

YORK TOWNSHIP TRUSTEES

Colene Conley
Special Meeting

Richard Monroe

William Pavlick
March 13, 2012

Chairman Colene Conley called the special meeting to order at 5:00 p.m.

RESOLUTION #12-03-01 – Installation of the New Reflectivity Signs

Moved by Conley, second by Monroe to approve the installation of the new reflectivity signs. Medina Co. Highway Engineer’s Office will do the installation at a cost of \$3,481.52 for the signs plus labor. Roll: Conley, yes; Monroe, yes.

Bill Pavlick arrived at 5:02 p.m.

RESOLUTION #12-03-02 – Approve Traffic Sign Retroreflectivity Maintenance Program Policy

Moved by Conley, second by Monroe to adopt the Traffic Sign Retroreflectivity Maintenance Program Policy. (Item A attached.) Roll: Conley, yes; Monroe, yes; Pavlick, yes. A copy will be forwarded to Pat Crouch at the Highway Engineer’s Department.

RESOLUTION #12-03-03 – Approve Agreement with Recovery Asset Network

Moved by Conley, second by Pavlick to approve the agreement with Recovery Asset Network. (Item B attached) Roll: Conley, yes; Pavlick, yes; Monroe, yes.

Reports:

Colene Conley:

- Colene reminded us of the Ethics Commission information that needs to be given to all employees. Bill Thorne will be sending a copy of it to us to verify it is what the fiscal officer has been giving out.
- Bill Thorne is also looking at the Sanitary Engineer’s hydrant agreement.
- Colene has asked Ken Barrett for a copy of the changes he is working on for LST calls so it can be put on our letterhead.
- Colene said we need to formally request of the County Engineer’s Office to complete the sidewalk plans for Columbia Road. The fiscal officer is to send the letter to Mike Salay and cc: Andy Conrad and Chris Jakab.
- Colene informed us of riding with the Co. Engineer to review the roads on April 2nd at 9:00 a.m.
- At Stone Road and S.R. 18, there are some issues with the drainage at some of the homes. Those homes were built many years ago with probably the old 6” clay tiles. Rick will get with the Engineer’s Office.

There was then discussion regarding the forecast of all of our funds. The fiscal officer reviewed each of the funds to show where we have received and spent money as well as where we anticipate our ending balances for 2012 – 2014. The tax valuations and millage rates were also given out. It was decided that everyone would absorb and evaluate the information given and meet again to discuss options available to go forward to alleviate deficit balances in the future. The next meeting will be on Tuesday, April 10th at 5:00 p.m.

RESOLUTION #12-03-04 – Adjourn

Moved by Pavlick, second by Monroe to adjourn at 6:52 p.m. Roll: Pavlick, yes; Monroe, yes; Conley, yes.

Colene Conley, Chairman

Beverly Fry, Fiscal Officer

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ITEM A

Policy C-6

Traffic Sign Retroreflectivity Maintenance Program for York Township, Medina County, Ohio – Calendar Year 2012

1. Introduction

“Retroreflectivity” refers to the property of a traffic sign to reflect light back to the driver. Retroreflective traffic signs are used to increase sign visibility at night. Maintaining sign retroreflectivity is important to promote nighttime traffic safety.

In January 2008, the Federal Highway Administration (FHWA) enacted new requirements for maintaining minimum levels of retroreflectivity for traffic signs. These requirements were established through the national Manual on Uniform Traffic Control Devices (MUTCD), and apply to all agencies that maintain roadways open to public travel. The MUTCD implementation resulted from a final rule published in the Federal Register on December 21, 2007.

The Ohio Manual of Uniform Traffic Control Devices (OMUTCD) is required to be in substantial conformance with the national MUTCD, and must incorporate new requirements within two years. Revision 1 of the OMUTCD 2005 Edition, effective January 2010, introduced a new section (2A.09) that sets forth the traffic sign retroreflectivity requirements for Ohio. Revision 2 of the 2005 Edition became effective in April 2011; and a new 2011 Edition is expected to be issued by December 2011.

The responsibility for the design, placement, operation, maintenance, and uniformity of traffic control devices rests with the public agency or the official having jurisdiction. Per Section 4511.11 of the Ohio Revised Code, local authorities shall place and maintain traffic control devices in accordance with the OMUTCD.

1.1 Implementation Requirements

The December 2007 final rule from FHWA established compliance dates as follows:

- By January 22, 2012, all agencies will have to establish and implement a sign maintenance program that can regularly address the new minimum sign retroreflectivity requirements.
- By January 22, 2015, all agencies must comply with the retroreflectivity requirements for most of their traffic signs, including: white on red and black on white regulatory signs (such as STOP signs and Speed Limit signs); black on yellow warning signs; and post-mounted white on green guide signs (except street name signs).
- By January 22, 2018, all agencies must comply with the retroreflectivity requirements for overhead guide signs and all street name signs.

1.2 References

References and resources for this work include, but are not limited to:

Ohio Manual of Uniform Traffic Control Devices (OMUTCD) – current version –
[http://www.dot.state.oh.us/Divisions/HighwayOps/Traffic/publications2/OhioMUTCD/Pages/](http://www.dot.state.oh.us/Divisions/HighwayOps/Traffic/publications2/OhioMUTCD/Pages/Section%202A.08%20-%20Retroreflectivity%20and%20Illumination)
Section 2A.08 - Retroreflectivity and Illumination
Section 2A.09 - Maintaining Minimum Retroreflectivity
Section 2A.22 – Maintenance

Additional parts/sections of the OMUTCD should be referred to as needed with regard to traffic sign management and maintenance functions.

Ohio Revised Code – Sections 4511.09 and 4511.11

Federal Highway Administration (FHWA) – Sign Retroreflectivity Resources

Toolkit – http://safety.fhwa.dot.gov/roadway_dept/night_visib/retrotoolkit/Guide –

http://safety.fhwa.dot.gov/roadway_dept/night_visib/policy_guide/fhwasa07020/

Additional Information –

http://safety.fhwa.dot.gov/roadway_dept/night_visib/sign_visib/

2. Policy Statement

York Township will use the plan, method(s) and procedure(s) described herein to evaluate and maintain retroreflectivity of traffic signs under its jurisdiction, in accordance with the most current version of the Ohio Manual of Uniform Traffic Control Devices.

3. Implementation Plan

The anticipated steps in this plan for calendar year 2012 are as follows.

- Create/maintain a traffic sign inventory for the Township and identify any sign problems/deficiencies that require corrective action.
- Use the selected method and procedure to evaluate the retroreflectivity of the Township’s traffic signs.
- Identify signs that do not meet the OMUTCD retroreflectivity requirements.

Prioritize and schedule replacement of signs that do not meet the OMUTCD retroreflectivity requirements.

In light of the first compliance date, the Township hereby resolves to proceed with the implementation plan by January 22, 2012 , or earlier if possible.

Based on experience gained as this program is implemented, the township may review and modify its approach to this work as needed in order to:

- Comply with the traffic sign retroreflectivity requirements per the OMUTCD; and
- Provide for the safety of sign inspection/maintenance personnel, motorists, and other road users.

Any significant changes made to the plan, method(s) or procedure(s) will be documented.

4. Traffic Sign Inventory

Daytime inspections will be conducted to identify and document all traffic signs under the Township’s jurisdiction. At a minimum, the documentation from these inspections will include the sign type, location, and condition. The inspections will also identify:

- Any damaged, deteriorated, or obscured signs, or other sign problems, that require immediate corrective action in the interest of traffic safety.
- Any signs or sign installations that do not meet the standards and requirements set forth in the OMUTCD.

The Township will take appropriate and reasonable steps to correct any sign problems/deficiencies identified. The data collected during the inspections will be used to create an inventory of the Township’s traffic signs. At the Township’s discretion, the sign inspection sheets may be organized in a notebook or filing system; or, data from the inspection sheets may be transferred to a separate spreadsheet or computer database. The Township will evaluate the available options and methods for long-term maintenance

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determine the type(s) or extent of training their inspector(s) will need in order to perform this function in accordance with the OMUTCD requirements.

5.3 Schedule and Documentation

The Township will begin its use of the Visual Nighttime Inspection Method – Consistent Parameters Procedure to evaluate traffic sign retroreflectivity no later than 3/1/12.. The traffic sign retroreflectivity inspections should be completed for Zone 1 by 6/1/12 , and for Zone 2 by 6/1-13.

The retroreflectivity inspection records will be kept in a notebook or filing system that will be accessible to the Township Trustees. Documentation from each inspection process will be kept for a period of at least five (5) years.

Looking ahead, the Township plans to conduct sign retroreflectivity assessments with a frequency of – Zone 1, every other year beginning in 2012 and Zone 2, every other year beginning in 2013. Future renewals or revisions of this program document will describe the time frame or frequency for conducting retroreflectivity assessments.

6. Additional Responsibilities for Traffic Sign Management and Maintenance

Retroreflectivity is just one of several factors associated with proper functioning of traffic signs. The Township continues to be responsible for the overall management and regular maintenance of signs under its jurisdiction, in the interest of traffic safety.

The following text is included in OMUTCD Section 2A.22 – Maintenance:

“Maintenance activities should consider proper position, cleanliness, legibility, and daytime and nighttime visibility . Damaged or deteriorated signs should be replaced.

To assure adequate maintenance, a schedule for inspecting (both day and night), cleaning, and replacing signs should be established. Employees of highway, law enforcement, and other public agencies whose duties require that they travel on the roadways should be encouraged to report any damaged, deteriorated, or obscured signs at the first opportunity.

Steps should be taken to see that weeds, trees, shrubbery, and construction, maintenance, and utility materials and equipment do not obscure the face of any sign.”

Responsibility and authority for directing the Township’s various sign management and maintenance functions, including the retroreflectivity maintenance program, is hereby assigned to:
the Traffic Control Analyst.

7. Documentation and Record keeping

The Township will establish a record keeping system to organize the documentation relating to its traffic sign management and maintenance functions, including:

- Creating and maintaining the sign inventory.
- Conducting routine, periodic condition inspections of signs.
- Conducting retroreflectivity inspections of signs.
- Maintenance-related activities / corrective actions / emergency measures, including those done in response to notification or discovery of knocked down, missing, damaged, deteriorated, or obscured signs .

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Documentation from each inspection cycle and maintenance-related activity will be kept on file for a period of at least five (5) years.

8. Annual Program Review and Renewal

Traffic sign retroreflectivity degrades over time. Therefore, maintaining retroreflectivity is an ongoing responsibility. The Township will review and renew this program document at least once per year. The usual process will be to conduct the review by the Traffic Control Analyst for the next calendar year. Any needed changes will be made to the document, and the updated version for the next year will be adopted under the authority of the Township Trustees Engineer no later than January 1.

Looking ahead, this process will take into account the January 2015 and January 2018 compliance dates for replacing signs that fail to meet the minimum retroreflectivity levels.

The Township is responsible for identifying any applicable future updates or revisions to the Ohio MUTCD standards or Federal regulations relating to traffic control devices, and updating this program document (including appendices/attachments) as needed to assure compliance.

Over time, the Township may consider using other sign retroreflectivity assessment or management methods. Future renewals or revisions of this program document will describe the method(s), procedure(s), and the time frame or frequency with which they will be used. The Township may also consider expanding this program document to more fully describe its other traffic sign maintenance and management functions.

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ITEM B



Recovery Services Agreement

This Recovery Services Agreement ("Agreement") is made and effective as of the date set forth below by and between **Recovery Asset Network LLC**, with its principal offices located at 19528 Ventura Blvd., Suite 380, Tarzana, CA 91356 ("RAN) **Board of Trustees of York Township of Medina County, Ohio** whose name and address are listed below, the "Parties."

In consideration of the services of RAN in identifying the outstanding funds owed to Client in the amount(s) of **\$14,316.20**, notifying Client of its rights to these Funds, and RAN's promise to direct Client's Claim to the Holder of Funds, subject to the conditions herein, Client hereby agrees to pay RAN's Service Fee equal to **15%** of the Funds received by Client, out of which RAN will pay all its own expenses, and Client and RAN hereby agree to the following:

1. Client hereby engages RAN to recover, or cause the recovery of the Funds listed herein, and appoints RAN as its agent for the purpose of identifying the Holder of Funds, and preparing and presenting the required Claim Forms to the Holder. Client will execute a Limited Power of Attorney authorizing these activities.
2. RAN will provide Claim Forms and a list of Client documentation necessary for the recovery of Funds. (e.g. verification that the Client is the owner of the Funds, authority to make claim on behalf of the company.)
3. Client will cooperate by executing and providing documents necessary to complete the Claim in a timely manner.
4. Execution of this Agreement will result in the identification of the Holder of Funds to Client and therefore result in a binding agreement to pay the Service Fee upon Client's receipt of Funds, whether the recovery of Funds is thereafter collected by Client or RAN.
5. If Client is actively attempting recovery of the Funds as of the date of this Agreement, and can provide proof satisfactory to RAN, or if the Funds are held by any unclaimed property office of a state, this Agreement shall be null and void. If Client collects Funds and does not provide this satisfactory proof, then Client shall pay RAN the Service Fee set forth above within ten (10) business days of receipt of Funds.
6. Client agrees that neither Client nor any of its agents will attempt to obtain the Funds or interfere with RAN's effort to recover the Funds. If Client or its agents do so, Client agrees to pay the RAN Service Fee set forth above within ten (10) business days of receipt of Funds.
7. **Client does not pay Fees until Client receives Funds.** If Funds are recovered Client owes the Service Fee set forth above. If the Funds are payable to RAN then the Service Fee shall be deducted from the Funds and the balance remitted to Client within ten (10) business days from the date the Funds clear RAN's bank. In the event the Funds are payable to Client or Client otherwise receives the Funds, Client will remit the Service Fee to RAN within ten (10) business days of receipt.
8. Client agrees that RAN has not and will not guarantee the recovery of Funds. RAN will provide its best efforts to ensure the claim for Funds is properly submitted to the Holder of Funds. Client understands RAN has no control over Holder's decision to release Funds or the timing of Holder's release of Funds. *Disclaimer: RAN is a private company; it is NOT a government agency nor is it affiliated with any government agency.*

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- 9. Client agrees to hold harmless RAN from any and all of Client's expenses, costs, liability, claims, actions, demands, proceedings, or damages, and all expenses related thereto, that Client may incur arising out of or as a result of: RAN's good faith identification of Funds that are later determined not to be the legal property of Client (if Client receives Funds and is thereafter required to return Funds, RAN, upon proof, will disgorge the Service Fee paid to RAN by Client for recovery of such returned Funds); RAN's identification of Funds that have previously been claimed or are no longer available; and failure of Holder to release Funds for any reason.

RAN and Client agree to the terms and conditions stated herein and agree this Agreement represents the complete understanding between the Parties and supersedes all previous written and oral agreements and communications. This Agreement may only be modified or amended by a writing signed by both Parties. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

The invalidity or unenforceability of any portion of this Agreement shall in no way affect the validity or enforceability of the remainder of this Agreement.

This Agreement and RAN's authority and entitlement hereunder shall terminate automatically upon Client's receipt of Funds and payment of the Service Fee.

Copies, facsimiles and electronic signatures shall have the same force as originals.

Date: MARCH 13, 2012

Client Name: **Board of Trustees of York Township of Medina County, Ohio**
Client Address: 6609 Norwalk Road
Medina, OH 44256

Title: CHAIRMAN
Print Name: COLENE S. CONLEY
Client Signature: Colene S. Conley