

BALLVILLE TOWNSHIP TRUSTEES – REGULAR MEETING
BALLVILLE TOWNSHIP HOUSE
TUESDAY, DECEMBER 4, 2018 – 5:30 P.M.

The meeting was called to order at 5:30 p.m. with Chairman David P. Stotz leading the Pledge of Allegiance. Also present were Trustees Richard A. Geyer and W. Robert Kusmer, along with James Barney of Kocher & Gillum, Solicitor.

Mrs. Ickes pointed out an error she made in the November 20, 2018 regular meeting minutes on Page 2, Paragraph 6, the first paragraph in the Cemetery Board Report, which reads as follows:

Trustee Kusmer advised that he received a phone call today from Attorney Bowlus, who represents Oakwood Cemetery, that the township will be getting the cemetery on January 31, 2019. The trustees would like to set up a meeting next week with representatives from the cemetery next week. Mr. Kusmer will advise Mrs. Ickes of the date and time once he reaches Oakwood's officials so that the meeting can be advertised in a legal notice.

Should read as follows:

Trustee Kusmer advised that he received a phone call today from ~~Attorney~~ **Jim** Bowlus, who represents Oakwood Cemetery, that the township will be getting the cemetery on January 31, 2019. The trustees would like to set up a meeting next week with representatives from the cemetery next week. Mr. Kusmer will advise Mrs. Ickes of the date and time once he reaches Oakwood's officials so that the meeting can be advertised in a legal notice.

Moved by Mr. Geyer, seconded by Mr. Kusmer, that the minutes of the regular trustees' meeting of November 20, 2018 meeting be approved as amended. Upon a vote, Mr. Geyer - Yes; Mr. Kusmer – Yes; Mr. Stotz –Yes; the motion carried.

Trustee Kusmer wanted a change made to the November 27, 2018 special meeting with Oakwood Cemetery representatives on Page 3, Paragraph 1, which reads as follows:

Trustee Kusmer stated that the township will end up having the Oakwood Cemetery this year, and that the burden will have to be absorbed by the township. The township's recent General Fund Levy failed because the township's residents voted against it. He stated that he did not appreciate that the township has to take on Oakwood's problems. Trustee Kusmer estimated that it would take more than \$1,000,000.00 to address and repair Oakwood Cemetery's problems. Mr. Bowlus and Mr. Luse agreed with Mr. Kusmer's statements.

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Moved by Mr. Kusmer, seconded by Mr. Geyer, that the minutes of the November 27, 2018 special meeting with Oakwood Cemetery representatives be approved as amended. Upon a vote, Mr. Geyer - Yes; Mr. Kusmer – Yes; Mr. Stotz –Yes; the motion carried.

Ellen Ickes, Fiscal Officer, provided printed financial reports to the trustees: Appropriation Status, Payment Listing, Receipt Listing, Fund Status, Cash Summary by Fund, Resources Available for Appropriation, and Comparison of Budget and Appropriated. A verbal financial report was given as follows for today's meeting:

Total bills: \$ 40,527.83

Total receipts: \$ 13,809.55

Cash total in all funds: \$ 1,024,852.44

It was moved by Mr. Kusmer, seconded by Mr. Geyer, that the financial report be approved and the bills be paid. Upon a vote, Mr. Geyer – Yes; Mr. Stotz – Yes; Mr. Kusmer – Yes; the motion carried.

PUBLIC COMMENT

A sign-in sheet was passed around and all present were requested to sign in (attached). Several persons indicated they were here as a follow-up to the recent Oakwood Cemetery meetings.

Electric Aggregation

Joe Garrett of Trebel was present to discuss electric aggregation with the trustees. Now that the trustees have signed the non-renewal letter with the county's electric aggregation, there is work to be done. Four other townships in Sandusky County have signed on: Green Creek, Sandusky, Washington, and York. Public meeting notices are required by the PUCO. The township needs to be certified for aggregation by the PUCO before this is bid out. The process for aggregation, which expires in May, has been re-started.

The township needs to hire Trebel. Discussion took place. Solicitor Jim Barney advised that the township is free to enter into an agreement for aggregation and said he would thoroughly review the management contract that Trebel had provided. Mr. Garrett stated that York Township had sought review of the contract from the county prosecutor, and even though this is the same contract everyone uses, there is a request for a few changes regarding term length (three or five years), a one year renewal, and a six month out. Mr. Garrett added that they have not lost a client or gone to court, and everyone who goes to court wants to proceed in their home county.

Solicitor Barney advised that he would review the contract before any other action is taken.

Trustee Kusmer made a motion, seconded by Trustee Geyer, to approve the contract conditional upon Solicitor Barney's approval. Upon a vote – Mr. Geyer – Yes; Mr. Kusmer – Yes; Mr. Stotz – Yes; the motion passed.

Mr. Garrett stressed that he needs a copy of the signed contract as soon as possible.

Trustee Kusmer then made a motion, seconded by Trustee Geyer, to approve the contract with only the signature of Chairman Stotz following Solicitor Barney's approval of the contract in order to expedite the process. Upon a vote – Mr. Geyer – Yes; Mr. Kusmer – Yes; Mr. Stotz – Yes; the motion passed.

Mr. Garrett advised that the township residents have voted on aggregation in the past and are creating the township's own program with the PUCO. Two public meetings must be held, and he advised that usually there is one in the morning and the other in the evening on the same day. He was interested in knowing the availability of the township house for the meetings. The PUCO requires advertisement of the meetings for two consecutive weeks, which Trebel will take care of. Mr. Garrett also advised that the trustees may want to attend, but they are not required to be present.

Solicitor Barney will review the contract and advise Chairman Stotz if he should sign the contract. The township will then discuss meeting dates with Mr. Garrett so that he can schedule accordingly.

Donald Michaels, resident of Jackson Township, informed the trustees that he owns property in Ballville, at 118 and 12. He wanted to know if the trustees will pay their share if he needs to cut the road to replace a tile. He also advised that he wanted to clean a tile. Superintendent Lagrou will look into these matters. After discussion, Trustee Kusmer advised Mr. Michaels that, while he may have had work done in the township's right-of-way in the past without the township's knowledge (ditch cleaning/trenching), a permit and bonding is now required for all work in the township's right-of-way.

CEMETERY BOARD REPORT - Jack Ferguson and Jim Gillis

Mr. Gillis advised that there is a funeral tomorrow at McGormley Cemetery, and Superintendent Lagrou stated there is also a funeral on Saturday.

Jack Ferguson, a former superintendent at Oakwood Cemetery, provided an update on the Oakwood Cemetery potential acquisition by the township. The Oakwood Cemetery Association had meetings with the township trustees on November 27, and had an informational meeting on December 2 at Pontifex. The cemetery association also held a meeting December 3, 2018 at 10:00 a.m. at Keller Koch Chudzinski Funeral Home. At that time two votes of lot owners took place to decide whether to turn the cemetery over to the township because of the association's financial issues. There was a difference of one vote during the first show of hands; a second vote resulted in the majority voting not to turn the cemetery over to Ballville Township: 20 against, and 16 for, turning the cemetery over to the township.

It was discussed that no motion came from the floor at the December 3 meeting. Mr. Barry Luse read the resolution that consisted of several stipulations strung together - including to turn the cemetery over to the township on January 31, 2019; and to put the perpetual care funds into a trust with the local Sandusky County Foundation so that the township would only receive the interest from the fund. The lot owners did not vote on each point separately.

Mr. Ferguson discussed lot ownership. He advised that he will personally mail notices to lot owners in the future for an informational meeting that he will conduct.

Discussion took place on Oakwood's employee, Nathaniel Mellott, and his statement at the December 3 meeting that he was only hired to mow the east/new half of the cemetery. Mr. Mellott resides in the house on the property as part of his employment and the association pays his utilities.

Mr. Ferguson advised that the association used to hire husbands and wives together, but that does not appear to be the case with Mr. Mellott and his wife

Discussion took place on the fact that the township will eventually get the cemetery.

It was further discussed that the Oakwood Cemetery Association wants to create a trust with the Sandusky County Foundation and only the interest would be available to the township. The association's funds are currently held/invested through Croghan Colonial Bank. It was discussed that establishing the trust would ensure that Croghan Colonial Bank would be guaranteed retention of the cemetery association's account balances. It was also noted that Oakwood Cemetery board officers are affiliated with Croghan Colonial Bank. Jim Bowlus currently serves on the bank's board, and Barry Luse is retired from the bank.

Additional discussion took place on the pump station on the cemetery's property, property lines, the survey of the cemetery, and the possible effect of three years of Oakwood operating with a new cemetery board and new employees.

Trustee Geyer stated that the association wanted the township to hire Nathaniel Mellott and provide him with the house he currently resides in. Discussion took place on the various updates made to the home.

The trustees signed a deed for:
Dennis Ferguson - McGormley Cemetery – Section 15 – Lot 15 – Grave 4.

ZONING INSPECTOR REPORT - David Bain, Zoning Inspector

Mr. Bain reviewed the Ballville Township Zoning Report from December 4, 2018, which was entered into the township's meeting minutes.

Discussion took place on the Sandusky County Parks sign erected at the old Thornwood Golf Course. There is a need for a permit, but no fees because this is for a public entity.

Zoning Inspector Bain discussed membership of the zoning boards with the trustees due to recent resignations. It was discussed that the Board of Zoning Commission should be having a meeting in January. New members will have to be found, and a new chairman could be chosen at that meeting.

PARKS BOARD REPORT - Bill Lagrou and Kerry Wood

Mr. Wood stated that there is not much activity right now and that there will be no December meeting of the Parks Board.

Superintendent Lagrou stated that Valley Electric's bill for emergency repair of the fallen light in Conner Park was \$78.50. Chairman Stotz was asked to sign the EPA well license permits tonight so that they can be sent in with payment.

Mr. Lagrou advised that Conner Park lights are being turned off early with no resident complaints. Security is still a priority and will be monitored carefully. The gates were opened to Conner Park on Sunday since it was a nice day and there was a good turnout at the park.

The Parks Board meeting minutes from November 12, 2018 were entered into the township's meeting minutes.

ROAD SUPERINTENDENT REPORT – Superintendent Bill Lagrou

Ax-Pro has turned in a partial bill for tree and stump removals since they worked over the weekend and took advantage of the warmer weather. Mr. Lagrou authorized another \$300.00 for removal of a tree that must have recently fallen and was found resting against another tree, which is probably what prevented it from falling onto the road.

Baker Road tile went in really well and AEP will need to be there when the township is working near an old pole with a transformer and line coming into it.

The township may have three or four rounds of leaf collection. So far more than 90 loads of leaves have been collected and the township is still on the second round. Last year the township collected more than 100 loads of leaves total.

Scrap metal from Baker Road tile was taken to Progressive and Superintendent Lagrou advised that the township, as a governmental entity, will receive a check for approximately \$98.00 and maybe another around \$40.00 from Progressive. The fiscal officer will have to complete a form for Progressive before payments are made. He stated that checks are issued once a month.

Neighbors of the former American Legion complained to Mr. Lagrou about the items from Lutz School's playground that are being stored on the property. It was discussed that this is likely a temporary situation that will be resolved soon.

Increased traffic will be seen on Third Avenue as trucks loaded with dirt head out to Universal Farms. The dirt comes from the construction of the new Kroger store and Fremont's new elementary schools. The roads that have the heavy traffic are all county-maintained except for Stahl Road. There have been complaints about the trucks cutting corners short in a few places.

The township trustees agreed that the Republic Services Trash Hauling contract will be continued through its expiration in December, 2019, and will not be renewed at that time. Options to lower rates now with Republic will result in another contract for three years, and it was decided that the township is not interested in having a contract again. Notice should be given more than 60 days before the contract's expiration in December, 2019 that the township will not be renewing.

The township will look into a complaint by Dan Rice, Morrison Rd., regarding a potential hole in a tile. The tile has a one year guarantee on it.

Mrs. Ickes reminded that employees and their computers should be at the township house on Monday, December 10 at 10:00 a.m. to meet with OTARMA representatives as part of the insurance company's cybersecurity vigilance.

No action was taken on the copy of a November 30, 2018 letter received from the Sandusky County Sanitary Engineer addressed to City of Fremont Mayor Danny Sanchez regarding minimum & metered sewer rate increase for Sewer District #1.

OLD BUSINESS

NEW BUSINESS

Mr. Kusmer made a motion, seconded by Mr. Geyer, for the passage of 2019 temporary appropriations. The motion passed following a roll call vote: Mr. Geyer - Yes; Mr. Kusmer - Yes; Mr. Stotz - Yes; as Resolution 2018-37:

RESOLUTION 2018-37

A RESOLUTION OF THE BOARD OF TRUSTEES OF BALLVILLE TOWNSHIP TO ADOPT TEMPORARY APPROPRIATIONS FOR EXPENDITURES IN THE AMOUNT OF \$543,377.39 FROM JANUARY 1, 2019 THROUGH MARCH 31, 2019

Mr. Geyer made a motion, seconded by Mr. Kusmer, for a resolution to enter into an agreement with Universal Farms for \$2,500.00 for 2019 brush drop-off. The motion passed following a roll call vote: Mr. Geyer - Yes; Mr. Kusmer - Yes; Mr. Stotz - Yes; as Resolution 2018-38:

RESOLUTION 2018-38

A RESOLUTION AUTHORIZING THE BOARD OF TRUSTEES TO ENTER INTO AN AGREEMENT WITH UNIVERSAL FARMS LLC FOR THE DISPOSAL OF RESIDENTIAL YARD WASTE AND BRUSH FROM BALLVILLE TOWNSHIP AND THE RESIDENTS OF BALLVILLE TOWNSHIP, SANDUSKY COUNTY, STATE OF OHIO

Solicitor Barney will prepare the agreement for the trustees to sign at the December 18 meeting,

Mr. Barney advised that there is a new law regarding credit cards and that a resolution will be prepared for the trustees to sign in January. The township's current credit card policy was implemented by resolution and a resolution is needed to make changes. He suggested a resolution that may be amended by motion whenever a change is needed.

Mrs. Ickes discussed implementing one hour of overtime pay to Mr. Lagrou for his Trustees' and Parks Board meeting attendance. This is slightly more than his current \$35.00 "per-item" meeting pay. Subsequently all of his wages would fall under OPERS since OPERS does not consider per-item pay as earnable salary. She recently met with Fruth and Company, accountants, and discussed this with them.

Mr. Kusmer made a motion, seconded by Mr. Geyer, effective January 1, 2019, to eliminate the per-item pay for meeting attendance for Superintendent Lagrou and replace it with one hour of overtime for when he attends a trustee or Parks Board meeting. Upon a vote – Mr. Geyer – Yes; Mr. Kusmer – Yes; Mr. Stotz – Yes; the motion passed.

Solicitor Barney informed the trustees that he will review the draft of the employee handbook and advise accordingly.

The November 30, 2018 Bank Reconciliation, purchase orders and checks for bills were signed by the trustees at this meeting.

There being no further business, it was moved by Mr. Kusmer, seconded by Mr. Geyer, to adjourn the meeting at 7:30 p.m. Upon a vote, Mr. Geyer - Yes; Mr. Kusmer - Yes; Mr. Stotz – Yes; the motion passed and the meeting was adjourned.

Respectfully submitted,

Ellen K. Ickes, Fiscal Officer

David P. Stotz, Chairman