

RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR

Meeting

April 25, 2024, at 12:00 P.M.

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

Held _____ 20 _____

Chairman Anderson called the Trustees' Regular Meeting of April 25, 2024, to order at 12:02 P.M. and welcomed everyone to the meeting being held in the Trustees' Meeting Room at the Administration Building.

Mr. Anderson called for a roll call: Mr. Gauntner, Mr. Wayman, Mr. Anderson, Lieutenant Kirk, Mr. Brown, Ms. Hamercheck, and Mr. Pasqualone were in attendance.

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

Mr. Anderson 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' Kathleen Woodworth, Helen Liddington, Douglas Frey, and Eleanor Harford.

Mr. Anderson requested a motion to approve the minutes from the April 9, 2024, Trustees' Workshop Meeting and the April 9, 2024, Trustees' Regular Meeting.

Mr. Gauntner presented a motion to approve the minutes from the April 9, 2024, Trustees' Workshop Meeting, and the April 9, 2024, Trustees' Regular Meeting, seconded by Mr. Wayman. Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

Mr. Anderson requested a motion to approve the bill list in the amount of thirty-eight thousand, nine hundred twenty-seven dollars and sixty-three cents (\$38,927.63) (actual) for April 25, 2024.

Mr. Wayman presented a motion to approve the bill list in the amount of thirty-eight thousand, nine hundred twenty-seven dollars and sixty-three cents (\$38,927.63) (actual) for April 25, 2024, attached to and made part of these minutes, seconded by Mr. Gauntner. Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Anderson requested a motion to approve payroll in the amount of one hundred nine thousand, nine hundred sixty-eight dollars and two cents (\$109,968.02) (actual) for April 19, 2024, and payroll in the amount of one hundred seven thousand, eight hundred seventy-two dollars and nineteen cents (\$107,872.19) (estimate) for May 3, 2024.

Mr. Gauntner presented a motion to approve payroll in the amount of one hundred nine thousand, nine hundred sixty-eight dollars and two cents (\$109,968.02) (actual) for April 19, 2024, and payroll in the amount of one hundred seven thousand, eight hundred seventy-two dollars and nineteen cents (\$107,872.19) (estimate) for May 3, 2024, seconded by Mr. Wayman. Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

TRUSTEES:

Mr. Anderson stated Madison Village will be holding their annual Social on the Square on Wednesday, June 26, 2024, from 5:00 P.M. until 8:00 P.M. The Village asked if the Township would like to purchase chips for the Social. The Trustees agreed on "Chippin-In" again this year and will purchase three (3) cartons of chips for the Village Social.

Mr. Gauntner stated he wanted to bring something up now, and he will have more information on this at the next meeting after doing more research on the subject. Mr. Wayman had mentioned this subject after attending the recent Ohio Township Association Convention in Columbus. The State Legislature is proposing to change township zoning laws which would affect all townships in the State of Ohio. Mr. Gauntner said he has concerns about the proposal to take townships' authority to write their own zoning laws away from the townships and have one State standard set of rules for everyone except if a township has Limited Home Rule. Limited Home Rule status allows larger, urbanized Townships to operate more efficiently to address the needs of its constituents while maintaining a strategic position allowing the Township to choose or not to choose to take advantage of future State Legislation that only applies to Limited Home Rule Townships. Townships with Limited Home Rule governments operate under Section 504 and 505 of the Ohio Revised Code (ORC). The Board of Madison Township Trustees talked about Limited Home

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Rule back in 2014, and residents did not like it because they thought it would result in an income tax which by law cannot be done. Mr. Gauntner said Concord Township and Painesville Township are Limited Home Rule townships. Perry and Leroy Townships are not Limited Home Rule. Mr. Gauntner said if the State is going to take away the Townships' authority to write its own zoning rules, then he is all for going to Limited Home Rule. Mr. Gauntner stated back in the 1980's, there was a lot of oil & gas well drilling going on in townships across the state. Many townships developed their own set of requirements for oil & gas well drilling. The State of Ohio said there were too many different regulations from community to community. The State then created their own Ohio Department of Natural Resources division to control all oil & gas well drilling in the State of Ohio, and took away the township's authority. The same thing may be happening with zoning. Mr. Gauntner stated this subject will be discussed further at the next Trustees' Regular Meeting after he does more research on the subject. Setting up one set of zoning rules for eighteen hundred townships in the State of Ohio does not make sense. Mr. Gauntner advised his fellow Trustees to check out the e-mails from the Ohio Township Association (OTA) regarding this matter. Mr. Gauntner said Madison Township is a large, urban township with unique issues similar to cities and villages, unlike Leroy and Thompson. Mr. Wayman stated he would be surprised if this happens, but it is not a bad idea to get ahead of the curve if it does happen. The Trustees will continue discussions regarding this matter.

DEPARTMENT REPORTS

POLICE DEPARTMENT:

Lieutenant Kirk requested a motion to approve **Resolution #24-053**, A Resolution prohibiting parking motor vehicles and trailers on roads in the unincorporated area of Madison Township.

Mr. Wayman presented a motion to approve **Resolution #24-053**, seconded by Mr. Gauntner.
Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr.

Mr. Brown stated there was a new law passed in 2023 by the Ohio Legislature, which he was not aware of. This new law allows the Trustees to pass further parking prohibitions on all roads in the Township. Chief Hager has had some recent parking situations, and this will give the Police Department a tool to enforce laws relating to parking issues. It is a one hundred fifty dollar (\$150.00) fine and a minor misdemeanor. Mr. Gauntner said he thinks this is a good idea because of the recent parking issues with people parking for more than a twenty-four (24) hour period on roads in the township. Mr. Anderson said residents cannot block driveways, mailboxes, fire hydrants for safety purposes.

LEGAL:

Mr. Pasqualone, Solicitor, stated he had nothing to report. There is nothing new regarding the pending litigation.

FISCAL OFFICER:

Ms. Hamercheck, Fiscal Officer, said she had nothing at this time.

ZONING:

Mr. Ungers, Zoning Inspector, stated he would possibly have a Resolution for the next meeting regarding a cul-de-sac located in Townline Estates Subdivision on Todd Drive. The cul-de-sac was never considered permanent and the cul-de-sac is in the books as a temporary cul-de-sac. A Mr. Christopher Adams owns property on McMackin Road (where his house is located) and his property goes all the way back to the Todd Drive cul-de-sac. Mr. Adams would like to sell the back half of the property to provide a buildable lot with a frontage on Todd Drive. After talking to Mr. Dave Radachy of the Lake County Planning Commission and Mr. Gauntner, the proper way to go about this is to have the Trustees vote to turn the cul-de-sac into a permanent cul-de-sac to allow for a house to be built on Todd Drive. Mr. Gauntner said the same thing was done on Bay Meadow Street in 2015, and the Trustees passed a Resolution to turn the Bay Meadow cul-de-sac into a permanent cul-de-sac. Mr. Gauntner said he did not have a problem with the idea. Mr. Wayman agreed.

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SERVICE DEPARTMENT/PUBLIC WORKS:

- Mr. Cook, Service Department Supervisor, stated there were some discussions about the echo sound in the Banquet Hall. Sound absorbing baffles were recently installed in the Banquet Hall. The new sound absorbing baffles have lowered the echo somewhat.
- The Service Department Siding Project is ongoing, and the estimated completion date is May 3, 2024.
- Mr. Cook said the Stanton Park Walking Trail Improvement Project should be done the end of this week and the trail berming is scheduled to start on Monday, April 29th.
- The Tuttle Park restrooms interiors were refreshed with new fixtures and paint.
- Patching was done on all roads in South Madison and east of Bathgate Avenue.
- The contractor is currently removing tree stumps in Township right-of-ways.
- The Service Department repaired six (6) catch basins on Simmons Place, Heritage Avenue, and Old Mill Road.

- Mr. Cook stated 200 residents used the branch & yard waste drop-off site with no reported problems or concerns with the new site operations or hours. Many residents are happy with the change to drop-off only. Mr. Cook said he received only positive feedback. Mr. Gauntner said he received some positive feedback regarding the addition of Wednesdays, as did Mr. Anderson.

Road Supervisor, Mr. Cook, requested a motion to approve **Resolution #24-054**, A Resolution authorizing participation in the ODOT Road Salt Contracts awarded in 2024-2025.

Mr. Gauntner presented a motion to approve **Resolution #24-054**, seconded by Mr. Wayman.
Roll Call: Mr. Gauntner: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

The Township submits written agreement each year to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with ORC 5513.01 (B). The Township agrees to purchase a minimum of ninety percent (90%) of its electronically submitted salt quantities from its awarded salt supplier during the contract's effective period of one year. Mr. Cook said eight hundred (800) tons of salt will be purchased after January 1, 2025.

Mr. Cook requested a motion to approve **Resolution #24-055**, A Resolution to hire Andrew Bernard, as a seasonal employee of the Service Department, at a rate of fifteen dollars (\$15.00) per hour with no benefits, effective May 1, 2024, through October 31, 2024.

Mr. Wayman presented a motion to approve **Resolution #24-055**, seconded by Mr. Gauntner.
Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Cook requested a motion to approve **Resolution #24-056**, A Resolution to hire Carson Alley, as a seasonal employee of the Service Department, at a rate of fifteen dollars (\$15.00) per hour with no benefits, effective May 1, 2024, through October 31, 2024.

Mr. Gauntner presented a motion to approve **Resolution #24-056**, seconded by Mr. Wayman.
Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

Mr. Cook requested a motion to approve **Resolution #24-057**, A Resolution to hire Grant Hager, as a seasonal employee of the Service Department, at a rate of fifteen dollars (\$15.00) per hour with no benefits, effective May 1, 2024, through October 31, 2024.

Mr. Wayman presented a motion to approve **Resolution #24-057**, seconded by Mr. Gauntner.
Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Anderson requested a motion to approve **Resolution #24-058**, A Resolution to hire Andrew Rusnak as a seasonal employee of the Service Department at a rate of fifteen dollars (\$15.00) per hour with no benefits, effective May 1, 2024, through October 31, 2024.

Mr. Gauntner presented a motion to approve **Resolution #24-058**, seconded by Mr. Wayman.
Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

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Mr. Cook requested a motion to approve **Resolution #24-059**, A Resolution to hire Cody Dent, pending drug screening and background investigation, as a full-time maintenance worker in the Service Department at a rate of \$24.53 per hour with benefits, effective May 1, 2024.

Mr. Wayman presented a motion to approve Resolution #24-059, seconded by Mr. Gauntner.
Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Cook said the Service Department now has nine (9) full time employee not counting himself.

ADMINISTRATOR:

Mr. Brown, Administrator, stated he had a few updates for the Board before he gets to the Resolutions for tonight. There will be another Local Government Fund (LGF) Ad Hoc meeting on May 2nd. A countywide elected officials meeting will be held on May 16th at 6:00 P. M. at the Auburn Career Center in Concord. At that time, there will be a presentation by the Lake County Auditor, Lake County Prosecutor, and the Ad Hoc team on the proposed legislation to review, and to pass or fail the new Lake County LGF formula. The committee is really close to having the formula done.

Mr. Brown said there will also be an American Rescue Plan Act (ARPA) Route 20 sanitary sewer extension meeting at 1:30 P. M. on May 2nd between himself and county officials at the Lake County Department of Utilities office in Painesville.

Regarding the 2024 road program, milling should be starting in Perry Township the end of next week or the week after. The equipment will then be brought to Madison Township for our roads.

Mr. Brown said Mr. Gauntner brought up considering replacing some of the sidewalks in Unionville along Route 84 at the last meeting. The Ohio Department of Transportation (ODOT) does not require anything except for a permit to replace sidewalks in their road right-of-way which does not cost anything. Mr. Brown stated the Board needs to consider whether to start replacing the sidewalks, cleaning up the sidewalks on North Ridge Road, putting money away in the budget each year to do some sidewalk replacement, or not take on any of the responsibility. Mr. Wayman walked the sidewalks last week in Unionville, and Mr. Anderson also looked at the sidewalks. The cost would be about thirty-five dollars (\$35.00) per foot and would come out of the General Fund, not the Road & Bridge Fund, because Route 84 in Unionville is not a township road. Mr. Brown advised the Trustees to discuss the issue and let him know what they decide. Mr. Gauntner asked if there is any State funding for sidewalks. Mr. Brown said only if the sidewalks lead to a school. Mr. Gauntner said the sidewalks in Unionville were put in by the Township in 1938 during President Roosevelt's Work Progress Administration (WPA). Mr. Wayman stated the sidewalks on the northern side of Route 84 are rougher than the sidewalks on the southern side which aren't too bad. Mr. Anderson stated this issue will have to be discussed further before planning. Mr. Gauntner said the Ohio Revised Code (ORC) does give the Township authority to make assessments to property owners for sidewalks if the property owners would agree to have the cost put on their property tax. Mr. Gauntner stated there is one resident who has asked about new sidewalks several times over the years. Maybe she would be willing to ask her neighbors to sign a petition if they so choose for new sidewalks. Mr. Anderson stated the Township cannot use funds from the General Fund as we need to watch what is spent there. The Trustees will discuss this more in the future.

Mr. Brown said he spoke to the former Burger King's land management company regarding the landscape work needed on the now vacant lot on Route 20. The quote given by the Township's current contractor, Cantor Lawn Care, is less than the management company so the Township will have Cantor Lawn Care do the work of raking, adding topsoil, seeding, laying straw, and watering. The Township did hold back five thousand dollars (\$5,000.00) from the insurance claim to do the landscape work. Mr. Brown said the cost will be nine thousand, five hundred dollars (\$9,500.00) so an assessment will be placed on the property owner's tax duplicate for the balance. Mr. Anderson said the Township will have to maintain the lot by cutting the grass.

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Mr. Brown, Administrator, requested a motion to approve **Resolution #24-060**, A Resolution in compliance with Ohio Revised Code (ORC) 505.82 (A) 2, and effective April 25, 2024, through October 25, 2024, declaring a failing culvert on Emerson Road approximately two-tenths (.20) of a mile south of Griswold Road to be in a state of failure and in need of emergency repair or replacement.

Mr. Gauntner presented a motion to approve **Resolution #24-060**, seconded by Mr. Wayman. Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

Mr. Gauntner asked if the Township has heard anything from the U.S. Army Corps of Engineers or anything on the Ford Road bridge situation. Mr. Brown stated, based on a memo from the County Engineers, the County has not slowed down on the Ford Road Project because it may only take a few months to get an approval.

On December 29, 2023, the Lake County Engineer's Office inspected a failing slope alongside of the failing culvert on Emerson Road and determined the culvert needed to be repaired and the site monitored. On February 27, 2024, during an inspection while preparing plans to repair the culvert, the Engineer found a significant crack located deep within the culvert which the Engineer determined to be a significant danger to the stability of the culvert. On March 25, 2024, the Engineer forwarded a Letter of Recommendation to the Board of Madison Township Trustees recommending the Trustees approve a Resolution, in compliance with Ohio Revised Code (ORC) Section 505.82 (A) 2, declaring the condition of the Emerson Road culvert to be an emergency. The Board of Madison Township Trustees wish to follow the recommendation and declare the condition of the Emerson Road culvert to be an emergency.

Mr. Brown, Administrator, requested a motion to approve **Resolution #24-061**, A Resolution entering into an agreement with Civil & Environmental Consultants, Inc. of Mayfield Heights, Ohio, at a cost of seventy-four thousand, five hundred dollars (\$74,500.00) to provide survey, hydraulic analysis, and culvert replacement plans for a culvert on Emerson Road approximately two-tenths of a mile south of Griswold Road.

Mr. Wayman presented a motion to approve **Resolution #24-061**, seconded by Mr. Gauntner. Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Brown requested a motion to approve **Resolution #24-062**, A Resolution entering into an agreement with SME of Kirtland, Ohio, at a cost not to exceed seventeen thousand, two hundred dollars (\$17,200.00) to complete geotechnical evaluation for the sanitary sewer extension to be located on U. S. Route 20 between Green Road and McMackin Road.

Mr. Gauntner presented a motion to approve **Resolution #24-062**, seconded by Mr. Wayman. Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

On June 13, 2023, the Board of Madison Township Trustees approved Resolution #23-080, entering into an agreement with Barrington Consulting Group to complete the design of a sanitary sewer extension on US Route 20 between Green Road and McMackin Road. Barrington Consulting Group and the Lake County Department of Utilities (LCDU) determined it necessary to complete a geotechnical evaluation during the planning and design phase of the project. The cost will be paid for using ARPA funds.

Mr. Brown requested a motion to approve **Resolution #24-063**, A Resolution in compliance with Ohio Revised Code (ORC) 505.173 and ORC 505.871, adopting regulations necessary for the illegal storage of junk motor vehicles.

Mr. Wayman presented a motion to approve **Resolution #24-063**, seconded by Mr. Gauntner. Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Brown said this will allow the Township to push enforcement of junk vehicles out of zoning and over to the Police Department who can cite the violations in court. Chief Hager will have a part-time police officer enforce this during the summer. Mr. Gauntner said the

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subject is still in the Township zoning code and is a zoning violation, but enforcement will be made by the Police Department.

Mr. Brown requested a motion to approve **Resolution #24-064**, A Resolution in compliance with ORC 128.06 approving the appointment of Concord Township Trustee Morgan McIntosh and Painesville Township Trustee Chuck Hillier to the *County 9-1-1 Program Review Committee*.

Mr. Gauntner presented a motion to approve **Resolution #24-064**, seconded by Mr. Wayman. Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

ORC 128.06 requires the appointment of two (2) township trustees in Lake County to be appointed to the next generation *County 9-1-1 Program Review Committee*. Concord Township Trustee Morgan McIntosh and Painesville Township Trustee Chuck Hillier were nominated by their respective boards to serve as township representatives.

Mr. Brown stated one trustee has to be appointed from the largest township population in Lake County and that is Concord Trustee Morgan McIntosh, and one general township appointment which is Painesville Trustee Chuck Hillier who has agreed to represent the other townships.

Mr. Brown requested a motion to approve **Resolution #24-065**, A Resolution accepting an informal quote and entering into an agreement with Titan Asphalt & Paving Inc. of Mentor, Ohio, at a total cost of two thousand, one hundred dollars (\$2,100.00) for parking lot striping at Bill Stanton and Madison Township Parks.

Mr. Wayman presented a motion to approve **Resolution #24-065**, seconded by Mr. Gauntner. Roll Call: Mr. Wayman: Yes Mr. Gauntner: Yes Mr. Anderson: Yes

Mr. Brown said this is just maximizing the parking available in our parks.

OTHER:

There was nothing to report from the recent Fire Board Meeting.

CITIZEN COMMENTS:

Lori Boban, 6067 Ford Road, addressed the Board regarding Ford Road bridge replacement. She said she was glad to hear there were no negative comments tonight regarding Ford Road, and everyone seems to be on the same page. She said she talked to Traci Salkiewicz, Lake County Traffic Engineer, who seemed confident the Ford Road Project would continue with only minor setbacks. Ms. Salkiewicz said other issues could be addressed in the meantime before getting approval from the U.S. Army Corps of Engineers to continue. Mr. Brown said it's the same message he is getting from the Lake County Engineers Department.

Mrs. Boban stated she was concerned about the proposed State Legislature zoning proposal. Mrs. Boban asked Mr. Gauntner how a Home Rule Township differs from what the Township is now. Mr. Gauntner said Limited Home Rule gives the Township the ability to adopt certain ordinances so they are able to regulate themselves better. A Limited Home Rule Township must have their own Solicitor, their own Police Department, and a population over ten or fifteen thousand (10,000 – 15,000) residents. Being a statutory township, as we are now, it only allows the Township to follow the ORC laws. As an example, Limited Home Rule does not allow a township to regulate the discharge of firearms, but gives the Townships more rights such as adopting certain ordinances. Mr. Gauntner stated he wanted to explore Limited Home Rule back in 2014, and at one meeting former Township Administrator, Lee Bodnar, brought in a group from Trumbull County who had just started Limited Home Rule. Mr. Gauntner said there has been only two (2) Regular Trustees' Meetings that were standing-room only, and that meeting was one of them. The other was a C-4 Shooting & Training Center hearing. Residents at that time did not want to hear anything about Limited Home Rule because they thought it would result in an income tax for residents which Ohio law does not allow. Mr. Gauntner stated if the State Legislatures proposed zoning law passes, where all townships would follow one State standard set of zoning rules in Ohio, it would be better to be a Limited Home Rule

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township allowing Madison Township to regulate our own zoning laws. Mrs. Boban said she read the proposed House Bill 344 which would eliminate township zoning authority and was very concerned. Mrs. Boban thanked Mr. Gauntner for addressing the issue.

Tammy Gabor, 6023 Ford Road, asked if House Bill 344 were to pass, could the Township still change to Limited Home Rule. Mr. Gauntner said he was unsure, but his position is he would rather be on the offensive than the defensive. Mrs. Gabor said she does not want someone down in Columbus making decisions for what is needed here in Madison Township. Mrs. Gabor stated we do not need the same things.

Mr. Anderson stated the next Trustees' Regular Meeting will be held Tuesday, May 14, 2024, at 7:00 P.M. The Workshop Meeting will commence at 6:30 P. M.

Mr. Anderson request a motion to convene into Executive Session in compliance with Ohio Revised Code, Section 121.22 G (4): preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and condition of their employment. (Jeremy Iosue, police collective bargaining contract)

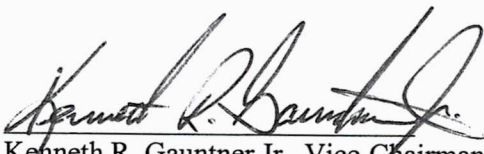
Mr. Gauntner presented a motion to convene into Executive Session, seconded by Mr. Wayman. Roll Call: Mr. Gauntner: Yes Mr. Wayman: Yes Mr. Anderson: Yes

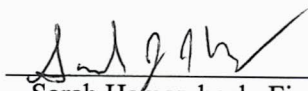
Mr. Anderson convened the meeting into Executive Session at 12:46 P.M.

Mr. Anderson reconvened the meeting at 12:57 P.M., and with no further business to discuss, requested a motion to adjourn the meeting.

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

Chairman Anderson adjourned the Trustees' Regular Meeting at 12:57 P.M.


Kenneth R. Gauntner Jr., Vice-Chairman


Sarah Hamercheck, Fiscal Officer