

>>>BLOOM TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING 10/26/05<<<

Joseph Smith, Chairperson, called the meeting to order. Members present were Trustees Smith, Larry Coyle, David Petty and Carol Moore, Clerk. Also present were Anne Darling Cyphert, Board Office Admin. & Bldg/Zoning Admin; Tom Scholl, Road Department Superintendent; Terry Gill, Fire Chief; and several interested citizens. Smith led in reciting the Pledge of Allegiance.

**PUBLIC COMMENT:**

- Mark Mitchell of Lora Lane said he had received a letter in the mail from one of the candidates for trustee that says Eagles Nest has filed a lawsuit against the township in the millions. (See attachment A.)

At the request of Board Chair Smith, Cyphert read aloud a letter from the township attorney, Jerrold Schwarz, which stated there has been no such lawsuit filed against the township as of today.

Scott Wayland of Eagles Nest said that both Federal and State actions are being filed against the township. Upon further questioning by Coyle for clarification, Weyland indicated that Eagles Nest has not filed a lawsuit as of the date of this meeting.

Mike Orabella of Alspach Road said he wants it "on the record" that at the time the letter was distributed, the information was not true. He said he received his letter several days ago.

Smith asked Ellinger if he wanted to respond.

Ellinger said that he had talked to 3 or 4 people and the word was a lawsuit had been filed. Ellinger apologized and said the letter is pretty explanatory and states his position.

Mike Orabella asked for clarification from Ellinger. Ellinger said he had heard from 4 or 5 people since Phil Crist has been working on his campaign that he is in the hip pocket of the Eagles Nest. He wanted people to know that is not the case.

Cyphert reported that she has met with Wayland and explained to him the zoning classifications his facility could fit under if he applied for a zoning change. She said it was a cooperative meeting and she thought a lot was accomplished.

Ellinger said he had asked Weyland if he needs to have alcohol on the premises and Weyland had told him he thinks they could live without it, both beer and alcohol. Ellinger said he thinks that was a major accomplishment.

Joe Smith pointed out that Ellinger took the time to talk to Scott Weyland of Eagles Nest, but did not talk to the neighbors who live out there. Smith said Ellinger only looked at one side of the issue.

Ellinger said everyone should sit down and discuss the issue. Cyphert said that we still have to follow the zoning resolution. Ellinger said he and Cyphert were going to sit down to discuss the specific issues. He said as he sits here he does not know what the specific issues are.

Smith and Cyphert both referenced an *Agreed Entry* filed in Common Pleas Court in January that Weyland and the township had agreed to regarding future activities at Eagles Nest. (See attachment B.)

Brian Randles of Salem Church Road asked Ellinger that if he was working toward making a solution, and if the lawsuit had not been filed, then why would he upset these township residents by sending this letter. Ellinger interrupted to say that he had already apologized. Randles continued, saying that, to him, that is not looking for a solution, that is creating a problem.

Ellinger said that if he had written the letter this week, then it would have been correct. Weyland added that it is his understanding the federal lawsuit is imminent.

Mike Orabella said the zoning should still be followed and the neighbors are entitled to peace in the neighborhood. He said just because your intentions are good, it doesn't mean you can ignore the law. He said if someone wants to go to court to change the zoning, that is fine, everybody gets to state their case. He said the residents in the area are interested in living a decent life. He said that does not include motorcycle racing in his backyard; it does not include concerts and auctions and other events that impede his ability to enjoy his own backyard. If someone wants to challenge that, then it needs to be done according to the law. He said he doesn't want this to get mired in political nonsense that's intended to get people elected as opposed to solving his problem.

Judy Beery of Alspach Road asked Cyphert what would a zoning change include. Cyphert explained it would be a request to change the zoning from RR (rural residential) to a Business Zoning that would allow a recreational area. She outlined the process. Discussion about whether or not Eagles Nest is a school. Smith said that it still needs to be determined if Eagles Nest is a school.

Smith asked if there were any other comments.

- John Herman of Rockmill Road addressed the trustees about a recent Regional Planning Commission meeting on growth in the county and how RPC's plan would involve Bloom Township. He said he would like the trustees to generate some dialog on this issue.

Coyle explained MORPC is concerned with a seven county area and sells a broad view to developers and others. Smith said they are also addressing the growth around the Rickenbacker area.

Herman expressed that he would like the trustees to get dialog started on planning for our township.

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- Barry Walker of Trimmer Insurance asked the trustees if they would like to renew the current Anthem Policy. Trustees asked department heads how they and their employees feel about the current policy. All agreed there was not a problem with the current policy. Moore asked what the rate increases are expected to be for the next renewal year. Ted Kravoc of Trimmer Insurance said they anticipate 5-20% increase in rates. He said the township would be notified of any rate increase no later than 35 to 45 days prior to renewal which he said is March 1, 2006. Cyphert said she thought the renewal date had been changed to January because of deductibles. Petty agreed. The Trimmer reps will check on this.

Petty said if they are going to raise the rates 25%, then he wants to shop for a different plan. If the increase is reasonable and everyone is satisfied then we should stay with this plan. Trimmer said he will do cost comparisons for the trustees to review.

**CLERK REPORT**

- **Motion** by Coyle, second by Petty to approve minutes of regular meeting of 10-12-05. Motion carried 3-0.
- **Motion** by Petty, second by Coyle to approve Then & Now Purchase Order: \$54,258 for the purchase of the Komatsu Hydraulic Excavator. Motion carried 3-0.
- **Motion** by Coyle, second by Petty to approve payment of bills in the amount of \$38,952.24 and Payroll/charges in the amount of \$42,354.36 having been certified by the clerk that funds are available. Motion carried 3-0.
- **Motion** by Petty, second by Coyle to approve supplemental appropriation transfer within the General Fund in order for clerk to certify additional funds for Greencastle project due to approval of steeple repair at last meeting: Move \$2,000 From 1000-120-323 (Repairs) To 1000-760-730 (Improvement of Sites). Motion carried 3-0.
- Two correspondences from Village of Lithopolis need a decision by the trustees:
  - Unsigned note on bill says there is an understanding that the village would not charge for Bloom Twp using village water for paving purposes and they would, in turn, not be charged for mowing. They said to check with Tom about this. This was in response to invoice for \$90 sent to Lithopolis for mowing date of service 10-6-05. Scholl said he talked with someone representing the village and they will pay the bill per the prior agreement (see letter on file from village received November 10, 2004, agreeing to \$45 per hour for mowing).
  - Village of Lithopolis requests Winter Salt purchasing agreement: Scholl said the village is requesting the same contract as last year and the price should come up. Moore asked if the township could handle the additional roads in the village. Scholl said only the main streets in the village would be salted by Bloom Twp as was done last winter season. Salt contract will be prepared and presented to the trustees for approval at the next meeting and will then be sent to the village for approval.
- Letter from Collegeview Acres Property Owners Association: Well is persistently testing positive for coliform. They will invoice us for ½ of the accumulated bills when problem fixed. This is per the lease agreement between Bloom Twp and CAPOA. Thus far, the bills total under \$500.
- Announcements:
  - Received notice from Fairfield Department of Health RE 2005 Flu shots and minutes of meetings. Trustees will receive communications from Dept of Health via email in the future rather than just the clerk receiving the emailed information.

**OLD BUSINESS:**

- Kauffman Road Issue II: Coyle delivered application to the engineers and it is now filed.
- Coyle reported the County Commissioners denied the request of Lithopolis to annex 304 acres out of Bloom Township.
- Coyle said the drainage issue on Alspach Road (Beatle and Bailey) needs discussed in a special meeting. Engineer's Office will meet with them at the site on Saturday, October 29, at 9:00 a.m. Notice of the meeting will be signed by Smith and sent to the media.
- Coyle reported that the Vance drainage issue is being viewed by the County Commissioners.
- Petty asked why the annexation was turned down. Coyle said he did not know yet.

**NEW BUSINESS:**

- Petty said Lloyd Bay at Bay's IGA has recycling dumpster that is being abused. Asked if the township could make a sign that states no dumping inappropriate items. Smith said the dumpster was supposed to be removed. Scholl said it was and then Bay brought it back.

**BLDG/ZONING & BOARD OFFICE REPORT:**

- Noxious weeds: The Ohio Attorney General and Franklin County Prosecutor's Office held a news conference last week announcing an indictment for fraudulent mortgages in Fairfield and Franklin counties. Those involve the Hansard and Hazel's properties. Maureen Markwood has advised us not to

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pursue anything concerning those properties until the State releases it from their investigation. The property on Sough Road is also involved.

- Cyphert said the trustees need to make a “punch list” for the new offices. Give concerns to Aimee Hunkele and she will give the list to Mike Leatherman by the end of the week.
- Cyphert thanked the Road Department for all their help in the move to the new offices. They put up blinds, two mailboxes and installed the sign out front. Cyphert said they are appreciated.

**FIRE DEPARTMENT REPORT:**

- Terry Gill reported a firefighter will be off work for up to six weeks due to a medical condition.
- Gill said the Fire Dept’s 5-Year Plan calls for update of computers. He needs to spend about \$2,810.45 plus shipping cost to replace aging computers. This will also help the compatibility. All five computers will be Dell Computers with 17 inch flat screen monitors. An old computer will be donated to the Greencastle office.

**Motion** by Petty, second by Coyle to approve \$2,810.45 plus shipping cost for new computers for Fire Dept. Motion carried 3-0.

- Grumman 1992 Engine 553 needed repair upon a routine inspection. The invoice came to \$1,135.93.
- Motion** by Coyle, second by Petty to approve costs of repairs to Grumman Fire Engine. Motion carried 3-0.
- Gill requested an executive session be held at the end of the meeting.

**ROAD DEPARTMENT REPORT:**

- Tom Scholl told the trustees he had provided them with two letters concerning his employment for their consideration.
- Scholl reported he was gathering information for a new truck.
- Scholl reported auction proceeds of \$8,100 from the sale of old equipment.
- 7130 Alspach Road: across from that location, the lot is for sale. There is a big sycamore tree on the property in the right of way and at 7130 Alspach Road; both in right of way. Arborturf quoted \$2,600 to remove both trees and stumps. Moore asked if Scholl had checked the price against the contract with Arborturf awarded earlier in the year. He said no. Moore recommended not approving until price quote is checked against contract agreement. Arborturf’s proposal includes cutting tree into 20 inch pieces and to give to the property owner. Coyle questioned whether that should be done. Moore again suggested the contract be looked at before the tree work is approved. The trustees agreed.
- Petty asked Scholl if he had considered Gill’s offer to give the Road Department the Fire Chief’s car. Then Gill would proceed to look for a used SUV. Gill said the gasoline savings would benefit the Fire Department. Gill proposed that the first \$15,000 come from Road Department funds and the remainder come from Fire Department funds. Gill said they earlier intended to replace grass truck but circumstances have changed. Petty said it would be March before the Road Dept could get a new truck on a state contract and they need to replace the current truck before winter.

**Motion** by Petty, second by Coyle to move the Chief’s pickup 550 truck to the Road Dept for a general purpose truck and to authorize the Fire Dept to look for an SUV and equipment with \$15,000 to come from Road Dept funds and up to an additional \$5,000 to come from Fire Dept funds. Motion carried 3-0.

Randy Solt, Road Department employee, said he plans to strip the current road pick up truck for needed parts. Gill said he could consider, if he purchases from a dealer, trading in the current pick up. Road Department truck from Fire Dept. will remain the same color.

**OTHER:**

**Motion** by Petty, second by Coyle to enter into executive session for the purpose of discussion of employment matters in the Fire Department. Motion carried 3-0.

**Motion** by Coyle, second by Petty to come out of executive session. Motion carried 3-0.

Smith adjourned the meeting.

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Joseph Smith  
Chairperson

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Carol J. Moore  
Clerk