

RIVES TOWNSHIP REGULAR BOARD MEETING
September 9, 2014
Rives Township Offices

The meeting was called to order at 6:02 p.m.

Present: Supervisor Jerald Adams, Clerk Stacy Stoner, Treasurer Constance Onda, and Trustee Martin Barnes.

Absent (until 6:33 p.m. – present after *Communications* began): Trustee Clifford Herl.

Adams asked Stoner to lead the Invocation, which was followed by the Pledge of Allegiance.

Additions to the Agenda: *Parks Committee* and *Winter 2014 Tax Rate Request*.

Motion by Barnes, supported by Onda, to approve the Agenda as altered. All ayes. Motion carried.

Minutes

Supervisor Adams stated the August 14, 2014 Minutes did not mention a motion to go into Closed Session, and that the minutes should state that he *did* call for a motion at the recommendation of Trustee Cliff Herl, *after* Adams had announced that the public needed to exit the building, and before the Closed Session Personnel Review began. Adams said he “heard the ayes.”

Clerk Stoner said, “I know I didn’t vote because I didn’t hear it...”

Stoner asked if residents in attendance today that attended last month’s meeting heard a vote.

Resident Garry Teske said, “I was here. I didn’t hear any motion whatsoever.” Residents Dave Wright and Densel Williams also said they didn’t hear a vote. No other resident said they heard a vote.

Adams asked Trustee Barnes what he heard, and Barnes stated, “I heard Cliff say we need to do something – I didn’t hear his verbiage for sure -- but I remember voting about going into Closed Session.”

Resident Janina Teske asked, “*After* the people were out?” Adams replied, “No, no, you guys hadn’t left yet,” and Barnes said, “I thought they were on their way out.”

Zoning Enforcer Dave Pickett labelled it a “glitch in the proper proceedings” and “just an honest technicality.”

Motion by Barnes, supported by Stoner, to approve the minutes as printed. Roll call vote. Barnes – yes, Stoner – yes, Adams – no, Onda – abstain. 2 – Yes, 1 –No, 1 – Abstain. Motion carried.

Onda said she didn’t vote because “what I remember is different also, so I’m not even gonna vote. It doesn’t matter.”

Barnes was upset that Stoner had not recorded a motion prior to a previous Closed Session in November 2013.

Stoner said she may have forgotten to record it because it was one of the first Closed Sessions she had recorded, but now knows a motion going into Closed Session must be made and recorded.

Barnes complained about spending board time on this discussion, and labelled this a technicality.

Resident Garry Teske said, “That’s the reason you’re doing it, because of all the other technicalities. Everything is a *technicality*...”

Stoner said, “I’m under oath of office to do the minutes as I hear them, and as I have proof of them. So, if all these people say they didn’t hear it....”

Treasurer’s Report

The Treasurer’s Report was given.

Bills

Stoner added warrant #21934 to Printing Systems, Inc., not to exceed \$130.00, to be paid from the General Fund; and the Williams Way warrant #1017 for \$2,599.94 due October 1. Onda asked about doing an additional payment on the Williams Way bond. Stoner said payment on the principal has to be in increments for \$5,000 or \$10,000.

Motion by Stoner, supported by Onda, to pay warrants/checks 21914-21933 and add 21934, Payroll checks 30235-30254, Direct Deposit checks 30-33, EFT tax payment checks 41-42; Sewer warrants 30-31; and warrant 1017 for \$2,599.94 for Williams Way interest and warrant 1018 for \$5,000.00 for Williams Way. Roll call. All ayes. Motion carried.

There was also discussion on making an additional payment on the Sewer bond, and Stoner mentioned that the auditor told her the Sewer transfer station utilities payments need to be written from the Sewer Fund that is used to make bond payments instead of the General Fund, which has been the case since utilities payments began a few years ago. Adams disputed that the utilities payments should be paid from the Sewer Fund, and Stoner suggested he call the auditor and discuss it with him.

Communications

Sewer

Barnes talked to the grinder pump representative, and he said the sewer report will arrive soon, and the representative will come to Rives Township next week. Barnes told the rep about "redundant repairs." There were also problems of improper installation by Rothenberger, and it was suggested the only recourse would be to sue Rothenberger. Adams said the county should sue Rothenberger because they hired them. Barnes said the county should be approached about that, and be told there were problems because of improper installation. Adams will check with Geoff Snyder.

Fire Truck Title Transfers

Stoner is still running into roadblocks on the 2002 Pierce fire truck title name transfer to the fire department. The insurance company said the required surety bond (because the Certificate of Origin is missing) will cost over \$5,000. Stoner was told Ohio should be able to issue a duplicate title to avoid this cost, but when Stoner drove to the Dept. of Motor Vehicles in Ohio on Friday, she was told there is no record of the vehicle in Ohio. Stoner plans to write to California, a state that was mentioned in paperwork she found.

Herl entered the meeting room at 6:33 p.m.

Main St. Fire Station Roof

Stoner said last month there was discussion about putting a diverter on the fire station roof (to handle heavy rains) because Rohn Tripp was too busy to do it. It wasn't discussed if bids would be taken or who would do it, and she asked if the board wanted to put the job out for bids. Adams said the cost would be minimal. Barnes said Randy Beach could do it, and Onda mentioned Brian Cox. Barnes will find someone for the job.

Water Problems in the Village

Adams talked with Jackson County's Greg Ives, and he believes the county may pay some of the fee to address the village's water problems. Adams will call him in 2 weeks, and get an estimate of the amount the county would pay. Adams believes 2 culverts and catch basins need to be put in. The county would need to sign off on the work.

Communications (continued)

Planning Commission Meeting

- Herl reported on last week's Planning Commission meeting. Lloyd Westers wants to have a winery on Churchill Road, which will take about 2 years before it's ready for business.
- Crown Castle wants to increase the height on the Easton Road tower to 150'. This would be a complete rebuild with a monopole, and allow more providers to be added. Additional height of 10-20% could be added without board permission. Herl requested from Crown Castle representative Michael Gasser that a public safety aerial be added to the tower free-of-charge.
- Herl said Grant Bauman from Region II Planning Commission completed a draft of the Zoning Ordinances for review. Attorney Vic Lillich replied on the Fire Ordinance, and Herl suggested this be discussed at the next Fire Committee meeting. All non-zoning ordinances will be passed as one ordinance.

County Commissioner Report

Adams reported on behalf of County Commissioner Sarah Lightner, in her absence. Region II Planning Commission has one public seat open. The Household Hazardous Waste Collection Day will be *by appointment* on September 27th. Cost is \$5. Collection is not for disposal of commercial or agricultural waste. Flyers are available at the township office.

Fire Chief Report

Fire Chief John Sterrett reported that last week's extrication class went well. Bryon Deraedt, Will Ellis, and John Sterrett will begin officer prerequisite classes this weekend. Sterrett has one bid for SCBAs (self-contained breathing apparatuses) for \$96,000. That includes 16 spare bottles at no charge that would normally cost \$800-\$900 each. The SCBAs would replace those currently on the fire trucks. It is difficult to get parts for the SCBAs the fire department has been using.

The Rives-Tompkins Township Fire Dept. will have fire trucks at Thursday's **funeral for former Fire Chief Richard Frizzle**. It will be held at Jones Cemetery.

Zoning Enforcer Dave Pickett

- Zoning Enforcer Dave Pickett said August has been busy. One of the residents in the village had a border dispute with a neighbor when a fence was installed. Pickett verified the fence was 6" from the property line. The dispute also involved a missing stake on the resident's property at the time the neighbor installed the fence. It was later determined that a portion of the stake was still underground, and that the \$500 Rives Township paid in April for the survey for the stake placement would be reimbursed. (In April, Rives Township had reimbursed the \$500 the resident paid for a survey because his stake was missing after the sewer was installed. However, due to the current stake dispute, the resident found the stake had been buried underground and a survey hadn't been needed.)
- Barry Hinz' lot on the corner of Cooper and Maple Grove has been completely cleaned up since the fire. The house still has lasting effects of the fire on the outside. It was condemned, but those issues have now been resolved.
- Pickett is working on getting 12 abandoned or dangerous buildings cleaned up. He needs to find a contractor to clean up dangerous structures.

Public Comment

- Tom Babcock, President of Rives Concerned Citizens, would like a commitment from the township board to pay for the un-etched paving bricks to be placed in front of the Rives Memorial, probably in Spring 2015.

Motion by Adams, supported by Barnes, that the board approve up to \$3,000 for the bricks for the monument approach. Roll call. All ayes. Motion carried.

- Jim Mietelka asked if there would be a public hearing before the ordinances went into effect, and asked if new ordinance books would be available for residents to purchase. Adams said he has kept extra copies of ordinance books that were in the former Supervisor's possession. Adams has loaned out some and said he has been "lax" on charging. Herl said the reworked ordinances will be online.
- Tom Babcock asked that the **passing away of Barbara Hammond** be mentioned in the minutes. Stoner said she was a township treasurer in the late 1960's and in the 1970's. Herl said she was a County Commissioner for 10 years, and on the Jackson County Fair Board. He also said she was on the Parks Association, a volunteer group started by Betty Desbiens. Herl said Hammond had office hours at the bank during tax season to collect taxes as Treasurer.
- Jay Swymeler asked about work on Berry Road. Adams said there will be a complete re-do on Berry Road in 2016.
- Jay Swymeler said the drains in the village have not been cleared yet. Adams said, "they were called."
- Tom Babcock said *Jackson Magazine* listed a Lansing Avenue address for Rives Township. Stoner said there has been a problem getting the township addresses changed in the various phone books. Addresses were changed in Frontier, but the other phone listing companies have not paid the fee this year to Frontier to have updated information in their books. Stoner has informed the other phone book companies of the information to update their books, and gave them Frontier's contact information.

Public Comment closed at 7:15 p.m.

Metro Act

It was decided that Metro Act funds be used to help with the water problem in 2 areas of the village. Stoner asked for a cost estimate, and Barnes estimated about \$5,000 only for the two ~~maximum~~ ~~Two~~ cross tubes and catch basins that would need to be installed. At times, water covers the road at Palmer Street. Stoner said the total of the Metro Act funds received for 2013 and 2014 are about \$8,700.

Motion by Adams, supported by Herl, to approve the Metro Act Funds for 2013 and 2014 for water control.

Roll call. All ayes. Motion carried.

Stoner said \$30,809.20 has been collected in Metro Act funds since 2007.

2014 Winter Tax Millage Rate Request

Motion by Onda, supported by Stoner, to approve the L-4029 Form that has the current millage rate of .7758 to be assessed on the Winter tax bills for 2014. All ayes. Motion carried.

Motion by Herl, supported by Barnes, to adjourn. All ayes. Motion carried.

The meeting adjourned at 7:22 p.m.

Submitted by Stacy Stoner, Clerk.