

YORK TOWNSHIP TRUSTEES

Colene Conley
Special Meeting

Richard Monroe

William Pavlick
September 8, 2011

Chairman Rick Monroe called the special meeting to order at 6:00 p.m. Present: All Trustees, Andy Conrad, Medina Co. Asst. Engineer and Fiscal Officer.

Andy brought info on the OWPC project for Spellman and Indoe Streets. There is 12' – 13' pavement currently there. The project would include the widening of the existing street widths to 18' to accommodate two-way traffic. There would be storm sewers installed and a sidewalk from Columbia to the Historical Society as well new pavement. He also explained the small government project process. These types of projects typically have scored high in the last 3 years. He also brought the application that needs to be signed. There are 4 copies to be submitted. If the funding is approved, it would be done in late summer 2012. Based on the past years' information, Andy has a good feeling about getting this project approved.

RESOLUTION #11-09-01 – OPWC Authorization for Spellman and Indoe Streets
Moved by Conley, second by Pavlick to approve the following resolution:

**RESOLUTION AUTHORIZING RICHARD MONROE, TOWNSHIP TRUSTEE, TO
PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC
WORKS COMMISSION STATE CAPITAL IMPROVEMENT AND/OR LOCAL
TRANSPORTATION IMPROVEMENT PROGRAMS(S) AND
TO EXECUTE CONTRACTS AS REQUIRED**

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, York Township is planning to make capital improvements to Spellman and Indoe Streets, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by York Township:

Section 1: Richard Monroe, Township Trustee, is hereby authorized to apply to the OPWC for funds as described above.

Section 2: Richard Monroe, Township Trustee, is authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Roll: Conley, yes; Pavlick, yes Monroe, yes.

Andy stated that the sidewalk plans have been hand delivered to ODOT. Another call has been placed to see the status so the project can be completed. As part of the sidewalk project, a form has to be signed for ODOT stating that the sidewalk is under our jurisdiction, not theirs. It has been approved by Bill Thorne. Colene asked if the Co. Engineer would finish up the sidewalk plans for Columbia Road since we've been approved for the next round of funding for it.

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Rick asked when the culvert at Spellman and Columbia Road will be replaced. The ODOT rep will be at the Annual Meeting next Thursday so we'll be able to ask him. Andy stated that the paving from SR 18 past Buckeye Schools will be done next year per the latest ODOT update.

RESOLUTION #11-09-02 – Approve Agreement with ODOT to Maintain Sidewalks
Moved by Monroe, second by Conley to approve the following agreement:

**AGREEMENT BETWEEN THE STATE OF OHIO DEPARTMENT OF
TRANSPORTATION AND YORK TOWNSHIP TO MAINTAIN SIDEWALKS
LOCATED WITHIN YORK TOWNSHIP**

This agreement is made by and between the State of Ohio, acting by and through the Director of the Department of Transportation (hereinafter referred to as the "ODOT", 1980 W. Broad Street, Columbus, Ohio 43223 and York Township in Medina County (hereinafter referred to as the "TOWNSHIP"), acting by and through the Township Trustees, 6609 Norwalk Road, Medina, Ohio 44256.

1. PURPOSE

- 1.1 The TOWNSHIP has determined that it is in the public interest to re-construct an existing sidewalk along the north side of SR 18, west of SR57/SR 252, and along the north and south side of SR 18, east of SR 57/SR 252, within the limits of the Township as set forth in plans titled York Township Sidewalk Improvement Plans.
- 1.2 The TOWNSHIP has existing sidewalks located within the right-of-way of SR 18.
- 1.3 The TOWNSHIP and ODOT agree that it is in the public interest to maintain, repair, and replace the sidewalks as needed.
- 1.4 The purpose of this Agreement is to establish the respective responsibilities of the parties with regard to the maintenance, repair and replacement of the sidewalks.

2. OBLIGATIONS OF THE TOWNSHIP

- 2.1 The TOWNSHIP shall maintain the sidewalks to design standards and provide general maintenance on the sidewalks. Maintenance activities include, but are not limited to, removal of snow and ice, repair, and replacement of the sidewalks.
- 2.2 The TOWNSHIP shall make arrangements for, and bear all costs of, maintenance, repair, and replacement of the sidewalks built within the right-of-way of SR 18.

3. NOTICE

- 3.1 Notice under this Agreement shall be directed as follows:

York Township	Ohio Department of Transportation
6609 Norwalk Road	District 3
Medina, Ohio 44256	906 North Clark Avenue

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Attn: Township Trustees

Ashland, Ohio 44805
Attn: District Deputy Director

4. DEFAULT AND BREACH OF CONTRACT

- 4.1 Neglect or failure of the TOWNSHIP to comply with any of the terms, conditions, or provisions of this Agreement, including misrepresentation of fact, shall be an event of default, unless such failure or misrepresentation are the result of natural disasters, strikes, lockouts, acts of public enemies, insurrections, riots, epidemics, civil disturbances, explosions, orders of any kind of governments of the United States or State of Ohio or any of their departments or political subdivisions (EXCEPT THOSE REASONABLY FORSEEABLE IN CONNECTION WITH THE USES CONTEMPLATED BY THIS AGREEMENT), or any other cause not reasonably within the TOWNSHIP's control. The TOWNSHIP, however, shall remedy as soon as possible each cause preventing its compliance with this Agreement.
- 4.2 If notified by ODOT in writing that it is in violation of any of the terms, conditions, or provisions of this Agreement, and a default has occurred, the TOWNSHIP shall have thirty (30) days from the date of such notification to remedy the causes preventing its compliance and curing the default situations. Expiration of the thirty (30) days and failure by the TOWNSHIP to remedy the default shall result in termination of this Agreement by ODOT.
- 4.3 Upon a termination of this Agreement by ODOT, ODOT shall conduct an inspection of the facility to determine whether the facility has been maintained in an acceptable condition. If the facility is not maintained to an acceptable degree and condition, then ODOT may take any measures necessary to maintain the facility. The TOWNSHIP shall be held responsible for full restitution of all expenses incurred in maintaining the facility.
- 4.4 No remedy herein conferred upon or reserved by ODOT is intended to be exclusive of any other available remedy, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity. No delay or omission to exercise any right or option accruing to ODOT upon any default by the TOWNSHIP shall impair any such right or option or shall be construed to be a waiver thereof, but any such right or option may be exercised from time to time and as often as may be deemed expedient by ODOT.

5. GENERAL PROVISIONS

- 5.1 The signing of the Agreement does not in any way abridge the right of the Director of Transportation in his jurisdiction over the state highway system. If, at any time, it becomes necessary, in the opinion of the Director of Transportation to order the removal, reconstruction, relocation, or repair of the facility, said removal work shall be completed wholly at the expense of the TOWNSHIP, and be made as directed by the Director of Transportation.

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- 5.2 This Agreement constitutes the entire Agreement between the parties. All prior discussions and understandings between the parties are superseded by this Agreement.
- 5.3 Neither this Agreement nor any rights, duties, or obligation described herein shall be assigned by any party hereto without the prior express written consent of the other parties. Any change to the provisions of this Agreement must be made in a written amendment executed by all parties.
- 5.4 This Agreement shall be construed and interpreted and the rights of the parties determined in accordance with the laws of the State of Ohio.
- 5.5 The District Deputy Director of District 3 shall have full authority to ensure the full compliance of the provisions of this Agreement.
- 5.6 The signing of the Agreement or the doing of any work thereunder shall constitute an agreement by the TOWNSHIP to comply with all of the conditions and restrictions written herein.
- 5.7 The TOWNSHIP shall be responsible for all suits, actions or claims of any character brought on account of any injuries or damages sustained by any person or property in consequence of any neglect or on account of any wrongful act or omission on the part of the TOWNSHIP as a result of the maintenance of said facility.
- 5.8 The TOWNSHIP shall comply with the Air Pollution requirements of Rule 3745-17-08 of the Ohio Administrative Code Promulgated and enforced by the Ohio Environmental Protection Agency.

6. SIGNATURES

- 6.1 Any person executing this agreement in a representative capacity hereby warrants that he/she has been duly authorized by his/her principal to execute this agreement on such principal's behalf.

STATE OF OHIO
Department of Transportation
Jerry Wray, Director

YORK TOWNSHIP
Trustees
Colene Conley
Richard Monroe
William Pavlick

Roll: Monroe, yes; Conley, yes; Pavlick, yes.

There was then discussion regarding the Stone Road issue at the Cooper property. They want us to assist them with resolving a drainage issue. They feel that due to recent ditching activities by the Township, excessive amounts of storm water runoff discharges directly onto the Cooper property. The second and more serious aspect of the problem is that the road ditches collect upstream sanitary sewage which is also directed onto their property. Bill

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Thorne went to the site to review. The issue is outside of the township right-of-way and none of the problems were created he felt by the Township per his visit. Jim Dieter from the County Soil and Water District met with Chris Cooper and his son at the property in 2002.. The results were that it was not a township issue. Bill Thorne advised that the township do nothing with the issue.

RESOLUTION #11-09-03 – 7597 Stone Road Drainage Issue

Moved by Conley, second by Pavlick to approve the following:

WHEREAS, Chris & Anne Cooper at 7597 Stone Road forwarded a letter from their attorney regarding their drainage issue, and

WHEREAS, The Township has investigated the drainage issue through various means, and

WHEREAS, The Medina Co. Soil & Water Conservation District informed both the Coopers and Township in July 2002 that the purpose of the road ditch is to provide drainage for the road and is not designed for the additional flow of water from the swale, and

WHEREAS, the Medina Co. Soil & Water Conservation District also informed the Coopers that the water must enter and leave his property at the same location as it did prior to the construction, and

NOW, THEREFORE BE IT RESOLVED that the York Township Trustees opt to do nothing with this issue since the issue was not caused by any action(s) on their part, but by the construction by the property owner and is not within the road right-of-way.

Roll: Conley, yes; Pavlick, yes; Monroe, yes.

Andy Conrad left at 6:50 p.m.

Colene stated that Don Dobson gave her a quote on miscellaneous ditch work that needs to be completed. There is some on Wolff Road to be done and Lester Road (\$500.00). Don will speak with Greg regarding the Wolff Road work.

RESOLUTION #11-09-04 – Hire Don Dobson Excavating for Lester Road Ditch

Moved by Monroe, second by Pavlick to hire Don Dobson to do the ditch work on Lester Road for \$500.00. Roll: Monroe, yes; Pavlick, yes; Conley, yes.

Bill Pavlick stated that he spoke with Bill Thorne regarding the Park sign. Ken Neumeyer will install it for free if we allow him to do it as time permits. The sign will state Orth Homestead Community Park. There was then discussion regarding the cost of putting up a sign and the need. The financial situation of the state and local governments was talked about. Bev stated she felt that the sign stating Orth Homestead Community Park was mid-leading since Mrs. Orth didn't donate anything to the township for the park and not many people left here would even know who Mrs. Orth is. Since the township only has one park, funding is tight and there are still other things to be done such as a permanent restroom, Bev expressed concern on the necessity to erect a sign at this time.

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RESOLUTION #11-09-05 – Order a Park Sign

Moved by Pavlick, second by to order the sign from NorthCoast Signworks at a cost of \$1,422.00. The motion died for lack of a second.

There was discussion regarding purchasing fish for the pond. Should we wait until spring to not worry about them dying over the winter? Tom James from the Park District stated they buy fish from another vendor. He also stated they purchase fish in both the spring and fall.

RESOLUTION #11-09-06 – Purchase Fish for Pond

Moved by Monroe, second by Conley to purchase fish at a cost of \$300 from Medina Co. Soil and Water Conservation. Roll: Monroe, yes; Conley, yes; Pavlick, yes.

Colene received a call from Ron Fabich regarding someone pulling in across the road from them who is making ruts. Colene spoke to the sheriff's department this morning. Rick had spoken with Penny regarding this. The trustees took a short recess to view the Wolff Road berm issue at 7:34 p.m.

The trustees returned to open session at 7:59 p.m.

Colene stated that Andy Kavac from Station Road volunteered to put tires around the electric pole and guide wire at the bottom of the sledding hill.

RESOLUTION #11-09-07 – Adjourn

Moved by Pavlick, second by Conley to adjourn at 7:59: p.m. Roll: Pavlick, yes; Conley, yes; Monroe, yes.

Rick Monroe, Chairman

Bev Fry, Fiscal Officer