

RECORD OF PROCEEDINGS
BOSTON TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
MAY 24, 1988

THIS REGULAR MEETING OF THE BOSTON TOWNSHIP BOARD OF TRUSTEES ON MAY 24, 1988, WAS CALLED TO ORDER BY VICE CHAIRMAN, RANDOLPH BERGDORF. Present: Randolph Bergdorf, George Fisher, Jr., John Krusinski, Clerk, and legal counsel, Edward C. Pallekins. Absent: Trustee Chairman Daniel Schneider, Jr.

The first item of business was questions by Clerk, John Krusinski, regarding certain billings he has received from the law office of Leland Cole. Specifically, Mr. Krusinski questioned the veracity of making some of the payments as indicated on the billing inasmuch as they do not appear to be in line with the duties for which his office was retained, namely, to prosecute criminal cases for the township. The Trustees then adjourned to executive session for the purpose of discussing the legal contract with the offices of Cole Co. as well as other matters relating to said relationship in a personnel manner.

The Trustees then returned from executive session and reviewed with the residents in attendance what was discussed in the session. MOTION by Fisher seconded by Bergdorf to terminate the legal services of Cole Co. as of July 1988 and to enter into a contract with the Cuyahoga Falls Prosecutor's Office for the purpose of prosecuting various misdemeanor and felony cases which emanate from the township. Voting yes: Fisher, Bergdorf. The Clerk will notify Cole Co. relative to this decision. Also, legal counsel will contact the Cuyahoga Falls Prosecutor's Office to enter into a contract for the prosecution work.

MOTION by Bergdorf seconded by Fisher to pay all bills except for the questioned items on the Cole Co. bill as submitted by the Township Clerk. Voting yes: Fisher, Bergdorf.

MOTION by Bergdorf seconded by Fisher to pay the payroll as submitted. Voting yes: Bergdorf, Fisher.

Clerk Krusinski read a letter from the Summit County Engineer's Office relative to the Summer Litter Program. The Program will consist of groups picking up trash on the highway and leaving it in designated bags along the highway. The Engineer has asked that road crews in the various communities pick up the bags and dispose of them. The township will participate in the Program and the road crew will be notified. The Program will run from June 20, to August 12, 1988.

Mr. Krusinski read a letter from Joe Single thanking the Trustees for his appointment to the zoning commission.

The Amvets asked for a donation of \$25.00 from the township for the Memorial Day Commemoration Parade. MOTION by Fisher seconded by Bergdorf to approve payment of \$25.00 to Amvets for the Memorial Day Parade. Voting yes: Fisher, Bergdorf.

Clerk Krusinski read a letter from Attorney Sandy Rubino, counsel for the Urbanks relative to the Route 8 matter. Jim Jones, Zoning Inspector, was present at the meeting, and a

report was request from him. Mr. Jones indicated that, in his opinion, no violation exists. He has been in contact with the representatives of United Foundations on a regular basis. Until recently, United Foundations has cooperated with him in order to alleviate some of the complaints. However, due to the constant antagonism, United Foundations representatives are becoming less cooperative. The Trustees feel that it may be best to arrange a meeting with the Urbanks, their attorney, legal counsel for the township, zoning inspector, and the trustees, to review this situation. United Foundations representatives will also be invited. This will be done within the next two weeks. Legal counsel for the township will contact Attorney Rubino, counsel for the Urbanks.

Clerk Krusinski indicated that he needed various supplies from Dayton Legal Blank. MOTION by Fisher seconded by Bergdorf to allow Mr. Krusinski to order the necessary supplies to conduct his duties as township clerk from Dayton Legal Blank Co. Voting yes: Bergdorf, Fisher.

Trustee Bergdorf read a letter received from Edith Minns of the Zoning Commission. The letter stated that the Commission had met on May 23, 1988, and rejected the petition of Joseph Broderick, Jim Giroski and Robert Hopkins to rezone properties on Boston Mills Road and Stanford Road from residential to commercial. The Trustees felt that there should have been a hearing in this matter. It will be referred back to the Zoning Commission for further review. The Trustees also asked legal counsel to prepare an opinion relative to whether a hearing would be required.

George Fisher, Jr. read a report from Doug Anderson relative to the road department. Mr. Anderson indicated that a Stihl weed eater is needed. The old one is not working properly. The cost of repairs is increasing. MOTION by Fisher seconded by Bergdorf to allow the road department to purchase a new Stihl weed eater at a cost not to exceed \$400.00. Voting yes: Fisher, Bergdorf.

The Oak Hill situation was discussed. Various residents from Oak Hill were present. It was explained to the residents that Poly Systems has been contacted. However, no report has been issued to date. The Trustees have taken the position to allow Poly Systems to continue the initial review of the situation, although they are out of contract time. Hopefully, this will alleviate any further delays in obtaining the needed studies. Mr. Halishak, Vice President, had been in contact with legal counsel approximately two weeks ago. Legal counsel also contacted the Summit County Engineer's Office and John David Jones indicating that all parties should cooperate with Poly Systems in obtaining any information.

There was some question from the citizens regarding the ditching program from the township. During the recent rains water was flowing over the roads. If this continues, the roads will be damaged. Mr. Fisher indicated that a schedule is being arranged for the road crew for the 1988 ditching program and will be made available to the residents at their request.

Clerk Krusinski read a letter from the Auditor of State, Thomas E. Ferguson, dated May 19, 1988, which indicated that the examination of the financial statements

of the books and records of Boston Township will be completed in the near future. The results of the examination are to be reviewed by the Trustees, Clerk and legal counsel at the township hall on May 26, 1988, at 8:00 A.M. with the State Examiner. It was noted that this post-audit conference is confidential until the final report of the Auditor is released from Columbus.

Trustee Bergdorf indicated that, pursuant to prior authorization from the Trustees, he has prepared a letter relative to Boston Township's position concerning the new proposed annexation issue and the joint economic development issues being considered by the General Assembly for the State of Ohio. Attached hereto is a letter dated May 24, 1988, prepared by Mr. Bergdorf setting forth the township's position. MOTION by Fisher seconded by Bergdorf that the township approve for mailing the letter to Honorable Wayne Jones. Voting yes: Bergdorf, Fisher. A copy of the letter is attached hereto.

Trustee Bergdorf indicated that the County is looking for representatives from the Township on the Joint Economic Enterprise Zone Tax Abatement Council. Residents names will be submitted to the Trustees at a later meeting for consideration.

MOTION by Fisher seconded by Bergdorf to adjourn. All voting yes. Meeting duly adjourned.

CLERK

CHAIRMAN

Boston Township Trustees
P.O. Box 123
Peninsula, Ohio 44264
May 24, 1988

The Honorable Wayne Jones
2380 Highpoint Rd.
Cuyahoga Falls, Ohio 44223

Dear Representative Jones:

As Trustees of Boston Township, we would wanted to take this opportunity to thank you for inviting us to the hearing held on April 13 in Akron. We are quite interested in the annexation issue and wanted to inform you and the other members of the committee of our situation.

Boston Township is a largely rural and sparsely populated community. We have been greatly impacted by the creation of the Cuyahoga Valley National Recreation Area and have been informed by the federal government that 88% of our township will be acquired by the park and removed from local tax rolls. This puts us in a rather unique position: We must continue to provide services to the entire township regardless of ownership and must do so on fewer tax dollars each year.

The small area of Boston Township outside of the park's boundaries lies just north of the former Northampton Township, now merged with the city of Cuyahoga Falls. This small area is our last hope for regenerating a tax base for the community. Recently we agreed to become part of the Western Reserve Economic Enterprise Zone in an effort to increase the potential for attracting new business to the township. Should these efforts be successful, this land will undoubtedly be a desirable annexation for some municipality. This would be a catastrophic blow to an already suffering township.

We applaud the committee's review of Ohio's antiquated annexation laws. Contrary to what some may say, Ohio's current annexation laws do not work in favor of townships. Despite resulting in unmanageable crenelated borders, for the most part a township has virtually no power in an annexation issue.

As Trustees, we feel that the new proposal of establishing Joint Economic Development Zones would provide a fair and decent solution to the annexation issue. These zones would allow a municipality the possibility of collecting income taxes from developed properties, without removing them from the township's collection of real estate taxes. This latter part is most integral to Boston Township, given its delicate and precarious situation.

Again we would like to thank you and the other members of the committee for the efforts being made on this issue. Please convey our letter to the committee and please keep us informed on the annexation legislation as it progresses.

Most Sincerely,

Daniel Schneider, Jr.

George Fisher, Jr.

Randolph S. Bergdorf