

RECORD OF PROCEEDINGS

MINUTES OF THE

BOARD OF CANFIELD TOWNSHIP TRUSTEES

91

Meeting held on September 13, 2016 at 8:30 A.M.

Canfield Township Trustees met in Special Session in the Canfield Township Hall, on Tuesday, September 13, 2016, at 8:30am. Chairman Governor called the meeting to order at 8:30am. This special meeting was advertised as required by the Ohio Sunshine Law and ran in the *Youngstown Vindicator* on September 3, 2016 as follows:

Canfield Township Board of Trustees will meet on Tuesday, September 13 at 8:30am to conduct an informational workshop with employees and any other business that comes before the Board.

The regular meeting of the Board will be held on September 20 at 7pm. The Public is welcome to attend.

Chairman Governor requested that Carmen I. Heasley, Fiscal Officer, call the attendance roll:

Attendance Roll Call:

Mr. Paloski	present
Ms. Cartwright	present
Mr. Governor	present

The meeting was held as an informational workshop with the Public Works employees. Projects and equipment were also discussed.

RESOLUTION 2016-9-13-121

Executive Session

Mr. Governor moved to enter into executive session at 10:15am in accordance with ORC 121.22(G)(3) in conference with Attorney James F. Mathews, legal counsel in regards to potential and or pending litigation. The Motion was seconded by Ms. Cartwright. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0.

The Board returned to open session at 11:42am.

RESOLUTION 2016-9-13-122

Objection to Annexation Petition by MALA Properties

Mr. Governor moved to adopt an objection to the annexation petition by MALA Properties, Limited filing with the Mahoning County Commissioners on the grounds of which are set forth in the written resolution. Motion was seconded by Ms. Cartwright. Roll Call: Mr. Paloski, yes; Ms. Cartwright, yes; Mr. Governor, yes. Motion carried 3 to 0. The written Resolution as follows:

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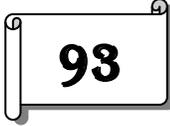
Resolution of the Board of Township Trustees of Canfield Township, Mahoning County, Ohio

This date September 13, 2016, Trustee Brian Governor, moved the adoption of the following Resolution: WHEREAS, the Board of Trustees ("Board") has been notified of the filing of a petition for annexation with the Mahoning County, Ohio Board of County Commissioners by MALA Properties, Limited; and WHEREAS, the subject petition was filed with the Commissioners on August 22, 2016; and WHEREAS, the petition was filed pursuant to R.C. 709.023, and that section of the code permits an affected Township to file objections under the criteria set forth in R.C. 709.02(E); and WHEREAS, the Board understands that conditions of R. C. 709. 023(E) has not been satisfied. NOW THEREFORE, it is hereby RESOLVED by the Trustees that: Pursuant to Ohio Revised Code Section 709.0239(D), the Board objects to the annexation petition of MALA properties, Limited. A petition for annexation must propose territory for annexation that is contiguous to the subject municipality. RC 709.023(E)(1) requires a petition that conforms to R.C. 709.021. The latter section specifically requires the identification of "contiguous" territory. Property is "contiguous" only when its connection to the municipality would result in a unified and cohesive addition. The configuration of the annexation proposed in the subject petition would not result in a unified and cohesive addition to the City of Canfield; rather, the propose territory would merely have an insignificant connecting strip of road right-of-away. For this reason, R.C. 709.021 and, thus, R.C. 709.023(E)(1) are not satisfied. The connecting strip in the proposed annexation consists of two parcels which were previously acquired by the City of Canfield specifically for the purpose of future annexation. This corroborated in the transcripts of the Deposition of Charles Tieche, Canfield City Manager, a copy of which is attached (transcript page 14 – 15). See also, article *Canfield Township Crier* "Council giving OK to seek annexation" dated March 24, 2005. This represents a manipulation of the annexation process and thus runs off afoul of the annexation statutes and procedures. This is tantamount to the creation of artificial municipal boundaries for the primary purpose of annexation. The petition for annexation is not accurate in all respects. Page 2 of the appendix to the Petition identifies Parcel Number 26-024-0-006.00-0 as owned by the City of Canfield. That parcel is not owned by the City of Canfield but, instead, by Morales. Consequently, the petition does not comply with the accuracy requirements of R.C. 709.02, 709.021 and 709.023. This is substantive failure and not a procedural defect subject to the substantial compliance standard of R.C. 709.015. Furthermore, the ordinances setting forth services offered to the territory proposed for annexation adopted by the City of Canfield, Ohio lacked clarity and specifically in order to resolve potential conflicts with the extension and provision of public sewer service. The City of Canfield and Mahoning County Sanitary Engineer operate pursuant to a service area agreement dated December 28, 2000. The territory proposed for annexation lies within the service area described in that agreement. In the absence of significant clarity to assure that no conflict is presented, the service ordinance adopted by the City of Canfield does not conform to R.C. 709.0 23(C)(E)(6). The territory proposed for annexation will segmented Palmyra Road, creating a road maintenance problem. The petition does not comply with R.C .709.023(E)(7). Finally, the City of Canfield and Canfield Township are parties to a settlement agreement dated May 15, 2007, copies of which is attached hereto. That settlement agreement was adopted as an order of the Mahoning County Commons Pleas Court, copies of which is also attached. The agreement clearly and unambiguously calls upon the parties to negotiate in good faith toward terms of Joint Economic Development Agreements for purposes of avoiding annexation disputes. In this instance, no discussion or negotiations toward a JEDD involving the territory in question has been had, and approval of this petition should be denied accordingly. Trustee Marie Izzo-Cartwright seconded the Motion and, thereupon, the votes in favor of the Resolution were recorded and are reflected by the signatures on the document. The Board signed the Resolution. (Signed document is available for viewing in the Township office.)

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93

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Next Meeting Dates: The next regular meeting will be held on September 20 at 7pm. and a special meeting on September 27 at 8:30am for a budget workshop and any other business that comes before the board. November 1 from 8:30 to 10:30am to meet with our employees and deal with any other business that is necessary.

ADJOURNMENT

With no further business before the Board, the Chairman adjourned at 12:15pm.

Mr. Brian W. Governor, Chairman

Ms. Marie Izzo Cartwright, Vice-Chairman

Mr. Joseph N. Paloski, Trustee

Ms. Carmen I. Heasley, Fiscal Officer

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