

REGULAR MEETING

DAYTON LEGAL BLANK, INC., FORM NO. 10140

MAY 19, 2008

Held

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The Atwater township trustees held their regular meeting at 7:00 p.m. at the Atwater town hall located at 1219 state Route 183 Atwater, OH 44201.

ATTENDING

Those attending the meeting were Cindy Werab, James Conley, Danny Derreberry, Rebecca Bennett, Mel Russell, Marie Dollison, Bea Wesche, Jackie Kovacich, Gordon Weber, Deb Guziak, Martha Bevard, Ron Stanfield, Emma Stanfield, Don Knapp, Maxine Knapp, Tom Nellis, Chris McDuri, Naomi Wise, Bob Bane, Beckie Whittlesey.

CALL TO ORDER

Chairman Derreberry called the meeting to order at 7 p.m. Roll call: Cindy yes, Jim yes, Danny yes.

MINUTES

Motion by James Conley, to approve the minutes of the previous meeting as written. Second by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried

FIRE DEPARTMENT

Chief Russell presented the board with purchase order requests.

Motion by James Conley, to approve the purchase of 6- 5-gallon containers of spring water from Portage Salt and Supply for \$30 plus shipping. Second by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion by Cindy Werab, to reimburse Mel Russell for travel for \$8.80. Second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion by Cindy Werab, to reimburse William White for travel for \$12. Second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion by Cindy Werab to pay Stuver Auto Spring Company for repair work per for \$108. Second by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion by Cindy Werab to pay Breathing Air Systems for filter replacement on the Cascade air compressor system for \$18.01. Second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Chief Russell stated the estimate from Finney construction is the bill. Chairman Derreberry stated he would mail it back to the insurance company.

Motion by Cindy Werab is to allow the fire department to purchase candy for the parade for \$125. Second by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Maxine Knapp stated a Lions Club always purchases their own candy for the parade. Ron Stanfield stated for Historical Society always purchases their own candy for the parade.

Chief Russell stated that Don DeCrane and his girlfriend Maggie Kane have requested, instead of having flowers, for the funeral of their child, they would prefer donations to be sent to the Atwater fire Department, made payable to Atwater Fire Association. They intend to purchase equipment that is pediatric related in his memory.

Chairman Derreberry asked the group to have a moment of silent prayer for the family.

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ZONING

Bob Bane stated he spoke with the postmaster about the complaints that were made. Several people have asked to have an exit and entrance only sign. The postmaster said at the next budget meeting he would request to have both the and entrance and exit widened. There is nothing that zoning or the post office can do about the utility pole. Permits are slow, there is nothing we can do about that do to the economy, and I do expect this to pick up.

CEMETERY

Cindy Werab stated we held our memorial service Saturday morning. The plaque from the portage County Bicentennial committee was presented to the township. We had a wonderful turn out the families were very honored. She then read the plaque and showed everyone present. Cindy then read a thank you letter from the Murray family. She also wanted to thank Pam Barber for the work on the flowerbed in front of the town hall.

The Trustees then signed deeds for cemetery lots.

PUBLIC RECORDS POLICY

RESOLUTION 3-2008

Introduction:

It is the policy of Atwater Township in Portage County that openness leads to a better informed citizenry, which leads to more transparent government and sounder public policy. It is our policy to strictly adhere to the state's Public Records Act as well as other state and federal laws.

Ohio's Public Record act imposes two primary obligations upon public offices:

1. Provide prompt inspection of Public Records (R.C. 179.43 (B) (1); and
2. Provide copies to public records within a reasonable period of time (R.C.149.43(B)(2).

The Public Records Act evolved from the principle that Ohio's Citizen's are entitled to access the records of their government. We agree that to advance that principle, the Pulic Records Act should be interpreted liberally in favor of disclosure.

Section 1. Public Records

Under Ohio law, a public office may only create records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affect by the agency's activities. (R.C. 149.40).

In accordance with the Ohio Revised Code and court rulings, "records" are difined as those items that meet the following:

1. any document, device, or item, regardless of physical form of characteristic, including an electronic record (which includes but not limited to e-mail or other record created, generated, sent, communicated, received or stored by electronic means)
2. that is created or received by, or coming under the jurisdiction of a public office; and
3. that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. 149.011(G)).

The determination of whether a specific item constitutes a "record" will depend on the facts and circumstances surrounding the particular requested. The Ohio Supreme Court has imposed an actual use standard in defining a "record," which means that an item is not automatically a "record" simply because the public office could (but did not) use a document it received to carry out its duties and responsibilities.

Furthermore, a public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

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Section 1.1

It is the policy of Atwater Township in Portage County that, as required by Ohio law, records will be organized and maintained so that they are available for inspection to any person at all reasonable times during regular business hours. (R.C. 149.43(B)(1)).

Copies will be made available upon request within a reasonable period of time. (R.C. 149.43 (B) (1)).

A current record retention schedule will be readily available to the public upon request. (R.C. 149.43(B)(2)).

Section 1.2

Not all of Atwater Township's records are "public records." Certain records are exempt from Public Records Act. Exempt records include: (1) the release of which is prohibited by state or federal law, or (2) that are subject to an express exception set forth in Ohio's Public Records act, which may be released only if Atwater Township decides to waive the express exception.

Examples of records, the release of which is prohibited by state or federal law, include, but are not limited to, the following;

Attorney-client privileged information:

Records of a certified Public Accountant or public accountant in the performance of an audit of a public office (R.C.4701.19(B0);

Federal Tax returns (26U.S.C.6103(a));

Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database (42 U.S.C.3789g);

Records that have been sealed pursuant to a statutorily authorized court order (i.e. R.C. 2953.52);

Peace officer's home address during pendency of a criminal case in which the officer is a witness or arresting officer (R.C. 2921.24(A); and

Employees' and their family members records that are created for purposes of the Family Medical Leave Act or the Americans with Disabilities Act (29 CFR 825.500(g) and 1630.14(c)(1)).

Examples of records that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if Atwater Township decides to waive the express exception include, but are not limited to, the following:

Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's service worker, correction officer, Residential and Familiar Information (R.C.149.43(A)(7));

Records that pertain to a patient's medical history, diagnosis, prognosis, or medical condition and that were general and maintained in the process of medical treatment. (R.C.149.43(A)(7); and

Records that contain information that was specifically compiled in reasonable anticipation of, or in defense of a civil or criminal action or proceeding (R.C. 149.43 (A0(10(a)); and

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Records that pertain to law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature and that, if released, would create a high probability of disclosing any of the following (1) identity of a uncharged suspect, (2) the identity of a confidential source, (3) specific confidential investigatory techniques or procedures; (4) specific investigative work product; or (5) information that would endanger the life of physical safety of law enforcement personnel, a crime victim, a witness, or a confidential source (R.C. 149.43 (a)(2)).

The exemptions to the public Records Act will be narrowly construed by this office in the favor of disclosure. This office may seek a legal review prior to determining whether or not an exception applies.

Section 2. Records requests

Each request for a public document should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested. If a requester makes an ambiguous or overly broad request or has difficulty in making the request for copies or inspection of public records such that this office cannot reasonably identify what public records are being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing him/her of the manner in which records are maintained by the office and accessed in the ordinary course of this office's duties. (R.C. 149.43 (B)(2)).

Section 2.2

The requestor does not have to put a records request in writing, and does not have to provide his/her identity or intended use of requested public record. However, the records custodian may ask for a written request and may ask for requestor's identity and/or

intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate, or deliver the records being sought and (2) the requestor is informed that a written request and the requestor's identity and intended use are not required. (R.C. 149.43 (B)(5)).

Section 2.21

This office will permit a requester to choose to have the public record duplicated upon paper, upon the same medium which this office keeps it, or upon any other medium which this office determines that it reasonably can be duplicated as an integral part of the normal operations of this office. This office is not required to allow the requester to make copies of the public record. (R.C. 149.43 (B) (6)).

Section 2.3

Public records should be available for inspection at all reasonable times during regular business hours. Public records should be made available for inspection promptly. (R.C. 149.43 (B)(1)). To the extent that an office may operate 24 hours a day, the records of that office will be made available for inspection during normal administrative hours.

Copies of Public Records should be made available within a reasonable period of time. (R.C. 149.43 (B)(1)).

The determination of the terms "prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where records are stored; and the necessity for any legal review of the records requested.

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Section 2.4

Each request should be evaluated for estimated length of time required to gather the records. Routine requests for public records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, (both draft and final form), resolutions, budgets, etc.

Section 2.5

Upon request, this office will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. (R.C. 149.43 (B)(7)).

This office will limit to ten the number of copies of public records provided per month to a requester by United States mail, unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The word "commercial" should be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist

citizen oversight or understanding of the operation or activities of government, of nonprofit educational research). (R.C. 149.43 (B)(7)).

Section 2.6

By Ohio law, this office is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation if the subject of the investigation or prosecution were an adult, unless a judge who imposed sentence or made adjudication with respect to the person, or judge's successor in office, finds that the information sought in the public record is necessary to support what appears to be a justifiable claim of the person. R.C. 149.43 (B)(8).

Section 2.7

This office, in response to a written request made and signed by a journalist, which must include the journalist's name and title and the name and address of the journalist's employer and which state that the disclosure of the information sought would be in the public interest, will provide the address of the actual personal residence of anyone employed by this office as a peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or correction officer, and, if such employee's spouse, former spouse, or child is employed by a public office, the name and address of public office. (R.C. 149.43 (B)(9)).

Section 2.8

Any denial of public records requested, in part or in whole, should include an explanation, including legal authority, as to why the request was denied. If the initial request was provided in writing, the explanation for denial will be provided to the requester in writing. (R.C. 149.43 (B)(3)).

If portions of a record are public and portions are exempt, the exempt portions should be redacted and the rest released. If there is redaction, the office will notify the requester of any redaction or make the redaction plainly visible. Each redaction should be accompanied by a supporting explanation, including legal authority, as to why the redaction was made. (R.C. 149.43 (B)(1) and (2)).

Section 2.9

This office has no duty to provide records acquired after a request for records is complete.

Section 3. Costs for Public Records

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Those seeking public records should be charged only the actual cost of making copies, unless the cost is otherwise set by statute, (R.C. 149.43 (B)(1)). Employee time should not be calculated into the charge for copying a public record. However, in the event that circumstances make it reasonable for this office to hire an outside contractor to make copies of the requested records, the requester will be charged the actual cost paid to the outside contractor for the copying service. (R.C. 149.43 (F)(2)(a)). These circumstances may include but not be limited to a lack of in-house photocopying resources or labor.

This office has no duty to provide copies of a public records free of charge to someone who indicates an inability or unwillingness to pay for them.

Section 3.1

The charge for paper copies is ten cents per page

Section 3.2

This office may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested. (R.C. 149.43 (B)(6)).

Section 3.3

Upon request, this office will provide copies of the public record to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. This office may require such a requester to pay in advance the cost of postage of costs incurred for other supplies used in mailing, delivery, or transmission. (R.C. 149.43 (B)(7)).

Section 3.4

There may instances when this office may be able to provide copies made in-house without the disrupting its normal functions, but only over an extended period of time. In that instance, this office may offer the requester the options of (1) having the documents produced through a faster method by employing temporary personnel and equipment, (2) using an external private contractor, or (3) having the documents produced in-house by this public office's normal staff and equipment in a less efficient and more time-consuming manner.

Section 4. Failure to respond to a public records request

This office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that the failure to comply may cause, this office's failure to comply with a request may result in the requester commencing a mandamus action against this office in either the court of common pleas, in the court of appeals, or in the Supreme Court of Ohio. The court may order this office to comply with the Public Records Act, as well as order this office to pay statutory damages of one hundred dollars for each business day (beginning with the day the requester files a mandamus action) during which this public office failed to comply (up to the maximum of one thousand dollars), as well as court costs and the requester's reasonable attorney fees.

Motion by Cindy Werab to adopt resolution 3-2008. Atwater Township public records policy, attached with that will be a public records request requisitions. Second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Motion by Danny Derreberry to reimburse fiscal officer for postage. Second by James Conley. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

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Chairman Derreberry announced that the State Representative from the 43rd House District, Stephen Dyer, will host a town hall meeting on Thursday, May 22, 2008 at the Atwater town hall, located at 1219 state Route 183 Atwater Ohio. The public is encouraged to attend. The discussion will be pertaining to current legislation.

A local 4-H group will provide refreshments.

Motion by James Conley to pay the bills as written. Second by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

I, Rebecca Bennett, Fiscal Officer do hereby certify they are ample funds to pay the bills as written.

Version: 12.2

6:28:29 am 05/21/2008

PAYMENT REGISTER
ATWATER TOWNSHIP, PORTAGE COUNTY
Accounting/Payroll
From 05/06/2008 to 05/19/2008

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Date: 05/20/2008

Warrant Number	Type	Date	Vendor/Payee	Amount	Status
27284	PY	05/16/2008	DAVID L. ALLDREDGE - DALLDRIDGE	\$718.46	0
27285	PY	05/16/2008	DONALD J. DECRANE - DDECRANE	220.07	0
27286	PY	05/16/2008	DANNY DERREBERRY - DERREBERRY	366.97	0
27287	PY	05/16/2008	JOSEPH L. CORBIN - JCORBIN	400.96	0
27288	PY	05/16/2008	REBECCA LYNN BENNETT - RBENNETT	578.65	0
27289	PY	05/16/2008	TIMOTHY LYNN WHITTLESEY - TIMOTHY	1,038.86	0
27290	VW	05/16/2008	CINDY WERAB	29.54	0
27291	VW	05/16/2008	DANNY DERREBERRY	940.00	0
27292	VW	05/16/2008	LEPPO EQUIPMENT	78.40	0
27293	VW	05/16/2008	DON DECRANE	9.84	0
27294	VW	05/16/2008	KEVIN BITTNER	17.22	0
27295	VW	05/16/2008	POSITIVE PROMOTIONS INC	234.95	0
27296	VW	05/16/2008	ATWATER NURSERY	100.00	0
27297	VW	05/16/2008	AMERICAN MESSAGING	188.10	0
27298	VW	05/16/2008	TIME WARNER CABLE	79.95	0
27299	VW	05/16/2008	WARREN FIRE EQUIPMENT INC.	624.00	0
27300	VW	05/16/2008	DAMON CHEMICAL CO. INC.	502.32	0
27301	VW	05/16/2008	AT&T	278.11	0
27302	VW	05/16/2008	STRYKER SALES CORPORATION	2,401.88	0
27303	VW	05/16/2008	EMERGENCY MEDICAL PRODUCTS, INC.	123.34	0
27304	VW	05/16/2008	RECORD PUBLISHING COMPANY	11.50	0
27305	VW	05/16/2008	ALAN KING CONSTRUCTION	115.00	0
27306	VW	05/19/2008	LIFEGAS	156.99	0
27307	VW	05/19/2008	OHIO EDISON COMPANY	37.17	0
27308	VW	05/19/2008	LAFARGE NORTH AMERICA INC.	604.28	0
27309	VW	05/19/2008	AT&T	0.16	0
27310	PY	05/19/2008	PUBLIC EMPLOYEES RETIREMENT SYSTEM	2,858.39	0
27311	PY	05/19/2008	FIRST MERIT BANK	1,137.19	0
27312	PY	05/19/2008	TREASURER STATE OF OHIO	200.15	0

Subtotal: 14,051.85

Adjustments: 0.00

Total Amount Pending for Accounting: 0.00

Total Amount Pending for Payroll: 0.00

Total: \$14,051.85

Motion by James Conley to go back into regular session. Second by Cindy Werab. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

NEW BUSINESS

Cindy Werab stated that she would be out of town next week; Tim Whittlesey may possibly answer any calls pertaining to the cemetery.

Bernice Wesche asked when the life flight training exercise would be. Chief Russell answered June 23 at approximately 7:45 p.m. in the football-training field at the high school.

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Ron Stanfield asked if there were any more file of life magnets available. Chief Russell gave one to him then stated there are more available; call the fire department business line for more.

Bernice Wesche stated she liked the new sign in front of the fire department.

Gordon Weber addressed the board with concerns pertaining to zoning commission and the zoning Board of appeals. He then read a statement he had prepared to the board. This statement has been attached as "public statement exhibit A.", which is incorporated by reference herein.

Maxine Knapp asked the board if they would like to have the trustee meetings, fire department meetings, and zoning meetings printed in the community calendar.

Motion by James Conley to list all township meetings in the community calendar. Second by Danny Derreberry. Roll call: Cindy yes, Jim yes, Danny yes. Motion carried.

Bob Bane announced the zoning Board of appeals hearing that will be held this Thursday, May 22, 2008 at 7:30 p.m. pertains to a land split requested by Bucky White.

Martha Bevard asked why two of the trustees was not at the ceremony on Saturday. Dan stated he had a medical emergency with his mother and could not attend. Jim's stated he had company from out of town and forgot.

Chairman Derreberry stated it had been brought to his attention they need for an outdoor display case or bulletin board, to post public information. I believe this would be a benefit to our community. Bernice Wesche requested that it be waterproof.

Naomi Wise asked if the board had made a decision to purchase the Dura-patcher. The board replied no. She then asked if anyone had spoken to anyone other than the salesperson. Dan stated the salesperson gave them a reference list and that he had not contacted anyone as of yet. We have not decided if the purchase of this equipment would be cost-effective. We have not made any commitment to and it was just a demonstration. He stated the salesperson gave him a packet with information. Other townships around us, own one, not in Portage County, but relatively close. She asked if this was a lease or a purchase. The board replied it was a lease to own, after the five year lease the township would own the equipment. Beckie Whittlesey asked if Portage County owned one. Dan stated not to his knowledge. He then asked if they would like to have copies of the brochure and he would make them available to them.


Martha Bevard requested copies of the statement Tim Whittlesey presented to the board Rebecca Bennett replied when the meeting is over I will get you a copy. Jackie Kovacich asked how many hours Beckie Carter has worked on the issue II work, and how much is she charging? Rebecca Bennett stated she is charging \$20 an hour as she had done previously, I do not know how much time she has put into this yet. Naomi Wise asked if Becky was working with you (Rebecca Bennett) on that or on her own. Rebecca Bennett stated I have plenty to do on my own. Jackie Kovacich asked when the next township cleanup day is? Cindy Werab responded September 27th at 8:00a.m. Naomi Wise stated she did not see the last one advertised and she missed it. Dan Derreberry stated it was advertised and that it was on the community signed. Cindy Werab stated it was also announced at the meetings.

Motion by James Conley to adjourn. Second by Cindy Werab. Roll call: Cindy yes, Jim yes, Dan yes. Motion carried. (8:15 pm)


Chairman


Trustee


Fiscal Officer


Trustee