

The Milan Township Board of Trustees met on Wednesday, December 18, 2019 at 6:45 p.m. for a continuation of a public hearing on three issues considered on Monday, December 16<sup>th</sup>.

Mr. Frederick opened the meeting at 6:45 explaining that the December 16<sup>th</sup> meeting was continued to consider recommendations given by Susan Brown, Erie County Assistant Prosecutor.

**RESOLUTION #2019-16      THE TERM “DORMITORY” USED AS A PRICIPALLY PERMITTED USE IN AN GENERAL COMMERCIAL DISTRICT IN ARTICLE 17.1.5 OF THE MILAN TOWNSHIP ZONING RESOLUTION**

The Milan Township Board of Trustees, Erie County, Ohio met in an open public meeting on December 18, 2019 with trustees Daniel Frederick, Jerry Nickoli, and Mike Shover present.

Trustee Frederick moved the adoption of the following resolution:

**WHEREAS**, Section 519.12 of the Ohio Revised Code grants the authority to a board of township trustees to make amendments to the township zoning resolution,

**WHEREAS**, it has been proposed to change to Article 17.1(5) of the Milan Township Zoning Resolution by deleting “Dormitories” as a Principally Permitted Use in the C-2 General Commercial District,

**WHEREAS**, the Milan Township Board of Trustees had initiated this proposed change,

**WHEREAS**, the Milan Township Zoning Commission held a public hearing but took no action,

**WHEREAS**, the Erie County Regional Planning Commission made no formal recommendation,

**WHEREAS**, the Milan Township Trustees have determined that the C-2 Commercial District is designed to accommodate types of businesses whose uses are intended to serve passing motorists,

**WHEREAS**, the Milan Township Trustees have determined that the C-2 Commercial District is partially dependent on extending services to other businesses uses and is not household oriented,

**WHEREAS**, the Milan Township Trustees have determined that deleting "Dormitories" as a Principally Permitted Use in the C-2 General Commercial District advances the public health, safety and morals, comfort, and general welfare interests of Milan Township by clarifying and promoting continued orderly development of appropriate and compatible uses within the C-2 Commercial District,

**NOW THEREFORE BE IT RESOLVED THAT** the Board of Trustees of Milan Township, Erie County, Ohio hereby amends Article 17.1(5) of the Milan Township Zoning Resolution by deleting "Dormitories" as a Principally Permitted Use in the C-2 General Commercial District.

Trustee Nickoli seconded the motion to adopt the Resolution. Upon roll call, the vote was as follows: Frederick-Yes, Nickoli-Yes, Shover-No

**Resolution #2019-16 was adopted by a majority vote on December 18, 2019**

\*\*\*\*\*

**RESOLUTION #2019-17      A CHANGE OF ZONING CLASSIFICATION FROM PRD-1  
TO AG. FOR PARCELS 50-00584.000 AD 50-00584.001.**

The Milan Township Board of Trustees, Erie County, Ohio met in an open public meeting on December 18, 2019 with trustees Daniel Frederick, Jerry Nickoli, and Mike Shover present.

Trustee Shover moved the adoption of the following resolution:

**WHEREAS**, Section 519.12 of the Ohio Revised Code grants the authority to a board of township trustees to make amendments to the township zoning resolution and map,

**WHEREAS**, it has been proposed to change to the Milan Township Zoning Map to re-classify Parcel # 50-00584.000, owned by John R. Rockwell Jr. and Parcel #50-00584.001, owned by Glenn R. Rockwell, Jr. from the current zoning district of Professional Research and Development (PRD-1) to an Agricultural (Ag) zoning classification,

**WHEREAS**, the Milan Township Board of Trustees had initiated this proposed change,

**WHEREAS**, the Milan Township Zoning Commission recommends approval of this change,

**WHEREAS**, the Erie County Regional Planning Commission has no objections to this change,

**WHEREAS**, the Erie County Comprehensive Land Use Map shows these parcels as being prime agricultural land,

**WHEREAS**, the property owners identified above are currently farming the land and intend to continue farming the land and have no objections to this change,

**WHEREAS**, the Milan Township Trustees have determined that changing the zoning use of the Rockwell Farm to AG advances the public interest by providing substantial benefit to public health, safety and general welfare of the township by reducing traffic and congestion on Kelley Road and the Mason Road/US 250 intersection,

**WHEREAS**, the Milan Township Trustees have determined that changing the zoning use of the Rockwell Farm to AG allows for reasonable economic use of the land,

**NOW THEREFORE BE IT RESOLVED THAT** the Board of Trustees of Milan Township, Erie County, Ohio hereby amends the Milan Township Zoning Map to re-classify Parcel # 50-00584.000 and Parcel #50-00584.001 from the current zoning district of Professional Research and Development (PRD-1) to an Agricultural (Ag) zoning classification.

Trustee Nickoli seconded the motion to adopt the Resolution. Upon roll call, the vote was as follows: Shover-Yes, Nickoli-Yes, Frederick-Yes

Resolution #2019-17 was adopted by a unanimous vote on December 18, 2019

Trustee Nickoli seconded the motion to adopt the Resolution. Upon roll call, the vote was as follows: Shover-Yes, Nickoli-Yes, Frederick-Yes

**Resolution #2019-17 was adopted by a unanimous vote on December 18, 2019**

DOMESTICATED FOWL: On a third issue; the Board of Trustees elected to take no action on the regulation of Domesticated Fowl.

As there was no other business scheduled for this public hearing, Mr. Frederick declared the meeting adjourned until 7:00 p.m. at which time the regular meeting of the Trustees will commence.

\*\*\*\*\*

The Milan Township Board of Trustees met for the second regular meeting of the month on Wednesday, December 18, 2019 at 7:00 p.m. in the Trustees Room of the Milan Township Hall. Mr. Frederick called the meeting to order at 7:00 p.m.

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

MINUTES: Mr. Nickoli moved to approve the minutes of the November, 20, 2019, meeting. Mr. Shover seconded the motion. The motion carried unanimously.

Mr. Shover moved and Mr. Nickoli seconded a motion to approve the minutes of the Monday, December 2, 2019, public hearing, which was continued to earlier this evening. This motion passed with the understanding that the minutes of the continuation will also need to be approved at a later date. .

EXPENSES: Mr. Nickoli moved and Mr. Shover seconded a motion to approve payment of expenses as presented by the Fiscal Officer. The motion unanimously carried.

Approved Electronic Payments 234-241 & Warrants 19377-19485 in the amount of \$31,689.77.

#### AUDIENCE PARTICIPATION:

Mr. Bob Schoen addressed the Board asking what will happen next in the process of his request for a zoning change. Mr. Frederick explained that the Board of Trustees will receive the recommendation of the Zoning Commission later this evening in the Zoning portion of the meeting. At that time, they will set a date for a public hearing of the matter by the Board of Trustees within 30 days.

#### MAINTENANCE

SNOW PLOW: Mr. Fox noted that a hose blew out on one of the snow plows. He had it fixed earlier today.

Mr. Frederick noted that he and Mr. Shover attended a meeting with the County Engineer which gave an overview of what road work will be done in 2020. The Board discussed work by the County in 2020 to include 5 miles of chip seal on McIntyre Road, Old Mudbrook Road and River Road. Additionally, crack seal and/or micro surfacing all subdivision: Twin Oaks, Edison Ridge and Creekside Circle and to a portion of Millwood Lane that was not completed in 2019. Wedge coat River Road on portion not resurfaced in 2019.

Mr. Nickoli commented that he would like to see the Reclamite applied on some road surfaces to see how it works. Reclamite is supposed to extend the road surface for 7 years.

The County Engineers Office needs to have the Township's road maintenance plan and mile certification by March 13.

### **FIRE**

Chief Rospert was unable to attend, but submitted the following in a written report.

Total Calls for November : 10 Total calls for the year : 95

Mutual Aid was given for a structure fire in Norwalk and a barn fire in Huron.

In October a Glory Maple tree was planted at Station No. 2 in memory of Robert Koch and a bench was ordered. A memorial service is being planned for February for Mr. Koch who died in the line of service in 1974.

Firefighter Tony Sposit passed his Volunteer training class and is now State Certified. Kevin Knallay is enrolled at EHOVE.

The new truck committee met with Fire Safety Services and Finley Fire to review specs. Another meeting is planned for January 6<sup>th</sup> with Sutphen. Specs being considered include a six person cab, tap mount pump and 1,500 gpm pump. The committee will try to have a proposal to the Trustees in the first quarter 2020.

Don Vartorella has submitted a letter of resignation. Mr. Frederick read the letter. Mr. Nickoli moved and Mr. Shover seconded a motion to accept, with regrets, Firefighter Don Vartorella's resignation from the Milan Township Volunteer Fire Department. The motion passed unanimously.

Also, Caylie Shover, has indicated that she will also be resigning at the end of the year due to a move out of the area. Her significant contributions to the Department were noted.

Another firefighter who is lacking in training hours may be asked to resign. With these three losses, there will be an effort to seek replacements.

Chief Rospert and F.O. Rospert met with a representative from the Bureau of Workers' Compensation concerning numerous new procedures and polices. More information is forthcoming concerning changes to incident reports, truck maintenance records, HEP C shots for all personnel, MSDS and labeling standards.

## ZONING

PUBLIC HEARING: The Trustees received a recommendation from the Zoning Commission concerning a request from Robert Schoen for a change of zoning classification from C-2, General Commercial to Ag, Agricultural. The Trustees set a date for a public hearing on the matter of January 9th, 2020 at 6:00 p.m.

CONSTRUCTION COSTS: Mrs. Arthur informed that Board that she added a construction cost estimate field to the Zoning Application at the request of the Auditor's Office. Although the Township does not use this figure when determining fees, the Auditor's Office needs these numbers for State reports.

## OLD BUSINESS

OATH OF OFFICE: Mr. Frederick noted that he and Zachary Rospert were administered oath of office at the Erie County Township Association Banquet by Judge Lux.

FAITHFUL PERFORMANCE OF DUTY: Mr. Frederick explained that currently the Trustees, Zoning Inspector and Fiscal Officer are bonded through OTARMA. The State legislature has recently adopted the use of an Faithful Performance of Duty insurance that covers elected officials that holds individuals not responsible unintentional mistakes in office. There is only a \$25 /year difference in the price of this insurance rather than a bond. This insurance would cover newly elected officials, Mr. Frederick and F.O. Zachary Rospert now and will cover Mr. Nickoli and Mr. Shover upon reelection.

Mr. Frederick read the following resolution and moved for its adoption.

Resolution 2019-18

### **RESOLUTION TO AUTHORIZE THE USE OF THE EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY**

WHEREAS, MILAN Township, ERIE County is a member of the Ohio Township Association Risk Management Authority (OTARMA), a political subdivision risk pool established pursuant to Ohio Revised Code hereinafter "ORC," 2744.081;

WHEREAS, House Bill 291 was signed into law on December 20, 2018 and became effective March 20, 2019; authorizes the use of an, "employee dishonesty and faithful performance of duty policy," instead of individual surety bonds, for trustees, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties; and

WHEREAS, in accordance with ORC 3.061, the township must adopt a policy by resolution to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover

loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are-subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the township's OTARMA coverage agreement and affirm that the township's coverage complies with ORC 3.061. Said approval shall be obtained by Milan Township, Erie County.

WHEREAS, Milan Township, Erie County's, "employee dishonesty and faithful performance duty policy" through the OTARMA coverage document complies with ORC 3.061; and

**NOW THEREFORE, BE IT RESOLVED**, that on this date 12/18/2019, the trustees of Milan Township, Erie County hereby authorizes the township to purchase and use "employee dishonesty and faithful performance of duty policy" through OTARMA instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

Mr. Shover seconded the motion to adopt Resolution 2019-18, The roll being called resulted as follows. Mr. Frederick, yes; Mr. Shover, yes; Mr. Nickoli, yes

RESOLUTION 2019-18 ADOPTED DECEMBER 18.2019.

Mr. Frederick noted that he received a verbal resignation from John Landoll from his position as representative to Northern Ohio Rural Water authority as of Dec. 31, 2019. Mr. Shover moved to accept Mr. Landoll's resignation. Mr. Nickoli seconded the motion. The motion passed unanimously.

NCEMS: The Board met with Ms. Ballah concerning renegotiating the Township's contract with North Central EMS. They are still gathering information, but are not ready to make any decisions based on the numbers they have seen so far.

### **NEW BUSINESS**

ORGANIZATIONAL MEETING: The Board set the date of January 8, 2020 to hold the organization meeting for 2020.

FFDFB: The Trustees meeting will hold the meeting to elect officers to serve on the Fire Fighters Dependents' Fund Board on January 22<sup>nd</sup>. Chief Rospert will have to hold the members election prior to that time.

GRANT: Mr. Rospert noted that an application has been submitted for the Moore Grant.

Bill Harris of the American Legion contacted the Trustees about moving the WWI and WWII monuments to another location away from the Civil War monument. It has been suggested that these marker be moved near the flag pole. The Trustees gave general approval to move the WWi and WWII markers and to have the Maintenance Crew assist with the relocation.

**INDIGENT BURIAL:** There was a brief discussion of how to best provide funding for indigent burials within cemeteries under the Townships jurisdiction. It may be included in township omnibus for misc. expenses. It was noted that the Township should get burial records from any private cemeteries which have been turned over to the Township.

### **FINANCIAL**

Fiscal Officer Rospert explained long-term Certificate of Deposits with UBS do not have depository agreements with individual banks, but that our investments in each do not exceed the FDIC Insured limit, currently at \$250,000, nor do they exceed a 5-year term. Mr. Nickoli moved to agree to the following investments, as of 12/18/19: Capital One NA VA, Capital One Glen Allen, Capital One McLean, UBS - FHLB NTS, American Express, Goldman Sachs, Discover Greenwood, Wells Fargo, MUFU Union Bank, Ally Bank.



Mr. Shover seconded the motion. The motion unanimously carried.

TEMPORARY BUDGET: A temporary budget for the first quarter of 2020 was presented and reviewed. A permanent budget will be presented in March 2020. Fiscal Officer Rospert noted that include in the temporary budget is the men's bathroom renovation project at the Township Hall which will start Feb. 12<sup>th</sup>. Also, the full amount for the anticipated purchase of a new fire truck is included should the full purchase price be required to be paid up front in order to receive a substantial discount. Anticipated revenue is expected to increase slightly.

Mr. Nickoli moved to approve the passage of the following resolution

RESOLUTION 2019-19                      TEMPORARY BUDGET FOR THE FIRST QUARTER OF 2020  
AS PRESENTED BY THE FISCAL OFFICER.

Mr. Shover gave second to the motion. The roll being called, resulted as follows: Mr. Nickoli, yes; Mr. Shover, yes; Mr. Frederick, yes.

RESOLUTION 2019-19 approved December 18, 2019. The Temporary Budget may found on file at the office of the Milan Township Fiscal Officer.

As there was no further business brought before the Board, Mr. Frederick declared the meeting adjourned at 7:52 p.m. and wished everyone a Merry Christmas.

---

Daniel Frederick, Chairman

---

Zachary Rospert, Fiscal Officer