

**RECORD OF PROCEEDINGS
MINUTES OF SPECIAL MEETING
JANUARY 28, 2013**

The Medina Township Board of Trustees met in special session on January 28th, 2013, to conduct the business of the Township. Vice-Chairman Jarrett called the meeting to order at 6:03 pm with the following Trustees in attendance: Ray Jarrett and Ken DeMichael. Michael Todd was absent. Also in attendance were the Fiscal Officer, Police Chief, Fire Chief, Road Foreman, Asst. County Prosecutors, Brian Richter and Tom Karris. There was no general public.

Roll Call

Mr. Jarrett asked for a roll call of all members present. Trustees present were Mr. Jarrett and Mr. DeMichael. Mr. Todd was absent.

Executive Session

Mr. Jarrett motioned to enter into Executive Session for imminent litigation with our Prosecutors Office, with Tom Karris, Brian Richter, Trustee Ken DeMichael, Trustee Ray Jarrett and Chief Arbogast at 6:04pm. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Jarrett and Mr. DeMichael.

The Board reconvened from Executive Session at 6:20pm. No decisions were made during that meeting.

Deacon Claim Settlement

Mr. Jarrett motioned for the Prosecutor's Office to settle a pending claim with Lawrence Deacon in the amount of \$1,400.00. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Jarrett and Mr. DeMichael.

Road Foreman Truck Use Policy

The Trustees discussed the request from Denny Miller, Road Foreman, asking for permission to take the Township pickup truck home instead of using his personal vehicle to respond to storm damage, fire calls, etc. Mr. Richter said there is no policy but suggested the Board form a policy. He said they have to be very careful when drafting this policy. There may be tax issues, complaints when the vehicle is seen outside of the township or after hours. The Board will have to decide what the parameters are going to be. Is the Board going to allow him to respond to fire calls? Mr. Jarrett asked if there are any other townships that allow their vehicles to be taken home. Mr. Jarrett is also concerned with the insurance end of this type of policy. Mr. Miller said sometimes he is called out to the Remsen property, in the evening, when there are problems and also he responds to storm damage in the evening. Mr. Jarrett wants to be sure there is no conflict in the employee handbook. Mr. DeMichael spoke with the insurance people and was told it would not be an issue but they must be informed come renewal time where the vehicle will be parked. Mr. Miller said it would be parked in his garage. Mr. Jarrett said Mr. Miller will need to keep an inventory of what tools will be kept in the vehicle. Mr. Richter said Trustees have to be sure it is used for township business only. The clock would not start for him until he got to the worksite and Mr. Jarrett asked him to keep a mileage log. Mr. Jarrett said he would like to do this on a 1-year trial basis. Mrs. DeHoff said the IRS discussed employer issued vehicles for employees at the UAN Seminar. Mr. Richter will draft a policy.

DISCUSSION OF VARIOUS LEASES AND CONTRACTS

Mackin, Comprehensive Plan Consultant

Mr. Karris said there were issues with the contract from the Comprehensive Plan Consultant, Mackin. It has to do with indemnification, limiting liability, certificate of merit and attorney's fees. Mr. Karris will move forward and contact Mackin to discuss the issues.

DISCUSSION OF VARIOUS LEASES AND CONTRACTS CON'T

Ohio Billing Contract

Mr. Karris just said he thought the Ohio Billing contract was resolved. Mr. Thorne had several issues with the contract. Mr. Karris needs the contact information so he can contact them and try to resolve the issues.

Karvo Paving

Mr. Karris just received the letter regarding the inferior road material used by Karvo Paving. The Township and Karvo had the material tested. The Township also used an independent tester for a third opinion and the material failed. The County Engineer had the same issue with the material. Mr. Richter and Mr. Karris will proceed to discuss this directly with Karvo.

Hooka Bar/Tobacco Shop

Mr. Karris spoke with the Zoning Inspector regarding someone wanting to have a Hooka Bar and Tobacco Shop in Plaza 71. There are certain regulations regarding public places that allow smoking governed by the Health Department. Essentially 80% of their revenue has to come from the sale of tobacco products or tobacco related products before you can have any smoking within the confines of a public place. The most important thing is that the smoke cannot permeate any other part of the Plaza. Mr. Karris will send a letter with his opinion.

Frontier Lease

Mr. Richter will follow up with Dean Daniel regarding the Frontier Maintenance Contract.

Fire House Contract

Mr. Richter is aware of the Fire House Contract. He has a call in to the contact person.

Tech-One Contract

Mr. Richter read parts of the Tech-One Contract and he will contact James of Intech to go over the issues with the contract.

Remsen Road Property Lease

Mr. Richter asked for verification of the address and description of the building for Medina Soccer Association and the rest of the building. He needs to know who is going to do the snow-plowing, landscaping and general maintenance of the building. Mr. Richter already has made a draft of a lease and he will incorporate the necessary information to the final draft of the lease for Trustees to review. He also suggested talking to the Auditor's Office to be sure the building is tax exempt. Mr. Miller asked who is liable if someone falls. Mr. Karris said they should have their own insurance. Mr. Richter needs clarification regarding MSA subletting their space and how will it be monitored. Mr. Richter read the previous minutes (7/5/12 and 10/11/12) regarding MSA. Mr. Richter will make the changes and send a draft of the lease to the Trustees for review.

Mr. Jarrett said there are eight items the Prosecutors will be working on for the Township: The Mackin Contract, Ohio Billing Contract, Karvo Paving, Hooka Smoking, Frontier Contract, Intech (TechOne) Contract and the draft of the lease for the Remsen Building.

ADDITIONAL DEPARTMENT HEAD COMMENTS

Amount of Hours Part-time Employee Can Work

Chief Crumley said because of the affordable health care act he needed to know how many hours an employee can work. Mr. Karris said there will be an audit period in 2013 to determine how many hours can be worked by an employee before health care must be offered. Right now they cannot go over 30 hours a week (1499 per year). If an employee works 40 hours one week then he has to cut back on his hours the next week.



ADDITIONAL DEPARTMENT HEAD COMMENTS CON'T

Fire Department Mutual Aid Reimbursement

Chief Crumley said he and Chief Painter, Medina City Fire Chief, currently are staffing an engine company from 8am to 4pm Monday through Friday. There is a countywide mutual aid agreement. On mutual aid, the Chief usually requests what departments they want to respond to the call. What Chief Crumley and Chief Painter want to do is put in an agreement for automatic aid to the staffing crew. He asked if they should go with an automatic aid agreement or a Memorandum of Understanding. Montville Township contracts with Medina City. Because we don't have a contract, when we respond mutual aid to the City or Montville Township, we do not get reimbursed. With an automatic aid contract we will automatically be dispatched for every call, no matter where the area is. He said he doesn't think they want to limit the service area just to Medina City or Medina Township. Chief Crumley said what he and Chief Painter wants is to automatically respond to all calls for Medina City and Montville Township. Ray Jarrett said an automatic aid agreement would be best. Chief Crumley will prepare an agreement and bring it to Mr. Karris to approve.

Mr. Jarrett motioned to adjourn the meeting at 8:10 pm. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Jarrett and Mr. DeMichael.


Linda DeHoff, Fiscal Officer


Ray Jarrett, Vice-Chairman

Ken DeMichael, Trustee