

The Milan Township Board of Trustees met for the second regular meeting of the month on Wednesday, November 20, 2019, at 7:00p.m. in Trustees' Room of the Milan Township Hall. Present at the meeting were Maint. Supervisor Dave Fox, Crewman Matt Hudson, ERPC Pres. Tim King, Zoning Commission Chairman Bill Muthig, Sec./Z.I. Colleen Arthur, Sam Jeremay, Amy Jeremay, Don Kreidler, Richard Pitsinger, and Frank Lytle.

### **GENERAL BUSINESS**

Mr. Frederick called the meeting to order at 7:00 p.m. as all rose to recite the Pledge of Allegiance.

ROLL: Mr. Rospert called the roll: Mr. Frederick, present; Mr. Nickoli, present; Mr. Shover, present.

MINUTES: Mr. Shover moved to approve the minutes of the November 6, 2019 meeting. Spelling corrections made to two last names were noted. Mr. Nickoli seconded the motion. The motion unanimously carried.

EXPENSES: Mr. Shover moved and Mr. Nickoli seconded a motion to approve payment of expenses as presented by F.O. Zachary Rospert. The motion carried unanimously.

Approved Electronic Payments 216-219 and Warrants 19403-19418 in the amount of \$144,206.58.

AUDIENCE: Amy Jeremay and her husband, Sam, addressed the Board explaining their position on free ranging chickens. Mr. & Mrs. Jeremay had attended the Zoning Commissions presentation the evening prior and expressed their dismay that the Township has been advised to not address free ranging chickens on other people's property. They were involved in a situation on Seminary Road in which their dog chased and killed one of the neighbor's chickens that was in their yard. Because the dog chased the chicken back onto the neighbor's property, they were cited by the Sheriff's Department, fined and are now having to build a fence to contain the dog, whereas; the owner of the chickens bears no responsibility. They feel this is unfair. Mr. Frederick explained the process for zoning change and noted that the Trustees will also have a public hearing on the matter.

### **MAINTENANCE**

Mr. Fox reported the following:

ROADS: The guardrail has been completed on Shaw Mill Road.

Road mowing is done for the season.

Plow equipment running well and road salt is in the shed.

TENNIS COURTS: The concrete seating area at the tennis courts at Edison Park is complete. Mr. Nickoli will take all the bills and final documents to the Erie County MetroParks to complete the grant requirements. He still needs a bill from Cork Moore and a tabulation of labor hours by the Maintenance Crew. Mr. Nickoli asked about the left over 57's stone. The project only required a portion of the amount ordered, so Mr. Nickoli stated he would not include that as an expense in the grant submissions. The Township was awarded up to \$5,650 in grant funds, but the total expenses may be less.

#### **FIRE**

Nothing presented.

Chief Rospert was unable to attend due to a Milan Village Counsel meeting.

#### **ZONING**

ZONING COMMISSION: Mr. Muthig explained the actions taken by Zoning Commission at the November 19<sup>th</sup> public hearing on three issues.

FREE RANGE CHICKENS: The Board had considered a motion to adopt restriction that would require property owners to confine the chickens on property of those raising the chickens. They also looked at adding a definition of "domesticated fowl." Based on recommendation from the Prosecutor's Office and ERPC, the motion to approve these restrictions failed and the recommendation of the Zoning Commission to the Board of Trustees is not to approve regulations concerning the raising of domesticated fowl. Their reasons for the denial were that the situation leans more toward being a civil issue, as opposed to a zoning issue. The Zoning Inspector would need hard evidence such as photos, eye witness testimony and so forth, which would be almost impossible to obtain. As there is no constable in the Township any violation would have to be dealt with by a zoning process that could not deal with the infractions in a timely manner. The Sheriff Department and/or courts need to be involved, as it is a private property issue.

Mr. Shover asked if any suggestions or options were given as to how best to deal with free roaming fowl. It was noted that it would be considered a trespassing on private property issue and the Sheriff should be called. If possible the offended party should get photos of the fowl on their property. It was also suggested that the Trustees may weigh in on the issue by passing an independent resolution in support of keeping free range fowl within the owners' property boundaries. This would not be enforceable but would carry express public sentiment within the Township.

Mr. Shover asked about the circumstances with the dead chicken. Mrs. Jeremay explained further about how the dog went for the chicken on the neighbors' property after it had been in their yard.

Mr. Frederick asked that the Board move on, as the matter will be taken up at a public hearing.

DORMITORY: In order to clarify that the term "dormitory" is intended to be in reference to the housing of students attending educational institutions, the Zoning Commission was going to drop the reference to dormitory altogether and grouped all forms of educational organizations together. However, at the hearing, after considering a conversation with ERPC Tim King and the input of Susan Brown of the Prosecutor's Office, the Zoning Commission members felt that since this term is so closely associated with the rezoning issue that will be heard the following week, they would postpone any action on this issue so as not to raise politically incorrect assumptions. The members liked the proposal and felt it would be beneficial after the public hearing on the zoning change.

ROCKWELL PROPERTY: The Zoning Commission recommended approval for a change of zoning in the Rockwell property from PRD-1 back to Ag.

The Trustees scheduled a public hearing for Dec. 16<sup>th</sup> at 6:00 p.m.

### **OLD BUSINESS**

BIKE TRAIL: ODOT has scheduled construction of the Bike Trail on Route 113 E for 2021. The Township needs to determine where the connections will be to Edison Park prior to that. Mr. Frederick noted that grant applications will be made for Edison Park. In particular the Western Reserve Land Conservancy Gave has been helpful with grant information and has offered assistance in with applications. Tim King has also offered to help with the grant applications. The application needs to be filed by Feb. 1.

### **NEW BUSINESS**

BONDING ALTERNATIVE: Mr. Frederick attended an OTA Board meeting at which faithful performance coverage in lieu of bonds was discussed. The Ohio Revised Code approved FAITHFUL PERFERFORMANCE COVERAGE on Dec. 20, 2018. This type of coverage goes beyond bond coverage and would require the Trustees to pass a resolution. F.O. Zachary Rospert and Mr. Frederick would be covered as of January 1, 2020. Mr. Shover and Mr. Nickoli would be covered upon their reelection.

### **FINANCIAL**

PURCHASE ORDERS: Mr. Rospert requested the following Then and Now Purchase Orders be approved. Mr. Nickoli moved and Mr. Shover seconded a motion to approve the following:

72-2019 Huron Twp. Bldg. Dept.  
78-2019 Co Engineer  
79-2019 Morton Salt  
80-2019 Lake Erie Construction Co.  
The motion unanimously carried.

QUARTERLY REPORTS through October were presented.

NOTE: Mr. Richard Pitsinger suggested that property owners install trail cameras to document the presence of free range chickens on their property as evidence for the Sheriff's Department.

EXECUTIVE SESSION: At 7:43 p.m. Mr. Frederick moved that the Board move into executive session, citing Section G-1 of the Ohio Revised Code to consider employment of a public employee. Mr. Nickoli seconded the motion. The roll being called resulted as follows: Mr. Frederick, yes; Mr. Nickoli, yes; Mr. Shover, yes.

The Board returned to regular session at 8:07 p.m. No action was taken as a result of the executive session.

As there was no further business, Mr. Frederick declared the meeting adjourned at 8: 07 p.m.

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Mr. Daniel Frederick, Chairman

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Mr. Zachary Rospert, Fiscal Officer