review Commission TMR	5:00 p.m.
October 7, 2013	Board of Trustees Meeting TMR	7:00 p.m.
October 9, 2013	Heritage Corridors TMR	5:30 p.m.
October 15, 2013	Board of Zoning Appeals TMR	7:00 p.m.
October 16, 2013	County Detectives Meeting	10:00 a.m.
October 21, 2013	Board of Trustees Meeting TMR	4:00 p.m.
October 21, 2013	Water and Sewer District Board TCR	6:00 p.m.
October 21, 2013	Friends of Yellow Creek TMR	7:00 p.m.
November 4, 2013	Appearance Review Commission TMR	5:00 p.m.
November 4, 2013	Board of Trustees Meeting TMR	7:00 p.m.
November 7, 2013	Zoning Commission TMR	7:00 p.m.
November 13, 2013	Heritage Corridors TMR	5:30 p.m.
November 18, 2013	Board of Trustees Meeting TMR	4:00 p.m.
November 18, 2013	Water and Sewer Board TCR	6:00 p.m.
November 18, 2013	Friends of Yellow Creek TMR	7:00 p.m.
November 19, 2013	Board of Zoning Appeals TMR	7:00 p.m.

TCR-Trustees Conference Room (Administrative Offices)

TMR-Trustees Meeting Room, lower level, Bath Center

COMMUNITY EVENTS

October 12, 2013	Fall Into Nature BNP	11:00 a.m. – 3 p.m.
October 27, 2013	Halloween	5:00 p.m.-7:00 p.m.
October 27, 2013	Fire Department’s Halloween Open House	6:00 p.m.- 8:00 p.m.
November 9, 2013	1 st Annual Bath Steeplechase Event	10:00 a.m.

CITIZENS’ COMMENTS

There were no citizen’s comments.

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COMMITTEE REPORT

Pam Reitz of the Park Board spoke on the Fall into Nature event scheduled for October 12, 2013. She also presented a check from the Bath Township Community Development Corporation in the amount of \$1,482.00 to be used for the purchase of a bench and trash receptacles at the Bath Nature Preserve observation deck.

ADJOURNMENT

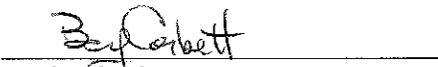
There being no further business before the Board, the meeting was adjourned at 8:09 p.m.

Absent

Elaina 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 7, 2013
Bath Township Board of Trustees

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