

**RECORD OF PROCEEDINGS  
MINUTES OF REGULAR MEETING  
DECEMBER 3<sup>RD</sup>, 2015  
7:00 PM**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on December 3<sup>rd</sup>, 2015, to conduct the business of the Township. Chairman DeMichael called the meeting to order at 7:02 pm with the following trustees in attendance: Ken DeMichael, Bill Ostmann and Ray Jarrett. Also in attendance were Fiscal Officer Linda DeHoff, Fire Chief Mark Crumley, Police Chief David Arbogast, Road Foreman Denny Miller, and the general public.

**Roll Call**

Mr. DeMichael asked for a roll call of all members present. Trustees present were Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**Pledge**

Mr. DeMichael led the Pledge of Allegiance to the flag.

**Moment of Silence**

Mr. DeMichael asked for a moment of silence for our military personnel both here and overseas and some of the unfortunate events going on in this country and around the world.

**SITE PLANS**

**Vast Nail and Spa – 3587 Reserve Commons Drive – Wall Sign**

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and approve the wall sign for Vast Nail and Spa located at 3587 Reserve Commons Drive, not to exceed 29.94 square feet as presented. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**Akron Children’s Hospital OTPT – 3443 Medina Road - Site**

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and approve the change of use for Akron Children’s Hospital OTPT, located at 3443 Medina Road, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

**OTHER BUSINESS**

**Executive Session for Employee Discipline**

Mr. DeMichael motioned to go into Executive Session to discuss employee discipline with the three (3) trustees. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett. The Board entered into Executive Session at 7:06 pm. The Board reconvened at 7:32 pm. No decisions were made during that meeting.

**Erica Graffain, Representative for Medina County Auditor**

Erica Graffain reported that dog tags went on sale and it was kicked off with their Top Dog Essay Contest winner. The weights and seal contest is over. You can see the seals on the Auditor’s website. The CAUV farm renewal program applications were mailed and are due the first Monday in March. Tax bills will be created between Christmas and New Year’s. If you buy a ten year dog license and your dog passes away you cannot get a refund.

**Executive Session for Employee Discipline**

Mr. DeMichael motioned to go back into Executive Session with the three (3) trustees and Chief Arbogast still for employee discipline. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett. The Board entered into Executive Session at 7:35 pm. The Board reconvened at 8:27 pm. No decisions were made during that meeting.

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## **OTHER BUSINESS CON'T**

### **Then and Now Purchase Order**

Mr. DeMichael motioned to approve then and now purchase order for Greater Cleveland Partnership. The total amount is \$400.00. This is for COSE membership renewal for 2016. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

### **Approval of Accounts Payable**

Mr. DeMichael motioned to approve accounts payable check #26764 through check #26809 dated November 19, and separately, check #26810 through check #26837 dated December 3, 2015. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

### **Approval of Payroll**

Mr. DeMichael motioned to approve payroll check #20909 to check #20963, total amount \$44,465.59 with \$5,895.63 being deferred and that is dated November 19, 2015, and separately, payroll for December 3, check #20962 through check #21026 total amount \$51,742.44 with \$6,940.29 being deferred. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

### **Approval of October Bank Reconciliation**

Mr. DeMichael motioned to approve bank reconciliation dated October 31, 2015, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

### **Approval of Minutes**

Mr. DeMichael has not had a chance to review the minutes so they were tabled.

## **OLD BUSINESS**

### **Dog Barking Resolution**

Chief Arbogast gave the trustees comments from the Prosecutor's Office and one recommendation is to suggest to people that it is a civil matter. One of the obstacles the Township would have to overcome, if they adopt a resolution, is what is unreasonable. If you do adopt a resolution he would need to talk to the parties involved with the barking dogs to successfully prosecute it. The memo states that because you have a resolution it does not necessarily mean the Prosecutors Office or the Municipal Court has any requirement to take any of these cases we would present to them. Chief Arbogast said if we do move forward, for successful prosecution, the Prosecutor would need audio and video taping of the events to prove beyond a reasonable doubt there is an issue. The burden of proof is much higher in a criminal suit. Mr. Ostmann asked if we could prosecute if we had our own Law Director and was told no, because we will still be going into Municipal Court. Chief Arbogast said if Trustees do pass the resolution they would work diligently with the residents to educate them on what we would need to prosecute the case. Again, the Prosecutor and the Court have no obligation to take or hear the case. Mr. DeMichael asked the Chief to contact Montville and Hinckley Townships and ask if they have prosecuted this type of case successfully. Township Police Officer Ventura said the resolution would be a useful tool to curtail events and see how it plays out. Dan Tizzano (5021 Grande Blvd) would like the Trustees to pass the resolution even if they run into difficulties with the ability to prosecute it because it may be a deterrent.

### **Field Naming Rights for Blakslee Park Ballfields Only**

This is tabled until the trustees review the information they have.

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## **OLD BUSINESS CON'T**

### **Route 18 Islands**

Mr. Ostmann read an article in the Post that stated the Montville Township trustees are abandoning the idea for islands on SR 18 and are talking about beefing up the landscaping along the south side of SR 18, which they say is theirs. Mr. Ostmann's concern is that they are claiming this is all in Montville Township and it is not, it is in Medina Township. If they are going to beef up the landscape on the south side, which is in our township, he wants them to agree to maintain it. He would not be against it because it won't be in the middle of the road. Mr. DeMichael said he spoke to Ron Bischof and was told he wanted to talk to trustees regarding the landscaping on the outside rather than in the middle of the road but, he wants to do it in Executive Session and trustees don't think they can do that. Trustees will check with the Prosecutor. They may have to hold another joint meeting.

## **OTHER BUSINESS**

### **Department Reports**

Mr. DeMichael motioned to approve the department reports for October and for November. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

### **Office for Older Adults**

Mrs. Gardner reported that there will be special activities for the week of December 14 through the 18 at the Office for Older Adults. December 14, Treasurer John Burke will be playing Christmas songs on the piano. Friday they will have the ham lunch, call for reservations. The New Year's Eve Party will be December 30 and they will have a pork and sauerkraut lunch for \$3.50.

### **Weymouth Preservation Society**

Mrs. Garner said sixty (60) tickets have been sold for the WPS Tea. Mrs. McKiernan has gotten liability insurance from Bracken Insurance. An anonymous donor paid for the four (4) fans that were needed and now they will just have to pay for the lights.

## **PURCHASE ORDERS AND TRAINING REQUESTS**

### **Fire Force – Boots and Turn-out Gear**

Mr. Jarrett motioned for a purchase order requisition in the amount of \$2,495.00 for the Fire Department. Vendor information is Fire Force out of Hudson Ohio. This is for two (2) pair of FireDex boots and one (1) set of firefighter turnout gear. Mr. DeMichael seconded the motion. Chief Crumley said we have two (2) guys who need new boots and one (1) guy that needs turn out gear. Voting aye thereon: Mr. Jarrett, Mr. DeMichael and Mr. Ostmann.

### **Amazon – iPad's for Brunswick Fire Department**

Mr. Jarrett had a question regarding the PO for the iPad's for Blue Card training for Brunswick firefighters. Chief Crumley said Brunswick sent a check for the cost of the Blue Card training and the iPad's that we will purchase but Mrs. DeHoff said it cannot be used because it was not appropriated. You cannot use monies received that have not been appropriated. Mr. Jarrett said he needs a PO made out to Amazon and asked that this be tabled until the next meeting.

### **OTA Winter Conference for Fiscal Officer Elect**

Mr. Ostmann motioned for a purchase order requisition. Vendor information is the OTA Winter Conference and the department is admin, this is for the Fiscal Officer Elect for the amount of \$800.00. Mr. Jarrett seconded the motion. Mr. Jarrett asked if we are setting a precedent sending the newly elected Fiscal Officer. Mr. Ostmann said legally we are allowed to do this and it was in the Grassroots Clippings from The OTA. There are seminars that a newly elected Fiscal Officer should attend. Mr. DeMichael thought the last PO that was approved was for the newly elected Fiscal Officer but he was told it was to send our current Fiscal Officer. Voting aye thereon: Mr. Ostmann, Mr. Jarrett and Mr. DeMichael.

**PURCHASE ORDERS AND TRAINING REQUESTS CON'T**

**Goodyear Commercial Tire – Truck #16 - Service Department**

Mr. DeMichael motioned to approve a purchase order requisition for our service department. Goodyear Commercial Tire is the vendor, this is for four (4) Goodyear tires for truck #sixteen (16), \$770.90 is the total. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**Computer for Special Events Coordinator**

Mr. DeMichael said the quote Mrs. Shoemaker gave him for a new laptop was higher than previously presented. Mrs. Shoemaker said she couldn't compare apples to apples because Dell could not even come close to Intech. Mr. Jarrett asked what the cost of the original laptop was. Mrs. Shoemaker will get him that information. Mr. DeMichael asked what was needed to bring the computer up to what she wanted. She said it is just the software and the configuration of the guts of it. The Adobe software is \$300.00 stand alone. Mrs. DeHoff said this was not budgeted for this year and she would have to move money. Mr. DeMichael said there are two (2) monitors and that makes a cost difference. She said one has a 23" monitor and a 14" monitor. Mr. DeMichael said we need to bring the cost down from \$3,000.00.

**DEPARTMENT COMMENTS**

**Police Department**

Chief Arbogast said the White House and Governor's Office is mandating all Police Officer's to go through eleven (11) hours of training entitled "Policing in the 21<sup>st</sup> Century. It will begin next year. The first phase deals with community relations, crises de-escalation and constitutional use of force. Also, he has put in applications to see if we would be accepted in the Department of Homeland Security Training Center seminars, one is Leadership through Understating Human Behavior in February. We were awarded a JAG Grant that needs to be accepted for \$21,161.33. It is to enhance video tape ability. We have cameras in all the cars and a server. They have approved a dedicated server and two (2) cameras. The shared grant with Montville Township has been renewed.

Mr. Ostmann motioned that we approve the JAG Grant in the amount of \$21,161.33. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Ostmann, Mr. Jarrett and Mr. DeMichael.

Chief Arbogast said Officer Linsker was on his way to an accident with injuries, lights and sirens, was in the intersection when he was hit by a car and his car was spun into the devil's strip. The insurance company totaled the car. Mr. Miller stripped out the usable parts of the interior of the car. The other car was cited for failure to yield to an oncoming emergency vehicle.

**Dispatch Contract**

The dispatch contract was tabled until the next meeting so trustees can review it.

**Fire Department**

Chief Crumley wanted to remind the community to be sure to have carbon monoxide detectors, especially if you have gas, woodburners, chimneys or propane. Carbon monoxide detectors have to be replaced every seven (7) years. This is the time of year when auxiliary heating is used and it is the leading cause of fires. There was a 911 call where a family was overcome by carbon monoxide and thanks to their dog getting ill they were able to call 911. They did not have carbon monoxide detectors. He commended Capt. Roberts and the firefighters that responded for doing an excellent job on that call. Mr. DeMichael asked how much money was left from the Home Depot grant that was received. Chief Crumley said about \$1,800.00. Chief Crumley said the grant is geared to helping the veterans and senior citizens in our township. They are trying to get a list of veterans that live in the township. They will replace batteries and detectors. The Fire Department uses zoominternet.net, which the township does not own, for their e-mails. Julie Riffle contacted our webmaster Melanie Miguel to find out if we can set up e-mail accounts on the web and put it on the fire department server. The cost would be \$5.00 per month and there will be a set-up charge. The trustees approved. Medina Township Firefighter's will be making phone calls to our older residents to be sure they have smoke and carbon monoxide detectors.

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## DEPARTMENT COMMENTS CON'T

### Service Department

Mr. Miller put all the items on Gov.Deals except the salt spreader. He said he can trade the salt spreader in on the new truck he is having built.

### Special Events Coordinator

Mrs. Shoemaker asked everyone to say prayers for Elaine's Mom because she is ill.

### Alliss Strogin – Zoning Chairwoman

Mrs. Strogin said Mac Overmyer, Zoning Commission Board Member, had a stroke and he is in Parkside Villa in Middleburg Heights for rehabilitation.

## NEW BUSINESS

### December 17<sup>th</sup> Trustee Meeting Date Change

Mr. DeMichael motioned to change the December 17<sup>th</sup> trustee meeting to December 16<sup>th</sup> at 7:00 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

### Authorization for Fiscal Officer to Prepare Accounts Payable Checks for December 31<sup>st</sup>, 2015, Meeting

Mr. DeMichael motioned to authorize the Fiscal Officer to prepare accounts payable checks for December 31<sup>st</sup>, 2015, meeting, I motion as such authorizing her to do so because or to prepare the accounts payable checks for regular meeting dated December 31<sup>st</sup>, 2015, because the meeting falls on New Year's Eve. There will be no meeting for that date. Trustees will then approve the checks by vote at the January 14<sup>th</sup> 2016, Trustees meeting. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

### Authorization for Fiscal Officer to Prepare Payroll Checks for December 31<sup>st</sup>, 2015, Meeting

Mr. DeMichael motioned to authorize the Fiscal Officer to prepare payroll for the pay dated December 31<sup>st</sup>, 2015, and to allow those funds to be directly deposited as usual to Township employees. Trustees will not have a regular meeting on December 31<sup>st</sup>, 2015, however the Trustees will approve the payroll at the next regularly scheduled meeting which is January 14<sup>th</sup>, 2016. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

### Organizational Meeting Date and Time

Mrs. DeHoff asked if the Organizational Meeting can be started at 6:00 pm on January 4<sup>th</sup>.. Mr. DeMichael said they will discuss it at the next meeting.

### Resolution for Sale of Materials with the County Engineer

#### **Resolution No. 12032015-022**

Mr. DeMichael motioned to put forth the following resolution No. 12032015-022:

The parties hereto intend to enter into this agreement, pursuant to the authority granted in ORC 307.15. The Board of Township Trustees agrees to purchase and the Board of Commissioners of Medina County agrees to sell such materials as from time to time may be required for the construction, maintenance or repair of any township road or building.

The price of the aforementioned materials to the township shall be the purchase price and any expenses incurred in such purchase by the Board of Commissioners.

The Board of Commissioners hereby authorizes the Medina County Engineer to handle the purchase and sale of such materials to the township as specified above.

This agreement shall become effective on the first (1<sup>st</sup>) day January 2016, following the signing by both parties, and will expire on December 31<sup>st</sup>, 2016. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Mr. DeMichael said Commissioners requested the names of employees responsible for ordering from the Engineer. Mr. DeMichael motioned to name Ed, Jeff and Denny, Denny Miller, Ed Kerr and Jeff Kessler. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**Community Energy**

Mr. DeMichael asked if Trustees had reviewed the information he received from Rick Davidson of Community Energy. Mr. Davidson put together a proposal on how much money the township could save on utilities by joining this group. Mr. DeMichael said it was a substantial savings of \$4,100.00 per year. He said that includes everything but the Remsen Building. Mr. Davidson handles all the natural gas aggregation for the seventeen (17) townships and all the Medina County Buildings. This is not a contract. Mr. Jarrett asked what was being approved. Mr. Ostmann said Trustees are approving looking into this program. Mr. Jarrett asked why the Remsen Building wasn't included. Mr. DeMichael said it would be stating the obvious. Mr. Jarrett asked if these were just Mr. Davidson's estimates and that a contract would be needed and approved by the Prosecutors Office.

Mr. DeMichael motioned to make myself the person to sign for the township and approve the letter of exclusivity for Community Energy Advisors. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**PUBLIC COMMENT**

Mr. DeMichael motioned to open the floor for public comment. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Sally Gardner (3333 Foskett Road) said she was surprised to see that Foskett Road was restriped since it will be repaved next year. Also, she is embarrassed that Medina Township has not recognized the turkey bowl because they have raised over \$1million dollars.

Chief Arbogast said Your's Truly Restaurant has a pancake breakfast on Thanksgiving Day for Hospice of Medina County and they raised \$11,000.00.

Matt Galla (3503 Hamilton Road) said there is a dog kennel on Foskett Road and suggested contacting the Brunswick Hills Police Department to see if they get dog barking complaints. Also, he asked if there are any plans in place if there is an active shooter issue. Chief Arbogast said there is.

Matt Ventura asked how long the turkey bowl has been going on and was told said since 2000.

Matt Galla (3503 Hamilton Road) said the turkey bowl is run by Bill Biegel.

Denny Miller said Foskett Road is not on his list for roads to be striped so it must have been striped at no cost to the township.

Mr. DeMichael motioned to close the floor for public comment. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**Executive Session to Discuss Employee Discipline**

Mr. DeMichael motioned to go into Executive Session to discuss employee discipline with the three Trustees and Kris Herbst. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett. The Board entered into Executive Session at 9:53 pm. The Board reconvened at 10:38 pm where Trustees discussed employee discipline with the three Trustees and Kris Herbst. No decisions were made during that meeting.

**Dismissal of Kris Herbst**

Mr. DeMichael motioned to let Kris go. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

**Executive Session to Discuss Employee Compensation**

Mr. DeMichael motioned to go into Executive Session and discuss employee compensation with the three Trustees and Laurie Shoemaker and Linda DeHoff. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann. The Board entered into Executive Session at 10:40 pm. The Board reconvened at 11:37 pm from executive Session where we were discussing employee compensation with the three Trustees, Fiscal Officer and Laurie Shoemaker. No decisions were made during that meeting.

**Executive Session to Discuss Consideration of Sale of Property by Competitive Bid**

Mr. DeMichael motioned to go into Executive Session to discuss the consideration of the sale of property by competitive bid with the three Trustees and Fiscal Officer, Linda DeHoff. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann. The Board entered into Executive Session at 11:39 pm. The Board reconvened at 12:02 am from the Executive Session for the sale of property by competitive bid with the three Trustees and Fiscal Officer. No decisions were made during that meeting.

**Executive Session to Discuss Employee Discipline**




Mr. DeMichael motioned to go into executive Session with the three Trustees, Celia Goe and Laurie Shoemaker. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett. The Board entered into Executive Session at 12:02 am. The Board reconvened from Executive Session at 1:03 am where employee discipline was discussed with the three Trustees and Celia and Laurie. No decisions were made during that meeting.

**Feeding Medina County**

Mr. Jarrett received a letter from Feeding Medina County thanking the Township for their donation of 276 pounds of food for the food pantry (see attached).

Mr. DeMichael motioned to adjourn the meeting at 1:04 am (12/4/15). Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

  
Linda DeHoff, Fiscal Officer

  
Ken DeMichael, Chairman  
  
Bill Ostmann, Vice-Chairman  
  
Ray Jarrett, Trustee