

BOSTON TOWNSHIP TRUSTEES
MINUTES OF MEETING HELD JULY 2, 1991

Present: Trustees Daniel Schneider, Jr., Joseph Broderick,
Randolph Bergdorf, Legal Counsel Edward C. Pullekens.
Excused Absence: Clerk John Krusinski.

The Trustees asked that Edward C. Pullekens take the Minutes of the meeting.

In the first item of business the payroll was presented to the Trustees for their review and approval. Dan Schneider will call the payroll into First National Bank.

A report of legal counsel was given by Mr. Pullekens. He indicated that the lawsuit of Bauer vs. United Foundations and Boston Township, case no. CV 89-12-3936, Summit County Court of Common Pleas, went forward on June 24 and 25, 1991. Based upon a Motion and Brief filed on behalf of the Township, the Mandamus action against the Township Trustees and Zoning Inspector was withdrawn prior to trial. Also, the parties stipulated prior to trial that no monetary damages were being asked for at this time against the Township. Also, it was stipulated at the beginning of trial that the zoning permit in question, issued by Jim Jones, Zoning Inspector, to United Foundations, on May 16, 1986, was correctly issued pursuant to the Zoning Resolutions in effect at that time. The issues before the Court were whether the subsequent activities on the property constitute a private nuisance (the residents were suing United Foundations directly on this point), and whether the subsequent activities were, in fact, zoning violations. After the evidence was presented to the Referee and a review of the site was made by the Referee and all counsel of record, the Referee took it under advisement. Mr. Pullekens will keep the Trustees advised as to all further developments, including findings, in the case.

Mr. Pullekens was given a memo from the Village of Peninsula to Daniel Schneider Jr. regarding their rule on junk cars. Mr. Pullekens will review the memo and the County and Township Resolutions concerning junk cars. He will advise the Trustees in this regard.

Mr. Pullekens reviewed other zoning problems brought to his attention by Jim Jones, Zoning Inspector. The Jura property on Route 8 has continuing violations. The Sirpilla property has dumping violations. The residential trailer park on Columbia Road has pending violations. Mr. Jones is getting no cooperation in these matters. Mr. Pullekens asked for direction from the Trustees in this matter. It is the Trustee's position that Jim Jones should be supported. Mr. Pullekens should proceed legally to assist Mr. Jones in the enforcement of the zoning ordinances. Mr. Pullekens suggested that each case be scrutinized by the Trustees and the complete zoning situation analyzed. The Trustees should keep track of the costs associated with the zoning enforcement. Mr. Pullekens suggested that a meeting be arranged with Jim Jones to discuss enforcement of the zoning resolutions.

Randy Bergdorf presented to the Trustees the Minutes of June 18, 1991, prepared by John Krusinski. The Trustees will review and vote on the Minutes at the next regular meeting.

of the Trustees.

Mr. Bergdorf advised that he contacted Mark Hansel, Summit County Planning and Economic Development, concerning the status of the Community Block Grant for electrical work for \$25,000.00. Mr. Hansel advised that the Township should be awarded this Grant.

Mr. Bergdorf presented a letter he received concerning the formation of the Four County Comprehensive Planning Committee Session. A meeting is to be held at the Tallmadge City Hall on July 11, 1991, at 2:00 P.M.

Mr. Bergdorf inquired about the septic system. Apparently, it has not been completed to date inasmuch as there is some question about the location of the system. Mr. Bergdorf also reviewed the grant requirements. The project must be completed by September 30, 1991.

Trustee Joseph Broderick presented each of the Trustees with a copy of the proposed 1992 police budget. The Trustees reviewed each of the items in the budget and prepared a list of questions for Mr. Broderick to review with the Village at the upcoming police meeting this Friday. The Trustees will then meet prior to the joint meeting of the Township and Village in order to discuss the contract negotiations. The time and place of the meeting will be announced. The Trustees hope that prior to the joint meeting, some consensus can be reached concerning the police budget and the position of the Township.

Mr. Broderick presented questions that he intended to ask at the joint meeting of the Township and Fire Board. The questions concern the \$30,000.00 contingency budget item, the levy, the number of fire personnel responding to a fire call, the billing procedures of the rescue unit. The questions will be formulated and reviewed at the joint meeting. They will also be reviewed prior to the joint meeting by the Trustees.

Daniel Schneider Jr. presented the 1991 Valley Fire District Board Minutes. These Minutes are attached hereto for record. Mr. Schneider will present the Minutes monthly to the Trustees for inclusion in the Boston Township Minutes.

Mr. Schneider advised the the mowing tractor was broken again. Apparently, there was a problem with the clutch. The tractor was fixed at a cost of \$796.24.

Mr. Schneider discussed with Doug Anderson the possibility of Mr. Anderson attending Township meetings. Personal problems prohibit him from attending at this time. Mr. Anderson did advise that if need be, he would attend meetings. Hopefully, his schedule will improve after the Summer. The Trustees will work with Mr. Anderson to arrange times to meet and discuss road matters.

Mr. Schneider checked with Charles Riedel and Doug Anderson concerning the problem with the fire telephone ringing in the town hall. Mr. Riedel indicated to Mr. Schneider that a new line would be installed in the fire station and the fire department will be purchasing a phone machine on or before August 1, 1991. Until the new line is installed, the telephone will continue to ring in the town hall.

Mr. Schneider indicated that he and the entire fire board are looking at various ideas concerning the proposed fire levy to be put on the ballot in 1991.

Regarding mowing, Dan Schneider advised that due to the fact that the tractor was broken down, mowing is behind scheduled. However, the tractor is now repaired and mowing will continue. The Village Mayor is in agreement with the new mowing rate as presented by the Trustees. Village Council had voted to accept the old rate. However, the Mayor will provide written documentation that the new rate is acceptable to the Village and will be paid by the Village. Mr. Pallekins advised that he has not received a signed Contract to date. Before the work is done, proper documentation will be received by the Township.

Mr. Schneider advised that the Township drainage projects have been completed. No new ones are planned for this year. However, ditching is still proceeding according to schedule.

Regarding the removal of the underground tanks, Dan Schneider advised that Doug Anderson has contacted Carmen Construction. A State Inspector is required to be present when the hole is opened to remove the tanks. This is the reason for the delay in proceeding with this project.

Mr. Schneider presented to the Trustees the 1991 proposed road projects concerning chip and seal for the Township roads as prepared by Road Superintendent, Doug Anderson. The Trustees will discuss this matter at the next meeting. Hopefully, after the next meeting, the contracts can be placed out for bid. Mr. Anderson suggested that the bids be based on unit cost. Mr. Pallekins advised that the specifications should be prepared by Doug Anderson and the County Engineer, and approved by the County Engineer. Mr. Schneider will meet with Mr. Anderson in this regard. The Trustees agree that the County Engineer should review all plans and bid documentation.

The Trustees prepared a proposed agenda for the joint meeting. This will be reviewed at a later meeting.

The current situation with Doug Anderson was discussed. Mr. Anderson has moved out of the township, temporarily. His role as a member of the Fire Board has been questioned. The Trustees asked legal counsel to contact the Summit County Prosecutor's Office and request a Prosecutor's Opinion concerning Mr. Anderson's ability to serve on the ~~Fire~~ ^{Fire} Board. Mr. Anderson has advised that he is attempting to move back into the township. His current move is only temporary. Mr. Pallekins will request a Prosecutor's Opinion early next week.

9/7/92 Motion by Schneider seconded by Bergdorf to adjourn. All voting yes. Meeting duly adjourned.

CHAIRMAN

CLERK