

RECORD OF PROCEEDINGS

Minutes of the Vermilion Township Board of Trustees' Regular Meeting

Held Wednesday November 6th, 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 October 2nd 2024 Trustees' Regular Meeting. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20241106-01**

Kurtz made a motion to receive the treasury reports. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20241106-02**

Ninety-one bills/warrants totaling \$109,441.03 were submitted for payment. Scott made a motion to approve the warrants. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20241106-03**

In Correspondence: The Erie County Home Repair Community Housing Impact & Preservation (CHIP) Program is an opportunity for income-eligible homeowners in Erie County; with no-cost home repairs and rehabilitations, funded entirely by grants, this program helps families stay safe and comfortable in their homes. Administered by Great Lakes Community Action Partnership and funded by the Ohio Department of Development. Contact information: (800) 775-9767 or glcap.org/homerepair.

Vermilion Township Fire Chief Frank Triana reported 65 runs for October & reports have been submitted to the state. Runs include: EMS-57, Smoke alarm activation-1, Residential fire alarm-1, Mutual aid for a structure fire-1, Smoke in the area-1, Odor investigation-1, Open burn-1. Scheduled PM's and pump testing for the engines, rescue and tanker are complete. The Hindmarsh Foundation has made a generous donation of \$2000.00 to the Vermilion Township Fire Department. This will be used to purchase new protective hoods for the firefighters. Chief asked to use the \$4006.44 balance of American Rescue Plan Act (ARPA) funds on Laerdal Suction Unit (LSU) Machine for Squad 812 plus a defibrillator swivel mount lock down device for each of the three squads. Total cost of \$4760.95 plus shipping with the balance covered by the fire/EMS budget. Chief asked the trustees to consider purchasing three Lifepak 35 Monitors plus accessories, including warranties. A "bulk purchase" with several other townships in Erie County along with trade-ins of old versions results in the group rate of \$177,881.90. Annual payments for five-years would be \$41,250.00 per year. The Vermilion Township Fire Department firefighters are donating \$2,500.00 to purchase Structural Firefighting gloves for the department.

Vermilion Township Road Crew Foreman Steve Young reported road striping is complete. Roadside mowing is concluded for the year. Working on the 2024 Road Projects report for the Erie County Engineer's Office. Minor repairs to mowers were accomplished in-house. Now preparing trucks for winter.

Vermilion Township Administrator & Zoning Inspector Keith Sexton reported the T-137 Coen Road Drainage Improvement project has finalized. The screening fence at Dollar General on Wine Street has been repaired. Sexton asked for approval for the maximum daily rate of \$3000.00 for Mike Tree Service at 3420 Liberty Avenue, Vermilion. Services include: use of crane, bucket truck, aerial lift and/or stump grinder to safely cut and remove the tree, tree limbs or stump. Chipping of all applicable branches, Loading and hauling the tree trunk and any other pieces too big for the chipper. Rake and collect all associated debris from tree. Use a blower to blow off yard, driveway, sidewalk, road, etc. This does not obligate the Township to only use Mike's Tree Service, only to lock in the rate.

A Letter of Resignation was received from Vermilion Township Road Crew Assistant George Moore. Sexton asked for consideration to hire Ryan Kohl to the open position of road crew assistant.

Vermilion Township Fiscal Officer Stephanie Johnson reported applying for a Community Clean-Up grant from the Erie County Solid Waste Management District for costs incurred during the Township Fall Clean-Up Day in September, which included dumpsters & tire recycling. The Township received this grant for the full cost of \$3002.92. Also received was \$707.10 for scrap metal recycling.

On August 28rd, 2024, The Budget Commission of Erie County approved Vermilion Township's 2025 Budget of Estimated Resources & Expenditures. Johnson asked for approval of the *Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor*.

Kurtz made a motion to accept the resignation of Vermilion Township Road Crew Assistant George Moore. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20241106-04**

Kurtz made a motion to adopt the *Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor* and moved it forward. Baughman seconded the motion to adopt. Baughman, Kurtz & Scott voted to accept the motion to adopt. **20241106-05**

Baughman made a motion to let the administrator have preference over which tree service to employ, not exceed a daily rate of \$3000.00 Kurtz seconded the motion. Baughman, Kurtz & Scott voted to accept the resolution. **20241106-06**

Kurtz introduced the *Resolution Authorizing the Appointment of Ryan Kohl for Vermilion Township Road Department and Establishing a Salary* and moved it forward. Now therefore, be it resolved, to hire Ryan Kohl as the full-time Vermilion Township Road Crew Assistant and establishing a wage of \$25.00/hour plus insurance benefits. Wages are based on forty hours per week with vacation days outlined in the Vermilion Township Employee Handbook, plus holidays. To be passed by emergency and effective immediately. Baughman seconded the resolution. Baughman, Kurtz & Scott voted to accept the resolution. **2411-33**

Kurtz made a motion to approve all elected officials and township employees who so desire to attend to participate in the 2025 Ohio Township Association Winter Conference in Columbus from 1/29/24 through 1/31/24. This includes registration fee, hotel, meals and travel expenses. Baughman amended the motion to include the Vermilion Township Board of Zoning Appeals and The Vermilion Township Zoning Commission members. Kurtz clarified the board and commission members were considered employees. Baughman withdrew his amendment and seconded the original motion. Kurtz added this

includes the Vermilion Township Fire Chief and the Vermilion Township Road Department. Baughman, Kurtz & Scott voted to accept the resolution. **20241106-07**

Baughman made a motion to participate in the 2025 Ohio Township Association (OTA) Education Subscription Program Renewal through the Erie County Township Association (ECTA) for \$175.00. Kurtz seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20241106-08**

Kurtz opened the floor to the audience.

Brian Novotny of State Street said he was told he could put up a row of arborvitae or a fence and it would suffice. He was not told of other options available. He stated he was treated like a “drive-through” when he is a “farm market”, these have different regulations. Ohio Revised Code (ORC) 519.21 says a farm market is exempt from many of the rules. Kurtz responded that Novotny’s is not a “farm market”, it is a “drive-through” type business, which is a *conditional use*. ORC 519.21 says in order to be a “farm market” and claim the agricultural exemption, 50% or more of the annual revenue must come from crops and products that are grown/raised on that piece of property. Novotny claims that is case. Kurtz asked him to prove that his business is a “Farm Market” and Novotny said that he would. Novotny asked when will the Township close him down. Kurtz responded the trustees will be meeting with the (Erie County) Prosecutor’s Office and the ECPO is in conversation with the judge that issued the court order. In Kurtz’s opinion, the Township is not shutting down Novotny’s business, he is shutting himself down.

Diana Ladrach of State Road stated in regards to the discharging of firearms in the neighborhood; It was recommended to contact the (Erie County) Sheriff, however that pits neighbors against each other. She asked if information could be put on the township website about what to do in these situations. Ladrach asked why the Township does not have a full-time building inspector and is the Township responsible for any legal fees when drawn into a lawsuit with the county. Kurtz replied if a suit goes through the Township’s insurance company, there is a one-time fee. But if it goes through the ECPO there typically is not.

Dan Ladrach of State Road said his life was saved by similar equipment to the Lifepak 35 Monitors that are being considered for the fire department and he would like to see that happen. When the Vermilion Township Zoning Commission met about the proposed Redwood development, 300 feet of frontage was given for commercial use; the trustees voted to change the frontage to 50 feet. He feels people just stop here for gas. Ladrach was not happy that the Erie County Prosecutor took over the last Board of Zoning Appeals meeting about the Novotny Farm Market’s fence. Many people stop at Novotny’s to take pictures with the large lawn ornaments. Novotny takes care of and cleans Edson Creek that flows between his property and the neighbor. What can be done to lower the price of gas in town, other cities have less expensive fuel.

Don Rowe of Kneisel Road attended the last meeting of the Board of Zoning Appeals regarding the Novotny Farm Market’s fence. It seemed the board and the prosecutor did not understand ORC 519.21 as it pertains to Novotny’s. He asked why the meeting not suspended so this code could be further discussed. If it is applicable then a whole new set of rules apply. He then asked if the trustees and administrator could check to be sure. Rowe stated the fire department and the fire chief do an outstanding job and do it better than the City of Vermilion’s fire department. Does there need to be a levy the help out. Rowe did not agree with sending building inspection to the City of Vermilion because

the City should not be involved in Township affairs. Rowe thanked Johnson for getting the grant for the Township Clean-Up Day.

In regards to the building inspector, Kurtz responded that if enough work comes into the Township that would warrant it, then that should be revisited. The difficulty is finding certified individuals.

Baughman noted the Township gets 1.65 outside mills for the fire levy, that generates about \$250,000.00. Vermilion Township is growing, meaning more runs. The fire equipment is old. An upgrade needs to be seriously considered. A ladder truck is over one-million dollars. It might be time to invest in our fire department by adding an additional levy. The City of Vermilion has an apparatus levy, the money only goes to equipment. Baughman stated there were a lot of questions not answered at the Board of Zoning Appeals meeting regarding Novotny's fence. However, that is an independent board and questions need to be taken up with them.

Kurtz announced the next meeting would be Wednesday December 4th, 2024 at 6:30pm.

Kurtz made a motion adjourn at 7:32pm. Baughman seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.