

RECORD OF PROCEEDINGS

Minutes of MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ April 25, 2023, at 7:00 P.M.

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Chairman Wayman called the Trustees' Regular Meeting of April 25, 2023, to order at 7:00 P.M. and welcomed everyone to the meeting being held in the Trustees' Meeting Room at the Administration Building.

Mr. Wayman called for a roll call: Mr. Anderson, Mr. Gauntner, Mr. Wayman, Chief Hager, Mr. Brown, and Mr. Pasqualone were in attendance. Mrs. Gerred-Ditchcreek was absent with a prior commitment. Mr. Gauntner served as the Fiscal Officer Pro-Tempore.

Mr. Wayman led the audience in the Pledge of Allegiance.

Mr. Wayman stated at this time we will have a "Moment of Silence" to reflect on things and to remember family, friends, and neighbors, who are no longer with us and have passed on to the next life. Please remember Madison residents' Joseph Weitella, Ted A. Dennison, Ray Braden, Ted Dengate, James J. Yager, and Ernest "Carson" Rogers. Mr. Gauntner stated Mr. Carson Rogers was a former Madison Township employee. Back in the late 1960's, early 1970's, when Mr. Gauntner's father was a Trustee, Carson was a part-time police officer for the Township. Mr. Gauntner said he was also a good carpenter.

Mr. Wayman requested a motion to approve the minutes from the March 28, 2023, Trustees' Regular Meeting, the April 11, 2023, Trustees' Workshop Meeting, and the April 11, 2023, Trustees' Regular Meeting.

Mr. Anderson presented a motion to approve the minutes from the March 28, 2023, Trustees' Regular Meeting, the April 11, 2023, Trustees' Workshop Meeting, and the April 11, 2023, Trustees' Regular Meeting, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Wayman requested a motion to approve the bill list in the amount of forty-four thousand, nine hundred three dollars and eleven cents (\$44,903.11) (actual) for April 25, 2023.

Mr. Gauntner presented a motion to approve the bill list in the amount of forty-four thousand, nine hundred three dollars and eleven cents (\$44,903.11) (actual) for April 25, 2023, attached to and made part of these minutes, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman requested a motion to approve payroll in the amount of one hundred three thousand, nine hundred thirty-five dollars and sixty-three cents (\$103,935.63) (actual) for April 21, 2023, and payroll in the amount of one hundred five thousand, seventy-one dollars and eighty-seven cents (\$105,071.87) (estimate) for May 5, 2023.

Mr. Anderson presented a motion to approve payroll in the amount of one hundred three thousand, nine hundred thirty-five dollars and sixty-three cents (\$103,935.63) (actual) for April 21, 2023, and payroll in the amount of one hundred five thousand, seventy-one dollars and eighty-seven cents (\$105,071.87) (estimate) for May 5, 2023, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Wayman stated, at this time, we will present the swearing-in ceremony for our new Police Chief. Mr. Anderson, being a former member of the Police Department, will swear-in Chief Troy A. Hager. Chief Hager, raising his right hand, stated "I, Troy Hager, do solemnly swear, that I will support the Constitution of the United States and the Constitution and laws of the State of Ohio, and that I will faithfully discharge the duties of a full-time Police Officer of Madison Township in the rank of Chief of Police, according to the rules and regulations of said Township to which I have been appointed according to law and to the best of my ability." Mr. Anderson congratulated Chief Hager who received a big round of applause. Mr. Wayman stated the Township has been very lucky in previous years with great Police Chiefs, and he thinks Chief Hager will continue the process. Mr. Wayman said he looks forward to working with Chief Hager. Mr. Wayman asked if Chief Hager would like to say something.

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Chief Hager stated he would like to thank everyone who showed up tonight to support him. The rank and file showed up here tonight to support him, and also, his former Lieutenant, now Chief Waterman from Painesville and Matt Byers, Madison Township's former Chief. Chief Hager said he has been friends with these men for a long time. Chief Hager also thanked his wife, and said he could not do any of this without her. He thanked his lieutenant from Perry Village for coming tonight and his son, grandchildren, and father-in-law for being here. Chief Hager said Councilman Dan Donaldson from Madison Village is also here tonight. Chief Hager thanked everyone again for showing up. Chief Hager said it means a lot to him. Mr. Wayman welcomed Chief Hager to the Madison Township Administration team.

TRUSTEES:

Mr. Wayman stated he would like to call Mr. Doug Ferguson of the Madison Kiwanis Club up to the podium to have a discussion on Pickleball Courts. Mr. Ferguson presented the subject at a recent meeting and asked the Trustees to consider putting in pickleball courts at Veterans Park. Mr. Wayman stated the Trustees visited the proposed area for the courts at Veterans Park and noticed some spots in the asphalt that would need to be fixed to make the area useable for pickleball. The Trustees would have to look into the cost of fixing the asphalt, the cost of the nets, and how many courts to provide. Mr. Wayman said he is okay with the suggestion as the sport is growing in popularity, and would be good for the community. Mr. Anderson stated he looked at the area and has some concerns. He would like to have something on paper showing the cost of everything, who is going to be taking care of the courts (putting up the nets and taking them down), and where things will be stored. Mr. Ferguson said he appreciated the Trustees considering the courts. He asked if the Trustees had a chance to visit Perry Park to see the courts there. Mr. Anderson said he has been there. Mr. Gauntner said he looked at the courts today. Mr. Ferguson stated the Kiwanis Club is not planning on having professional quality courts or holding major tournaments but would like the courts for just recreational enjoyment. Mr. Ferguson said both the Madison Kiwanis Club and the Madison Joint Recreation District are willing to donate for some of the costs involved. The Kiwanis Club could provide volunteers for a work crew, and everyone could work together to make this happen. Mr. Ferguson stated these courts would be great for the community and bring many people to Veterans Park which will have an impact on eliminating vandalism there. Mr. Ferguson offered his assistance and any of his findings and investigations and to work with Mr. Brown on this matter.

Mr. Anderson stated his main concern is liability and finding out if the Townships insurance will go up. There are a variety of things to check. Mr. Anderson said he wants documentation so there are no problems in the future. Mr. Wayman stated he would like to have the asphalt issue addressed first as to cost and how to repair. Mr. Gauntner said he looked at the Perry Park courts and considered the proposal. He has some concerns about vandalism. Mr. Gauntner said the surface that Madison has is not as nice as the surface in Perry. Perry's surface is very smooth and very level where the surface in Madison is very irregular with deep cracks. Mr. Cook stated the topcoat on the asphalt at Veterans Park is a sand mix. Mr. Gauntner stated he agrees with Mr. Wayman that something needs to be done to the asphalt to make it level. Mr. Gauntner said he does not want to just put a few lines on a court and call it a pickleball court. He wants to do the job right, and it will not be as simple as it sounds. The Township gets a lot of criticism about the Madison Township's five (5) parks. The Township does what we can afford to do, not what we would like to do to make them better. About three years ago, Mr. Gauntner suggested turning the old tennis courts at Tuttle Park into pickleball courts, but the expense was too much. Mr. Ferguson suggested only putting in one or two courts to keep the cost down. Mr. Anderson said his concern is liability and insurance which has to be checked first. Mr. Pasqualone stated if the Township went ahead and put in the pickleball courts knowing the asphalt surface has issues, then liability would be an issue, unless the courts are made level and useable. Mr. Ferguson mentioned the baseball teams that play at Veterans Park. Mr. Pasqualone stated it is about a defective area being used for a pickleball court and you knew about it in advance. The baseball fields are in good condition. Mr. Anderson said that is his main concern so that a problem does not come back to the Township or Trustees.

Mr. Ferguson stated he appreciated the concerns of the Trustees, but he wanted to reiterate that the Township has two (2) organizations willing to partner with them to help out. Mr.

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Wayman said the first thing to do is find out how to fix the asphalt and the cost involved. That would probably be the biggest cost. The nets cost less than two hundred dollars (\$200.00) and could be taken down in the fall and stored until the summer. Mr. Ferguson said the Township may have some posts already that can be used to secure the nets. Mr. Wayman said Mr. Ferguson can keep in touch with Mr. Brown for the next two (2) weeks and by then we may have more answers. Mr. Ferguson thanked the Trustees.

DEPARTMENT REPORTS

POLICE DEPARTMENT:

Chief Hager stated he was approached by a towing company. It is normal for a new Chief to get calls about changing towing companies when he starts a new job. Chief Hager said he talked to the Madison Township officers and dispatchers, and King's Towing has not raised their costs and continues to do a good job so he sees no reason to switch companies. Mr. Gauntner said former Police Chief Byers was pleased with King's Towing service and felt they were responsible.

LEGAL:

Mr. Pasqualone, Solicitor, stated he has something to be brought up in Executive Session regarding pending litigation.

ZONING:

Zoning Inspector, Mr. Ungers, stated he had nothing specifically for this meeting but wanted to mention he has had a lot of complaints and calls as the Spring season is upon us. He anticipates having some abatement resolutions at the next meeting.

SERVICE DEPARTMENT/PUBLIC WORKS:

Road Supervisor, Paul Cook, requested a motion to approve **Resolution #23-068**, A Resolution to hire Ryan Crim as a seasonal employee of the Madison Township Service Department at a rate of fifteen dollars (\$15.00) per hour with no benefits effective May 1, 2023, through October 31, 2023.

Mr. Gauntner presented a motion to approve **Resolution #23-068**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman asked Mr. Cook if everything in the Service Department is going well this Spring and if things are getting cleaned up. Mr. Cook said everything is going well.

ADMINISTRATOR:

Mr. Brown, Administrator, requested a motion to approve **Resolution #23-069**, A Resolution in accordance with Ohio Revised Code (ORC) 505.86 declaring a structure located at 6634 North Ridge Road, Permanent Parcel #01B107000350, (Burger King), to be insecure, unsafe, or structurally defective, and authorizing the Township Administrator to take all action necessary to secure said structure.

Mr. Anderson presented a motion to approve **Resolution #23-069**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Pasqualone stated he will have a comment later regarding this issue. Mr. Gauntner said he spoke with Madison Fire District Captain Terry Sopko and Fire Chief Tod Baker regarding this. Mr. Gauntner said he has not been happy about the condition of this property. Captain Sopko made some calls and discovered the insurance company dropped the ball on this and thought the building was secure. Mr. Gauntner stated this is in the heart of Madison's business district and the appearance reflects poorly on the community. The property owner needs to take the building down. Mr. Anderson stated it is a safety issue. We do not know if anyone has been in the building yet but if someone goes in the building and gets hurt, they will come after the Township. Mr. Anderson stated the Township has to get after this. Mr. Gauntner said usually the insurance company will send the Township a check to cover part of the cleanup. The Township has not heard anything from the insurance company. Mr. Anderson asked Mr. Pasqualone if a corporation or franchise owns the Burger King. Mr. Pasqualone stated the franchise, Thomas King Ohio, LLC owns this Burger King store. Mr. Pasqualone said that is the problem he will discuss with

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the Trustees. Mr. Wayman agreed safety is the biggest concern. Mr. Wayman and Mr. Anderson thanked Mr. Gauntner for pushing this issue so something can be done to get the building cleaned up.

Mr. Brown stated he had a few updates on Madison Township's construction projects. The resurfacing of Roe Boulevard, Hazel Avenue, Homestead Road, and Old Mill Road is set to start on Monday, May 1st and be completed by June 16th. Mr. Brown said he does not have a price for Homestead Road and Old Mill Road, but was informed the contractor would honor the cost for the contract the Township has with them. Mr. Brown said the Madison Shores Drainage Project is in the punch list phase. The grass seed and topping are down and it has been leveled and raked, so that project is pretty much completed. Mr. Brown said the final paving regarding Division Road, Atwater Road, and Shoreacre Drive, the Township is still waiting for a response from Bova Construction of Youngstown, Ohio regarding this project which was done by the Lake County Utilities Department last year. There is a little bit of repair on the asphalt subbase to be done, and then they will be putting the top layer of asphalt down and then the berming material. The project is about two-thirds (2/3) of the way done. Mr. Brown stated regarding the Stanton Park Chapel/Pavilion, the contractor was in today doing the siding and should be done with the siding next week. The completion date is May 19th. A punch-list meeting will be held May 3rd at 9:00 A.M. Mr. Brown invited the Trustees to attend so they will be happy with the completed project. Mr. Gauntner stated he had a 9:45 A.M. doctor's appointment in Mentor that day. Mr. Brown said he will reschedule the meeting because he would like all three (3) Trustees to be there. Mr. Brown stated the Administration Building roof was supposed to go out for bid last week. As it did not go out for bid, he is waiting for a reply. The Shore Drive Stormwater Project pre-con meeting is set for May 4th at 10:00 A.M. Mr. Brown said there is a lot of projects getting ready to kick off in the Township.

Mr. Brown gave the Trustees a copy of a WOIO Channel 19 news article he recently read about energy costs. When the Northeast Ohio Public Energy Council (NOPEC) resumes distributing energy in June of 2023, it will do so at the rate of 5.3 cents per kilowatt hour. The Township must decide to opt out with the Illuminating Company or go with NOPEC. Mr. Brown recommends going with NOPEC because the Illuminating Company's rate will be 12.4 cents per kilowatt hour. Mr. Brown said the article goes into detail about the aggregation works and how everyone got to this position. If anyone gets questions about this, you can try to answer them or send them to Mr. Brown or to NOPEC. No action is necessary if you want NOPEC as you will automatically be transferred to them. If you want to opt out, then you have to advise the Illuminating Company. Mr. Gauntner said NOPEC is the most misunderstood thing. People just do not get it. NOPEC has been around since 2001, and has done a pretty decent job. Their rates have been good. They just got caught up last year in the crazy energy market. Mr. Gauntner said the average person out there is just not doing their homework. Mr. Wayman said it is tough for some people to understand. Mr. Gauntner said he tried to explain it on social media many times, but just had to give up.

Mr. Gauntner gave a brief update on the last Fire Board Meeting. Mr. Gauntner stated Fire Chief Tod Baker will be retiring soon. The Township just had to hire a new Police Chief, and now the Fire District will have to find a new Fire Chief. Chief Baker has done an excellent job. The Fire District is in the best fiscal position it has been in for many years. The Fire Station that was built in 2013 will be paid off next year. Chief Baker refinanced the loan at a lower rate and will get the loan paid off. Chief Baker has some new equipment coming in. He has done a great job since he has been here. Fire Station #2 was recently renovated to add sleeping quarters for the firefighters. Mr. Gauntner said he hates to see Chief Baker go. Chief Baker will stay through July. Mr. Anderson said Chief Baker keeps up with the maintenance of the Fire District's vehicles and has done a great job for the department turning things around. Mr. Wayman said Chief Baker always makes sure the equipment is up-to-date. Mr. Gauntner stated the Fire District will look inside the department and outside for a new Fire Chief. Mr. Wayman stated retirements happen, and the Trustees will have to find a replacement for Fire Chief Baker.

CITIZEN COMMENTS:

Mr. Matt Byers, former Madison Township Police Chief addressed the Board. Mr. Byers said he has known Chief Hager since April of 1993, thirty (30) years ago this month, when

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he was a Police Academy cadet and Troy was a Junior Fire Arms Director. Mr. Byers said he could talk about Chief Hager's extensive police experience and his leadership abilities, but as a longtime friend of him and his family, his strongest attribute is his personal integrity. Integrity is something needed in our police departments now more than ever. Mr. Byers stated the Madison Township Police Officers exemplify integrity as he has always tried to hold the bar high while here. Mr. Byers stated retiring was a very difficult decision for him to make, but he feels better now knowing Chief Hager will continue to hold the bar high and will look after the safety of Madison Township residents. The Township is in good hands. Mr. Byers said he wanted to thank the Trustees for their diligence and wisdom in choosing Police Chief Troy Hager. Mr. Gauntner said Chief Hager has big shoes to fill, but he knows the Trustees made the right decision. Mr. Gauntner stated he appreciated Mr. Byers input and appreciates everything Mr. Byers did for the Township the eight (8) years he was our Police Chief. Mr. Anderson said he feels the same way. Chief Hager will do an outstanding job. He has heard nothing but good things about him. Mr. Anderson said Mr. Byers did an outstanding job for the community while here, and he wanted to thank him for coming tonight.

Mr. Gauntner stated he would like to discuss the closed Ford Road Bridge as some of the Ford Road residents are here tonight. Mr. Gauntner said the Township still has not had an answer regarding this problem from the Lake County Commissioners. Mr. Gauntner said he plans on going back to their meeting this week to see if anything new has happened. Mr. Gauntner said there is a Lake County Township Association Meeting on Thursday, April 27, 2023, and that will be our annual meeting with the Lake County Engineer. The failed bridges will be a hot topic. Mr. Gauntner stated the Paine Road Bridge is out in Leroy Township, the Ford Road Bridge is out in Madison Township, the Williams Road Bridge in Concord Township is day-to-day and will probably be closed by mid-summer, and the retaining wall on Blair Road in Perry Township has to be replaced within the next twenty-four (24) months if not sooner for a cost of 2.4 million dollars. Mr. Gauntner said he sent a letter to the County Commissioners on March 31st regarding the Ford Road bridge. One particular Commissioner seems to be missing one very important thing. County roads are not owned by the County Engineer. County roads are owned by the County Commissioners. The County Engineer has to maintain the roads and bridges by law, but it is the Commissioners' roads and bridges. Mr. Gauntner said he understands the unusual situation the County Engineer is faced with all the things going bad at once. As Mr. Jim Gills, Lake County Engineer, stated "It's the perfect storm." Mr. Gills is not getting the kind of money from gasoline tax that he used to in the past because of electric and hybrid vehicles. Mr. Gauntner stated the State legislature has to fix that problem. Mr. Gills only gets a million dollars from the State for capital improvements, and he has all these issues. Mr. Gauntner said he does not know what Mr. Gills is supposed to do when he has 9.6 million dollars in immediate needs and 16 million dollars needed to fix everything. Mr. Gauntner said he talked to Commissioner Hamercheck and some other people who say the money is there. A new jail would cost between one hundred fifty to one hundred seventy million dollars. Mr. Gauntner said he does not know about the wisdom in knocking down a thirty-four (34) year-old building which he oversaw the construction of back in the 1980's. The jail does have issues, but he does not know how the County budget can sustain a construction project costing that much with the current revenues they receive now. Mr. Gauntner stated the Lake County Township Association will start pressing the Commissioners because soon the County will have three (3) townships with road closures because of failed bridges. They will have to come up with an answer. One of the Commissioners (Plecnik) said if the bridge is that bad, why doesn't Madison Township fix it themselves. Mr. Gauntner said first of all the Township does not have the statutory authority to fix a County bridge. Mr. Pasqualone agreed. The five hundred thousand dollars (\$500,000.00) the Township receives in road levy money cannot be used to fix a county road or bridge. The ballot language is very specific on what the Township can do with those road levy funds. Mr. Gauntner stated one of the Commissioners (Plecnik) saying the Trustees can fix the bridge if they wanted to is completely not true. That statement is absolutely false. The Township struggles to maintain the fifty-three (53) miles of Township roads, purchase salt for the winter months, and do vehicle repairs. It costs three to four thousand dollars (\$3,000.00 - \$4,000.00) to fix one (1) mile of road. Mr. Gauntner said he was taken back by the one Commission saying the Township should go fix his bridge. Mr. Brown stated the hardest thing right now is the

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Increase in material costs. Mr. Gauntner said Mr. Gills recently said asphalt paving now costs between four hundred to five hundred thousand dollars (\$400,000.00 - \$500,000.00) for one mile of road. Mr. Brown stated in 2016 the cost to asphalt pave one mile of road was two hundred fifty thousand dollars (\$250,000.00). Mr. Gauntner said this is why the Township cannot fix all the roads the way they want to fix them. Mr. Gauntner said in conclusion, the Township has had no answer from the Lake County Commissioners regarding the Ford Road Bridge. The Trustees will continue to keep pushing, and the Lake County Township Association will be getting involved very soon with this issue. Mr. Wayman said the Trustees will indeed keep pushing. He thanked Mr. Gauntner for the update.

EXECUTIVE SESSION:

Mr. Wayman requested a motion to convene into Executive Session in compliance with Ohio Revised Code (ORC) Section 121.22 G (1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual. In particular a police investigation.

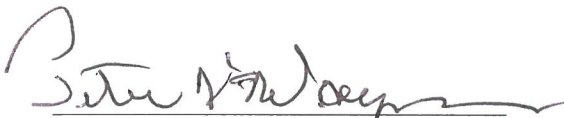
Section 121.22 G (3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. In particular a recent lawsuit that was filed against the county and township.

Mr. Gauntner presented a motion to convene into Executive Session at 7:48 P.M., seconded by Mr. Anderson: Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes


Mr. Wayman reconvened the Trustees' Regular Meeting at 8:17 P.M. after discussing three (3) different topics in Executive Session. Mr. Wayman stated there will be no further business to discuss, and requested a motion to adjourn the meeting.

Mr. Gauntner presented a motion to adjourn the Meeting, seconded by Mr. Anderson. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Chairman Wayman adjourned the Trustees' Regular Meeting at 8:18 P.M.



Peter V. Wayman, Chairman



Kenneth R. Gauntner, Jr., Fiscal Pro-Tempore