

RECORD OF PROCEEDINGS

0129

Minutes of

Meeting

REGULAR MEETING

DAYTON LEGAL BLANK INC., FORM NO. 1018R

Held NOVEMBER 5, 2008 20

The Atwater township Trustees held their regular meeting at 7:00pm on November 5, 2008 at the Atwater Town hall located at 1219 St Rte 183 Atwater Ohio.

ATTENDING

Those attending the meeting were Cindy Werab, Dan Derreberry, Rebecca Bennett, Don DeCrane, Mel Russell, Lynn Whittlesey, Ed Kintz, Martha Bevard, John Kovacich, Beckie Whittlesey, Maggie Kane, James Donovan, and Bob Bane.

CALL TO ORDER

Chairman Derreberry called the meeting to order at 7:00pm. Roll call: Cindy yes, Jim absent, Dan yes.

MINUTES

The minutes of the special meeting held on October 20, 2008 were read by Fiscal Officer Rebecca Bennett.

Motion by Cindy Werab, Second by Dan Derreberry, to approve the minutes from the special meeting as written. Roll call: Cindy yes, Dan yes. Motion carried.

The minutes from the previous regular meeting held on October 20, 2008 were read by Fiscal Officer, Rebecca Bennett.

Motion by Cindy Werab, Second by Dan Derreberry to approve the minutes as written from the previous meeting. Roll call: Cindy yes, Dan yes. Motion carried.

COLLECTION

Rebecca Bennett gave the board outstanding billing from ambulance services for their review and the following action was taken.

Motion by Cindy Werab, second by Dan Derreberry to waive the fee for 3 individuals due to them being Township residents and the unpaid portion being co-pay. Roll call: Cindy yes, Dan yes. Motion carried.

Motion by Cindy Werab, Second by Dan Derreberry to waive the full service fee for 1 individual due to them being a township resident and having no medical insurance. Roll call Cindy yes, Dan yes. Motion carried.

BILL PAY

Motion by Cindy Werab, Second by Dan Derreberry to pay the bills as written. Roll call: Cindy yes, Dan yes. Motion carried.

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

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DAYTON LEGAL BLANK, INC., FORM NO. 3018R

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Warrant Number	Date	Vendor/Payee Warrant Purpose	Amount	
27646	11/03/2008	CENTRAL ALLIED ENTERPRISES, INC.	\$440.00	
27647	11/03/2008	REBECCA BENNETT	558.96	
27648	11/03/2008	LIFE-PORCH MANAGEMENT INC.	496.68	
27649	11/03/2008	ED KINTZ CONSTRUCTION COMPANY INC	15,000.00	
27650	11/03/2008	ATWATER FIREFIGHTERS ASSOC	50.07	
27651	11/03/2008	CINDY WERAB	29.54	
27652	11/03/2008	DANNY DERREBERRY	546.69	
27653	11/03/2008	DOMINION EAST OHIO	233.29	
27654	11/03/2008	MITCHELL COMMUNICATIONS INC.	42.00	
27655	11/03/2008	DAMON CHEMICAL CO. INC.	244.50	
27656	11/03/2008	STAPLES	190.25	
27657	11/03/2008	SPRINT	54.27	
27658	11/03/2008	RAVENNA OIL COMPANY	1,504.46	
27659	11/03/2008	HEASTAND AUTO PARTS	14.95	
27660	11/03/2008	GRAFIC ENTERPRISES INC.	8.30	
27661	11/03/2008	METRO DISPOSAL, LLC-CANTON	153.98	
27662	11/03/2008	MEDICAL MUTUAL OF OHIO	2,758.48	
27663	11/03/2008	EMERGENCY MEDICAL PRODUCTS, INC.	54.40	
27664	11/03/2008	TIME WARNER CABLE	89.95	
27665	11/03/2008	OHIO EDISON COMPANY	411.88	
27666	11/03/2008	DEXTER COMPANY	970.90	
27667	11/03/2008	POSITIVE PROMOTIONS INC	266.45	
27668	11/03/2008	NFPA	65.20	
27669	11/03/2008	JAMES BOYCE CONLEY	- CONLEY	733.96
27670	11/03/2008	CINDY MARIE WERAB	- CWERAB	677.72
27671	11/03/2008	DANNY DERREBERRY	- DERREBERRY	366.97
27672	11/03/2008	RICHARD E. MYERS	- MYERSRICH	294.24
27673	11/03/2008	REBECCA LYNNE BENNETT	- RBENNETT	578.05
27674	11/03/2008	DAVID L. ALLOREDGE	- DALLDRIDGE	829.69
27675	11/03/2008	TIMOTHY LYNN WHITTLESEY	- TIMOTHY	1,038.86
27676	11/03/2008	DONALD J. DECRANE	- DDECRANE	346.67
27677	11/03/2008	JOSEPH L. CORBIN	- JCORBIN	370.62
27678	11/03/2008	MELVIN L. RUSSELL	- MRUSSELL	518.92
27679	11/03/2008	ROBERT BANE	- BANE	441.29
27680	11/03/2008	JAMES DONOVAN	- JDONOVAN	175.76
27681	11/03/2008	TINA R. MANN	- TMANN	177.10
27682	11/03/2008	ASHLEY R. DAVIS	- DAVISA	252.24
27683	11/05/2008	PUBLIC EMPLOYEES RETIREMENT SYSTEM		3,417.37
27684	11/05/2008	FIRST MERIT BANK		3,460.50
27685	11/05/2008	TREASURER STATE OF OHIO		566.21
27686	11/03/2008	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM		88.20
27687	11/03/2008	PORTAGE SALT & SUPPLY		313.35
27688	11/03/2008	DON DECRANE		55.76
Subtotal:			0.00	
Adjustment(s):			0.00	
Total Amount Pending for Accounting:			24,442.51	
Total Amount Pending for Payroll:			14,246.17	
Total:			\$38,688.68	

Motion by Cindy Werab, Second by Dan Derreberry to back into regular session. Roll call: Cindy yes, Dan yes. Motion carried.

FIRE DEPARTMENT

Chief Russell gave the fire department report for the month of October. 1 open burn, 4 EMS transports to Robinson, 1 to Alliance, 1 to other facilities, 1 incident, no mutual aid given and no mutual aid received. He then requested to go into executive session to discuss personnel. He also thanked the voters for their support of Issue 18 on Election Day.

Don DeCrane presented the board with various purchase requests and the following action was taken.

Motion by Cindy Werab, Second by Dan Derreberry, to approve the purchase of various cleaning supplies from Damon Chemical for \$271. Roll call: Cindy yes, Dan yes. Motion carried.

Motion by Cindy Werab, second by Dan Derreberry to approve the purchase of 20 face pieces from Warren Fire equipment for \$4410.00 to use on the donated packs that

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Captain Werab obtained. Also, to donate the departments old packs to another Fire Department. Roll call: Cindy yes, Dan yes. Motion carried.

Motion by Cindy Werab, Second by Dan Derreberry to approve the purchase of various EMS supplies from EMP for \$585.85. Roll call Cindy yes, Dan yes. Motion carried.

Motion by Cindy Werab, Second by Dan Derreberry to approve the purchase of 3 boussignac CPAP's and 3 nebulizer attachments from Nightingale-Alan Medical for \$216.00 plus shipping.

Motion by Cindy Werab, Second by Dan Derreberry to reimburse \$40.18 for mileage traveled to RMH for paperwork delivery. Lowes/Wal-mart for cleaning supplies, and a chiefs meeting in Kent. Roll call: Cindy yes, Dan yes. Motion carried.

Bob Bane suggested contacting the newspaper for a public relations story for Captain Werab's hard work for the donated packs.

EXECUTIVE SESSION

Motion by Cindy Werab, Second by Dan Derreberry to go into executive session to discuss fire department personnel and possible litigations with zoning. Roll call Cindy yes, Dan yes. Motion carried. (7:46pm)

Motion by Cindy Werab, second by Dan Derreberry to back into Regular session. Roll call: Cindy yes, Dan yes. Motion carried. (8:35pm)

Motion by Cindy Werab, Second by Dan Derreberry to appoint Tom Thomas as a probationary member to the Atwater Fire Dept. Roll call: Cindy yes, Dan yes. Motion carried.

Cindy Werab stated until further notice all Zoning revenue will be mailed to Atwater Township PO Box 9, once it is received, Becky will email Bob Bane to notify him of its receipt. Bob Bane gave his email address to Fiscal Officer.

RESOLUTION 2008-10

Motion by Dan Derreberry to adopt resolution 2008-10

WHEREAS, a lawsuit was filed by former Atwater Township Fire Chief, Lynn Whittlesey, which case was referred to as Lynn Whittlesey v. Atwater Township, et al., US, District Court for the Northern District of Ohio, case No. 5:08 CV 1071; and

WHEREAS, it deemed advisable to resolve the issues involved in this lawsuit amiably and in a timely manner, avoiding further expense and delay associated with litigation and conclusively ending and uncertainty relating to the claims alleged.

NOW, THEREFORE, it is hereby resolved as follows:

That the above-referenced lawsuit be resolved and concluded upon and subject to the terms and conditions of the Settlement Agreement and Release attached here, marked exhibit "a" and incorporated herein by reference.

Cindy Werab Seconded the motion. Roll call: Cindy yes, Jim absent, Dan yes. Motion carried.

REGULAR MEETING

DAYTON LEGAL BLANK, INC. FORM NO. 101149

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ZONING

Bob Bane reported on the status hearing for the Smith property on Porter Rd will be held on the 25th to discuss contingencies that relate to the case and that the Prosecutors office will ask that the fines be retroactive to July of 08.

ROAD DEPARTMENT

Purchase orders were given to the board by the Fiscal Officer for their review and the following action was taken.

Motion by Cindy Werab, Second by Dan Derreberry to approve the purchase of 75 tons of road salt from Morton Salt. Roll call Cindy yes, Dan yes. Motion carried.

Motion by Cindy Werab, Second by Dan Derreberry to approve the purchase 1200 to 1800tons of #9 grit. Roll call: Cindy yes, Dan yes. Motion carried.

CEMETERY

Cindy Werab stated the cemetery has nothing to report at this time.

NEW BUSINESS

Don DeCrane stated he called different fuel companies to check on pricing he stated it looks as though Powers Co is the cheapest right now. Dan stated he would look into the total costs. Cindy asked what companies they called, Don answered Ravenna Oil, Powers, Macintosh and others. Dan stated the fluctuation in pricing may be due to the election.

Lynn Whittlesey asked why the road Department does not have to give their expenditures to the penny amount. Rebecca Bennett stated they will meet with the auditor very soon to discuss purchase orders. Lynn then asked if the audit was done. Rebecca Bennett stated when the audit is complete it will be released from the State Auditor Office, we have had our exit conference, but the audit has to released from Columbus.

Beckie Whittlesey asked what time the town hall was open for the election. Rebecca Bennett stated "I'm not exactly sure what time I got here but the doors were unlocked a half hour before the polls where to be opened for the election.

John Kovacich requested copies of records.

Cindy requested to have the minutes email to her for review prior to the meeting.

Martha Bevard asked about the fire department radio that Randolph has. Dan replied he has spoken with Chief Lang and they are currently locating it.

Motion by Cindy Werab, Second by Dan Derreberry to adjourn. Roll call: Cindy yes, Dan yes. Motion carried. (9:05pm)





