

## RECORD OF PROCEEDINGS

### Minutes of the Vermilion Township Board of Trustees' Regular Meeting

Held Wednesday September 4th, 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 August 7<sup>th</sup> 2024 Trustees' Regular Meeting, the August 23<sup>rd</sup>, 2024 Trustees' Special Meeting and the August 29<sup>th</sup>, 2024 Trustees' Special Meeting. Kurtz seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-01**

Baughman made a motion to receive the treasury reports. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-02**

Sixty-Eight bills/warrants totaling \$46,731.20 were submitted for payment. Kurtz made a motion to approve the warrants. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-03**

Vermilion Township Fire Chief Frank Triana reported 64 runs for August & reports have been submitted to the state. Runs include: EMS-52, CO investigation-1, Motor vehicle crash-4, Smoke scare-2, Structure fire-1 (mutual aid with the City of Vermilion), Smoke detector activation-1, Open burn-1, Hazardous condition-2. A status report was given on the maintenance of 811, 812 and 813. 821, 822, 831 and 842 are schedule for annual maintenance and pump testing in September. Jaws-of-Life maintenance is next.

Vermilion Township Road Crew Foreman Steve Young reported Trinter and Thompson Roads crack-sealing is complete. Roadside mowing is complete, now working on ditch backsides. A tree on Barnes Road needs taken down. A mower needs new tires. Micro-surfacing should start soon. Gates on the Township Barnes Road property might be needed. The Fall Township Clean-Up Day is Saturday, September 14<sup>th</sup>, 2024 from 7:30am to 3:30pm.

Vermilion Township Administrator & Zoning Inspector Keith Sexton reported issuing three permits in August. The Township hall hot water tank has been replaced. The T-137 Coen Road project is scheduled to start September 18<sup>th</sup> with an estimated completion in two to three weeks. A recommended traffic detour map will be posted on the Vermilion Township website.

Vermilion Township Fiscal Officer Stephanie Johnson asked for approval of supplemental appropriations of \$5,800.00 for the re-established salary for Sexton.

In regards to the Orchard Beach/ Cuddeback Cemetery Survey, Baughman asked Simon Surveyors if the boundary survey include all the items in the survey proposal from Bramhall Surveyors. Baughman read an email from Tom Simon stating that is standard, everything that is listed would be done for the price of \$2,000.00. Baughman stated it is an apples-to-apples comparison. It will also serve to establish where the boundaries are of another property, it is dual purpose. The motion was tabled at the last meeting and Baughman moved to bring it forward.

Baughman made a motion to have Thomas Simon & Associates Surveyors survey the Orchard Beach/Cuddeback Cemetery cost not to exceed \$2000.00. Kurtz seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-04**

GetGo Gas Station at 1317 State Route 60, Vermilion; through the Ohio Division of Liquor Control, requested to transfer a liquor permit from Riser Foods Co. DBA Vermilion GetGo 3238 to GetGo Operating LLC DBA Vermilion GetGo 3238. The documentation asks if the Township requests a hearing on the matter. Kurtz clarified that the Board was not approving the license, just deciding about a hearing. Kurtz made a motion for Johnson to complete the paperwork and that the Township DOES NOT request a hearing. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-05**

Kurtz made a motion to approve the supplemental appropriations of \$5,800.00 for the re-established salary for Sexton. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-06**

Baughman reported Mid-Ohio Cemetery Services can furnish a plat map of Orchard Beach/Cuddeback Cemetery, including numbering the rows, plots and stones, plus GPS locating the headstones to create a record in accordance with ORC 517.06 Cemetery Plats. Baughman made a motion to have Mid-Ohio Cemetery Services provide a plat map of Orchard Beach/Cuddeback Cemetery cost not to exceed \$400.00 per ORC 517.06. Scott seconded the motion. Baughman, Kurtz & Scott voted to accept the motion. **20240904-07**

Kurtz introduced the following *RESOLUTION 2409-29 A CONTRACT WITH ATLANTIC EMERGENCY SOLUTIONS FOR ANNUAL TRUCK PUMP TESTING AND MAINTENACE* and moved it forward. NOW THEREFORE, BE IT RESOLVED, the Vermilion Township Board of Trustees approves and authorizes the Fire Chief to enter into a contract with Atlantic Emergency Solutions of 7900 Empire Parkway, Macedonia, OH for annual truck pump testing and maintenance. To be completed on Engine 821, Engine 822, Rescue 842 and Tanker 831 at a cost not to exceed \$12,872.00. Baughman seconded the resolution. Baughman, Kurtz & Scott voted to accept the resolution by emergency. **2409-29**

Kurtz introduced the following *RESOLUTION 2409-30 AUTHORIZING SPECIFIC EXPENDITURES FROM THE AMERICAN RESCUE PLAN ACT FUNDS (ARPA)* and moved it forward.

WHEREAS, the Board of Trustees has identified a project which, in the judgement of the Board, qualifies as a permitted use of the ARPA Funds, in direct support of governmental services, which consists of the following:

\*Emergency vehicle maintenance and repairs in accordance with Repair Order #5381 and Repair Order #5379 from L&M Towing, 7113 West River Road, Vermilion, OH 44089 at a total additional cost of \$3,476.09.00.

NOW THEREFORE, BE IT RESOLVED, by the Vermilion Township Board of Trustees that:

1. The Township elected to use the standard allowance by way of Resolution R2402-09 and its presumption of revenue loss due to the public health emergency and to use the amount herein to fund government services.
2. This Project is hereby authorized and shall be paid for from the ARPA Funds in the total amount of \$3,476.00.
3. The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely: a. Fire and Emergency Medical Services

4. Accordingly, the Project is in the best interest of the Township and is deemed a priority for the community.

5. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021. Baughman seconded the resolution. Baughman, Kurtz & Scott voted to accept the resolution. **2409-30**

Kurtz opened the floor to the audience.

Candidates for Erie County Commissioner Marcus Harris and Leslie Murray spoke.

Candidate for State of Ohio Representative, 89th District Alicia Roshong spoke.

Don Rowe of Kneisel Road asked about grant funding for cemeteries and what can be done about broken or missing headstones at Orchard Beach/Cuddeback Cemetery. He also asked for an update on the Novotny vs. Vermilion Township case. Kurtz stated a challenge with the cemetery is identifying who is in unmarked graves. Baughman noted 40% of the headstones show people under fourteen years-of-age, but many just have a name. Ohio House Bill 315 (currently going through the Ohio Senate) has monies for cemeteries. Kurtz said about the Novotny case, the Township has been trying to get this issue resolved for quite a few years. Because of where it has progressed to, the Township has to follow what the court and legal team has ordered. Baughman expressed there were many mistakes over the last three years, this case should have gone to the Vermilion Township Board of Zoning Appeals (BZA). No one on the current board was there at the time and Sexton has been working diligently. The trustees agreed this was not on Sexton. Kurtz said the court ordered Mr. Novotny to submit to Sexton a plan of proposal of a barrier that complies with the Township Zoning Code. A plan has not been submitted.

Nancy Hall of Stanley Road asked when the Novotny Market added their Drive-through, why was it approved without a barrier, but now it needs a barrier. Kurtz remarked there were a number of Conditional Use (permits) and Variances that had to be approved in order for the Novotny Market to move to its current location. Approval for all six was received. The Township bent over backward to help him out. There were two conditions on Novotny's part: 1) keep statuary and displays twenty-five feet from the public sidewalk and 2) install buffering all along the west property line which adjoins a residential property. At the time Novotny proposed planting a row of arborvitae. That was part of the zoning (code) which is separate from the building (code). The building code complied but the zoning code did not. Kurtz was the inspector at the time, but left. Other inspectors came in and now we are where we are. Hall continued by asking about building and zoning permits that don't seem to match the auditor's website. Kurtz explained the entries in the permit software were so mixed up, it was easier to start over. Therefore, some might look open or like duplicates. Baughman added he had the Conditional Use Certificate regarding the sidewalks and statues, then read the document. Baughman continued that every time Novotny meets a standard, the Township moves the goal posts. Years ago, Novotny submitted a plan, but it was not approved. Kurtz replied he would need to take a closer look at that certificate as there were many of these documents. All of these were submitted to the courts. Both the Erie County Common Pleas Court and the Erie County Appellate Court still ruled in favor of the Township. As this body, we need to follow what the court says. Which is, Novotny needs to submit a proposal within 90 days of the original Court of Common Pleas judgement minus the period of the appeal. Novotny stated when he responded within the timeframe to then Building & Zoning Inspector Baker regarding violations, he was only met with more violations. He has put up barriers that have been in-compliance, but then the rules change, why does he need to submit more plans. Kurtz responded many things have transpired and many people have been involved in four years. But where we are at

today, we have to follow what has been ordered by the court. Novotny replied the Board has the ability and the power to make this all go away. Kurtz said no one on the board agrees that a stack of pallets is a barrier or a fence. I think Mr. Sexton has given you some proposals of what you could do with the pallets which would be compliant. Novotny replied that he and Sexton discussed many possibilities, but he has never been told why he is not compliant. He was told he could not use pallets, but state law says I can use pallets. Kurtz reiterated the court order said you need to submit a plan to Mr. Sexton showing how you are going to come into compliance with the Township zoning code. Baughman stated perhaps what was needed was all the residents involved need to meet with our legal team.

Kurtz announced the next meeting would be Wednesday October 2nd, 2024 at 6:30pm

Baughman made a motion adjourn at 7:25pm. Kurtz seconded the motion. Baughman, Kurtz & Scott voted to accept the motion.