

<BLOOM TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING 04-23-08>

Joseph Smith, Chair, called the meeting to order at 7:00 P.M. Members present were Trustees Smith, David Petty, Brian Randles, and Fiscal Officer Carol Moore. Also present were Anne Darling Cyphert, Board Admin. & B/Z Administrator; Fire Chief Terry Gill; Road Supervisor Randy Solt; and several interested citizens.

Joseph Smith called the meeting to order at 6:30 p.m.

PRESENTATIONS AND PUBLIC COMMENTS:

- Discussion with township counsel for the proposed JEDD: Attorney John Albers said he had a list of about ten things to discuss with the trustees prior to the 4/30/08 JEDD Meeting with the other entities.
- Requirement that consent of all property owners occur before becoming part of the JEDD. Albers agreed this is a good clause to have in the agreement and will reduce criticism the trustees may receive. The trustees agreed this is non-negotiable. Albers said it would be very rare that anyone would be brought in forcibly anyway. Albers said with most JEDDs he does, the people are required to join the JEDD to get water and sewer services but that is not the case here. Albers said he is skeptical as to why people will join the JEDD without those sort of strong-arm tactics but he thinks that requiring the consent of all property owners is a position worth taking.
- Zoning: Albers questioned the legality of the agreement that requires anyone wanting PUD zoning to enter the JEDD. The trustees agreed this requirement should be modified or removed.
- Boundaries of Expansion area: If you reduce it in size, Albers said it could lose its value, but it needs to be parcel specific. He said the expansion area is protected from annexation. Randles said Yapple of Violet Twp told him if the one mile radius touched a property it was in the expansion area. Albers said the expansion area is just a wish list of properties that might be added in the future. He said people in the expansion area can say they don't want to join the JEDD but they are still protected from annexation.
- Incentive Payment, Section 10, agreement says when someone comes into the JEDD within 90 days of completion of the agreement the twp would front their taxes on a reducing basis for three years. Albers questions whether the township has the authority to do this and thinks it should be modified or eliminated. Petty said that could get costly.
- Clarify the financial obligation of Bloom Twp: Albers said we think it is \$5,000 but it needs to be clarified and modified.
- Reimbursement idea before disbursement: Albers says the language is too loose and may not protect the township. Needs to have limiting language that all contracting parties must consent before payment is made. The trustees agreed with Albers.
- Term of Agreement: if the agreement is comfortable for the township, there is less pressure to limit the term, but an opt-out clause or shorter term can be requested. This does protect from annexation during the term so if you limit the term you will lose that benefit as well. Albers said he does not think Violet Twp will want to modify this part of the agreement. Petty said he thought there was supposed to be an opt-out clause in there that any member could pull out at any time. Randles said that had been discussed but he doesn't think they can say you can opt out. Petty said we don't want to go into this and find out we are spending \$50,000 a year. Randles said that you can't go into this without any risk. He said there is going to be some type of risk and we are trying to solve every problem of it and he doesn't think we can. Moore asked Randles what kind of risk he is willing to take. Randles said we don't know. He said if you are going to be fair with everybody you have to take some type of risk which is probably with the term of the agreement. Albers said the current term is for 32 years with an automatic renewal for two more 30-year terms so potentially this is a 92 year commitment. He suggested an opt-out clause after 30 years or even less than that. Discussion of possible opt-out scenarios and how it would affect annexation protection etc.
- Petty said he and Moore are concerned about the costs. He said we don't know what the costs will be. He said it could be \$5,000 a year or it could be \$30,000 a year. He said we can't afford \$35,000 a year. Moore said we know we have already paid over \$30,000 and all the negotiations that you (trustees) are talking about doing will cost even more. Moore warned of the unknown financial risk and described participation in the JEDD as shaky. Randles said it is only shaky if the shoe is not tied. Moore told Randles he is not taking a risk for his personal finances; that he is taking a risk for this township's finances. Randles said he takes all the residents here personally when he spends money.
- Petty questioned whether Lancaster is really on board with the JEDD. Randles said he has heard they (Pickerington and Violet) are going back to turf wars. Albers said it was interesting the Pickerington Mayor appeared at our public hearing expressing concern. Albers said out of pocket expenditures would be if you hired someone to manage this, \$5000, plus costs associated with initial expenditures. Randles said that once he and Albers had spoken about Bloom Twp. riding the coat tails. Moore said it would be necessary to have legal counsel or someone else to watch the JEDD board that makes the decisions about who gets reimbursed

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and where the infrastructure goes and this would be an expense for the life of the JEDD. Randles said once things come along, we could consider hiring someone to watch this down the road. Albers said the township will have representation on the JEDD board. Albers said he does not disagree with Moore; that he thinks we would be wise to monitor the agreement in one form or another. He said Violet Twp. has already hired the personnel to promote it. Randles said that is also due to the CEDA.

- Petty questioned whether this conflicts with the Route 33 Alliance. He said the idea of the JEDD is so that we wouldn't have any turf battles because we wouldn't care if they are building in Violet or Bloom because we are sharing. But he wondered if we are pulling against our Route 33 Alliance Group. Albers said the county is promoting no income tax for the Route 33 Alliance. The JEDD would have a 2% income tax on the employees' wages and net profits of the businesses. Albers said to consider eliminating the net profits for the business to encourage them to move to the JEDD but keeping the income tax on the employees' wages. He is researching this for another area now to see if this is legal. The trustees concurred this should be brought up at the JEDD meeting. Fairfield Co. Ec. Dev. Director Bill Arnett said that might help and said other factors should be considered. Arnett reminded Albers that Bloom and Violet townships will have to share the township appointment to the JEDD board. Randles said eventually a business owner will be on the JEDD board as well. Albers said you can maintain a presence on the board through your appointing process as well which could look out for the township's interest.
- Albers took the conversation back to the opt-out discussion and asked the trustees if they wanted him to pursue the opt-out provision with the other entities. The trustees instructed him to try to get a withdrawal option where the properties already in the JEDD would remain in the JEDD. Albers said the contracting parties can abolish the JEDD District at any time by unanimous consent. The income tax would then no longer apply. Albers will pursue a modification of the agreement where the JEDD stays intact but the territory of the opting out party does not. He said that would apply only to Violet and Bloom Townships because they are the only entities with properties in the JEDD.
- There is not a provision that limits the powers of the municipalities, according to Albers. He said this agreement is drawn so that the municipalities have full authority to exercise municipal power within the JEDD District (not the expansion area). Albers would like to see their municipal authority limited to levying taxes and collecting the income tax and providing utility services if they provide any and that's it. He said we do not want their other ordinances to apply within that area. Cyphert asked why Lancaster would be interested in it. Albers was not sure.
- Albers does not like the provision that allows the Board to borrow under \$500,000 without the consent of the contracting parties. Albers said that needs to be controlled. He would like it to say the Board has to get the consent of the contracting parties to borrow over \$100,000. Moore expressed concern about the financial risk if the JEDD should fall apart and the entities are left with the JEDD Board's liabilities. Smith said if something would happen to the JEDD it would fall back on the five parties. Albers said that if you terminated the JEDD District then the liabilities are shared. Petty added, or if the JEDD District is unable to make the payments. Albers said that he has seen only one other JEDD that was given the authority that this one is given and he doesn't know why people decided that was a good idea. He said that is a little bit unusual for a JEDD. Albers said he does not like the provision that allows the Board to borrow under \$500,000 without the consent of the contracting parties; he would rather see it require the township's consent to borrow over \$50,000. Petty said he would like it to be \$50,000.
- Albers asked for any other issues to be discussed and none were raised.
- Albers and Petty will attend the JEDD meeting April 30, at noon at Shades.

Smith recessed the meeting for a few minutes.

The meeting reconvened.

- Chair Joseph Smith asked everyone to stand for the Pledge of Allegiance and Moment of Silence in honor of our troops who are serving in the Military throughout the world.

FISCAL OFFICER REPORT: by Fiscal Officer Carol Moore

- **Motion** by Randles, second by Smith, to approve minutes of the regular meeting held APR 9, 2008. Motion carried 3-0.
- **Motion** by Petty, second by Randles to approve payment of bills in the amount of \$15,405.72 and Payroll/ charges in the amount of \$56,852.02 having been certified by the Fiscal Officer that funds are available. Motion carried 3-0.

ANNOUNCEMENTS and COMMUNICATIONS

- Letter received from Fairfield County Family, Adult and Children First Council regarding Indigent Burial: Moore asked the trustees to review the proposed Plan that is adapted from City of Lancaster's INDIGENT BURIAL PLAN dated 1/1/08. Moore said she would like the trustees to consider adopting this plan at the next trustee meeting. The plan limits the township's burial

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expense to \$750. She does not recommend setting aside money in the budget because no one remembers this issue coming up before and the money will be available in the budget if needed. She said Lancaster has set aside funds for only three indigent burials and our population is much smaller. Moore recommends approving the Plan and the application so our guidance will be in place if needed. Smith asked why the township should have to pay for it. Moore said it is required by law. Smith said he is questioning cremation versus a burial. Moore asked the trustees to consider directing Starkey to set-aside cemetery lots for indigent burials for qualified Bloom residents. Smith recalled Spence Funeral Home buying space at Wesley Chapel at one time for indigent burials but the plots have all been taken.

- Moore announced that 2 CDs were received containing "Final Environmental Impact Statement (FEIS) for the Rockies Express East Project and some supporting documents for analysis" that are available for review by anyone interested.
- Moore read a Press Release from Fairfield County Engineer's Office announcing that Kauffman Road (Twp.Rd 205) in Bloom Township will be under construction for a road rehabilitation project beginning at 7:00 a.m. Wednesday, April 23, 2008 for approximately 19 weeks. Construction will take place between Coonpath Road and Brandt Road on Kauffman Road between house numbers 3004 and 3970. Kauffman Road will be opened to local traffic only; however, the public should expect delays.

NEW BUSINESS:

OLD BUSINESS:

Petty said the Firefighters Union has approved the amended and initialed contract.

Motion by Petty, second by Randles to approve the firefighters' union contract based upon the fact the fire union has approved it, that the trustees accept the contract as it was initialed. Motion carried 3-0.

- Petty said he will be attending a debris management session with EMA in the near future.
- Petty said he will be meeting with Solt, Attorney Jerrold Schwarz and Soil/Water Conservation about drainage issues at the dead end of Sitterley Road. Smith said it must be addressed because it is a mess and people are living back there.
- Basement water problem: Petty said there is a severe odor problem on the main floor from the basement water problem. We need to get the drainage fixed ASAP. Petty said we have a \$3,000 estimate from ServiceMaster to treat the wall surfaces in the basement. He would like to see the drainage problem fixed next week so we can get the basement dried out. Solt said they will have to do grading and may have to tear previous drains before it can be started. Randles asked why that wasn't done before. Solt said they just addressed downspouts and drainage onto the neighbors' properties. Solt said he doesn't know how long it will take for the project. He said they have to shoot some grades. He said the whole building will have to have digging around it. Randles said it needs to be handled. Smith said he is not opposed to the road crew working overtime to correct the issue. Solt said it could take two months of work to complete the project. A perimeter drain will be needed to get the water away from the building. Randles asked if this will solve the basement water problem. Solt said he didn't know. Randles asked if Solt and Road employee Mike Kouns can meet with Petty in the morning to discuss the issue.

Motion by Randles, second by Petty to authorize overtime, including weekends if needed, for the road department to address the basement water problem. Motion carried 3-0.

Solt said the Road Department has a lot on their plate already. Petty will meet with them at 7:30 in the morning to review the situation. Moore said she wants the problem resolved before the mosquitoes breed in the basement again this year. Smith asked that Service Master be called to do an immediate clean up. Petty said they may have to go back and redo it but we need to get it cleaned up now. Smith said get them out here ASAP.

Motion by Petty, second by Randles to approve up to \$4000 for basement mold clean up as quoted by ServiceMaster. Motion carried 3-0.

ZONING & BOARD OFFICE REPORT: by Anne Darling Cyphert, Board Admin & B/Z Admin.

- Schumacher update: Last Monday, Cyphert made three visits to the Schumacher property on Winchester Southern Road where much junk and junk vehicles have accumulated for several years. This has been the source of some verbal complaints recently. She found the property to be in worse shape than it actually looks from the road. In addition to health and safety concerns, she also said she is concerned for the occupants' safety and welfare at the home and spoke to the health department about it. Two representatives from the health department also visited the scene with her and found it to be in violation and plan to address the trash and tires but not the junk cars and other debris. They told her that would be up to the township trustees to address. She spoke with the property owner and he expressed an interest in getting the property cleaned up. He told her he would have it done next week. She told him that would probably not be realistic but perhaps he could work out an arrangement with the

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township to promise to have it cleaned up by the end of June. He agreed. She told the trustees that the prosecutors office called her last week and Mr. Dolin informed her he is drafting a resolution for the trustees to approve at their next meeting ordering the clean up done by a certain date. He is meeting with Cyphert next Friday to go over his recommendations. He also recommended she contact Job and Family Services regarding the safety and welfare issues of the occupants. She showed the trustees photos she took of the property on April 14, 2008.

- MORPC update: Mid-Ohio Regional Planning Commission recently issued its State of The Region Report. Since 2000, the region added nearly 120,000 people. We need to plan for the 440,000 additional people who will live in the region over the next 20 years. Many of these people will come here from other countries, while some will come from other parts of the state or the country. Most of the new people will be the children born to those who live here now. The number of children learning English in school has nearly doubled since 2001. Vehicle registrations and congestion are increasing. The share of people driving alone to work increased from 80% to 88% between 1990 and 2000. Over 60 percent of land in the region is used for farming. There are 180 fewer square miles of land used for agriculture now than there were in 2000.
- Cyphert updated the trustees on a new house bill sponsored by Larry Flowers that could impact township government. She told them the Ohio Township Association has come out strongly against it as it could reduce or eliminate township government.
- Census update: Cyphert is continuing to work with the Census Bureau on the 2010 census. They are requesting our 2006 budget to help with their study. She is providing that to them.

FIRE DEPARTMENT REPORT: by Chief Terry Gill

- **Motion** by Randles, second by Petty to appoint (name on file) as a probationary volunteer firefighter for 12 month period effective 4/23/08. Motion carried 3-0.
- Gill needs to move two volunteer firefighters (names on file) to part time status for scheduling and overtime cost reasons. **Motion** by Randles, second by Petty, effective 4/23/08. Motion carried 3-0.
- The fire department will be doing a practice burn on a Benson Road house this weekend. The county said they can't close the road if not an emergency. The fire department finds it necessary to close the road for fire fighting experience and safety reasons.
- New Medic discussion: Gill said they compared re-chassis to buying new medic and decided on new medic. They talked to four manufacturers who are on state bid. Horton Company purchase would be \$160,000 with up to a 6% pre-pay incentive. Gill said at the time we sign, we will get the firm percentage that they will pay. Randles asked what all the guys have to say about it. Gill said they feel it's a good truck. He said the #3 Bloom Township Firefighters unit designed the box for the truck. The Braun truck will be sold. Gill thinks we could get at least \$20,000. Petty said he saw the demos and is comfortable with it. Randles asked if we could get 5-7 years from the truck. Gill believes it will be about 12 years.

Motion by Petty, second by Randles to enter into agreement with Horton for a medium duty medic not to exceed \$161,000 with \$150,000 down payment pending a suitable interest payment. Motion carried 3-0.

- Gill said the EMS grant money will be needed for suction unit to finish out the truck. It is \$899.95. **Motion** by Randles, second by Petty to approve the spending of \$899.95 for a suction unit for new truck out of the EMS Grant. Motion carried 3-0.
- Gill said he finally received a signed letter of resignation from the firefighter who is going to work at another township. **Motion** by Randles, second by Petty to accept the resignation of full time firefighter (name on file) retroactive to 3/27/08. Motion carried 3-0.

ROAD DEPARTMENT REPORT:

- Solt reminded the trustees about the meeting at the Sitterley Rd dead-end on Friday morning.
- Road Mowing tractors: Solt presented the quote for the frame assembly to take old mower head and adapt it to new tractor. The quote is from Franklin Tractor for \$30,843 additional putting total bid at almost \$90,000 for two complete tractors. The current tractors will be sold. The trustees will discuss it at the next trustee meeting.
- Smith asked who put up the "Thru Trucks Prohibited" on Smith Road. Solt said the township did but it is now gone.

OTHER:

ADJOURNMENT

Smith adjourned the meeting.

Joseph E. Smith
Chair

Carol J. Moore
Fiscal Officer