

RECORD OF PROCEEDINGS

Minutes of the Vermilion Township Board of Trustees' Regular Meeting

Held Wednesday May 1st, 2024

The meeting was called to order by Chairman Robert Kurtz at 6:30pm

The Pledge of Allegiance was given.

The roll call resulted as follows: Mr. Kenn Baughman, Mr. Robert Kurtz & Mr. Rodger Scott were present.

Baughman made a motion to approve the minutes from the minutes from the April 3<sup>rd</sup>, 2024 Trustees' Regular Meeting. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.

**20240501-01**

Kurtz made a motion to receive the treasury reports. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240501-02**

Eighty-Four bills/warrants totaling \$151,514.97 were submitted for payment. Kurtz made a motion to approve the warrants. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240501-03**

Correspondence:

Kurtz addressed an email from Brian Novotny of State Road. Questions and answers are as follows:

Q1) Do the trustees have a larger place to hold a meeting? The people are having to stand in the hallway and cannot exercise their right to participate at your meetings. Response – Unfortunately, we do not have a larger place to hold meetings. We are not in a position at this time to consider an addition to this room. We talk about code violations; to move this meeting out into the fire department bay is a bigger code violation than exceeding an occupant load. This is a meeting room. It was designed and intended to be used as a meeting room. We call that assembly. The fire department bays are designed to store vehicles, that is an 'S-1'. To have meetings in an S-1 is a bigger violation of the code that exceeding the occupant load.

Q2) Why do you allow more people than the fire code allows to occupy your meeting room? Response – Occupant loads are established by section 1004 of the Ohio Building Code. The occupant load was determined using the square footage area for this room with all tables and chairs. Half of this room is chairs only. Chairs take up less space than tables and chairs. Based on this, the actual occupant load for this room is 41 people. This is an increase of 14 people. The code also allows for an even greater number of people for standing-room-only. If the chairs were removed, there could be up to 53 people in this room. That is more than double the previous occupant load. This is not necessary and chairs will continue to be used for the audience. Section 1004.5.1 of the Ohio Building Code allows the Building Official to increase the calculated occupant load for a room or space as long as other code requirements are being met.

Q3) This will be my third time asking, since Bob Baker obviously made multiple mistakes issuing zoning permits. Are the trustees also going to review the zoning violations, if any, written by Bob Baker?

Response – It is my understanding that this was a Public Records request. This request was rather broad and this is why it is taken longer than normal. The Administrator has searched through the records available. This information found is being processed and should be available soon.

Q4) Mr. Kurtz, could you please explain your reasoning why you decided to delete audience participation? Response – The decision to temporarily suspend audience participation was decided by a majority vote of this Board. My reasoning for suggesting this was because, in my opinion, since the first of the year we have witnessed a steady decline in the civility and respect being displayed during these meetings, particularly during the Open to the Audience portion of the meetings. Many comments that were made we designed to be nothing more than attacks on certain members of the Board. We have been contacted by other residents of this Township who have legitimate questions and concerns, but have said they refuse to come to a meeting to address the Board as a whole, specifically because of the environment, they don't want to be a part of this. This is a problem. I am not trying to prevent anyone from speaking. Having the month to think about it, I have no problem allowing Open to the Audience. Kurtz made a motion to resume Open to the Audience starting tonight. Baughman seconded the motion. Kurtz continued by stating the trustees are not the enemy. We are not here to be attacked and accused of things. Just keep it civil and respectful. Baughman, Kurtz & Scott voted to accept the motion.

**20240501-04**

Vermilion Ministerial Association announces the National Day of Prayer Community Prayer Gathering at noon on Thursday May 2<sup>nd</sup> at Victory Park, Vermilion.

The Vermilion Township Fire Department is having a Pancake Breakfast from 8am to 12pm on Sunday May 5<sup>th</sup> at the Township Hall.

Vermilion Township Fire Chief Frank Triana reported 58 runs for April & reports have been submitted to the state. Runs include: EMS-48, Smoke alarm activation-2, Mutual Aid with the City of Vermilion-2, CO alarm-1, MVA-1, Open burn-1, Natural gas odor-1, Public Service (tree in roadway)-1, Burning odor (electrical)-1. L&M Towing & Repair and Norwalk Truck repaired Squad 811 for electrical/computer issues. Chief is working with PFund to correct lighting issues with Squad 813. Chief requested approval for Hose and Ladder Testing through Waterway, Inc. cost not to exceed \$4500.00. Testing will be May 17<sup>th</sup>, 2024 at the Vermilion Township Fire Station. Thirty gallons of Aqueous film forming foam (AFFF) have been registered with the Ohio Environmental Protection Agency's (EPA) Take-Back program. Waiting on disposal information. Baughman asked if the price for hose & ladder testing had increased. Triana stated it is priced per foot and the department has added 800 feet of wildland hose. This type of hose has ease of mobility and use through wooded areas.

Vermilion Township Administrator & Zoning Inspector Keith Sexton reported issuing 9 zoning permits in April. The owners of a Thompson Road property are in negotiations to sell, they will continue to remove debris and junk vehicles. Delineator signs were installed by the road crew at the end of Chardonay Circle to prohibit the neighboring private property to be used as a throughway to Kneisel Road. A tall grass violation was issued on Sperry Road, the new owners are being worked with to correct the issue. Sexton reminded the residents that the Township Spring Clean-Up day is Saturday May 18 from 7:30am to 3:30pm. Dumpsters will be located at 7325 Barnes Road. Accepted items are listed on the Township website. The Stanley Road Garage gutter installation is complete. Repairs are underway for a damaged drain tile on the South side of Stanley Road. Three applications for Zoning Commission Alternate were received. Sexton asked the trustees to consider appointing Eric Jayjohn, Don Rowe and Nancy Sauer as

alternates. Sexton is working with the Erie County Engineer's Office to initiate the bid process for the Coen Road Project (T-137). Bid packets will be available May 22<sup>nd</sup>, 2024. Sealed bid proposals will be opened at the June 5<sup>th</sup>, 2024 Trustees' Regular Meeting.

Kurtz noted Ohio Revised Code (ORC) allows up to two alternates on a zoning board. Since there are three applicants for the Zoning Commission, would one volunteer to go to the Board of Zoning Appeals. Baughman commented that all three have been active in the community. Also, all three are in attendance, let's ask them. Nancy Sauer volunteered to go to the Board of Zoning Appeals.

Kurtz made a motion to appoint Nancy Sauer as an Alternate to the Board of Zoning Appeals. Baughman seconded the motion. Kurtz amended the motion to add a 5-year term, effective immediately. Baughman seconded as amended. Baughman, Kurtz & Scott voted to accept the motion. **20240501-05**

Kurtz made a motion to appoint Eric Jayjohn as an Alternate to the Zoning Commission for a 5-year term, effective immediately. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240501-06**

Kurtz made a motion to appoint Don Rowe as an Alternate to the Zoning Commission for a 4-year term, effective immediately. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240501-07**

Vermilion Township Road Crew Foreman Steve Young reported snow removal equipment has been stored for the summer. Lawn mowing has started and the first round of roadside mowing will be completed before the Memorial Day Weekend.

Vermilion Township Fiscal Officer Stephanie Johnson gave a status report of American Rescue Plan Act (ARPA) Funding. The fund has \$48,427.74 left that needs to be encumbered by the end of 2024, then spent by the end of 2026.

Old Business:

The trustees agreed the meeting rules should stay simple and agreed to keep the existing rules. The rules can be found on the Township website. Baughman made a motion that the Township Meeting Rules stay as established, as-is, the same as what was voted on in January's Organizational Meeting. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240501-08**

Kurtz moved *Resolution 2405-22 forward: To Contract with Sterling PC Maintenance Solutions for the Creation of a New, Updated Township Website*. Kurtz read: Now Therefore, Be It Resolved, the Vermilion Township Board of Trustees authorize the execution of a contract with Sterling PCMS, for the purpose of creating a new, updated Township website utilizing current technology at a cost not to exceed \$1950.00. To prevent confusion, all communication and correspondence between the Township and Sterling PCMS shall be through the administrator. Scott seconded the resolution. Baughman, Kurtz & Scott voted to accept the resolution. **2405-22**

Kurtz moved *Resolution 2405-21 forward: Authorizing the Fire Chief to Enter into an Agreement with Waterway, Inc. for Hose & Ladder Testing*. Kurtz read: Now Therefore, Be It Resolved, the Vermilion Township Board of Trustees authorize the Fire Chief to enter into an agreement with Waterway Inc. of 3254 South Park Road, Bethel, PA 15102 for the purpose of conducting the require annual testing of the

Township Fire Department's fire hose and ground ladders at a cost not to exceed \$4500.00. Baughman seconded the resolution. Baughman, Kurtz & Scott voted to accept the resolution. **2405-21**

New Business:

Baughman spoke on Township property maintenance issues such as the yard, fence, sidewalk and concrete parking area. Sexton was instructed to make a list of items to address.

Baughman has concerns with Redwood, however they are not responding to calls & emails. If there are certain things or conditions that Redwood is to follow, those need to be addressed now, not when they have their final plan. Some concerns are density, set-backs and access to route 60. Sexton was instructed to reach out for a status report from Redwood.

Kurtz explained how the Township came to be responsible for the sidewalks in the first Redwood Development. The first developer presented the development as public roads, to be turned over to the county once the roads were put in. When the roads are put in, they must be to Ohio Department of Transportation (ODOT) specs, with Erie County inspectors. Then it was dedicated to the county, the county accepted it. Because the roads are in the Township, the County Commissioners turned the roads over to the Township for maintenance. That is typical. This is the first development in the Township where sidewalks were made public. Because they are in the right-of-way. The right-of-way belongs to the Township. In Most communities there are ordinances that state the property owner is required to maintain the public sidewalk in front of their property. The Township does not have that. This would have been a separate resolution; the Township might not have the authority to pass such a resolution. That is where the legal team comes in. There was nothing malicious, the trustees did not "screw up".

Baughman noted the Township should have a Resignation, Coordination & Contingency Policy in place should someone need to start on short notice. If someone turns in a resignation letter, that would trigger a special meeting.

Baughman asked if mutual aid happens between township road crews. Young noted the local townships and cities share help and equipment.

Baughman reported the utility pole and light at Darrow Road and Risdan Road was replaced on April 6<sup>th</sup>, 2024.

Kurtz made a motion to go into Executive Session at 7:11pm for the purpose of holding a conference with our attorney concerning a dispute that is the subject of pending court action in accordance with ORC Section 121.22(G)(3). Scott seconded the motion. Kurtz & Scott voted to accept the motion. Baughman abstained. Kurtz and Scott went to executive session. Baughman recused himself from executive session. **20240501-09**

Kurtz adjourned from Executive Session and returned to regular session at 7:40pm.

Kurtz opened the floor to the audience.

Dan Ladrach of State Road thanked the trustees for keeping the original meeting rules. Asked about the construction on Route 60 and why can that be done, but not ditches. Sometime people just need to talk & he appreciates the trustees.

Eric Jayjohn of Thompson Road thanked the trustees for appointing him to the Zoning Commission and said we are moving forward in a positive direction as a township.

Don Rowe of Kneisel Road appreciates the trustees for keeping the audience participation open; the end-of-road signs (on Chardonnay Circle) were brilliant; can something be done about the enormous pile of logs and tree stumps that have been there for two years at the corner of Coen and Kneisel Roads.

Cindy Brown of Barnes Road asked if the podium can be moved to benefit the audience as well as the trustees.

Katherine Schwanitz of Cherry Road asked if other (Zoning Commission or Board of Zoning Appeals) positions were needed.

Kurtz announced the next Board of Trustees' meeting would be Wednesday, June 5<sup>th</sup>, 2024 at the Vermilion Township Hall.

Baughman reminded residents he will be available every third Tuesday at 6:30pm to meet with township residents at the township hall. The May 21<sup>st</sup> topic of discussion will be the Township Comprehensive Plan from 2006. Kurtz has been in conversations with (Erie County) Regional Planning about this.

Kurtz made a motion to adjourn at 7:50pm Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.