

**BOSTON TOWNSHIP TRUSTEES
MINUTES OF THE REGULAR MEETING**

October 14, 2009

Present at this regular meeting of the Boston Township Trustees were Trustees Randy Bergdorf, Jerry Ritch and Amy Anderson; Fiscal Officer Joanne Noragon, and Legal Counsel Ed Pullekens. Trustee Chairperson Anderson called the meeting to order at 6:30 P.M.

The Trustees extended congratulations to Ed Pullekens for being named as one of the best Akron attorneys in the 2009 Beacon's Best Annual Contest; an area wide contest sponsored by the *Akron Beacon Journal*. Also named in the best nursery and best gift shop categories, was Suncrest Gardens.

J & J Refuse: John Lehlbach, representing J & J Refuse attended the meeting to present a proposal. The current contract expires on January 31, 2010 with two one year extension options to be executed on November 1st of each year. Mr. Lehlbach proposed extending the contract for three years at \$16.70 per month the fixed price for all three years. The current monthly cost is \$15.46. Legal Counsel Pullekens advised the contract cannot be extended for three years; it is written with one year extensions and must be re-bid at the end of the second extension. Mr. Lehlbach said the monthly cost for two one year extensions would be \$15.90 for the first year and \$16.48 for the second year. The Trustees will respond to the one year extension proposals at the next meeting.

Love Insurance: Cathy Rice, representing Love Insurance distributed their policy proposal for 2010 and reviewed it with the Trustees. The policy changes included the cost of insuring the new small truck and incremental adjustments to property values. The cost of the policy in 2010 will be \$9,192, less the amount billed back to the Boston Township Hall Committee for buildings they insure. The policy cost for 2009 was \$8,630. The Trustees will review the policy for the next meeting.

Police Protection Report: No report from a police representative. Trustee Anderson reported the hearing for Chief McCue has been postponed until October 23rd at 7:00 p.m. at the Peninsula Village Hall. After being exonerated by the Summit County Sheriff of previous charges authorized by Peninsula Council, Chief McCue now faces administrative charges authorized by Council.

The Trustees reviewed and discussed a recent police report filed by Officer Petrovitch. On October 1st Assistant Road Superintendent Doug Mayer reported tampering with traffic control devices, apparently by All-Ohio employees, on Barlow Road. Mr. Mayer requested the police investigate the criminal damage. Officer Petrovich said he felt it was a civil matter between the Township and All-Ohio. When pressed to do his duty, Officer Petrovich contacted the Stow Municipal prosecutor, who informed Officer Petrovich that tampering with traffic control devices is prohibited under Ohio Revised Code. Officer Petrovich questioned an All-Ohio employee who admitted removing the traffic control devices. Officer Petrovich warned the employee and Mr. Mark Malbin they might be cited for these actions in future. Officer Petrovich issued only a report on the incident. Trustee Ritch will discuss the handling of this incident with representatives of the Peninsula Police Department.

Zoning: Zoning Inspector Sulzer reported that Legal Counsel Pullekens has put together business district and variance applications keyed to the zoning resolution. These are being circulated in draft form and will be finalized by the next meeting.

Mr. Sulzer has issued two violation notices, one to All Ohio for operating with no permit and one to Bencin Trucking for operating with no permit at 5649 Akron Cleveland Road. He has met with ODOT at All-Ohio and learned the corrections for excavating along State Route 8 are not to ODOT specifications.

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A Barlow Road resident is reporting noise from Stillwell late in the day during the week and on weekends. He will investigate.

Significant progress has been made on junk cars and he will provide an updated spreadsheet.

Assistant Zoning Inspector Mayer reported a site plan from Pro Tree is in hand and they will receive an application soon. Suncrest has started on the drainage project and it appears to be working properly. It has been delayed slightly due to heavy rain, but will be continued to the end. He will meet on October 15th with the Army Corps of Engineers and Summit Soil and Water on the Caporaletti and Godlewski properties for review.

Approval of Minutes: The trustees reviewed the minutes of the September 23, 2009 meeting submitted by the Fiscal Officer. **Motion** by Bergdorf, seconded by Ritch, to approve the minutes as submitted. Voting: All Voting, YES. Motion passed.

[2009-1014-01]

Boston Township Bi-Centennial (January 15, 1811): Trustee Bergdorf reported the Bi-Centennial Committee has developed a number of ideas to celebrate the bicentennial and are already making use of the Township web site to put Township history on-line. The next meeting of the Committee will be Wednesday, October 21, 2009 at 6:30 at the Township road garage.

Correspondence: Fiscal Officer Noragon reviewed the various correspondence received by the Township.

Township Buildings and Grounds. Trustee Ritch and Doug Mayer will meet with representatives of two companies who submitted HVAC quotes and make a recommendation at the next meeting. There is a septic issue with flow to the pump because a pipe has settled. The Township Road Department will help the Hall Committee with the necessary excavation for repairs. This and other repairs as a result of original shoddy workmanship are being addressed.

Future Planning and JEDD. Trustee Ritch reported he is working with Virgil Arrington on the JEDZ contract in order to clarify the taxing authority language. The Trustees reviewed the proposed US EPA-Western Reserve Brownfield Assessment Program for properties in the JEDZ. The JEDZ coalition (Stow, Hudson, Cuyahoga Falls and Boston Township) will apply for grant funds to complete Phase I and II Environmental Assessments of key properties. The properties identified can opt out of the assessment; other properties in the district can opt into the assessment.

Motion by Ritch, seconded by Bergdorf to issue a letter from the trustees in support of the US EPA-Western Reserve Brownfield Assessment Program. Voting: All Voting, YES. Motion passed.

[2009-1014-02]

Valley Fire District: Trustee Anderson reported the Fire District Board reviewed levy renewal and replacement options for the operating levy and will make a decision at the next meeting. Chief Riedel has informed the Trustees that Brandywine Ski Area is interested in contracting with the District for ambulance service during the ski season. The Chief is reviewing the cost benefit of the proposal.

Road Department: Road Superintendent Tesmer reported to Trustee Anderson that the department is getting ready for winter. The Trustees discussed an inquiry made by Peninsula at their Council meeting that the Township provide some warning signage for Stine Road. After some discussion the matter was tabled pending further input from Peninsula.

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Other Business: The Fiscal Officer reported the audit contract with Harris & Associates has been extended one year and Harris quoted \$5,200. The Trustees asked the Fiscal Officer to request the price be lowered to \$5,000.

The Trustees noted that Summit County Council representative Nick Kostandaras has not followed through on his promise of a meeting concerning PILT funding. The Fiscal Officer will arrange the meeting for Tuesday, October 27th at 6:00 pm at the Township Hall and ask representatives of Peninsula and Boston Heights to attend.

Appointments: The Fiscal Officer announced that one Senior Snowplow Program quote of the three distributed had been returned. **Motion** by Anderson, seconded by Ritch, to contract with O'Bryan Ground Maintenance, Inc. for senior snowplowing services for the 2009/2010 season at the rate of \$36/driver. Voting: All Voting, YES. Motion passed. **[2009-1014-03]**

Approval of Payroll: **Motion** by Ritch, seconded by Bergdorf, to approve the payroll prepared by Fiscal Officer Noragon. Voting: All Voting, YES. Motion passed. **[2009-1014-04]**

Approval for Payment of Bills: **Motion** by Ritch, seconded by Bergdorf, to pay the bills prepared by Fiscal Officer Noragon. Voting: All voting, YES. Motion passed. **[2009-1014-05]**

Executive Session: **Motion** by Anderson, seconded by Ritch, to go into Executive Session to review litigation matters. Voting: All voting, YES. Motion passed. **[2009-1014-06]**

The Trustees entered into Executive session at 8:15 P.M. The Trustees reconvened at 8:30P.M. The Trustees announced no action taken.

Motion by Bergdorf, seconded by Ritch to adjourn. All voting yes. Meeting duly adjourned. **[2009-1014-07]**

CHAIRMAN

FISCAL OFFICER