

# RECORD OF PROCEEDINGS

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

August 8, 2023, at 7:00 P.M.

Held \_\_\_\_\_ 20 \_\_\_\_\_

Chairman Wayman called the Trustees' Regular Meeting of August 8, 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, Mrs. Gerred-Ditchcreek, 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' Julie Warner, Sara Jane Stephens, Russel Starkey, and Alan George Kibby.

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

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

Mr. Wayman requested a motion to approve the bill list in the amount of three hundred fifty-three thousand, one hundred seventy-nine dollars and forty-six cents (\$353,179.46) (actual) for August 8, 2023.

Mr. Anderson presented a motion to approve the bill list in the amount of three hundred fifty-three thousand, one hundred seventy-nine dollars and forty-six cents (\$353,179.46) actual for August 8, 2023, attached to and made a part of these minutes, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mrs. Gerred-Ditchcreek stated one hundred forty-eight thousand, six hundred eleven dollars (\$148,611.00) was paid to Chagrin Valley Paving, Inc. for the final payout for repaving of Roe Boulevard, Hazel Avenue, and Old Mill Road. Mr. Brown stated the Township will receive seventy to eighty thousand dollars (\$70,000.00 - \$80,000.00) back from a Community Development Block Grant (CDBG) for this project. Mrs. Gerred-Ditchcreek stated forty-six thousand, eight hundred forty-seven dollars (\$46,847.00) was paid to CATTs Construction, Inc. for the Shore Drive Drainage Project. Mr. Brown stated this is the first payout for Shore Drive which is currently at a halt. Mrs. Gerred-Ditchcreek said eight thousand, two hundred eighty dollars (\$8,280.00) was paid to Lake County Information Technology Department for the annual work-station fee. Mrs. Gerred-Ditchcreek said sixteen thousand, eight hundred dollars (\$16,800.00) was paid to Kingpin Construction, Inc. for the Banquet Hall re-siding project, and new soffits and gutters for the Chapel/Pavilion at Stanton Park. Mrs. Gerred-Ditchcreek stated a check was also paid to Murphy Tractor & Equipment Co., Inc. in the amount of seven thousand, seven hundred fifty dollars (\$7,750.00) for the asphalt mill which attaches to the front of the Bobcat. Mrs. Gerred-Ditchcreek said these are the large items paid out that made the total bill figure so large this month.

Mr. Wayman requested a motion to approve payroll in the amount of one hundred eleven thousand, six hundred thirteen dollars and seventy-six cents (\$111,613.76) (actual) for July 28, 2023, payroll in the amount of one hundred twelve thousand, six hundred seventy-three dollars and sixty cents (\$112,673.60) (actual) for August 11, 2023, payroll in the amount of one hundred twelve thousand, one hundred forty-three dollars and sixty-eight cents (\$112,143.68) (estimate) for August 25, 2023, and payroll in the amount of one hundred eleven thousand, nine hundred eighty-six dollars and twenty-two cents (\$111,986.22) (estimate) for September 8, 2023.

Mr. Gauntner presented a motion to approve payroll in the amount of one hundred eleven thousand, six hundred thirteen dollars and seventy-six cents (\$111,613.76) (actual) for July 28, 2023, payroll in the amount of one hundred twelve thousand, six hundred seventy-three

Mrs. Gerred-Ditchcreek stated the Township may have to hold a Special Meeting to pay some bills because of the time between now and the next meeting on September 12<sup>th</sup>. Mrs. Gerred-Ditchcreek said she will let the Trustees know should this become necessary.

**TRUSTEES:**

Mr. Gauntner stated he would like to discuss the closed Ford Road Bridge situation. There have been many discussions with the Lake County Commissioners, and the Trustees have attended many Commissioners' meetings regarding this matter. Mr. Gauntner said he is very familiar with the area as he worked in the Lake County Engineers Department from 1974 to 1982, and worked a little bit on the bridge back in the day. Mr. Gauntner and Mr. Brown took a drive down to the bridge last Friday. Mr. Gauntner took many photos of the bridge at that time, and wanted to share them with Mr. Wayman and Mr. Anderson. One photo taken from the top of the bridge shows the guard rail where the washout occurred pushing the rail back toward the creek. There is a steep hill there called "Scotts Hill" and heavy rains washed out the side of the support structure. A photo taken from down below shows the north side of the bridge where the headwall stones are loosened and the wing wall is kicked out ninety (90) degrees from where it was due to the force of the water. Another closer view of this area shows the exposed rebar in the bridge wall. Mr. Gauntner said the wing wall is very thick heavy-duty concrete but the wing wall snapped from the force of the water at the very end and it was pushed away from the side of the hill. Another photo shows the other side of the bridge where the wing wall is still in place but badly deteriorating. The last photo shows how the force of the water coming down that hill has shifted the wing wall right out into the creek, and it should be up against the hillside. Mr. Gauntner said there is severe damage to the bridge structure, and there will be a lot of demolition to do before the bridge can be rebuilt.

Mr. Gauntner said he did some research on the replacement of the Doty Road Bridge. Back in July of 2006, the Doty Road Bridge was completely wiped out due to a severe rainstorm the area encountered. Seventeen years ago, it cost Lake County seven hundred six thousand dollars (\$706,000.00) to replace the Doty Road bridge. Lake County received funds from the Federal Emergency Management Agency (FEMA), the County only had to pay between fifty to seventy-five thousand dollars (\$50,000.00 - \$75,000.00) toward the bridge replacement. The Doty Road bridge replacement project started at the end of January, 2007, and the supporting walls had to be installed before April 1<sup>st</sup> because of spawning fish season which is from April 1<sup>st</sup> to June 15<sup>th</sup>. Mr. Gauntner stated this will be an issue with the Ford Road Bridge, as well, along with other environmental issues. Doty Road Bridge was started in January of 2007 and opened up at the end of August or early September of 2007. That was a different time and the work was done at a lower cost.

Mr. Gauntner stated he had a conversation with Commissioner Regovich and Commissioner Hamercheck during the last twenty-four hours regarding where the commissioners are going with the Ford Road Bridge issue. Mr. Gauntner said he wished he could say the Township is farther along than we were last August 25<sup>th</sup> when the bridge was closed, but we are not much farther along. The County Commissioners did recently pass a Resolution to establish a Road & Bridge Account within the County General Fund, but they did not put any money into the account. Mr. Brown attended the recent Commissioners' Meeting and asked if any of the funds they were transferring money into was for the Road & Bridge Account. The answer was no. Mr. Gauntner said he received a call from Commissioner Regovich last Friday who stated the Commissioners were still working out some things with the County Engineer who has been out-of-town for three (3) weeks. Mr. Gauntner said the Commissioners now plan to put 1.3 million dollars (\$1,300,000.00) into the Road & Bridge Account at their next meeting on Thursday of this week. The funds are not for the Ford Road Bridge or Paine Road Bridge in Leroy which are both closed. The funds are for the Williams Road retaining wall in Concord which is the last road closed by the County Engineer back in June. This project is not a bridge but a retaining wall slope failure which is not as big a project

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Minutes of MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR

Meeting

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

Held August 8, 2023, at 7:00 P.M.

20

as a bridge, and the engineering has already been done. The project will not have to go out for bids as it is an emergency repair.

Mr. Gauntner stated he talked to Commissioner Regovich again today and asked what is going on with Ford Road. Commissioner Regovich said the Commissioners are going to have to float municipal bonds for the Ford Road and Paine Road bridge replacements. The Commissioners can't float municipal bonds until the County Engineer gives the Commissioners a solid number for the bridge projects so they know how much money to borrow from the bond market. The County Engineer will be out-of-town for another week and a half or two weeks. The Commissioners need something in writing from the County Engineer as to the total estimated cost of the bridge replacements. This puts the process on hold. Also, a Memorandum of Understanding (MOU) was to be prepared making the County Commissioners responsible for the first couple years payments on the bonds and the County Engineer responsible after that. Mr. Gauntner stated Commissioner Hamercheck advised him there was enough money in the General Fund to cover the bridge project. Commissioner Regovich said they would have to bond it. Mr. Gauntner said he is not sure what Commissioner Regovich is thinking. Mr. Gauntner said "he worked for County government for just shy of twenty-one (21) years, and he has never seen a bigger mess in all my life than this!" Mr. Gauntner stated he has worked for seven (7) different Commissioners who didn't always get along or agree on everything but this has been going on and on and on. Meanwhile, the residents on Ford Road are inconvenienced and their public safety is in question. The Madison Fire Department cannot get to the residents on the west side of Ford Road Bridge so Perry or Leroy Fire Departments have to respond to our residents through mutual aid agreements.

Mr. Gauntner said some of the audience might remember the Iran Hostage Crisis in 1979. The crisis started on November 4, 1979 and ended on January 20, 1981. ABC News started a program called "Nightline" and Ted Koppel would come on saying America held hostage day number whatever the day was at the time. Mr. Gauntner said this gave him an idea. Mr. Gauntner showed the audience a white board he had prepared behind the Trustees meeting table stating "**FORD ROAD BRIDGE CLOSED DAY #348**". Mr. Gauntner advised everyone he will be changing the number of days the bridge is closed at every Trustees' meeting. A year from now, he will be surprised if the bridge is open because of how things are going. Mrs. Gerred-Ditchcreek stated it doesn't help that the County Engineer is on vacation for five (5) weeks. Mr. Gauntner stated the Ohio Revised Code (ORC) clearly states roads and bridges are owned by the County Commissioners. The Commissioners do not have to maintain them, but they own them and the buck stops on their desks. It is not the fault of the County Engineer if he is not getting enough funds from the State Legislature from gasoline taxes. The Commissioners should be pounding on the State Legislators such as Jamie Callander, Jerry Cirino, and Dan Troy to find alternative ways to fund county roads and bridges. Property taxes do not go toward county roads and bridge repair. Road and Bridge repair funds come from gasoline taxes issued by the State. All County Engineers in Ohio are struggling with this problem as gasoline taxes decrease because of electric vehicles. The Commissioners have a moral obligation to make sure public safety is available to all residents, and they are not doing that for residents in Leroy, Madison, and Concord. Mr. Gauntner thanked Commissioner Hamercheck for his work on this matter. Commissioner Hamercheck said at one of their meetings that we are playing "Russian Roulette" with peoples' lives, the bridge repairs need to be funded. Commissioner Regovich has offered to work with the Townships on this matter. The County Engineer needs to get some cost numbers to the Commissioners so they can get on the bond market. Mr. Gauntner said something needs to be done soon. Mr. Gauntner stated the Trustees are going to remind people at every meeting how long it has been since the Ford Road Bridge closed. As of today, it has been three hundred forty-eight (348) days. Mr. Gauntner said he would be willing to bet that 365 days from now the Ford Road Bridge will still be closed. Mr. Gauntner said "if they open it before then, God Bless Them!"

Mr. Wayman thanked Mr. Gauntner for the update. Mr. Wayman said although it is not good news, at least we know what is going on with this issue. Mr. Anderson said he appreciates the update, and he agrees that something has to be done. Mr. Anderson said seconds are precious for people that are out that way.

## DEPARTMENT REPORTS

Abandoned Vehicle	2	Abuse	1
Administrative	18	Alarm	32
Animal Complaints	27	Arrest on Warrant	5
Assault Report	3	Assist Fire Department	240
Assist Other	9	Assist Police	17
Business Check	95	Burglary in Progress	1
Civil	9	Court	5
Community Policing	92	Disabled Vehicle	10
Disturbance	25	Damage Accident	14
Directed Patrol	2	Drugs	2
Domestic Violence	3	Escort	1
Family Dispute	5	Fight	5
Fraud	5	Fireworks Complaint	28
Harassment	7	Phone Harassment	5
Hazard	33	Hit and Run	2
Investigation/Follow Up	55	Information	57
Injury Accident	3	Injury Accident Injury Accident	1
Juvenile Complaint	8	Illegal Dumping	3
Lockout	26	Mental Subject	1
Mischief Criminal	1	Missing Person	4
Neighbor Complaint	5	Noise Complaint	19
Overdose	1	Private Property Accident	4
Parking Violation	2	Property Damage	5
Property Found	6	Property Lost	3
Pumps	58	Repossession	2
Runaway	2	Security Check	136
Sex Offense	1	Shooting	1
Shots (Noise)	4	Sick Call Off	2
Special Detail	23	Suicide Threat	3
Suspicious Circumstance	47	Suspicious Person	18
Suspicious Vehicle	17	Test Call	13
Theft	5	Threat	6

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August 8, 2023, at 7:00 P.M.

Held \_\_\_\_\_ 20 \_\_\_\_\_

TPO Violation	2	Traffic Stop	160
Training	5	Transport	1
Trespassing	1	Traffic Complaint	38
Traffic Detail	6	Unwanted Subject	3
Vandalism	3	Welfare Check	18
Weapon Offense	1		

Chief Hager stated he was notified by one of his officers about a post and comments on Facebook about the action of two of his officers. Chief Hager said he does not have a Facebook account so he did not see it, but he worked with Mr. Gauntner on responding. A resident was angry at the Fire Department for being told to put out an open burning fire and claimed township police officers overreacted. After thoroughly investigating this incident, the officers did nothing wrong. Chief Hager thanked Mr. Gauntner for his help in responding to the untrue accusations made in the Facebook post. Mr. Gauntner stated the post and comments on Facebook angered him and were untrue. The post and comments have since been deleted by the gentleman who posted it.

Chief Hager said he had a chance to attend the recent "Light Up The Park" event at Township Park, and had a very nice time walking around and meeting a lot of people. Chief Hager said he had a great time and enjoyed it very much.

Chief Hager mentioned the police stats for July are in the Trustees' meeting folder. Chief Hager was not aware the stats were not in the Trustees' folders for the previous months and apologized for the misunderstanding.

Chief Hager said he pulled up the stats for July of 2022 and compared the numbers to this year. The department had a four hundred (400) increase in the number of calls from last year. The stats show an increase in assisting the Fire Department by fifty (50), an increase in policing by twenty (20), the damage accident figures are about the same, the injury accident figure is one/half (1/2) of what it was last year, drug overdose is the same at one (1), security checks are up by ten (10), and traffic stops increased by twenty (20).

Mr. Anderson thanked the Chief for providing the stats because he likes to read them. Mr. Gauntner stated the Madison Fire District had a record-breaking number of calls last year (2022), and is on track to break the record this year. Assisting the Fire Department two hundred forty (240) times in July proves how many calls they receive. Mr. Wayman said the number is always increasing.

Chief Hager requested a motion to approve **Resolution #23-087**, A Resolution authorizing the Chief of Police to enter into an agreement with Madison Local Schools to provide School Resource Officer services in the school district.

Mr. Anderson presented a motion to approve **Resolution #23-087**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Chief Hager stated there are no changes to this agreement this year.

## LEGAL:

Mr. Pasqualone, Solicitor, advised the Trustees on two (2) litigation cases currently pending. Regarding the C4 Shooting and Training Center case in the Court of Appeals, they have filed their Brief and Mr. Pasqualone said he has twenty (20) days to file a Response which he is working on now. The Township did file a Motion to Dismiss because this case should not be in the Court of Appeals. Mr. Pasqualone stated there has been no decision by the Court of Appeals made yet on this case. Regarding the public records request case, the time limit for the response has not come yet. Mr. Pasqualone said he will keep the Trustees posted.

Mr. Gauntner presented a motion to approve **Resolution #23-088**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mrs. Gerred-Ditchcreek updated the Trustees on expenditures thus far for the year. Mrs. Gerred-Ditchcreek said the General Fund is at 42.6%, Road & Bridge is at 50.9%, and the Police Department is at 50.5%, bringing the overall total to 42.1% for all departments. If spending was at 100%, the overall total would be 58%, so the Township is doing very well.

#### **ZONING:**

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

- 20 Zoning Permits issued for an estimated construction cost of \$370,000.00.
- Zoning Permit fees and application fees collected totaled \$7,425.00.

The Zoning Commission met once in July.

The Board of Zoning Appeals did not meet once in July.

Zoning Complaints: 28

- 5 High Grass
- 11 Excessive Refuse
- 12 Out-of-Compliance
- 150 Phone Calls

Mr. Ungers requested a motion to approve **Resolution #23-089**, A Resolution to certify costs incurred by Madison Township for the abatement of the listed properties in violation of Ohio Revised Code Section 505.87 – Abatement, Control, or Removal of Vegetation, Garbage, Refuse, and other debris and to request that the Lake County Auditor enter the amount on the tax duplicate to be collected as other taxes and returned to Madison Township – 1514 Hubbard Road, Parcel #01-B-115-H-00-005-0.

Mr. Anderson presented a motion to approve **Resolution #23-089**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Gauntner stated it is costing taxpayers seven thousand dollars to clean up this property. Hopefully, one day the Township will recover the funds in the property taxes for this property. The situation is unusual and a sad tale, but the property located north of Madison Avenue on the west side of Hubbard Road was in a horrible state and had to be cleaned up.

#### **SERVICE DEPARTMENT/PUBLIC WORKS:**

Road Supervisor, Paul Cook, reported the July, 2023, Monthly Service Department Report:

- Continued mowing and maintenance on all Township owned parks and cemeteries.
- Continued service and maintenance on all Township owned equipment.
- Playground inspections continue the first part of every month.
- Township Park Beach cleaned three (3) times in July.
- Hot patch repairs began with new mill – Sandgate Road, Abiding Way, Whitewood Drive have been completed with work starting on Paisley Road.
- New culvert installed on Stocking Road and Cumings Boulevard.
- Work began on repairs to the Service Department entry driveway.
- Storm Sewer Jetting completed on Montrose Street, Paisley Road, Larkhall Street, and Hazel Avenue.
- Three (3) dead trees removed from Tuttle Park.
- Work is being done to update Township stormwater maps with new installation over the last year.
- All Service Department employees took part in First Aid and CPR training with thanks to retired Fire Chief Baker.
- Yard Waste/Chipper numbers to date:

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August 8, 2023, at 7:00 P.M.

Held \_\_\_\_\_ 20 \_\_\_\_\_

Yard Waste:	450 Residents
Chipper:	<u>390 Residents</u>
Total	840 Residents

- Next Yard Waste/Chipper Drop-Off Date is August 26<sup>th</sup>

Mr. Gauntner said he spoke to a lady who rents cottages on Swetland Road whose relatives were visiting from out-of-town and commented on how clean and nice our parks and beach are in Madison Township. Mr. Gauntner said he was at Stanton Park and Township Park and both looked great. The grass was nicely mowed, trash picked-up, and beach clean at both parks. Mr. Wayman advised Mr. Cook to thank his Service Department crew. Mr. Wayman and Mr. Anderson said the cemeteries also looked good.

### ADMINISTRATOR:

Mr. Brown, Administrator, stated last October/November the Board asked him to do some research on distribution of local government funding in Lake County. Mr. Brown said he found some things that were brought to the attention of the Lake County Commissioners. On July 27<sup>th</sup>, Mr. Chuck Coulson, the Lake County Prosecutor, issued an opinion that the formula used since 1982 to calculate local government funding in Lake County needs to be replaced and renegotiated. This opinion is open to debate in a court. Mr. Brown said he has had his head buried in this for quite a while and the most telling statistic is the formula the County used to distribute funding to local governments. The funding is supplied by the State, and the sales taxes make up the bulk of it. Mr. Brown said he thinks the distribution is unfair. Mentor receives forty-five dollars and eleven cents (\$45.11) per citizen. Waite Hill receives three hundred fourteen dollars and fourteen cents (\$314.14) per citizen. Madison Township receives eighteen dollars and thirty-two cents (\$18.32) per citizen. Mr. Brown said the process has started to change the formula and may take one to two (1 – 2) years to complete. Mr. Gauntner said Mr. Brown has done a great job studying this and the Township went to the County Commissioners with this. Mr. Coulson's opinion is interesting. The Ohio Attorney General will be asked to opine and weigh in on this issue. Mr. Gauntner said he thinks the current formula being used is very flawed. The formula being used is forty (40) years old. The west end communities in Lake County are getting the largest distributions, and the townships are getting short-changed. Concord Township is the fourth largest community in Lake County and is getting only eight dollars and seventy-seven cents (\$8.77) per citizen. The Trustees thanked Mr. Brown for working on this issue.

### OTHER:

Mr. Gauntner stated the Fire Board held a Special Meeting on July 28<sup>th</sup>, and appointed Justin Meister as the new Fire Chief of the Madison Fire District effective August 1, 2023, to replace retired Fire Chief Tod Baker. Chief Meister has twenty (20) years of experience with the Fire District and was sworn in by retired Lake County Common Pleas Court Judge Richard Collins. The Trustees all wished Chief Meister well in his new position.

Mr. Wayman reminded everyone the Administrative Offices will be closed Monday, September 4<sup>th</sup>, in observance of Labor Day.

### CITIZEN COMMENTS:

Lori Boban, 6067 Ford Road, addressed the Board and thanked them for their efforts to resolve the Ford Road Bridge closure with Lake County. Mrs. Boban said she appreciates the Trustees' support in trying to resolve this issue. She has attended the Lake County Commissioners' Meetings and wishes more residents could attend but most are at work during the time of the meetings. As for opening up one lane on Ford Road, Mrs. Boban said she is iffy on that idea. Mr. Gauntner said he does not think any engineer would risk his certification on opening one lane. Mrs. Boban thanked Mr. Gauntner for coming to look at the Ford Road Bridge and taking photos. Mr. Gauntner said he agrees with Traci Salkiewicz, Assistant County Engineer, that the bridge wing wall has shifted out ninety (90) degrees from the hillside which shows you the force of the water coming down that hill. Mrs. Boban stated she knows the Williams Road Bridge will be an easier fix and will be worked on first, but she does not like to have the residents on Ford Road put in jeopardy. She said she lives on the east end of Ford Road and does not have to worry about getting emergency services if needed, but she feels bad for the residents on the west end of Ford Road who cannot get emergency services when necessary. Mrs. Boban thanked Mr.

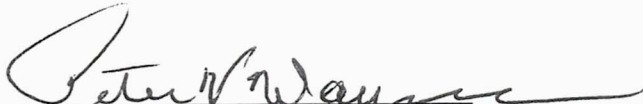
Court of Appeals case is the same case number used on Judge Kimbler's ruling in Lake County Common Pleas Court. Mr. Pasqualone said the Court of Appeals has assigned a different case number which can be accessed on their court docket.

Mr. Wayman stated the next Trustees' Regular Meeting will be held Tuesday, September 12, 2023, at 7:00 P.M. with the Trustees' Workshop Meeting preceding at 6:30 P.M.


Mr. Wayman asked if there was any other business, and with no further business to discuss, he 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 7:53 P.M.



Peter V. Wayman, Chairman



Terry Gerred-Ditchcreek, Fiscal Officer