BALLVILLE TOWNSHIP TRUSTEES – SPECIAL MEETING

MAY 2, 2023 5:30PM

The meeting was called to order at 5:30 p.m. With Vice Chairperson Bob Kusmer leading the Pledge of Allegiance. Also, present were Trustee Rick Geyer. Trustee Mary Ann Reser not present for medical reasons.

No meeting minutes were done for approval

FINANCIAL REPORT – Tom Ackerman

Tom Ackerman passed out receipt report, payment report and fund status to the Trustees.

Year to date totals as follows:

Income: 701,519.07
Expenses: 317,091.04
Total in all Ballville accounts: 4,126,529.24

Tom had Bill Lagrou talked about an Insurance check for a resident resent fire which is made out to the township and now owed back to the resident. Tom asked trustees on how we can handle that transaction without causing an audit concern. Bob Kusmer is asking if insurance can void it and see if they can write the resident a check. Jim Barney wondered if there is a way to make the deposit and take it back out via a new fund.

PUBLIC COMMENT – Dan Penn (Zoning Appeals Chairperson) asked if they need to let people know the reason that the would deny an appeal hearing. Jim Barney said the reason they denied an appeal is public and should be put in the meeting minutes. Jim said he can tell them or direct them to the minutes is fine.

Josh Courtney from the Celery Gardens asked about his zoning permit and if that is what he needs for his market? Bob Kusmer said that is the correct application. Josh wants to re-address the dumping issues from St. Joe Cemetery. Josh stated he knows you received a legal opinion and he is believes there is some misleading statement, some omissions and some flat-out falsehoods. He is wondering if this has been revisited. Josh said he sent in some issues he had with the findings and wondering if this had been looked at. The resolution says that's a non-conforming use but he believes you can't expand that. Josh believes all the dumping is a violation of the resolution. He said the legal opinion does not address this issue. Josh said the opinion states that the celery gardens is 90% city and 10% township which is false and it's the complete other way. Josh wants to know if the township has looked again at this issue. Josh wants to know the process of doing a formal complaint.

Bob Kusmer said he does not know of any form that the township had for a formal complaint. Josh wants to make sure he is doing the right thing for his complaint.

Mary Ann Reser believes that it was decided that this issue is between Mr. Courtney and the St. Joe Cemetery Board as a civil matter. Josh said the issue at this point is when he cleans up on his property then the debris from the cemetery property spills onto his property coming down the hill.

Josh does not accept what is on their property and is spilling on to his property and he believes this is illegal by the Townships zoning laws.

Mary Ann said the trustees didn't ask for another opinion as the first opinion given by legal counsel was suitable for the Trustees.

Josh said the entire opinion is full of inaccuracy, omissions and falsehoods and he is wondering it this was done on purpose which could be mis-conduct. Jim Barney said he wrote an opinion to Mr. Courtney and he stands by the opinion he gave using his legal expertise and will not sit here and be accused of mis-conduct. Jim Barney said in that opinion it gives the right for Mr. Courtney to sue the St. Joe Cemetery Association.

CEMETERY BOARD REPORT – Jack Ferguson, Vice Chairperson

Bill Lagrou went over the new prices for the Cemetery fees to make sure they are all set correct. The trustees agree with whatever the Cemetery Board proposed for pricing.

ZONING INSPECTOR REPORT – Troy Thatcher, Zoning Inspector

Troy passed out his reports ending May 2, 2023 and went over report with the trustees.

There were two appeals hearings recently and one was approved and one was denied. There will be two more appeals hearings coming up in the next few weeks.

Bob Kusmer has sent Jim Barneys opinion to the Ohio Township Association about levying fines to see if that law can be changed so the township can levy fines when necessary. The Ohio Township got two conflicting legal opinions and now they are giving the matter over the Attorney General for their opinion on the matter.

Jim Barney said there was a hearing on the Tim Pollard case for tomorrow. Mr. Pollard has gotten an attorney and they have asked for continuance. Jim Barney filed an objection of the continuance. Jim later hear it was going to be continued. At this point Jim plans to go to hearing tomorrow to see if it is still going to take place.

PARKS BOARD – Kerry Wood and Bill Lagrou

Kerri said he doesn't have anything and next Park Board meeting is next week.

Bill Lagrou asked about the upcoming Eclipse coming up next April and if we should run some type of event at our parks.

Bill looked into a $25,000 grant from Game Time and the way it looks is that you need a current fundraising effort and the township will need to put some money in to be eligible for the grant. Bill said he will look further into this program.

Bill gave update on Dave Stotz memorial and the have it lined out but not dug out yet. Planning to be able to dedicate this in Early Fall.

ROADS SUPERINTENDENT – Bill Lagrou

A few months ago, we backed a truck into the garage and the truck has a dent. Baumann estimate is $635 to repair. Discussion took place to look to see if it can be done cheaper since it really doesn't affect the performance of the truck.

A tile on CR 168 got done by Todd Lindsay and it got tied into a catch basin across the street so it should not flood out there anymore.

Bob Kusmer said our tile project on Buchanan Road has been completed. This tile project was covered by money for the County Commissioners. There is still another portion in that area that needs to be done sometime. Bob Kusmer got estimate from Todd Lindsay for $50,000.

Mr. Kusmer made motion to do phase two of the Buchanan Road tile project at cost of $50,000. Seconded by Mr. Geyer. Upon a vote, Mr. Geyer – Yes; - Mr. Kusmer – Yes; Mrs. Reser – Yes, the motion passed and the meeting was adjourned.

The bridge on CR 201 needs repaired and it will probably be done sometime next spring.

The County Engineers office is currently getting some of their employees to be able to teach students to be able to get their CDL. This will allow us to get CDL training for no cost in the future.

Timpe Road project update: Bill said they hope to be able to get a bid out this fall and the project will get done sometime next year.

Trustees Comments –

Rick Geyer – No Comment

Bob Kusmer – Bob received reuse from Tim Bell with M&B asphalt. This is to be able to acquire any grinding from the roads and we are interested in taking them for our projects.

On Thursday Kerri and I will be heading up to Berea to look at front end loader.

Omni Fiber is scheduled this summer to start to lay fiber and hope for customers in the fall.

Mary Ann Reser – Mary Ann mentioned she will not be at the next meeting. Rick Geyer said he will also be missing the meeting on the 16th. Rick is asking if the meeting date could be changed. Discussion took place and they will have meeting on Monday the 15th at 5:30. Announcements and legal ads will be sent out.

Old Business – Jim Barney brought that he has looked over the documents regarding records retention and he said he is good the way it looks. Jim mentioned the concerns about having to go through the documents to have them looked at before being destroyed. This can be a long process. Mary Ann said this is a long process- and we should look into this in the future on this issue but at

some point, storage will be issue and this will need to get done. All the Trustees agreed to look at this at another time.

New Business – No New Business

Mrs. Reser made motion to move into executive session for personal reasons, seconded by Mr. Kusmer. Upon a vote, Mr. Geyer – Yes; - Mr. Kusmer – Yes; Mrs. Reser – Yes, the motion passed and the meeting was adjourned.

Mr. Kusmer made motion to come out of executive session, seconded by Mr. Geyer. Upon a vote, Mr. Geyer – Yes; - Mr. Kusmer – Yes; Mrs. Reser – Yes, the motion passed and the meeting was adjourned.

There being no further business, Mr. Kusmer made motion to adjourn the meeting, seconded by Mr. Geyer. Upon a vote, Mr. Geyer – Yes; - Mr. Kusmer – Yes; Mrs. Reser – Yes, the motion passed and the meeting was adjourned.

Respectfully submitted,

_____
Thomas Ackerman, Fiscal Officer

_____
Mary Ann Reser, Chairperson