

RECORD OF PROCEEDINGS

Minutes of **Greenfield Township Trustees** *Meeting*

September 25, 2024 - Held 6:00 PM

The Greenfield Township Trustees met in regular session at the Firehouse. Trustee Searle called the meeting to order and led those present in the Pledge of Allegiance. Dave Cotner, Lonnie Kosch and Kent Searle were present. Trustee Searle asked if there was anyone present who wished to speak from the floor who had not signed in; there was not.

Trustee Searle presented the minutes of the April 11, 2024 Trustee Public Hearing regarding the zoning resolution amendment, Section 425. With no corrections noted, Trustee Cotner made a motion to approve the minutes as written; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Kosch: Yes Cotner: Yes Motion Passed 3-0

Trustee Searle presented the minutes of the May 20, 2024 Special Trustee Meeting regarding the road levy. With no corrections noted, Trustee Kosch made a motion to approve the minutes as written; Trustee Cotner seconded the motion.

ROLL CALL: Searle: Yes Kosch: Yes Cotner: Yes Motion Passed 3-0

Trustee Searle presented the minutes of the September 11, 2024 Trustee Meeting. With no corrections noted, Trustee Cotner made a motion to approve the minutes as written; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Kosch: Yes Cotner: Yes Motion Passed 3-0

FROM THE FISCAL OFFICER:

Fiscal Officer Kull reported the bank reconciliation for August 2024 is complete.

Fiscal Officer Kull asked for a motion to pay the bills associated with warrants 3441 through 3449, and electronic debits 173-2024 through 183-2024; Trustee Kosch made a motion to approve the above; Trustee Cotner seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Fiscal Officer Kull asked for a motion to pay the purchase orders. Trustee Cotner moved to approve this payment; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Fiscal Officer Kull asked for a motion to transfer \$30,000 from account 2192-330-420-0103 to account 2192-330-420-0104. This is for the road resurfacing for Brook Road for the Shelly Company. Trustee Cotner moved, and Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

ZONING DEPARTMENT: Jeff Williamsen, Zoning Inspector, presented the following zoning items:

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The backlog of issues continues to be worked on.

5060 Brook Road: There is an Airbnb being run from this address. There is nothing in the code against this; however, there is a resolution from 2013 that allows the Township to charge a lodging tax of 3.5 percent. The resolution requires the vendor to keep a two-year record, so the Township may be able to go back for two years. The Board recommended checking with the Prosecutor's Office on this issue. Trustee Searle noted the Township was not allowed to collect taxes, and was likely also not able to collect anything retroactively.

1385 Carroll Southern Road: Keith Bebout wants to put up an accessory building; however, he does not want to pay for the permit because he states he has been abused in the past by the Zoning Department. The application for the permit has been submitted and processed, and is ready for Mr. Bebout to pick up.

New Zoning Maps: These maps are ready, and up to four are free. Jeff needs to know how many to have printed. The cost is \$5 each for the color copies. It was determined there should be five maps ordered: one each for the Road Department, Fire Department, Administrative Office, Zoning Commission, and Board of Zoning Appeals.

At this time, Trustee Searle noted that the Floor portion of the meeting would be moved to the ending portion of the meeting. This is due to the Sheriff's Deputy not being able to be present until after their shift change of 6:00 p.m., and travel time to the Firehouse. He reiterated that he did not expect any issues or concerns from the Floor during any presentations; however, it had been determined by the Board that they would wait until the Deputy was in attendance to hear any business from the Floor.

ROAD DEPARTMENT: Tom Shafer, Road and Cemetery Superintendent, presented the following business:

Vacation Request: Tom asked the Board to approve his vacation request which had been noted at the last Trustee meeting; however, it was not approved and finalized. The Board noted their approval, and Trustee Searle, Chair, signed the request. Fiscal Officer Kull noted she had checked the notice requirement, and Tom had emailed the Board more than four weeks prior to the request for the vacation leave, so this requirement was met.

Liberty Township Bill: This bill has been completed and reviewed by the Fiscal Officer. Tom also notified Rick May, Fiscal Officer at Liberty Township, of this bill amount. The bill covers the three days of chip sealing, and two days of fog sealing.

Mount Zion Road: The Board had been informed in the spring that there was a tile that had failed and was blocking water from getting from one side of the road to the lake side of the road, and it was backing up. Tom and the Road Department went last week and installed the new pipe (12-inch pipe), and the water is flowing well. This is from the southwestern hillside

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to the lake; the lowest part of the road, between the bridge and the parking lot. The water is coming from the lake side, back under, and flowing back over into the creek. Tom will also be placing an animal guard on the pipe next week.

Indigent Burial: There has been another indigent burial, and Tom reiterated that the ORC requires that the Township accept the burial, provide a place for burial, and pay the funeral home for the service. There is no reimbursement money available through the state of Ohio at this time. The current cost is \$1,000, which is the maximum amount a funeral home can charge the Township for indigent burial per ORC. Discussion continued as to where the money should come from, i.e. which fund. Tom stated he would consult with the Prosecutor's Office to confirm whether or not this could be paid out of the General Fund, or which fund could be used. Trustee Kosch also suggested there should be a separate fund set up in the future for the Road and Cemetery budget to be available for this expenditure. Fiscal Officer Kull will also investigate to find out what had been done in the past and what the rules are for what fund can be used. This information will be included with the burial policy so it is readily available for the future.

Overhead Shop Doors: Tom addressed the issue of replacing the motors on the two overhead shop doors. One motor has failed, and they are the same age (building built in the late 1980's). They are the original doors and motors, so it makes more sense to go ahead and replace both of them at the same time. Tom noted there has been equipment sitting out, as well as the white truck, due to this issue. Tom stated he had gotten a quote from Atwood in the amount of \$3,350 to replace/install both motors. He had also contacted Precision Door and McKee, and hopes to hear from them within a week. Discussion continued as to how to proceed. It was noted that Atwood Doors was a business located in the Township, and the Board agreed they should be used for this job.

Trustee Cotner made a motion to pay Atwood Doors up to \$3,500 to fix the two doors; Trustee Searle seconded the motion. With no further discussion, the vote was as follows:

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

5801 Feldon Court - Failing Tile/Pipe: Tom explained he had been speaking with the property owner, Cathy Haemmerle, since late last year about the tile that is failing in their side yard. It is approximately a 300 foot tile that runs down their property to the creek behind their house. Tom brought several emails he had with Eric McCrady and Jeremiah Upp at the County Engineer's Office on the issue. Tom reviewed the actions that had occurred in the past, and asked Trustee Kosch to give his input as he was the Road Supervisor for many years. Approximately 20 years prior, a concrete structure was replaced along the edge of the road there, not leaving the Township right-of-way. They replaced a pipe along the road, and connected onto an existing tile inside the right-of-way. The 300 feet of pipe through their yard to the creek is developing sinkholes due to the pipe failure, and bringing earth in with it. Tom had also reached out to Eric McCrady for his opinion, and Eric recommended that Tom contact the Prosecutor's Office for a definitive resolution. Eric and Jeremiah Upp both

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agreed that the Township was not responsible for repairing the pipe. Tom read the email he received from the Prosecutor's Office with their response and opinion, which stated the Township was not authorized or responsible to repair the pipe, per the ORC. The email also cited an opinion by the Ohio Attorney General's Office stating that Townships were not responsible for maintaining and/or repairing tile that was installed by a developer in a residential subdivision. Tom also shared information he had received from the Health Department regarding ORC 52.01 which pertains to the maintenance and repair of private sewage collection tiles. Tom noted when he brought this information to the Prosecutor's attention, they again maintained that the pipe was not under the Township's jurisdiction.

At this time, Ms. Cathy Haemmerle, 5801 Feldon Court, Carroll, presented information she had obtained on the issue, including pictures she provided to the Board. She stated the Township holds the easement on the east side of their property, running north to south, from the catch basin on the north side of the road, along the east side of the property. She noted the Township had replaced the pipe under the road 20 years prior because the road was sinking, but not the remainder of the pipe. The failing pipe had caused the road to sink. They had contacted the Township approximately 15-20 years ago due to the jagged pipe extending into the creek due to erosion, and stated it was catching debris, especially after storms. The Township had come out and sawed off the pipe at the bank, and she noted it is once again sticking out about eight to ten feet due to erosion (pictures provided). She went on to explain the sinkholes that have developed due to the failing pipe, the largest being about 18 inches in diameter (pictures provided), as well as several pieces of additional information she provided to the Board. She noted the pipe is visible through some of the holes. She expressed her concerns about the safety of the area due to these sinkholes, noting children play in their yard. She also read several findings she had from Ohio courts, the Ohio Revised Code and the Ohio Township Association about various cases and the responsibilities of Townships in the state of Ohio according to these findings. She respectfully requested that the Township repair the pipe.

Lengthy discussion ensued about the various actions that had been taken by the Township in the past, the configuration and location of the pipe and catch basin, and the information received from the Fairfield County Engineer's Office and the Prosecutor's Office, as well as the existence of the easement, and who is authorized to maintain and repair anything in the easement. The Haemmerles noted they are not allowed to repair anything in the easement.

Trustee Searle stated the Township would continue to investigate the issue further, and Tom Shafer will speak with Austin at the Prosecutor's Office again, and also ask more specific questions about the easement situation.

Resolution - Speed Study on Ginder Road: Fiscal Officer Kull presented the resolution the Board had requested at the last meeting regarding a speed study on Ginder Road between State Route 158 and Stringtown Road.

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Resolution 2024-09-25: "Whereas, the Board of Trustees of Greenfield Township, Fairfield County, has decided to involve the Fairfield County Engineer's Office in a speed study to identify issues on Ginder Road between State Route 158 and Stringtown".

Trustee Searle made a motion to approve the resolution as stated; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Trustee Searle asked if the road work had been completed for the year. Tom responded that the chip sealing was done; however, they have not returned to complete the microsurfacing. He noted the weather would allow time for them to complete this work, as it does not need to be hot weather for this to get done.

FIRE DEPARTMENT: Chief Brad Smith presented the following business:

Employee Update:

Chief Smith presented a new hire, Dylan Anthony, for a part-time firefighter/EMT position, at a rate of \$15/hour, and asked for a motion to accept this hire. The effective date will be determined once his physical and background check are received.

Trustee Searle moved to appoint Dylan Anthony as a part-time firefighter pending background and physical. Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Grant Awards:

- Aladdin Shriners: Two grants were received from the Shriners, which totaled \$4,777.98. Part of that grant will be used to purchase a video tool to help with innovations in the EMS field. Also, a thermal imaging camera - "TIC" - will be purchased for the firetruck, and a presentation will be scheduled when it arrives. The Department already has TICs on their trucks, but this TIC will be more mobile, and allow the firefighter in the back seat to use it.

Events:

- Outbelt Brewery - Boo at the Brew. This event supports literacy and education for children. A touch-a-truck and scavenger hunt will be held for the kids.
- Bloom Carroll Elementary - A fire safety talk will be held with the second grade class on October 7.

Trustee Kosch asked about the staffing level/number of employees in the Department at this time. Chief Smith reported with the addition of Dylan Anthony, there would be 15 part-time

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employees, and a total of 25 employees in the Department.

FLOOR: Debbie Fisher, 1903 Rainbow Drive NW, Lancaster, presented from the floor. Ms. Fisher expressed her concerns and frustrations with the amount of traffic on Rainbow Drive, as well as the speed of the traffic. She noted she had lived in the area for 50 years and these issues have gotten significantly worse over time. She stated the amount of buses, semis, and now heavy equipment from the nearby businesses have all increased. She also expressed her concern for how the planned roundabout at Route 158 and Coonpath Road would impact the traffic flow on a township road. Tom Shafer confirmed the roundabout is scheduled to be installed in 2026, per his contact with ODOT. He noted that ODOT has put in a considerable amount of tonnage for asphalt so the road can withstand the detour for a year. Ms. Fisher went on to cite various accidents that had occurred at the intersection that she was aware of and had witnessed. Tom noted that the Board had sent a request to the county to conduct a speed study on Rainbow Drive between Route 158 and Coonpath Road, to hopefully make both sides of Rainbow a 35 mph zone. The Board thanked Ms. Fisher for bringing her concerns to them.

FROM THE TRUSTEES:

Trustee Cotner stated he has someone coming out to look at the cold storage and give a price on it.

He also noted the next meeting with the Mayor and commissioners is scheduled for October 8, 2024.

Trustee Cotner reported he wants to schedule a meeting with attorney Kevin Stanek to discuss CEDA's and NCA's. After discussion, it was determined the meeting would be scheduled for Wednesday, October 2, 2024 at 2:00 p.m. at the Firehouse.

At this time, Trustee Searle asked for more information regarding the cold storage building where the records are kept. Trustee Cotner explained there was more space needed for storage, and a contractor was coming to give a price to add on to the building.

Trustee Kosch will be attending the Hunter's Run Conservancy District Tabletop Exercise at the EMA office on September 26, 2024 at 9:00 a.m. Chief Smith will be attending, as well.

Trustee Searle raised the issue of the Route 158 and Rainbow Drive intersection. The sister of the person who was killed there in July and had attended the Trustee meeting in August has reached out to the county and the state, and has turned it over to Channel 4 news. Channel 4 has requested a statement from the Township regarding this issue. Fiscal Officer Kull had drafted a response on behalf of the Board and shared it with them for their review. She also noted that the intersection is ultimately ODOT's responsibility and concerned citizens should contact them.

Trustee Searle raised the issue of the levy fact sheet the county had created regarding the

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upcoming levy. Tom Shafer stated he had reviewed it and thought it looked fine. There were no other issues or concerns with it.

Trustee Searle stated Jeff Zech had been working on the Zoning Resolution, and Jeff Williamsen confirmed that he was done with it. Trustee Searle asked that everyone review it and be prepared to review and discuss at the next Board meeting.

Trustee Searle stated the Board needed to go into Executive Session to discuss legal action. Trustee Cotner made a motion to go into Executive Session; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Kosch: Yes Cotner: Yes Motion Passed 3-0

Executive Session was entered at 7:18, and Zoning Inspector Williamsen was asked to join the session.

Trustee Searle made a motion to come out of Executive Session; Trustee Cotner seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

The Board came out of Executive Session at 7:36 p.m.

With no further business to come before the Board, Trustee Cotner made a motion to adjourn; Trustee Kosch seconded the motion.

ROLL CALL: Searle: Yes Cotner: Yes Kosch: Yes Motion Passed 3-0

Meeting adjourned at 7:37 p.m.