

The meeting was called to order at 7:30 p.m. on September 26, 2011 by Chairman Raymond Schulte. Present were Trustees Martha Catherwood, Ray Schulte, Fiscal Officer Colleen Swedyk, two reporters, and 9 residents. All joined the Pledge to the Flag.

Ray Schulte made a motion to approve the August 29, 2011 meeting minutes as written. Martha Catherwood seconded. Vote: C-yes, S-yes.

## DEPARTMENT REPORTS

### POLICE DEPARTMENT

Ray Schulte made a motion to adopt **Resolution #092611-01** which approves the following travel appropriations: \$375.00 for Michael Cossu, David Stepka, & Christopher Millhorn to attend a drug identification seminar on 10/11/11, \$200.00 for John Huff, Bruce Linville, Christopher Millhorn & Richard Valek to attend a crime scene management seminar on 10/14/11, and \$250.00 for David Stepka and Bryan Wayne to attend a firearms, arrest & self defense seminar on 10/24-10/28/2011. Martha Catherwood seconded. Vote: C-yes, S-yes.

Chief Kalavsky announced that the police department has a prescription drug box in front of the police building that looks like a mailbox. Residents can leave their unused prescriptions in the box and the police will properly dispose of them. Please remove all personal information from the prescription label.

### FIRE DEPARTMENT

Martha Catherwood made a motion to adopt **Resolution #092611-02** which approves appointing Lydia Wochna to the position of Fire Education Specialist with additional duties as EMT-B and Firefighter. Compensation will be at the probationary rate of \$10.00 per hour. A full job description for this newly created position will be forwarded within 90 days with position effective 9/26/11. Ray Schulte seconded. Vote: C-yes, S-yes.

Martha Catherwood made a motion to adopt **Resolution #092611-03** which approves authorizing the repairs to Tender 32, 1992 International Tanker by Stuver Springs in Akron, Ohio. The repairs will be to remove and replace the rear springs after inspection. The cost shall not exceed \$1,500.00. Ray Schulte seconded. Vote: C-yes, S-yes.

Martha Catherwood explained that firefighter Michael McDermott has been sent notification of violations of his probationary status and was given a chance to resign. Mr. McDermott did not respond. Martha Catherwood made a motion to terminate Michael McDermott from the fire department in accordance with Section 2.6 of the Hinckley Township Policy Manual for Volunteer Firefighters and further clarified in the Probationary Firefighters section of the Hinckley Township Firefighters Systems manual which states: "Probationary Time Limit: Shall serve a twelve (12) month probation period. The Chief and officers will review them. They shall be subject to removal from the department by the Township trustees during their probationary period based upon the reviews of the Chief and officers. After this probationary period, removal shall be subject to the Ohio Revised Code." Ray Schulte seconded. Vote: C-yes, S-yes.

Martha Catherwood made a motion to rescind Resolution # 082911-02 which approved selling a fire vehicle on E-Bay. The sale will be tabled until a future date. Ray Schulte seconded. Vote: C-yes, S-yes.

### SERVICE DEPARTMENT

Paul Magovac announced that he received bids for the culvert repair on McKee Trail. The following bids were received: Fechko Excavating - \$16,200.00, Becco Inc. - \$17,685.00, Medina Excavating - \$20,975.00, Ralph Baratko Excavating - \$44,800.00. Martha Catherwood inquired whether all quotes were consistent. Paul Magovac responded that they were all consistent. Martha Catherwood made a motion to adopt **Resolution # 092611-04** which approves hiring Fechko Excavating Inc. for excavation work as listed in the quote for the culvert installation on McKee Trail for a total price of \$16,200.00. Ray Schulte seconded. Vote: C-yes, S-yes.

### ZONING DEPARTMENT

Jim Kamps stated that there is a worksession and regular meeting on October 6<sup>th</sup> beginning at 6:00 p.m. The Zoning Commission held a public meeting last Thursday on the zoning resolution. Fifteen people were in attendance for the meeting.

### CEMETERY DEPARTMENT

Walter Robb presented the trustees with a deed to sign for Richard & Wendy Salerno.

### TRUSTEES

Martha Catherwood presented the Board with a mylar for a lot split for the Kosman property. The trustees signed the mylar.

Martha Catherwood stated that she along with Ray Schulte, the Zoning Board, Chief Kalavsky have worked to resolve the junk vehicle situation. Martha Catherwood made a motion to rescind the 1998 Junk Car Resolution which established parking restrictions for junk motor vehicles and collectors vehicles pursuant to Section 505.173 of the Ohio Revised Code as of November 1, 2011. Ray Schulte seconded. Vote: C-yes, S-yes.

Martha Catherwood made a motion to adopt **Resolution #092611-05** which states the following: **ESTABLISHING A POLICY TO REGULATE THE STORAGE OF JUNK MOTOR VEHICLES IN THE UNINCORPORATED AREAS OF THE TOWNSHIP** The Board of Trustees of Hinckley Township, Medina County, Ohio met in regular session on the 26<sup>th</sup> day of September, 2011 at Townhall with the following members present: Martha Catherwood, Ray Schulte. WHEREAS, Ohio Revised Code 505.173 authorizes a board of township trustees to adopt resolutions as the board considers necessary to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township; and WHEREAS, the Board of Trustees finds that junk motor vehicles on public and private property within the unincorporated area of the Township are unsafe and unsightly, and are detrimental to property values and are injurious to the health, safety, welfare, and morals of the community; and WHEREAS, the Board of Trustees has decided that it is necessary to adopt a resolution pursuant to Ohio Revised Code 505.173 governing the storage of junk motor vehicles on private or public property within the unincorporated area of the township; **NOW THEREFORE BE IT RESOLVED**, by the Hinckley Township Board of Trustees that as used in this section, "Junk Motor Vehicle" means a motor vehicle that meets all of the following criteria; 1) Three model years, or older; 2) Apparently inoperable; and 3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

BE IT FURTHER RESOLVED that the Board of Trustees may cause a notice to be sent by certified mail, return receipt requested, or hand-delivered to the person or persons who have the right of possession of real property within the unincorporated area of the Township, that such persons may not store a Junk Motor Vehicle on said property [except within (1) an enclosed garage and (2) concealed by means building, fence, vegetation, terrain or other suitable screening]. BE IT FURTHER RESOLVED that subject to the exceptions contained in this resolution, no person having the right of possession of real property within the unincorporated area of Hinckley Township shall willfully leave a Junk Motor Vehicle on such real property for more than 14 days after receipt of a notice as provided in the preceding paragraph. The fact that a Junk Motor Vehicle is so left is prima-facie evidence of a willful failure to comply with the notice. BE IT FURTHER RESOLVED that nothing herein shall restrict the operation of a scrap metal processing facility licensed under authority of sections 4737.05 to 4737.12 of the Ohio Revised Code; the operation as a motor vehicle salvage dealer, salvage motor vehicle auction or salvage motor vehicle pool of a person licensed under Chapter 4738 of the Ohio Revised Code; or the provision of towing and recovery services conducted under sections 4513.60 to 4513.63 of the Ohio Revised Code, including the storage and disposal of junk motor vehicles removed from public or private property in accordance with those sections. Ray Schulte seconded. Vote: C=yes, S=yes.

Martha Catherwood made a motion to adopt **Resolution #092611-06** which approves the following: **IN THE MATTER OF ADOPTING A RESOLUTION FOR REMOVAL OF JUNK MOTOR VEHICLES PURSUANT TO R.C. SECTION 505.871** The Board of Trustees of Hinckley Township, Medina County, Ohio met in regular session on the 26<sup>th</sup> day of September, 2011 at Townhall, with the following members present: Martha Catherwood, Ray Schulte. WHEREAS, R.C. Section 505.871 authorizes a Board of Township Trustees to provide, by resolution, for the removal of any vehicle in the unincorporated territory of the Township that the board determines is a junk motor vehicle, as defined in R.C. Section 505.173; and WHEREAS, the Board deems it necessary to control junk motor vehicles within the unincorporated area of the Township. NOW THEREFORE BE IT RESOLVED, as follows: (A) Definition: As used in this Resolution "Junk Motor Vehicle" means a motor vehicle that meets all of the following criteria: 1) Three model years, or older; 2) Apparently inoperable; and 3) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission. (B) If a junk motor vehicle is located on public property, the board of township trustees may provide for its immediate removal. (C) 1) If a junk motor vehicle is located on private property, the board of township trustees may provide for the removal of the vehicle not sooner than fourteen days after the board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens or record on the land. 2) The notice provided under this division shall generally describe the vehicle to be removed and indicate all of the following: (a) The board has determined that the vehicle is a junk motor vehicle. (b) If the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle. (c) Any expenses the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry. 3) The board shall serve the notice under this Resolution by sending it certified mail, return receipt requested to the owner of the land, if the owner resides in the unincorporated territory of the township or if the owner resides in the unincorporated territory of the township and the owner's address is known or ascertainable through an exercise of due diligence. The board shall also send notice in such manner to any holders of liens of record on the land. If a notice sent by certified mail is refused or unclaimed, or if an owner's address is unknown and cannot be reasonably ascertained by an exercise of reasonable diligence, the board shall publish the notice once in a newspaper of general circulation in the township before the removal of the vehicle, and, if the land contains any structures, the board shall also post the notice on the principal structure on the land.

A notice sent by certified mail shall be deemed to be served for the purposes of this section on the date it was received as indicated by the date on a signed return receipt. A notice given by publication shall be deemed to be served for purposes of this section on the date of the newspaper publication. (D) The board of trustees may cause the removal or may employ the labor, materials, and equipment necessary to remove a junk motor vehicle under this section. All expenses incurred in removing or causing the removal of a junk motor vehicle, when approved by the board, shall be paid out of the township general fund from moneys not otherwise appropriated, except that if the expenses exceed five hundred dollars, the board may borrow moneys from a financial institution to pay the expense in whole or in part. (E) The board of trustees may utilize any lawful means to collect the expenses incurred in removing or causing the removal of a junk motor vehicle under this Resolution, including any fees or interest paid to borrow moneys under division (D) of this Resolution. The board may direct the fiscal officer to certify the expenses and a description of the land to the county auditor, who shall place the expenses upon the tax duplicate as a lien upon the land to be collected as other taxes and returned to the township general fund. (F) Notwithstanding section 4513.65 of the Revised Code, but subject to division (G)(2) of this Resolution, any collector's vehicle that meets the definition of a junk motor vehicle is subject to removal under this section. (G) (1) Nothing in this Resolution affects the authority of the board of township trustees to adopt and enforce resolutions under section 505.173 of the Revised Code to regulate the storage of motor vehicles on private or public property in the unincorporated territory of the township. (2) This resolution is subject to the same restrictions specified in division (A) of section 505.173 of the Revised Code for resolutions adopted under that section. Ray Schulte seconded. Vote: C=yes, S=yes.

Martha Catherwood stated that it is no one's intention to seize personal property. This resolution provides Chief Kalavsky the tools to assist us in complaints of properties with junk vehicles. The township can now address these situations and the resolution is a means of encouraging residents to abide by the rules. Penny Jaffe inquired whether agricultural vehicles are included. Martha Catherwood stated they were. Martha Catherwood stated that Mr. Sambor had comments on the resolutions but the Board could not read his comments because they included his vote. Ray Schulte stated Mr. Sambor can make his comments on his own at the next meeting.

Ray Schulte stated that the senior snow applications are due on October 3rd. Ray Schulte stated that the Ohio Township Association is offering three \$1500.00 for high school seniors. The deadline is January 27<sup>th</sup> and the information on the scholarship is on the website.

#### **FISCAL OFFICER**

Colleen Swedyk reported that the Township currently has funds totaling \$4,664,127.94. At the request of the fiscal officer Ray Schulte made a motion to adopt **Resolution #092611-07** which approves: WHEREAS, a contract has been duly entered into with the Westfield Bank of Medina, Ohio for the deposit of the active/interim monies of Hinckley Township; and said Bank has given a bond or has hypothecated the following securities, by proper legal transfer, as collateral, to secure the deposit of said monies, to wit: pooled collateral required by ORC 135.18 (b). THEREFORE, BE IT RESOLVED that said contract and bond and said hypothecation of said securities be and are, approved and accepted, and that ten million dollars (\$10,000,000.00) of the active/inactive/interim monies of this Board be deposited in said Bank, the sum at no time to exceed the amount of said bond, plus insured deposits. Payments to be made from said deposits as provided by law. Martha Catherwood seconded. Vote: C=yes, S=yes

Ray Schulte made a motion to adopt **Resolution #092611-08** which approves: WHEREAS, a contract has been duly entered into with the First Merit Bank of Medina, Ohio for the deposit of the active/interim monies of Hinckley Township; and said Bank has given a bond or has hypothecated the following securities, by proper legal transfer, as collateral, to secure the deposit of said monies, to wit: pooled collateral required by ORC 135.18 (b). THEREFORE, BE IT RESOLVED that said contract and bond and said hypothecation of said securities be and are, approved and accepted, and that ten million dollars (\$10,000,000.00) of the active/inactive/interim monies of this Board be deposited in said Bank, the sum at no time to exceed the amount of said bond, plus insured deposits. Payments to be made from said deposits as provided by law. Martha Catherwood seconded. Vote: C-yes, S-yes

**FLOOR**

Chris, from the Auditor's Office announced that the Top Dog Contest essays are due November 9th. The High School Seals contest deadline is November 1st. There is more information on these contests on the Auditor's website.

Jim Kamps thanked Suzanne Peterlin for all her hard work on the zoning update.

Martha Catherwood stated that we currently have a recording secretary position as an independent contractor for \$14.00 per hour – that position will soon be posted.

Ray Schulte made a motion to pay the bills. Martha Catherwood seconded. Vote: C-yes, S-yes. Ray Schulte made a motion to adjourn. Martha Catherwood seconded. Vote: C-yes, S-yes. The meeting adjourned at 8:20 p.m.

**The Board reviewed and initialed time sheets. In addition the Board signed the August Bank Reconciliation.**

The minutes of the meeting were approved by:

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