

RECORD OF PROCEEDINGS

Minutes of the Vermilion Township Board of Trustees' Regular Meeting

Held Wednesday April 2nd, 2025

The meeting was called to order by Vice-Chairman Rodger Scott at 6:30pm

The Pledge of Allegiance was given.

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

Baughman made a motion to approve the minutes from the March 5<sup>th</sup> 2025 Trustees' Regular Meeting. Scott seconded the motion. Baughman & Scott voted to accept the motion. **20250402-01**

Ninety-nine bills/warrants totaling \$71,239.60 were submitted for payment. Scott made a motion to approve the warrants & receive the treasury reports. Baughman seconded the motion. Baughman & Scott voted to accept the motion. **20250402-02**

Baughman made a motion to accept the resignation of Vermilion Township Trustee Robert Kurtz, effective March 31<sup>st</sup>, 2025. Scott seconded the motion. Baughman & Scott voted to accept the motion. **20250402-03**

Baughman made a declaration of vacancy of an elected official per ORC §503.241. Baughman made a motion to nominate himself for board chairman per ORC §505.01. Scott seconded the motion. Baughman & Scott voted to accept the motion. **20250402-04**

Baughman made a motion for Executive Session per ORC §121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Scott seconded the motion. Baughman & Scott voted to accept the motion. **20250402-05**

The next order of business was the South Cherry Road Storm Sewer Replacement Project Bid Opening. The Township Received seven sealed bids. Baughman opened the bids and read as follows: Xtreme Excavating of Vermilion, OH - \$274,103.44; Great Lakes Demolition Company of Clyde, OH - \$290,450.40; Ed Burdue & Co., LLC of Sandusky, OH - \$223,498.50; Dovin Landworks LLC of Wellington, OH - \$370,886.60; ADT Construction, Inc. of Vermilion, OH - \$279,980.00; Herk Excavating of Vermilion, OH - \$269,936.25; D2 Excavating of Vickery, OH - \$279,302.00. The bids will be forwarded to the Erie County Engineer's Office for review of bid requirements. The Engineer's office will then make a recommendation to the Board of Trustees.

Baughman & Scott adjourned to Executive Session. Fiscal Officer Stephanie Johnson & Erie County Assistant Prosecutor Charles Bennett were asked to join.

Executive Session was adjourned and regular session was called back to order. The roll call resulted as follows: Mr. Kenn Baughman & Mr. Rodger Scott were present.

Baughman made a motion to appoint an official to fill a vacancy within an elected office per ORC §503.24 and nominated Don Rowe. Scott seconded the motion. Baughman & Scott voted to accept the motion. **20250402-06**

The trustees took a recess at 6:55 to swear in newly appointed Trustee Don Rowe.

Regular Session resumed and was called back to order. The roll call resulted as follows: Mr. Kenn Baughman, Mr. Don Rowe & Mr. Rodger Scott were present.

Rowe made a motion to accept the resignation of Vermilion Township Administrator & Zoning Inspector Keith Sexton. Scott seconded the motion. Baughman thanked Sexton for his service. Baughman, Rowe & Scott voted to accept to motion. **20250402-07**

Vermilion Township Fire Chief Frank Triana reported 68 runs for March & reports have been submitted to the state. Runs include: Gas odor-1, EMS-58, Motor vehicle crashes-4, structure fires-3, vehicle fire-1, Commercial fire alarm-1. Airpak testing is rescheduled for 4/8/25. Upcoming testing includes hose & ladder testing estimated at \$3,500.00 to \$4,000.00 and truck PMs & pump testing estimated cost \$10,000.00. Other repairs up for consideration are garage bay door panels and driveways to the west & north. Thanks to Firefighter Tony Basso for overhauling the dangerous ladder on Rescue 842. Emergency lighting on Rescue 842 and ground lighting on Engine 822 was replaced with brighter LEDs. The master drain valve on Tanker 831 was replaced. The Vac-mattress developed a leak and was sent back to Hartwell Medical for evaluation. Even though the warranty had expired, Hartwell sent a new mattress at no charge. The 2024 Annual Report was given to the trustees for review. Chief stated more funding is needed for the fire department. The community needs to be asked why kind of fire service they want.

Triana said the township fire department has been in limbo financially since 2017-18, when a 1.69 levy was placed on the ballot. The levy is continuing, it brings in about 1 mill, which is about \$224,000.00, plus what the VTFD makes off EMS, which collectively make up the department's budget. Carryover from year to year is now being spent on maintenance, wages and all the other expenses that come with having a fire and EMS based department. The coffers are getting lower. The community needs to be asked what kind of fire and EMS based service do they want. Adjustments will be based on their answer. Triana would like to see three full-time paramedic-firefighter paid positions. That would be about \$345,000.00 per year to pay for wages, benefits, pension and uniform allowance. From there a Schedule-A contract would be made with rules and regulations for full time positions. Revenue of 4 mills vs. 5 mills needs to be reviewed and determine what it will cost the residents. This would move VTFD forward, but Triana knows he does not make the decision. \$200,00.00 per year would be needed for part time wages; to back up the full-timers. On-duty would be one full-timer & one part-timer 24/7/365. Currently that does not happen because the department is all part time. Volunteers are hard to come by now. Everything is subject to the Fair Labor Standards Act (FLSA). Larger funding allows for improvements to the firehouse and equipment. Triana gave some examples: a new fire engine is priced from \$750,00.00 to 1 million; a new ambulance starts at \$344,000.00; a set of new turn-out gear is \$4,000.00. Baughman open the floor to questions for Triana. Diana Ladrach of state road agreed a levy is needed. But pointed out the local school district already has a \$47 million levy on the ballot. Baughman replied the levy procedure is a big process and it might not be ready for the same ballot; but it is needed as the township is growing. Dan Ladrach of State Road has been a firefighter in the past and expressed

equipment and training is expensive, but needed. Baughman and Ladrach agreed the Township Fire Department is the best in the county. Baughman continued, when your loved one is in need of fire or EMS services, you don't care how much it cost. Rowe agreed the Township fire department is great and a levy is needed. The majority of residents understand the outstanding job the department does and will support a levy.

Rowe made a motion to have Triana get bids for repair to the garage bay door panels. Scott seconded the motion. Baughman, Rowe & Scott voted to accept to motion. **20250402-08**

Vermilion Township Road Crew Foreman Steve Young reported the crew is working on cutting back roadside brush and cleaning leaves out of ditches. New rear tires for the Johns Deere 5100E road mower will be installed later in the week. Spring Clean-up Day is Saturday, May 17<sup>th</sup> 2025; 7:30am-3:30pm. Information is on the Township website.

Vermilion Township Fiscal Officer Stephanie Johnson reported OTARMA, the Township's property and liability insurance company has made available the MORE (Managing Ohio Risk Exposures) Grant at \$1,000.00 for 2025. Proposed and allowable expenditures are as follows: The Ohio Township Association (OTA) Education Subscription Program \$175.00, Three OTA Winter Conference registrations \$420.00, New Enter and Exit signs for the Township Hall from Judco \$180.00; with the remaining \$225.00 going to the road crew for safety gear.

Baughman introduced *Resolution 2025-07 A RESOLUTION TO ENTER INTO A MAINTENANCE AGREEMENT WITH VASU COMMUNICATIONS INC. FOR RADIO SERVICE FOR THE VERMILION TOWNSHIP FIRE DEPARTMENT'S COMMUNICATION EQUIPMENT* and moved it forward. NOW THEREFORE BE IT RESOLVED, to enter into a Maintenance Agreement with VASU Communications Inc. for the Vermilion Township Fire Department's communications equipment from April 1, 2025 to March 31, 2026 at a cost of \$4,578.00 for the year. (5% discount if paid in full equals \$4,349.10). Scott seconded the resolution. Baughman, Rowe & Scott voted to adopt *Resolution 2025-07*. **20250402-09**

Baughman introduced *Resolution 2025-08 Entering into an Agreement with Hart Asphalt, Inc. for the North Riden Road Maintenance Project of applying an asphalt overlay, not to exceed \$16,500.00* and moved it forward. WHEREAS; the Vermilion Township Board of Trustees recognizes the recommendations of the Roads Department Foreman to have the Board enter into a contract with, and to accept the written proposal of Hart Asphalt Inc. in the amount of \$16,500.00 as written; and to proceed with the application of an "Asphalt Overlay" of 7,300 Sq. Ft. for portions of North Riden Road, a township road within Vermilion Township. NOW THEREFORE BE IT RESOLVED THAT; The Vermilion Township Board of Trustees, Erie County, State of Ohio to enter into a contract with HART ASPHALT, INC., 3420 Liberty Ave., Vermilion, OH 44089, to perform the work as outlined in their proposal at an amount not to exceed \$16,500.00 to be paid, upon satisfactory completion, from the Motor Vehicle License Fund #2011. Scott seconded the resolution. Baughman, Rowe & Scott voted to adopt to resolution 2025-08. **20250402-10**

Baughman introduced *Resolution 2025-09 AUTHORIZING A TEXT AMENDMENT TO RESOLUTION #32-10; SPECIFICALLY, SECTION 25.9 TITLED "POLITICAL SIGNS", TO BE SUBMITTED TO THE ZONING COMMISSION*

*FOR RECOMMENDATIONS* and moved it forward. WHEREAS; the Vermilion Township Board of Trustees recognizes its authority under RESOLUTION #32-10, Article 8.1 and Article 8.2.2 to amend the text of said resolution for public necessity, convenience, and general welfare, and for good zoning practices does now require and submit to the Zoning Commission a resolution requesting recommendations to either amend or strike Section 25.9, titled "Political Signs". WHEREAS; As currently written, Section 25.9 is found to be unconstitutional and subject to Section 1.2, titled "Separability" and (as this section was deemed unconstitutional in 2015 by the U.S. Supreme Court in Reed v. Town of Gilbert, 576 U.S. 155 (2015)). NOW THEREFORE BE IT RESOLVED THAT; The Vermilion Township Board of Trustees, Erie County, State of Ohio require the Zoning Commission to either **(A)** recommend removal of Section 25.9 in its entirety or **(B)** draft recommended language, with the assistance of the Erie County Prosecutor's Office, that prohibits the placement of "any" sign within any public right-of-way; and requires a Zoning Permit for legally placed signs in excess of one hundred (100) square feet as temporary billboard signs and/ **(C)** or equally and uniformly places new limits only on private property in any zoning area designation where such similar larger signs are already **not** permitted. And **(D)** to not make any recommendations that limit the constitutional rights of any property owner based on the content or viewpoint of any sign, except where public decency and morals require otherwise. Scott seconded the resolution. Baughman, Rowe & Scott voted to adopt to resolution 2025-09. **20250402-11**

Baughman made a motion for Executive Session per ORC §121.22(G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official. Rowe seconded the motion. Baughman, Rowe & Scott voted to accept to motion. **20250402-12**

Baughman made a motion for Executive Session per ORC §121.22(G)(3) conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action concerning Erie County. Scott seconded the motion. Baughman, Rowe & Scott voted to accept to motion. **20250402-13**

Baughman made a motion for Executive Session per ORC §121.22(G)(3) conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action concerning Township Zoning. Scott seconded the motion. Baughman, Rowe & Scott voted to accept to motion. **20250402-14**

Baughman noted the trustees would enter Executive Session after all other business was conducted and after the Open to The Audience portion of the meeting, so residents did not have to wait to speak.

Rowe made a motion for Baughman to forward the South Cherry Road Project bids to the Erie County Engineer's Office for review. Scott seconded the motion. Baughman, Rowe & Scott voted to accept to motion. **20250402-15**

Rowe made a motion to adopt new Zoning Fee Schedule, with updates from former Zoning Inspector Keith Sexton. Scott seconded the motion. Rowe commented that in previous meetings the discussion had been to lower residential fees and raise PUD fees and asked if the other trustees had thoughts on this. Scott made a motion to table. Rowe seconded the motion to table. Baughman, Rowe & Scott voted to table the motion. **20250402-16**

Baughman shared proposed revised meeting rules to possible be adopted at a later time. Baughman noted a section was added to the previous meeting rules that clarifies the procedural rules for recesses and executive sessions. Procedural rules for passage of formal resolutions and emergencies have never been in writing. Special meeting agendas are different and that should be outlined.

Baughman gave an update on the Orchard Beach – Cuddeback Cemetery survey. Thomas Simon and Associates completed the survey and set five (5) pins. There is more property to the cemetery than previous thought. Young commented the cemetery was surveyed in 2008 and the pins are the same. The survey shows there are at least eight (8) graves outside of the cemetery boundary on private property. There is trash, junk, appliances, vehicles, tires, etc. on cemetery property that will need addressed. Baughman relayed that Simon stated cadaver dogs have been brought to some cemeteries to find graves. Cemetery grants are available for cleanup and fences. Rowe asked how the junk came to be on cemetery property. No one could say for sure.

Baughman has received calls about 13601 Thompson Road regarding trash, open doors/windows and inquired about declaring it a nuisance property. Bennett said the talk to the owners first. Young reported the owners have been hauling items out of the house/property. Rowe noted this property was supposed to be handled over a year ago and this was an ongoing issue. Bennett asked if they have been cited. Baughman said there was no record.

Baughman made a motion to approve the OTARMA MORE Grant expenditures as stated. Scott seconded the motion. Baughman, Rowe & Scott voted to accept to motion to table. **20250402-17**

Baughman read a letter from ODOT stating after completing a speed study for Sperry Road, the speed limit will remain 55MPH. (see full letter attached).

Baughman read a letter from the Erie County Commissioners on available Infrastructure Grants.

Baughman opened the floor to the audience.

Diana Ladrach of State Road remarked at the last meeting, a Redwood representative spoke disrespectfully to the trustees. The residents were not given an opportunity to ask Redwood questions. Did Redwood make the agreed-upon changes?

Robert Joslyn of State Road said the loss of Sexton will be hard to fill. The affront to Scott at the last meeting was unwarranted.

Brian Novotny of State Road expressed of his many questions to Kurtz, only some were answered. Why does the Vermilion Photojournal get the answers to his questions before he receives them.

Tom Krukemeyer of Grand Harbor stated he is throwing his hat in the ring for trustee.

Joe Baxter of Coen Road commented on the water and flooding issues in the Township. Some ditches were blocked with trees and debris and asked who maintains some ditches.

Dan Ladrach of State Road talked about the water and flooding issues in Township and thanked the Fire Department.

Don Rowe of Kneisel Road complimented the Fire Department and agreed for a need of a ladder truck. Redwood should have stayed to address resident questions.

Baughman announced the Vermilion Township Zoning Commission will hold a public hearing for the Knite Development LLC seeking to amend a Lapsed PUD to finish the Chardonnay Circle subdivision located in the Vineyards of Vermilion Neighborhood, on Thursday, April 3<sup>rd</sup> 2025, at 6:00 in the Township Hall.

Baughman made a motion to hold a Special Meeting on Wednesday April 23<sup>rd</sup>, 2025, to hopefully also hold a public hearing on the Knite Lapsed PUD, at 6:30pm in the Township Hall. Baughman, Rowe & Scott voted to accept to motion. **20250402-17**

Baughman said there was a request for drivers to be cautious and give way to farm equipment, pedestrians and horses. Also, to not sound horns, rev engines, yell at or otherwise spook horses.

Baughman & Scott adjourned to Executive Session at 8:17pm.

Regular Session resumed and was called back to order at 9:22pm. The roll call resulted as follows: Mr. Kenn Baughman, Mr. Don Rowe & Mr. Rodger Scott were present.

Baughman announced a Special Meeting to hold an Executive Session per ORC §121.22(G)(3) conference with an attorney to discuss pending litigation on Tuesday April 8<sup>th</sup>, 2025 at 8:00am

Rowe made a motion to hire Joe Baxter as Vermilion Township Zoning Inspector & Administrator at the current rate of pay and schedule effective April 2<sup>nd</sup>, 2025. Scott seconded the motion. Baughman, Rowe & Scott voted to accept to motion. **20250402-18**

Baughman announced the next regular meeting would be Wednesday, May 7th, 2025 at 6:30pm

Baughman made a motion adjourn at 9:25pm. Rowe seconded the motion. Baughman, Rowe & Scott voted to accept the motion.

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Trustee Kenneth M. Baughman – Chairman

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Trustee Don R. Rowe

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Fiscal Officer Stephanie M. Johnson

Smj 4/12/2025