

# RECORD OF PROCEEDINGS

MINUTES OF THE

## BOARD OF CANFIELD TOWNSHIP TRUSTEES

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Meeting held on December 10, 2019 at 7:00 P.M.

Canfield Township Trustees met in regular session in the Canfield Township Hall on Tuesday, December 10, 2019 at 7:00pm. Chairman Paloski opened the meeting with the Pledge of Allegiance. Attendance sheet is available upon request.

*In as much as these meetings are recorded, these minutes are to provide information of the most salient points, and not intended to describe all conversations and testimony verbatim. Recordings are available for listening to in the Township Hall, and a copy may be obtained upon request from the Fiscal Officer.*

### PUBLIC PRESENTATION

Mr. Kirk Bunch of 7533 S Palmyra Road notified the Board that his neighbor is operating an automotive repair business and has added an auto paint shop. Although he and his neighbors do not have a problem with the auto repair shop, they are against a paint shop due to noxious fumes coming from the building. He stated that this individual is also burning plastic auto parts in a burn-barrel instead of disposing of them the proper way, thus producing smoke and a bad smell. Traci DeCapua, Zoning Inspector, provided a timeline for the Board, advising that the person referred to came into the office last week for a house addition-building permit. She went on site with Mr. Rogers explaining what they were able to view from Mr. Bunch's property. There was no one at the resident's home, but the plans are to keep a close eye on this matter. A paint shop requires EPA involvement. Ms. Cartwright asked if this type of business is a permissible business for that area. Ms. DeCapua stated that it is not a permissible business at this time. She reported that they are not doing any work to the exterior of the home and they have not pulled county permits.

### ATTENDANCE ROLL CALL

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

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

**MINUTES:** Chairman Paloski requested corrections or additions to the regular meeting minutes of October 22, 2019. The minutes with suggested changes incorporated were accepted.

**ADMINISTRATOR/ROAD SUPERINTENDENT REPORT:** Mr. Rogers reviewed discussions with Boardman Township Administrator, Jason Loree and Attorney John Albers of Albers and Albers. All the funds brought in from the ERU's (Equivalent Residential Units) storm water utility fees can only be used on storm water related purposes.

Mr. Rogers reported that in order for ABC Water and Stormwater District to pay the contractor direct for the Indian Run area project, the ABC Water and Stormwater District had to be the lead on the project. The Township would submit a request to the District, the District would pass a resolution accepting the request, the District would hire an engineer, and the District would place the project out for bid, accept the best bid and so on. The ABC Water and Stormwater District can reimburse the Township when the Township is the lead on a project, but cannot pay the contractor direct. Since the Board and Fiscal Officer are now learning about this, they reviewed Township led projects to confirm Then and Now purchase orders are correct and properly opened. The Board wants written procedures to prevent misunderstandings in the future.

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### TIMELINE

ABC Water and Stormwater District (The District) ABC Water and Stormwater District (The District)

#### **THE DISTRICT PAYS DIRECT**

- 1) The Township Board passes a resolution to request the District to take the lead on a storm water related project.
- 2) The Township submits a written request to the District to take the lead on a storm water related project.
- 3) The District passes a resolution to accept the project and submits the approved resolution to the Township accepting the lead.
- 4) The District budgets for the project.
- 5) The District hires the engineer.
- 6) The District runs the legal ad.
- 7) The District accepts the best bid.
- 8) The District will follow the project to completion.
- 9) The District pays the engineer, the contractor and all related cost directly.

#### **THE TOWNSHIP PAYS DIRECT**

- 1) The Township Board passes a resolution to take the lead and to request financial help from the District for a storm water related project.
- 2) The Township submits a detailed request in writing to The District asking for financial help.
- 3) The District passes a resolution accepting the request for financial help and provides a copy of the resolution to the Township to serve as a notice to proceed.
- 4) The Township hires the engineer by resolution and properly budgets project.
- 5) The Township runs the legal ad.
- 6) The Township accepts the best bid.
- 7) The Township completes the project and pays the engineer and contractor direct.
- 8) The Township submits for the in-kind reimbursement.

#### **IN HOUSE - THE TOWNSHIP PAYS DIRECT - EMPLOYEES AND SUPPLIES**

- 1) The Township Board passes a resolution for the Township to take the lead and request financial help from The District for a storm water related project.
- 2) The Township submits a detailed request in writing to the District asking for financial help.
- 3) The District passes a resolution accepting the request for financial help. It provides a copy of the approved resolution stating that the District will provide financial assistance to the Township serving as notice to proceed.
- 4) The Township pays for supplies and employee wages.
- 5) The Township completes the project and submits in writing for the in-kind reimbursement.

Mr. Governor asked about the paving program. Mr. Rogers explained that he is not satisfied and plans to continue holding payment until the contractor has completed the punch list to his satisfaction.

According to the Public Works report during the 2019 Recycling Leaf Program 697 bags of leaves were collected vs 221 bags in 2018.

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Mr. Governor noted that due to the weather changing, Mr. Burkett, Assistant Road Foremen, suggested holding off on the street sweeping until spring. Ms. Cartwright noted that she has no problems with waiting until spring, suggesting that it may also help with budgeting. Mr. Governor noted that he does not understand how it will work since we were taking less on our reimbursement and have ABC Water pay for this or will the funds carryover. The Fiscal Officer noted that changes to the revenues need approved by the county auditor's office. Mr. Paloski moved to accept the administrator/road superintendent, public works and zoning reports as presented.

**FISCAL OFFICER'S REPORT:** Chairman Paloski called on the Fiscal Officer, Carmen I. Heasley, to present the financials. The Fiscal Officer reviewed warrants and electronic payments. She reviewed three purchase orders in detail, all which are Then and Now.

The Fiscal Officer reviewed suggested changes to the current budget. The Fiscal Officer noted she is in contact with Farmers National Bank concerning the new pickup truck amortization schedule. The bank changed the first payment due date which changed the amortization. Mr. Paloski moved to accept the Fiscal Officer's report as presented.

### NEW BUSINESS

#### RESOLUTION 2019-12-10-202

##### Canfield Community JEDD Board Appointment

Mr. Paloski moved in accordance with Ohio Revised Code 715.72(P) (1) and the Canfield Community Joint Economic Development District (JEDD) Agreement to appoint Trustee Cartwright to serve as the member representing the Township on the JEDD Board for a term of four (4) years. Mr. Governor seconded the Motion. Discussion: Mr. Governor asked about the change to ORC. Ms. Cartwright explained that our attorney provided the correct verbiage for this Motion detailing terms in office. Roll Call: Mr. Paloski, yes; Mr. Governor, yes; Ms. Cartwright, yes. Motion carried 3 to 0.

#### RESOLUTION SETTING PUBLIC HEARING ON PROPOSED AMENDMENT TO THE CANFIELD COMMUNITY JOINT ECONOMIC DEVELOPMENT DISTRICT AGREEMENT RESOLUTION 2019-12-10-203

R.C. 715.72(L) - Ms. Cartwright moved the adoption of the following Resolution:  
WHEREAS, the terms of the Canfield Community Joint Economic Development District Agreement ("JEDD Agreement") were previously negotiated between Canfield Township, Ohio (the "Township") and the City of Canfield, Ohio (the "City"); and

WHEREAS, the JEDD Agreement provided, in pertinent part:

#### 24. AMENDMENT.

The contracting parties may amend this Agreement, and add areas to the Canfield Community JEDD, pursuant to Ohio Revised Code Section 715.761. Amendments shall require unanimous consent of the contracting parties, in writing.

WHEREAS, R.C. 715.761 previously provided, in part:

(A) The contracting parties may amend the contract to add to a joint economic development district any area that was not originally included in the district when the contract took effect. Area may be added only if the area satisfies the criteria prescribed under section 715.73 of the Revised Code.

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**(B)** An amendment adding area to a district shall be approved by a resolution or ordinance adopted by each of the contracting parties. The contracting parties shall conduct public hearings on the amendment, provide notice, and deliver a copy of the amendment to the legislative authority of the county in which the added area is located in the manner required under section 715.75 of the Revised Code for original contracts. [T]he contracting parties shall make available for public inspection a copy of the amendment, a description of the area to be added to the district, and a map of that area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area.

**(C)** After adopting resolutions or ordinances approving the addition of the area, the contracting parties jointly shall file with the legislative authority of the county in which the added area is located the documents required to be filed under section 715.76 of the Revised Code, except that:

**(1)** A copy of the amendment to the contract shall be filed in lieu of a copy of the contract.

**(2)** The description and map shall be of the area to be added instead of the entire area of the district.

**(3)** The economic development plan need not be filed.

**(4)** Certified copies of the resolutions and ordinances approving the amendment shall be filed.

**(5)** The certificates otherwise required under division (E) of section 715.76 of the Revised Code shall certify that the hearings required under division (B) of this section have been held, shall indicate the date of those hearings, and shall include evidence that notice of the hearings was published.

**(6)** The petition otherwise required under division (F) of section 715.76 of the Revised Code shall be signed by a majority of the owners of property located in the area to be added to the district, the petition otherwise required under division (G) of that section shall be signed by a majority of the owners of businesses, if any, located in the area to be added to the district, and the petitions shall specify that the documents described in division (B) of this section are available for public inspection as otherwise required under section 715.75 of the Revised Code.

**(D)** The resolution of a board of township trustees approving an amendment adding area to an existing joint economic development district is not required to be submitted to the electors of the township.

WHEREAS, R.C. 715.75, 715.76 and 715.761 have since been repealed; and

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WHEREAS, R.C. 715.72(L) now requires, in pertinent part, that:

(1) The contracting parties may amend the joint economic development district contract to add any area that was not originally included in the district if the area satisfies the criteria prescribed under division (E) of this section. The contracting parties may also amend the district contract to remove any area originally included in the district or exclude one or more parcels located within the district pursuant to division (E)(2) of this section.

(2) An amendment adding an area to a district, removing an area from the district, or excluding one or more parcels from the district may be approved only by a resolution or ordinance adopted by each of the contracting parties. The contracting parties shall conduct public hearings on the amendment and provide notice in the manner required under division (I) of this section for original contracts. The contracting parties shall make available for public inspection a copy of the amendment, a description of the area to be added, removed, or excluded to or from the district, and a map of that area in sufficient detail to denote the specific boundaries of the area and to indicate any zoning restrictions applicable to the area.

(3) Before adopting a resolution or ordinance approving the addition of an area to the district, the contracting parties shall circulate petitions to the record owners of real property located within the proposed addition to the district and owners of businesses operating within the proposed addition to the district in the same manner required under division (J) of this section for original contracts. The contracting parties may notify such record owners of real property and owners of businesses that the petitions are available for signing in the same manner provided by that division. The contracting parties shall equally share the costs of complying with this division.

(4) The contracting parties to a joint economic development district may vote to approve an amendment to the district contract under this division after the public hearings required under division (L)(2) of this section are completed and, if the amendment adds an area or areas to the district, the petitions required under division (L)(3) of this section have been signed by the majority of record owners of real property located within the area or areas added to the district and by a majority of the owners of businesses, if any, operating within the proposed addition to the district.

(5) Not later than ten days after all of the contracting parties have adopted ordinances or resolutions approving an amendment adding one or more areas to the district, each contracting party shall give notice of the addition to all of the following:

(a) Each record owner of real property to be included in the addition to the district and in the territory of that contracting party who did not sign the petitions described in division (L)(3) of this section;

(b) An owner of each business operating within the addition to the district and in the territory of that contracting party no owner of which signed the petitions described in division (L)(3) of this section.

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The contracting parties shall equally share the costs of complying with division (L)(5) of this section.

WHEREAS, there has been the proposal to amend the JEDD Agreement in order to add land identified as Mahoning County Parcel No. 26-029-0-006.00-0 to the JEDD territory.

NOW THEREFORE, it is hereby Resolved that:

1. The Canfield Township Board of Trustees shall hold a public hearing concerning the proposed amendment to the JEDD Agreement on January 14, 2020, at 6 p.m., at the Canfield Township Hall, 21 South Broad Street, Canfield, Ohio 44406.

2. Notice of this hearing shall be published in *The Vindicator* an edition of the *Tribune Chronicle* as follows:

### NOTICE

Pursuant to Ohio Revised Code Section 715.72, the Canfield Township Board of Trustees will hold a public hearing on Tuesday, January 14, 2020 at 6 p.m., at the Canfield Township Hall, 21 South Broad Street, Canfield, Ohio 44406, for the purpose of considering and taking action on a proposed amendment to the Canfield Community Joint Economic Development District Agreement (JEDD Agreement) with the City of Canfield, Ohio. The proposed amendment would join additional land to the JEDD Agreement Territory; namely, Mahoning County Parcel No. 26-029-0-006.00-0.

The Board shall permit members of the public to express comments and recommendations concerning the proposed amendment to the JEDD Agreement. Prior to the public hearing, copies of the following documents shall be available to the public for inspection, at the Township Fiscal Officer's office during regular business hours: (1) a copy of the proposed amendment to the JEDD Agreement; and (2) a description of the area to be joined to the JEDD Territory, including a map depicting the area and applicable zoning restrictions.

This Notice shall be published in *The Vindicator* an edition of the *Tribune Chronicle*.

3. Prior to the public hearing, the Fiscal Officer shall make available for public inspection the documents described herein above.

Mr. Governor seconded the motion and, thereupon, the votes in favor of the Resolution were recorded and are reflected by the signatures hereto. Approved by the Board of Township Trustees of Canfield Township, Mahoning County, Ohio. Discussion: Ms. Cartwright added that Mr. Masternick requested that we add this parcel to his current land mass. The actual survey map will be included in the packets. The Board signed four copies of the agreement. Roll Call: Mr. Paloski, yes; Mr. Governor, yes; Ms. Cartwright, yes. Motion carried 3 to 0.

### RESOLUTION 2019-12-10-204

#### Warrants & Electronic Payments

Mr. Paloski moved to approve Warrants #13638 thru #13666, electronic payments 506-2019 thru 529-2019 for a grand total of \$54,070.26 as general & payroll obligations of the Township. Mr. Governor seconded the Motion. Roll Call: Mr. Paloski, yes; Mr. Governor, yes; Ms. Cartwright, yes. Motion carried 3 to 0.

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### RESOLUTION 2019-12-10-205

#### Purchase Orders

Mr. Paloski moved to approve Purchase Orders PO 48-2019 – PO 50-2019 for a total of \$19,597.88 that is a Then and Now purchase order to cover backhoe repairs approved in November payable to Lynn Welding and Equipment Repairs, Craig Edward Susany Inc. and Foust Construction, Inc. Mr. Governor seconded the Motion. Roll Call: Mr. Paloski, yes; Mr. Governor, yes; Ms. Cartwright, yes. Motion carried 3 to 0.

### RESOLUTION 2019-12-10-206

#### 2019 Permanent Budget

Ms. Cartwright moved to approve the 2019 permanent budget; anticipated total revenue of \$1,967,528.38 with year-end balances of \$4,530,632.19 for a total revenue of \$6,498,160.57. Total anticipated appropriations of \$2,177,524.76. Mr. Paloski seconded the Motion. Roll Call: Mr. Paloski, yes; Mr. Governor, yes; Ms. Cartwright, yes. Motion carried 3 to 0.

### RESOLUTION 2019-12-10-207

#### Maximum Compensation for Elected Officials

Ms. Cartwright moved that per ORC 505.24(D) incoming elected Officials of Canfield Township, Mahoning County are entitled to the Maximum Compensation via annual salary paid in equal monthly payments. This is in response to an Attorney General's Opinion. Mr. Governor seconded the Motion. Roll Call: Mr. Paloski, abstain; Mr. Governor, yes; Ms. Cartwright, yes. Motion carried 2 to 1 abstention.

**Trustees Comments:** Mr. Governor noted that this coming March will be the Townships turn to sponsor the Mahoning County Association dinner meeting. The Board discussed possible locations and ideas for entertainment. Ms. Cartwright will contact venues. Mr. Governor noting that they have discussed updating the Township's fair display, suggesting that it would be a good time to showcase them.

Ms. Cartwright reviewed what needs to be in the Canfield Community JEDD Amendment packets made available for public viewing in our office. She will take one copy for the JEDD meeting on December 18. The Fiscal Officer asked who should advertise the meeting. Ms. Cartwright noted that she has already discussed it with the Trustees Administrative Assistant Mrs. Williams to run it on Monday in the Tribune.

Ms. Cartwright noted that the Joint Cardinal Fire District will hold their meeting on Monday, December 16 at 5:30pm.

Ms. Cartwright noted that positions to the different boards was posted on the Township's website.

The Board discussed when to have the re-organizational meeting. The Board was concerned with having a lot to do on January 14.

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**Next Meeting Dates:** The Board will hold the re-organizational and regular Board meetings on Tuesday, January 14 at 7:00pm. The Board set December 20 at 10:00am as a special regular to discuss the budget and may act on any Township issues. The Christmas staff luncheon will be December 20 at 12:00pm, weather permitting, or December 23. The Board cancelled the December 24 last regular meeting of the year, but may possibly have a meeting on December 30 at 8:00am if the Fiscal Officer deems necessary.

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Mr. Joseph N. Paloski, Chairman

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Mr. Brian W. Governor, Vice-Chairman

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Ms. Marie Izzo Cartwright, Trustee

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Ms. Carmen I. Heasley, Fiscal Officer