

# KINGSVILLE TOWNSHIP TRUSTEES REGULAR

**June 23, 2010 - 7:00 pm – FIRE HALL**

The June 23, 2010 regular meeting of the Kingsville Township Trustees was called to order by Mr. Douglas Reed, Chairman, followed by the Pledge of Allegiance. Mr. Reed made a motion to waive the reading the minutes of the June 8, 2010 regular meeting and approve them as presented; motion seconded by Mr. Dennis Huey; all yes. Copies of all the minutes were available.

**CORRESPONDENCE:** Received – 1) Mr. Huey received an informational letter from the Western Reserve Heritage Society about upcoming events. 2) Mr. Huey received an informational letter from the Ashtabula County Trustees about their annual fish fry.

**PUBLIC COMMENTS AND CONCERNS:** 1) Mr. Fred Dreslinski of Kingsville TWP asked how things were progressing with Shelly & Sands regarding a new permit for the new job on I-90 they were awarded. Mr. Huey and Mr. Ensmann stated that they will address that in old and new business. 2) Denise Lamson voiced her dismay and great disapproval of things that occurred at the recent Zoning Appeals Hearing. She stated that the way the Zoning Board spoke to and about the Trustees was completely inappropriate. She stated that many things that were brought up were completely out of bounds and off topic of anything dealing with the hearing.

**OLD BUSINESS:** 1) Neal gave his recommendations for which stone and dust control bids to go with: **For #304** – He wants to use the alternate bid of Nelson Sand & Gravel in cooperation with Shelly & Sands delivering to Buie Road of approx. 3500 Yds @ \$14.00/YD. If this fails to happen whether for materials or in the time stated in the bid, Neal wants to go with KinderMorgan/Pinney Dock for the #304 tailgated onto Buie Road via Semi Dump Truck @ \$13.98/NT.

**For Dust Control** – Neal wants to go with the bid from Suit-Kote for 20,000 gallons of MC-70 delivered and applied to township roads @ \$2.878/gal. Or 20,000 gallons of CRS-2 delivered and applied to township roads @ \$1.826/gal.

**For the #57, #67, #8 Washed Limestone Aggregate** delivered to TWP stockpile area via semi dump truck – Neal wants to go with KinderMorgan/Pinney Dock @ \$17.34/NT.

2) The Fiscal Officer presented a letter to send to the Bradshaws concerning the trash and conditions of the building on the corner of Rt 84 and Rt 193 for review. With a small addition, the letter was considered alright to send out. 3) Mr. Reed reported that the paperwork for the OPWC Grant for Green Road was submitted to the County Engineer's Office. 4) Mr. Jim Branch gave report on the asphalt plant and the related zoning permits. After much review and after seeking council from the Ashtabula Co. Prosecutor, the conclusions were that the Zoning Inspector and the Trustees cannot stop Shelly & Sands from doing the Mill & Fill project they were awarded using the current asphalt plant and current Temporary Use Permit for that job. If any job falls within the specified time frame of a Temporary Use Permit, it cannot be stopped. However, they signed the permit with those conditions added, so if they violate the conditions, the Township could try and pull the permit through the courts. But, per the Prosecutor, it would be a very hard thing to enforce. In addition, Mr. Branch was told that he and the Trustees cannot attach additional conditions and rules to an approved Temporary Use Permit. The type of permit that needs to be used in this circumstance is a conditional use permit, but the text needs to be revised to address these things. 5) Mr. Huey announced that the Heritage Society has offered to purchase 3 cast iron benches for the park at a cost of \$175.00 each. They request that the township join them and approve purchasing 3 additional benches for a complete set of 6. The benches would need sand blasted and refinished. Gainer Auto Body would be contacted to see what cost, if any, that this would be. It was suggested that the current cement benches be repurposed at Lulu Falls Cemetery to provide seating there. 6) Mr. Huey reported that Randy Jones told him that the Zoning Commission has planned a public meeting on Monday, the 28<sup>th</sup>, for the purpose of revisiting the Zoning Text. They will be mailing out information postcards to residents on this and would like the Trustees to be present. He will pay for the cost of postage @ \$238.78, but would like to be reimbursed. 7) Mr. Huey said that Neal got him the prices on those things for the Fire Department that the lawyers have been waiting for. He forwarded that on to Att. Piper and Mr. Sartini. One of them will call him when there is any follow up. 8) Mr. Branch and Mr. Huey both gave report on the Appeals Hearing for Mr. Tom Burris. At the hearing, the Board of Appeals decided that they would overrule Mr. Branch's decision to deny naming the structure on Mr. Burris' property as agricultural. They ordered Mr. Branch to issue an agricultural "permit" to Mr. Burris as well as refunding him all of his money/fees paid to go through this appeals hearing. This will be addressed further in new business. 9) Mr. Reed confirmed with Neal that Dust Control would start as soon as possible now that the bids have been received and, after tonight, awarded. Neal said as soon as materials and equipment from the companies is available it will begin.

**NEW BUSINESS:** 1) Mr. Reed moved to accept the following bids: **For #304** –The alternate bid of Nelson Sand & Gravel in cooperation with Shelly & Sands delivering to Buie Road of approx. 3500 Yds @ \$14.00/YD. If this fails to happen whether for materials or in the time stated in the bid, to go with KinderMorgan/Pinney Dock for the #304 tailgated onto Buie Road via Semi Dump Truck @ \$13.98/NT. **For Dust Control** –Suit-Kote for 20,000 gallons of MC-70 delivered and applied to township roads @ \$2.878/gal. Or 20,000 gallons of CRS-2 delivered and applied to township roads @ \$1.826/gal. **For the #57, #67, #8 Washed Limestone Aggregate** delivered to TWP stockpile area via semi dump truck –KinderMorgan/Pinney Dock @ \$17.34/NT.; Mr. Huey seconded; all yes. 2) Mr. Reed moved to buy 3 park benches at \$175.00 each to match the 3 that the Heritage Society wants to purchase; Mr. Huey seconded; all yes. A thank you was verbalized to the Heritage Society members present for the upcoming gift of the three benches. 3) Mr. Reed moved to reimburse Randy Jones for the postage of Zoning Commission mailers at a cost of \$238.78; Mr. Ensmann seconded; all yes. 4) Neal wants to hire Randolph Tree Service to take down and remove the dead tree in the park at a cost of \$450.00.

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5) Mr. Reed moved to approve hiring Randolph to remove the tree in the park; Mr. Huey seconded; all yes. 6) Neal reported that a lot of general road work was being done. Chip and Seal on Dibble and Stevens was done and a few other roads were almost done. 7) Neal reported that 3 women had passed the EMT classes and still need to take their certification testing but due to financial restraints were unable to. He requests that the Trustees approve paying for the tests since they paid for the classes and also reminded the Trustees that they get reimbursed for this with state grants. 8) Mr. Ensman made the motion to approve paying for the EMT testing for all three women at a cost of \$150.00 each; Mr. Reed seconded; all yes. 9) Neal stated that the people who used the park for a wedding left it a mess. The library girls cleaned it up since they needed it for their function the next day. The policy for use of TWP property and items needs to be redone and changes made including a refundable deposit. This will be discussed further. 10) Mr. Branch stated that he needs more permits and will order them through Great Lakes Printing. 11) Mr. Huey gave report on the reaction from the Prosecutor's office about how and what occurred at the Zoning Appeals Hearing for Mr. Tom Burris, after being informed about it. The response was that the hearing was "improperly held and improperly run". Mr. Burris was not even present. All persons on the BZA and those in attendance are to be allowed to see the entire property in question as a group. "Their ruling was not correct due to incorrect procedures." "They have no authority to order the Zoning Inspector to give a permit and no authority to issue or order the issue of fee refunds." The Assistant County Prosecutor told Mr. Huey that the Trustees "better appeal this ruling." In fact, she will draw up a letter to send to the Ashtabula County Court of Common Pleas/Appeals on this manner. In the mean time, we need to contact OTARMA about this appeal and see what our policy with them involves concerning this type of situation. 12) Mr. Huey made the motion to file an appeal with the Ashtabula County Court of Common Pleas/Appeals concerning the Burris Appeals Hearing results; Mr. Ensman seconded; all yes.

**SAFETY CONCERNS:** none

<b>FINANCIAL REPORT:</b>	Receipts	\$ 5,258.33
	Expenses	\$ 31,624.79
	Balance	\$ 532,021.38

Mr. Huey moved to pay the bills; motion seconded by Mr. Ensman; all yes.

With no further business to address, Mr. Reed moved to adjourn the meeting; seconded by Mr. Ensman; all yes.

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Doug Reed, Chairman

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Deborah Ball, Fiscal Officer