

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

September 28, 2005

Present at this regular meeting of the Boston Township Trustees were Randy Bergdorf, Amy Anderson, John Puchalsky, legal counsel, Edward C. Pullekens and Clerk Joanne Noragon. Trustee Chairperson Anderson called the meeting to order at 7:00 P.M.

The trustees asked that Edward C. Pullekens take the minutes of the meeting.

Police Protection Report. A representative from the Peninsula Police Department was in attendance. He reported that his department has looked at the intersection of Truxell and Akron-Cleveland Road. There appears to be a slight obstruction in view at the intersection. The matter was referred to the Summit County Engineer's office. Brian Stormer, representative for the Engineer, indicated that the matter would be reviewed. Trustee Anderson inquired about the recent bike race on Quick Road. She asked the police to attempt to monitor all races, etc., in the township that tie up the township roads.

Approval of Minutes: The trustees reviewed the minutes of the September 14, 2005 meeting submitted by the clerk. **Motion** by Bergdorf, seconded by Puchalsky to approve the minutes as submitted. All Voting, Yes

Summit County Engineer: Summit County Engineer, Greg Bachman, and other representatives from his office were in attendance. Mr. Bachman provided the township with a written report and verbal summary of projects completed and/or contemplated that involve Boston Township. He gave a presentation in regard to the possible use of roundabouts as a modern intersection alternative. There was a review of the issue in regard to the salt bill submitted to the township. The Engineer's office will meet with Clerk Noragon next week to review in detail all issues.

JEDD-Al Schrader: Special legal counsel, Al Schrader, gave a review of the current status of the JEDD with Cuyahoga Falls. After much review, it was the opinion of all that the matter be put on the ballot to be voted by all electors in the unincorporated areas of Boston Township. It was agreed that the matter would be placed on the ballot in the May 2006 primary election. Mr. Schrader indicated that a new public hearing on the JEDD should be scheduled. Mr. Schrader further advised that a resolution should be adopted again adopting and accepting the Boston Township-City of Cuyahoga Falls, Joint Economic Development District Contract.

Motion by Bergdorf, seconded by Puchalsky, as follows:

WHEREAS, the City of Cuyahoga Falls, (the "City") and the Township of Boston (the "Township") have negotiated and now intend to enter into a Boston Township-City of Cuyahoga Falls Joint Economic Development District Contract to create and provide for the operation of the Boston Township-City of Cuyahoga Falls Joint Economic Development District (the "District") in accordance with Section 715.71 of the Revised Code for their mutual benefit and for the benefit of their residents and of the State of Ohio (the "State").

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

Section 1. This Board finds and determines that (i) this Board shall hold a public hearing concerning the Contract at 6:00 o'clock P.M., on November 9, 2005, in accordance with section 715.71 of the Revised Code, (ii) 30 days' public notice of the time and place of that public hearing shall be published in the Cleveland Plain Dealer, a newspaper of general circulation in the Township, (iii) during the 30 day period prior to that public hearing, a copy of the text of that Contract, shall be on file for public examination in the office of the Clerk, (iv) public comment and recommendations on the proposed Contract shall be heard pursuant to the public hearing, and (v) the Contract may revised and is on file with the Clerk.

Section 2. This Board accepts the Boston Township-City of Cuyahoga Falls Joint Economic Development District Contract (the "Contract") now on file with the clerk (see attached Exhibit "A", incorporated herein by reference".

Section 3. A copy of the text of the Contract, together with copies of District maps and plans related to or part of the Contract, shall remain on file in the office of the Clerk.

Section 4. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were well taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. This resolution shall be in full force and effect from and immediately upon its adoption.

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

Trustee Randolph S. Bergdorf	YES
Trustee John R. Puchalsky	YES
Trustee Amy Z. Anderson	YES

Motion by Bergdorf, seconded by Puchalsky, as follows:

WHEREAS, the Board of Trustees of Boston Township proposes to enter into a Contract to create a Joint Economic Development District with the City of Cuyahoga Falls, Ohio, to facilitate economic development, create or preserve jobs and employment opportunities, and improve the economic welfare of the people in the Township, the joint district, and the state;

NOW THEREFORE, be it resolved that:

- 1 A public hearing on the proposed Joint Economic Development District Contract be held at 6:00 PM on the 9th day of November, 2005, at the Boston Township Hall, 1775 Main Street, Peninsula, OH 44264, at which time interested parties may make comments and recommendations
- 2 The clerk is instructed to cause notice of the public hearing to be published in a newspaper of general circulation in the township, at least 30 days prior to the date of the hearing, and to post notice at the Township Offices and the fire station.

- 3 The clerk shall keep a copy of the text of the proposed contract, with related district maps and plans, on file at the township office. The notice of public hearing shall state that the proposed Contract, maps and plans are available for public inspection at the township office during normal office hours.

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

Trustee Randolph S. Bergdorf	YES
Trustee John R. Puchalsky	YES
Trustee Amy Z. Anderson	YES

Mr. Pullekens gave Attorney Schrader the original JEDD documents that Mr. Schrader had previously forwarded to the trustees. Mr. Schrader will do a complete review of the matter and see that everything is in order. Mr. Schrader indicated that he would assist the Township as the steps progressed to get the issue of the JEDD on the ballot.

Correspondences. Clerk Noragon reviewed the various correspondences received by the Township.

Township Buildings and Grounds. The sidewalk and waterproofing project almost complete. The Boston Township Hall Committee (BTHC) is in the process of trying to procure the matching funds for the GAR Foundation grant. An extension has been requested from the GAR Foundation. However, a significant amount has been collected to date. The parking lot elevations have been completed and the BTHC will be looking at the entire parking lot issues.

Valley Fire District Update. Trustee John Puchalsky reported that the Valley Fire District Board is still reviewing in detail the proposal for the relocation of the department to the Dogwood Lane site owned by the NPS. The initial review by the architect shows that significant savings can be had with going to the Dogwood site. However, there are still many issues that have to be worked through before any final decision is made. Trustee Anderson asked about the responsibilities of the Valley Fire District to the current station's upkeep. Mr. Puchalsky indicated that various issues, including roof issues, have been discussed by the fire board with representatives of the BTHC and that the Fire District will review any concerns by the BTHC. Mr. Puchalsky stated that the next meeting of the Fire Board will be Tuesday, October 11, 2005 at 7:00 PM. Anyone interested is invited to attend.

Road Department. Tim Tesmer, Road Superintendent, was in attendance. The trustees asked that he review the possibility of the township taking over all ice and snow control responsibilities this winter. Mr. Tesmer will look into the issue and he will attend the meeting that is being set by the township clerk and the Summit County Engineer to review last year's billing. Mr. Tesmer reported that the work on Scobie Road has been completed, and that Stine Road will be striped within the next few days. Mr. Tesmer reported that the Stanford Road area showed no flooding after the current rainstorms. It appears that the repairs are working. The Trustees discussed the issues involving Stanford Road as they relate to Sagamore Hills Township. A letter will be sent to Sagamore Hills Township asking for a meeting to discuss mutual concerns involving Stanford Road and the possibility of contribution from Sagamore Hills Township for the upkeep of Stanford Road.

Future Planning. Ms. Anderson reported that the Township Pot Luck Dinner is scheduled for November 19, 2005. The tentative start time is 5:30 pm. Finalization of plans will be reviewed at the next regular meeting of the trustees.

Zoning Zoning Inspector, Paul Kaczmarski, was not present. However, he had contact with Clerk Noragon and they have scheduled to meet on October 3, 2004 to discuss the ongoing issues in regard to the cell towers. Wes Bergdorf passed out the minutes from the Zoning Commission and BZA meetings.

The trustees discussed the possibility of appointing alternate members to the BZA and zoning commission as allowed by law. The matter will be reviewed by the trustees at future meetings.

Other Business: Clerk Noragon reported that the township should know about the status of its CUE application by the next regular trustee's meeting. Apparently there was no CUE meeting in September, but Sue Morgan has indicated that she has added Boston Township to the roster in anticipation of the township's formal acceptance being approved. Clerk Noragon advised Tim Tesmer of the CUE membership.

Clerk Noragon indicated that she is still working to review the issues surrounding the Cell Tower zoning/inspection records. Hopefully, the matter will be resolved after the meeting with Paul Kaczmarski on Oct. 3, 2005.

Greg Franklin, a loan officer for Summit County Economic & Community development, has inquired about the date and time of trustee meetings. His office manages a housing rehabilitation program and he wants to make a presentation to the trustees. A mutually agreeable date will be agreed upon.

Clerk Noragon reported that the Medical Mutual premium will increase 9.52% to \$571.98 effective January 1, 2006. The only other change is that the urgent care co-pay increases by \$20.00. Tim Tesmer has been informed.

Clerk Noragon reviewed the contracts with Doug O'Bryan who provided snowplowing services last year. Basically, he will do all the drives for approximately \$385.00 per plow based on the number of drives plowed last year. The amount is approximately \$20.00 per drive. The Trustees reviewed the updated application and rules prepared by legal counsel. **Motion** by Bergdorf, seconded by Puchalsky to continue the Senior Citizen/Disabled Citizen snow plow program for another year as allowed by law. All voting yes. Ms. Anderson and Clerk Noragon will finalize the necessary paperwork and circulate the same.

The trustees reviewed the NIMS (Homeland Security) resolution that was previously discussed. The county requested that the township pass the same. After review the trustees proceeded as follows with **Motion** by Bergdorf, seconded by Puchalsky:

Adoption of the National Incident Management System (NIMS)

WHEREAS, President Bush issued Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, on February 28, 2003, directing the Secretary of Homeland Security to develop, submit for review to the Homeland Security Council, and administer a National Incident Management System (NIMS), and

WHEREAS, Governor Taft issued Executive Order 2004-14T on July 30, 2004 ordering all departments and agencies of the State to utilize the Incident Management System prescribed by the Department of Homeland Security; and

WHEREAS, NIMS will provide a consistent nationwide approach allowing federal, state, local and tribal governments to work effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, and

WHEREAS, the Department of Homeland Security has sought extensive input on NIMS from state, local and tribal officials, the emergency response community and the private sector and has incorporated the best practices currently in use by incident managers; and

WHEREAS, effective homeland security incident management involves new concepts, processes and protocols that will require refinement over time. The collective input and guidance from all homeland security partners has been, and will continue to be, vital to the further development of an effective and comprehensive national incident management system, and

WHEREAS, NIMS was published by the Department of Homeland Security on March 1, 2004, and

WHEREAS, HSPD-5 and NIMS require all federal departments and agencies to adopt NIMS and use it in domestic incident management and emergency prevention, preparedness, response, recovery and mitigation programs and activities, as well as to assist state, local or tribal entities; and

WHEREAS, HSPD-5 and NIMS require federal departments and agencies to make state, tribal and local organizations adopt NIMS as a condition for federal preparedness assistance beginning in federal fiscal year 2005; and

WHEREAS, short-term compliance will include adopting the basic tenets of the Incident Command System identified in the NIMS document. The Secretary of Homeland Security published standards, guidelines and protocols for determining compliance in December 2004.

NOW, THEREFORE, the BOSTON TOWNSHIP TRUSTEES, Summit County, Ohio, pursuant to the Ohio Revised Code do hereby order that:

All departments, offices and agencies of BOSTON TOWNSHIP shall utilize the Incident Management

System prescribed by the Department of Homeland Security, as implemented by the Summit County Emergency Management Agency.

The Director of the Summit County Department of Emergency Management shall determine the timetable and steps necessary for the expedient implementation of this Resolution.

The Director of the Summit County Department of Emergency Management will begin training on NIMS and revise the Boston Township Emergency Operations Plan as soon as practicable.

All Voting, YES.

Clerk Noragon reviewed the data she received from the Summit County Budget Commission of the tax levies amounts and rates. **Motion** by Bergdorf, Seconded by Anderson to accept and approve the tax levies amounts and rates as certified by the Summit County Budget Commission. All voting, YES.

CONTRACTS AND APPOINTMENTS: The Rubbish contract is up in January. Mr. Pullekens will review the matter and specifications. The police contract is a 3-year contract and will extend to 2006 automatically. Clerk Noragon will verify this. In addition, Clerk Noragon will follow through on the senior snowplowing contract.

APPROPRIATIONS: None

TRANSFERS/ADVANCES None

PURCHASE ORDERS: **MOTION** by Puchalsky, seconded by Bergdorf to approve the following purchase order:

3-2005	\$5,000.00	2191-210-360	Police contract
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All voting YES.

BANK RECONCILIATION; None

APPROVAL OF PAYROLL: **MOTION** by Puchalsky, seconded by Bergdorf to accept the payroll as prepared by Clerk Noragon. All voting yes.

APPROVAL FOR PAYMENT OF BILLS: **MOTION** by Puchalsky seconded by Bergdorf to pay the bills prepared by Clerk Noragon. All voting yes.

MOTION by Randy Bergdorf, seconded by John Puchalsky to adjourn. All voting yes. Meeting duly adjourned.

CHAIRMAN

CLERK