

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## REGULAR MEETING

DAYTON LEGAL BLANK, INC., FORM NO. 12148

Held

March 17, 2009

20

The Atwater Township Trustees held their regular meeting on March 17, 2009 at 6:00pm the Atwater Town located at 1219 St Rte 183 Atwater Ohio.

### ATTENDING

Those attending the meeting were Cindy Werab, Dan Derreberry, James Conley, Rebecca Bennett, Larry Conti, Bob Daily, Dave Delphia, Ray Delphia, Chief Russell, Don DeCrane, Pete Royer, Chris McDuri, Martha Bevard, Naomi Wise, Ron & Emma Stanfield, Gordon Weber, Tom Nellis, John Kovacich, Gary Harris, Lynn Whittlesey, Maries Dollison and Tammy Duffy.

### CALL TO ORDER

Chairman Conley called the meeting to order at 6:00pm. Roll call Cindy yes, Dan yes, Jim yes. The Fiscal Officer gave the board financial reports for the township accounts.

### CEMETERY

The Memorial stone for John Grate and the other Civil War Veterans was recently damaged by an automobile accident. At the request of the Insurance company estimates for repair or replacement was sought by the board. Larry Conti from Portage Marble and Granite addressed the board with their estimate and recommended replacing the monument with granite. Bob Dailey from Daily Monument addressed the board with their estimate and also recommended replacing with granite. Dave Delphia from D&C Renovations addressed the board with his estimate and stated his company can repair the original and is willing to do so at no charge, and the material he intends to use is warranted by the manufacturer. Dan recommended the board contact the insurance adjuster with all estimates and follow their recommendations. Cindy and Jim both agreed. Their decision was tabled.

The board was presented with cemetery deeds for their signatures.

Jim stated he looked into the purchase of a grave probe for \$149.95 plus shipping and asked to have funds certified for this purchase.

Cindy stated Tim had contacted about replacing foundations for headstones due to the use of bad concrete used for the original foundations.

### FIRE DEPARTMENT

Chief Russell presented the board with the following purchase requests for their review.

Motion by Cindy, second by Dan to approve the expenditure of \$1016.00 to Fire Truck Repair Service for replacement of seals on truck 1115. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Motion by Cindy, second by Dan to approve the purchase of 3 safety vests from Warren Fire for \$70.00. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Chief Russell presented the board with correspondence from Saint George Island Volunteer Fire Department stating their interest to receive the used air packs. Cindy asked Mel to update their inventory after the equipment is donated.

Dan stated the purchase of a thermal imaging equipment was presented to the board at the previous meeting and the board requested to review other similar equipment. Chief Russell presented 2 other options. One option was the same type of equipment from the Fire Store for \$12,500.00 and the other was a hand held imager from Eagle for \$5,600.00. After the board reviewed and discussed they decided due to man power not always available and that the first priority of the Department is to save lives the following action was taken.

## REGULAR MEETING

DAYTON LEGAL BLANKING, INC. FORM NO. 10149

Held March 17, 2009 20

Motion by Cindy, second by Dan, providing funds are certified available, to approve the purchase of a Thermal Imaging Camera from the Fire store for \$12,500.00. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Dan stated he looked into the purchase of a new copy machine for the Fire Department. He then described the difference between the machinery and the functions they perform. After review and Discussion the following action was taken by the board.

Motion by Jim, Second by Dan, providing funds are certified available, to approve the purchase of a HP color laser jet All-in-one copier with extended warranty for \$799.00. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Dan stated he contacted Nimishillen and they have not finalized the contract as of yet. Also the electric to the fuel pump needs to be connected, drainage repair at the station and a hole needs to be dug for the installation of the flag pole. He is requesting that Tim do the work due to the equipment required to complete these projects. Viking Plumbing checked the water softener system and everything seems to be working fine.

## EXECUTIVE SESSION

Motion by Cindy, second by Jim to go into executive session to discuss personnel payroll, appointment, resignation, and disciplinary action, with the Fire Department and Legal Council. Roll call Cindy yes, Dan yes, Jim yes. Motion carried. (6:51pm)

Motion by Jim, second by Cindy to return to regular session. Roll call. Cindy yes, Dan yes, Jim yes. Motion carried. (8:05pm)

Motion by Cindy, second by Jim to accept the resignation of Cadet Tabitha Doyle from the Atwater Fire Department. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Motion by Cindy, second by Dan to appoint Daniel Shannon as a probationary member to the Atwater Fire Department. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Motion by Jim, second by Dan to demote Don DeCrane as Assistant Fire Chief and relieve him from hourly wages. Roll call Cindy abstain, Dan yes, Jim yes. Motion carried. For the record Don DeCrane remains as a volunteer Fire fighters and EMS member.

## ROAD DEPARTMENT

Jim stated he would like to move forward with the purchase of a new work truck for the Road Department.

Motion by Jim, second by Cindy to approve the Fiscal Officer to seek financial assistance for the purchase of a medium duty work truck. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Jim requested to have funds certified available for the purchase of an equipment attachment for the Bobcat to perform mowing and tree trimming for \$9277.00. He also stated the township was denied the OPWC grant and that he wanted to speak with the Portage County Engineer to discuss this matter with him.

## ZONING

The board was presented with a new text amendment application form to review for zoning department use. Cindy asked if the prosecutor had reviewed the form. Dan asked if this was just an up graded version. Their decision was tabled at this time.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## REGULAR MEETING

Held March 17, 2009 2009

## MINUTES

The minutes of the previous meeting were read by Rebecca Bennett.

Motion by Cindy, Second by Dan to approve the minutes as written and read. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

## OLD BUSINESS

Motion by Cindy, second by Jim to appoint Bob Bane as assistant zoning inspector retroactive through the month of March. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Motion by Cindy, second by Jim to pay Bob Bane \$10.00 per hour beginning April 1, 2009 for the purpose of attending pending litigation proceedings. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

## NEW BUSINESS

Motion by Jim, second by Dan to approve the expenditure of \$112 to the Atwater Post master for PO Box rental and postage stamps. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

## RESOLUTION 4-2009

Whereas, the Ohio General Assembly enacted sections 1332.21 of the Ohio Revised Code, effective September 24, 2007 to provide a statewide uniform regulatory framework for the provision of cable television and/or service (the Video Law); and

Whereas, under the Video Law a video service provider that is providing video service to subscribers in the township pursuant to a state-issued authorization must pay the township a video service provider fee (VSP Fee) based on a percentage of the provider's gross revenues received from providing video service in the township, not to exceed five percent (5%) of such gross revenue; and

Whereas, the Video Law requires that the percentage of the gross revenues on which VSP Fees are paid to a franchise agreement that is in effect in the township (the VSP Percentage) or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee Percentage shall be zero percent (0%) of the gross revenues unless the township determines by Resolution that the VSP Fee Percentage of gross revenues not to exceed(5%) of gross revenues; and

Whereas, the Video Law further requires the township to provide a service provider with written notice of the VSP Fee Percentage with in ten (10) days of receiving notice of the video service provider, pursuant to R.C. 1332.27(A), that is will begin offering service in the township; and

Whereas, in order to provide timely notice to a video service provider of the VSP Fee Percentage, it is necessary for this board to establish the VSP Fee Percentage; and to authorize the Chairman to provide the appropriate notice of the VSP Fee Percentage to a video service provider within ten (10) days of the township receiving notice that a video service provider will begin providing service in the township.

Therefore, be it resolved that the Atwater Township Trustees hereby establish a VSP Fee that is calculated by applying a VSP Fee Percentage of five percent (5%) to the video service provider's gross revenues as defined in section 1332.32 (B) of the

RECORD OF PROCEEDINGS

Minutes of

Meeting

REGULAR MEETING

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 17, 2009 20

Video Law. All video service providers and cable television operators providing service in the township shall apply the VSP Fee Percentage against gross revenues as defined in the Video Law; and the VSP Fee shall be paid by each video service provider service in the Township on a quarterly basis but not sooner than forty-five (45) days not later than sixty (60) days after the of each quarter. R.C. 1332.32(A), and that he Chairman is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by this board, which shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the township pursuant to a state-issued video service authorization.

Motion by Cindy Werab, second by Dan Derreberry to adopt resolution 4-2009. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Up coming April Local Government Conferences was discussed by the board. The decision to reimburse for attending was tabled at this time.

BILL PAY

Motion by Jim, second by Dan to pay the bills as written. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

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

27994	YW	03/12/2009	YEN BELLY	2307.95	0
27995	YW	03/12/2009	POSTAL/MAIL SERVICE	112.00	0
27996	YW	03/12/2009	EXTENSIVE SERVICE SERVICE	138.00	0
27997	YW	03/12/2009	RECORD PUBLISHING COMPANY	15.00	0
27998	YW	03/12/2009	ERIC EDWARDS COMPANY	875.69	0
27999	YW	03/12/2009	DORNING EAST GOLF	1,027.06	0
28000	YW	03/12/2009	EMERGENCY MEDICAL PRODUCTS, INC.	206.28	0
28001	YW	03/12/2009	LESLI-FORCE MANAGEMENT INC.	252.58	0
28002	YW	03/12/2009	SPORTINGALL-ALAN MEDICAL, INC.	206.56	0
28003	YW	03/12/2009	WHITES FARM SUPPLY	67.49	0
28004	YW	03/12/2009	DANNY DERREBERRY	551.90	0
28005	YW	03/12/2009	CITY WARE	29.94	0
28006	YW	03/12/2009	WARREN FIRE EQUIPMENT INC.	64.96	0
28007	YW	03/12/2009	POWERS CYL COMPANY	209.80	0
28008	YW	03/12/2009	REVISION TOWNSHIP TRUSTEES	1,432.22	0
28009	YW	03/12/2009	LEWIS BUSINESS ACCOUNT	160.16	0
28010	YW	03/12/2009	REBECCA BENNETT	414.51	0
28011	YW	03/12/2009	TINA MANN	20.00	0
28012	YW	03/12/2009	ABC FIRE INSURANCE CO. INC.	30.20	0
28013	YW	03/12/2009	WPSI	260.84	0
28014	YW	03/12/2009	WARREN FIRE EQUIPMENT INC.	1,196.00	0
28015	YW	03/12/2009	FIRE TROCK REPAIR SERVICE	1,006.00	0
28016	FY	03/12/2009	DAVID L. GOLDRICK	831.31	0
28017	FY	03/12/2009	ARLEN A. DAVIS	361.34	0
28018	FY	03/12/2009	TIMOTHY GLEN WHITLESSEY	1,041.95	0
28019	FY	03/12/2009	KENNETH GEORGE BENNETT	578.66	0
28020	FY	03/12/2009	DANNY DERREBERRY	367.73	0
28021	YW	03/12/2009	CITY OF DAYTON	56.40	0
28022	FY	03/12/2009	DEVIL C. RITTNER	143.16	0
28023	FY	03/12/2009	JAMES D. COBBIN	481.26	0
28024	FY	03/12/2009	DONALD C. DECARLES	30.69	0
28025	FY	03/12/2009	SKYWAY PARTNERS 1982S to 28025	0.00	Y
28026	YW	03/12/2009	RODNEY TRAC MEDICAL, LLC	513.22	0
28027	FY	03/12/2009	ROBERT BOND	101.86	0

REVENUE:	15,027.63
ADJUSTMENTS:	0.00
Total Amount Pending for Accounting:	0.00
Total Amount Pending for Payroll:	0.00
<b>Total:</b>	<b>15,027.63</b>

## RECORD OF PROCEEDINGS

Minutes of

Meeting

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Motion by Cindy, second by Dan to back into regular session. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

Motion by Cindy, second by Dan to have all employees turn their time sheets and cards into the fiscal Officer for the pay period of 3-16 thru 3-29 by 3-30. Roll call Cindy yes, Dan yes, Jim yes. Motion carried.

## OPEN FORUM

Martha Bevard stated Ellsworth received stimulus money to purchase a new fire truck, and asked if Atwater has been approached about any stimulus money. Dan stated he believes Waterloo schools are in line to receive stimulus money. Rebecca stated that Tim received a message on the township garage line pertaining to stimulus and that he left a message with them to contact the Fiscal Officer.

Tammy Duffy presented the Board with photographs of a neighboring property and asked to have zoning address the issue. The Board stated they would contact the Zoning Inspector.

Gordon Weber addressed the Board with concern over the township commons stating it is illegal for property owners to use the property even to mow the grass. Jim stated that a previous Board voted to allow property owners to maintain the commons in the front of their property. Gordon then stated his disapproval of the previous Boards decision then described the original mapping of the township when Atwater was plotted by Caleb Atwater. Cindy questioned how property owners were permitted to use and maintain their driveways. There was further discussion pertaining to PVC piping that is currently coming up from the ground on the commons in front of the Congregational Church. The Board stated they would look into the issue.

## ADJOURNMENT

Motion by Jim, second by Dan to adjourn. Roll call Cindy yes, Dan yes, Jim Yes. Motion carried. (9:10pm)




