

# RECORD OF PROCEEDINGS

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

Held \_\_\_\_\_ April 11, 2023, at 7:00 P.M. \_\_\_\_\_ 20 \_\_\_\_\_

Chairman Wayman called the Trustees' Regular Meeting of April 11, 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, Lieutenant Kirk, Mr. Brown, and Mr. Pasqualone were in attendance.

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. Please remember Madison residents' William Bousquet, Michael C. Webster, James Thomas Kekelis and Grace Muller. Mr. Anderson mentioned Attorney Leo Talika recently passed away.

Mr. Wayman requested a motion to approve the bill list in the amount of one hundred three thousand, seven hundred six dollars and twenty-nine cents (\$103,706.29) (actual) for April 11, 2023.

Mr. Anderson presented a motion to approve the bill list in the amount of one hundred three thousand, seven hundred six dollars and twenty-nine cents (\$103,706.29) (actual) for April 11, 2023, attached to and made part of these minutes, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Wayman requested a motion to approve payroll in the amount of ninety-nine thousand, six hundred three dollars and sixty-four cents (\$99,603.64) (actual) for April 7, 2023, and payroll in the amount of one hundred thousand, five hundred forty dollars and forty-four cents (\$100,540.44) (estimate) for April 21, 2023.

Mr. Gauntner presented a motion to approve payroll in the amount of ninety-nine thousand, six hundred three dollars and sixty-four cents (\$99,603.64) (actual) for April 7, 2023, and payroll in the amount of one hundred thousand, five hundred forty dollars and forty-four cents (\$100,540.44) (estimate) for April 21, 2023, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman introduced and welcomed our guest speaker tonight, newly elected Lake County Commissioner Rich Regovich to speak about economic development on the east side of Lake County. Commissioner John Hamercheck is also present tonight.

Commissioner Regovich thanked the Trustees for having him at the meeting tonight. Commissioner Regovich stated something he started as Mayor of Willowick was to reach out to children in schools who are not planning on going on to college and give them some expectations and goals for their future. By giving this group of children access to police, fire, and welding programs in high school, we can manufacture workers for the desperately needed trades. Everyone is looking for workers. Commissioner Regovich said a hub will be started to work with Lakeland Community College, Auburn Career Center, the schools, and businesses to get this program going. There has been a lot of momentum from the school districts, Lakeland Community College, and the Lake County government to move economic development and work force development forward for the benefit of the entire county. By attracting more businesses, we can hope that our talent in Lake County will be able to find employment in Lake County. Commissioner Regovich said he will be reaching out to the Trustees for their suggestions of what kind of businesses they would like to see in Madison. Commissioner Regovich stated the Commissioners would like to make a coordinated effort at the county level to level the playing field. This program is a three (3) year commitment, and a person will be hired to work with everyone to make it successful. Commissioner Regovich said the County Budget has been passed for 2023, and the Commissioners are working to make decisions on spending on needed items such as a new jail and closed roads and bridges. The Commissioners welcome any input the Trustees may have as to their needs. Speaking for himself, Commissioner Regovich said we have to focus on safety forces and what we can do to move along this year to get Madison Townships' safety forces able to take care of their residents.



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The Lake County Sheriff's Department is currently in negotiations for a new contract and is moving along pretty well. Hopefully, this will be concluded soon. Commissioner Regovich said he is happy to be here at the meeting tonight and will answer any questions anyone would like to ask.

Mr. Gauntner thanked Commissioner Regovich for coming to the meeting tonight. Mr. Gauntner stated he has never seen two (2) Lake County Commissioners at one of the Townships' meetings before. This is a first, and he appreciates it very much. Mr. Gauntner stated that economic development on the west side of Lake County is developed out. Madison and Perry have a lot of room for development and growth in the future. The Township has offered to give their American Rescue Plan Act (ARPA) funds in the amount of 1.6 million dollars (\$1,600,000.00) to the Lake County Commissioners to match for a much-needed sanitary sewer on the Route 20 corridor (between Green Road & Haines Road). A recent study shows this would help our economic development. Madison Townships' request would be for the Board of Commissioners to help get Madison Township's infrastructure going by supporting this project to enhance our ability to spur economic development in this area. Commissioner Regovich stated on the west end of Lake County, one of the sewer systems from 1928 is failing. Here in Madison Township, you need sewers. The Commissioners are looking at a lot of needed projects. Mr. Gauntner said he understands it is hard to crunch the numbers. Sanitary sewers are definitely important for economic growth in Madison Township. Another request is for the Commissioners to address the two (2) bridges that are closed one on Ford Road in Madison Township, and another on Paine Road in Leroy Township so our safety forces can get to residents in South Madison and Leroy. Commissioner Regovich said the Board has to consider all the requested projects and decide what can be done this year with the funds available. It is not an easy task. Commissioner Regovich stated Commissioner Hamercheck wants to hold another work session for additional discussions on appropriations. Commissioner Regovich said 46 million dollars (\$46,000,000.00) in ARPA funds sounds like a lot of money, but when you start dividing it up for very expensive projects, it does not go very far. Mr. Wayman thanked Commissioner Regovich for his program training the young for jobs and careers in trade jobs. Good workers in trade jobs are hard to find anymore. Mr. Wayman stated the program sounds like a good one, and it is a very good idea. Commissioner Regovich stated we need the kids between 16 and 22 years of age who will not go on to college, but need a goal to work toward so they can earn a good wage in the future. Mr. Wayman thanked Commissioner Regovich for coming to the meeting tonight.

Mr. Wayman then welcomed Commissioner John Hamercheck up to the podium. Commissioner Hamercheck stated he would start with happy stuff. Commissioner Hamercheck respectfully requested permission to approach the Trustees to present a signed agreement for two hundred twenty-eight thousand, two hundred dollars (\$228,200.00) which is from the Community Development Block Grant (CDBG) program funds between Lake County and Madison Township from funds left over from fiscal year 2022 for the repaving of Roe Boulevard. Commissioner Hamercheck said they are working on fixing things one road at a time. Commissioner Hamercheck said in their meeting today they discussed fund balances which totaled no less than one hundred, thirteen million dollars (\$113,000,000.00). Commissioner Hamercheck stated Lake County has never been in a stronger financial position in their history. However, the demands have never been greater in our history. Commissioner Hamercheck stated Jim Gills, County Engineer, said it best when he said "this is the perfect storm" regarding the road and bridge closures and all the funding needed to repair them. This is a matter of life safety. It is a matter of putting human cost over material cost. Commissioner Hamercheck said the Trustees need to continue to press their issues regarding the Ford Road bridge closure. Commissioner Hamercheck thanked Mr. Gauntner for his dedication and said Mr. Gauntner's language was very precise when writing to the Commissioners regarding their statutory responsibility regarding county roads, and our County Prosecutor concurs. These roads are the responsibility of the County Commissioners. Mr. Gauntner said the Commissioners have a difficult task. The fact that both commissioners are here tonight speaks volumes for both of them. Mr. Gauntner said he appreciates that. Commissioner Hamercheck said he will concede the east side of Lake



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County has been neglected for decades. He does not want to see the funds spent in the County budget at the expense of the east side for the next thirty (30) years. There are some challenges before us. Commissioner Hamercheck asked that everyone be steadfast and stick together to push the issues and follow the law.

Commissioner Hamercheck stated a recent slight during a County Commissioner Meeting that was aimed at the Madison Fire District was inappropriate and disrespectful. He took exception at that and regrets that it happened. The Fire District has been following the law. If someone is pulled over for speeding, are you going to blame the officer? Commissioner Hamercheck said sometimes you have to dumb things down to certain elected officials. Mr. Gauntner said he appreciated the fact that Commissioner Hamercheck went to bat for the Madison Fire District. Mr. Gauntner said Commissioner John Plecnik was obviously misinformed about what took place and out-of-line with what he said in that meeting. Mr. Gauntner said he plans on addressing this issue a little bit more with Commissioner Plecnik. The Madison Fire District has never fined any winery. Mr. Gauntner stated as Chairman of the Madison Fire District, he is not going to stand for those false public comments. Mr. Gauntner said once again he appreciated Commissioner Hamercheck standing up for the Madison Fire District. Commissioner Hamercheck said he will be available if anyone has any questions for him later.

Mr. Wayman asked Madison Fire District Chief Tod Baker to speak at this time. Fire Chief Baker stated he is not very optimistic after attending the Lake County Commissioners Budget Meeting today. If one hundred seventy million dollars (\$170,000,000.00) is spent on a new jail, there will be no funding left to fix our roads and bridges. Chief Baker said he lives on the other side of Ford Road and recently needed a rescue unit for his mother and had to endure the delay in getting someone there to help her. Luckily, she was not having a stroke as first thought. Chief Baker said he wonders if this had happened to a road in Willoughby, if the road would be fixed by now. Chief Baker said everyone needs to stand up for themselves and encourages others to do so by attending the Lake County Commissioner Meetings.

Chief Baker stated he wanted to address the statement made by Commissioner Plecnik in last week's County Commissioner Meeting. Chief Baker thanked Commissioner Hamercheck for speaking up for the Madison Fire District. Chief Baker said he wanted to let people know what is going on with the wineries and Fire District. Mr. Gauntner said he thinks the facts need to come out. The three (3) Madison Township Trustees have been on the Madison Fire District Board for the last ten (10) years. Mr. Gauntner stated there has never been any opposition to enforcing the fire code the way it is written by any of us. Chief Baker said he takes no responsibility for anything that has happened six years ago before he became Fire Chief. Under the Ohio Revised Code (ORC) and the Ohio Fire Code (OFC) Chief Baker said he is responsible for public safety. The Fire District inspects all public buildings to make sure they are safe. If a property is zoned Agricultural, the law does not require an inspection by the County Building Department. The wineries have been unchecked forever. The Lake County Building Department has the right to check fans but they choose not to because the property is zoned agricultural therefore, any winery that you go into has never been inspected by the Lake County Building Department. Chief Baker stated in August of 2016, the Ohio legislature passed a law that granted civil immunity to agritourism properties. For the last four and a half (4 1/2) years, the Fire District has been working with wineries to help them bring their buildings up to state fire code. One specific winery owner was cited, not fined, and told to work with the Fire District to help work out the violations. The winery decided not to do that so an appeal was filed with the Ohio Board of Building Appeals in Columbus. The owner and the Fire District went to Columbus, and the Ohio Board of Building Appeals upheld the Fire District's citation and they (Ohio Board of Building Appeals) fined the winery owner for not doing what he was supposed to do. Chief Baker said he has been the Fire Chief for six (6) years and has never fined anyone. The comments made by Commissioner Plecnik in a public meeting were incorrect. The Madison Fire District is following the law and the state fire codes. Chief Baker said he will be at the next County Commissioners Meeting to address this matter. Chief Baker stated the Madison Fire District is being blamed for pushing businesses out of Lake County, which is like the Sheriff's Department being blamed for pushing residents out of Lake County for writing citations, or the Health Department being blamed for writing citations for out-of-compliant septic



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systems. Chief Baker said Commissioner Plecnik has never reached out to him regarding this matter. Chief Baker said if anyone has any questions, they can call his office and talk to him.

## DEPARTMENT REPORTS

### POLICE DEPARTMENT:

Lieutenant Kirk requested a motion to approve **Resolution #23-063**, A Resolution accepting the resignation of Terrance Radcliffe as a part-time Police Officer in the Madison Township Police Department effective March 30, 2023.

Mr. Anderson presented a motion to approve **Resolution #23-063**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

### LEGAL:

Mr. Pasqualone, Solicitor, stated he would have something to discuss in Executive Session.

### FISCAL OFFICER:

Fiscal Officer, Mrs. Gerred-Ditchcreek was absent due to a prior commitment.

### ZONING:

Zoning Inspector, Mr. Ungers gave the March, 2023, Monthly Zoning Report:

- 14 Zoning Permits issued for an estimated construction cost of \$ 477,800.00.
- Zoning Permit fees and application fees collected totaled \$ 1,580.00.

The Zoning Commission met once in March on their Regular Meeting date to hear preliminary reviews for Residences of Madison LLC and Smolen Engineering.

The Board of Zoning Appeals did not meet in March.

22 Zoning complaints recorded:

- 12 Excessive Refuse.
- 10 Out-of-Compliance.

202 Total Telephone Calls received and responded to by Zoning Office in March.

Mr. Gauntner asked if Mr. Ungers heard anything about the "Burger King" on Route 20. The burned-out building looks terrible. Mr. Gauntner stated on one side of the street is the burned-out building that used to be Burger King, and across the street is another empty building (former Rite Aid Pharmacy). It looks bad in that area of Route 20. Mr. Gauntner said the Township will have to look into the matter as the Township has not heard anything from the insurance company as well. Fire Chief Tod Baker said he will also investigate the Burger King situation.

Mr. Ungers said at last night's Zoning Commission Meeting, Dave Radachy, Director of Lake County Planning & Community Development, attended and presented to the Zoning Commission. Mr. Radachy provided an outline of topics that the Lake County Planning Commission will be reviewing at their upcoming meetings addressing Madison Townships' Comprehensive Zoning Plan. Along with the statistics provided by the 2020 Census, they will review and discuss how and what has changed since their last Comprehensive Plan review in 2009 and detail suggestions they feel should be considered for the Comprehensive Plan moving forward. Mr. Radachy asked that Mr. Ungers remind the Trustees that ideally a Comprehensive Plan Committee of their choice should be chosen to meet at a later date this year to take the information and suggestions that the Lake County Planning Commission provides and work to revise the Comprehensive Plan of Madison Township. Mr. Gauntner stated that when the Trustees adopted the resolution asking the Planning Commission to review the Comprehensive Plan the resolution states who should be on the Comprehensive Plan Committee. As stated in that resolution the committee will consist of two (2) members of the Board of Zoning Appeals, two (2) members of the Zoning Commission and Zoning Inspectors Mr. Ungers and Mr. Bernard. Mr. Gauntner suggested Mr. Randy Rothlisberger who sits on the Zoning Commission and who is also Lake County Sanitary Engineer be one of the committee members. He has a lot of insight on development matters.



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## SERVICE DEPARTMENT/PUBLIC WORKS:

Road Supervisor, Paul Cook, reported an update on a few matters. Mr. Cook stated the first Yard Waste/Chipper drop off date was April 8, 2023, and about one hundred (100) residents took part. The Lakeview Avenue Drainage Project will begin on April 24, 2023. The Township paving program for 2023 will begin the end of this month, weather permitting and the asphalt plants opening. Mr. Cook said a Pre-Con took place last week as to the Lakeview Avenue Drainage Project.

Mr. Cook requested a motion to approve **Resolution #23-064**, A Resolution to enter into an Agreement with ARI Phoenix, Inc. of Lebanon, Ohio, not to exceed the amount of \$55,029.29, State of Ohio Contract #RS900921-3, for the purchase of an ARI Hetra Lifting System Model BP-9-4-AJ with support stands, for the use by the Madison Township Service Department.

Mr. Gauntner presented a motion to approve **Resolution #23-064**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman stated this Resolution was discussed at the Townships' last Workshop Meeting.

Mr. Cook requested a motion to approve **Resolution #23-065**, A Resolution to enter into an Agreement with Murphy Tractor & Equipment of Brunswick, Ohio, not to exceed the amount of \$31,712.94, for the purchase of a 2023 Eterra ET-04RO40 Boom Mower with 2023 Eterra Cyclone 48" rotary cutter for use by the Madison Township Service Department.

Mr. Anderson presented a motion to approve **Resolution #23-065**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Cook stated this is an American made product. Mr. Gauntner said he would like the Township to continue purchasing American made products.

## ADMINISTRATOR:

Mr. Brown, Administrator, stated the annual report on the American Rescue Plan Act (ARPA) funds is due on April 30, 2023. Mr. Brown said he filed the report last week. Mr. Gauntner said the 1.6 million is still there. Mr. Brown said the amount is 1.5 million now because some of funds were used for the Chapel renovation at Stanton Park. The amount used will be supplemented with money from Tax Increment Financing (TIF) funds.

Mr. Brown said the Shore Drive Pre-Con with CATTs Construction is going to take place the first week of May. This is the eight hundred thousand-dollar (\$800,000.00) Stormwater Project which will outfall through Tuttle Park.

Mr. Brown stated he attended the Pre-Con with Chagrin Valley Paving on April 6<sup>th</sup> for the Roe Boulevard and Hazel Avenue repaving project. The Roe Boulevard Funding was obtained from Community Development Block Grant (CDBG) program funds from the Lake County Commissioners. Chagrin Valley Paving should start prepping soon after the asphalt plant opens. Roe Boulevard and Hazel Avenue should be resurfaced by June or July.

Mr. Brown requested a motion to approve **Resolution #23-066**, A Resolution to approve Change Order #1 with Demo Guys, Inc. in the total amount of five thousand, seven hundred dollars (\$5,700.00) for the Stanton Park Chapel Improvement Project.

Mr. Gauntner presented a motion to approve **Resolution #23-066**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Brown stated this change order reflects the support columns that had to come down and rebuilt because they bowed out during demolition of the front entry foyer.

Mr. Brown requested a motion to approve **Resolution #23-067**, A Resolution certifying the Madison Township Straight-Line Road Mileage for 2022.

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Mr. Anderson presented a motion to approve **Resolution #23-067**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Gauntner asked if Mr. Brown heard anything regarding Division Road, Bank Street, and Atwater Road repavings. Mr. Brown stated the contractor will be coming back just as soon as the asphalt plant opens up to get the base repairs completed after winter, the asphalt topcoat down, and berming done. They are anxious to get the job completed after the winter months. The asphalt plant usually opens around April 15<sup>th</sup> so it should be soon. No word yet when asphalt plant will open.

### CITIZEN COMMENTS:

Mr. Greg Giegerich, 5640 Middle Ridge Road addressed the Board and thanked Tim Brown, Ken Gauntner, Mrs. Gerred-Ditchcreek, and our Fire Chief for going to the Lake County Commissioners Meetings to stand up for the residents of South Madison. He urged the Commissioners to find the funds to fix the road closures on Ford Road and Paine Road for the safety of the residents which affects not only Madison residents but nearby communities as well.

### EXECUTIVE SESSION:

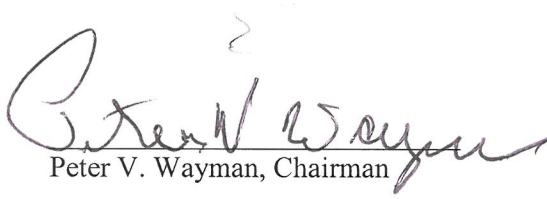
Mr. Wayman requested a motion to convene into Executive Session in compliance with Ohio Revised Code Section 121.22 G3, enter into Executive Session to: Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of Pending or imminent court action. (To discuss a lawsuit recently filed against the Madison Township Trustees, the Lake County Prosecutor, and the Lake County Sheriff and to discuss the pending C4 court case).

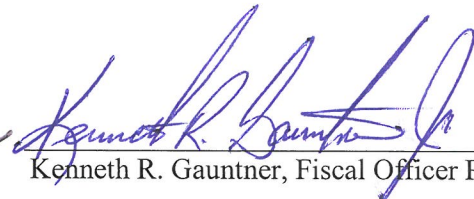
Mr. Gauntner presented a motion to convene into Executive Session at 7:54 P.M., seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman reconvened the Regular Meeting at 8:16 P.M. and with no further business, requested a motion to adjourn the Meeting.

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

Chairman Wayman adjourned the Trustees' Regular Meeting at 8:17 P.M.

  
Peter V. Wayman, Chairman

  
Kenneth R. Gauntner, Fiscal Officer Pro-Tempore