

**MINUTES OF THE REGULAR MEETING OF THE  
CANTON TOWNSHIP BOARD OF TRUSTEES  
HELD TUESDAY, AUGUST 28, 2007**

The Canton Township Board of Trustees met in a Regular Session on  
Tuesday, August 28, 2007 at 7:00pm with two Trustees present.

Pledge of Allegiance

ROLL CALL:            Mr. Christopher B. Nichols   -    Present  
                              Mr. James A. Wilcox         -    Absent (family medical emergency)  
                              Mr. William C. Smith       -    Present

Also in attendance: Fiscal Officer Ron Smith, Zoning Director Marshall Lewis, Road Superintendent Dave Robertson, and Fire Chief Scott McKibben.

**MINUTES:**

Approval of minutes from the August 14, 2007 Regular Meeting was tabled until the next meeting.

**TOWNSHIP ADDITIONAL LEGAL COUNSEL – ATTY. CHARLES D. HALL III**

Atty. Hall stated that earlier this month, Court Case No. 5.05CV02069 was heard and settled in front of Judge John Adams. This case being Christopher Smith and Lorie Deem-Rockstroh verses Jonathan Smith and others (one of the others being the Canton Township Board of Trustees).

A settlement was reached based upon dictates handed down by the Board of Trustees liability insurance carrier. The Board has already approved the settlement in principle. He has with him this evening, the formal, final settlement agreement that will require the Board's signature. This agreement has been drafted and approved by both the plaintiff's attorney and the Board's liability insurance carrier. No formal resolution is required, but he is asking the Board to sign the agreement this evening, so Atty. Hall can hand-carry the original signed agreement back to Atty. John Latchney who can then forward it to Mr. Smith's and Ms. Rockstoh's attorney.

This settlement was made against the recommendation of trial counsel, and specifically against Atty. Hall's recommendation. This settlement was entered into solely as a matter of an economic decision made by the Board's liability insurance carrier. This lawsuit was hotly contested. The settlement does not concede any liability on the part of the Board or any of the other defendants. The only expense of Canton Township tax dollars was the \$1,000.00 deductible which is required by the insurance company. This \$1,000.00 would have been spent regardless of settlement or the outcome of this case because the cost of investigation and filing of the answer, at the prevailing attorney rates, burn up that \$1,000.00.

As part of the settlement, the Board has agreed to enter into its' minutes, and he has with him this evening, a public statement that was drafted in court that day. The attorney for Mr. Smith and Ms. Rockstroh and Atty. John Latchney, the Board's insurance defense counsel and Atty. Hall drafted this agreement. It was specifically agreed that this agreement would be read as a public statement during this meeting. It was specifically agreed that this public statement would be released, and in fact, was issued to the press on the day of the settlement.

At this time, Atty. Hall proceeds to read the public statement.

**FIRE:**

Fire Chief presented receipts collected for two weeks for the following: \$2,301.58=Ambulance Billing, and \$122.00=CPR, for a total of \$2,423.58. Mr. Nichols made a motion to accept the report/fees as submitted, seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve closing 1 BC and 1 PO:

BC  
#13 = Training & Related Supplies

PO  
#64 = Busy Beaver Building Centers

Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Mr. Smith made a motion to approve opening 1 new BC and 2 new PO's:

BC  
\$2,000.00 = Training & Related Supplies

PO  
\$1,500.00 = Busy Beaver Building Centers  
4,000.00 = Seton Industries

Motion seconded by Mr. Nichols. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve the Training Financial Reimbursement Agreement for 240 Hour Firefighter/Other and Paramedic, as presented by the Fire Chief. Motion seconded by Mr. Smith.

Mr. Nichols made a motion to table the previous motion to approve of the Training Financial Reimbursement Agreements for two weeks until wording in the Agreements are changed. Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

FYI: > Update on Staff Injuries

Terrol Stauffer: off thru September with knee injury

Jon Schneider: knee injury which will affect two shifts, not a BWC claim

**EXECUTIVE SESSION:**

Mr. Nichols made a motion to move into Executive Session at 7:19pm with the Trustees, Fiscal Officer, Fire Chief, and Atty. Charles Hall to discuss personnel issues. Motion seconded by Mr. Smith.

ROLL CALL VOTE: Mr. Nichols - YES  
Mr. Wilcox - Absent  
Mr. Smith - YES

Mr. Nichols made a motion to move out of Executive Session at 7:32pm, seconded by Mr. Smith.

ROLL CALL VOTE: Mr. Nichols - YES  
Mr. Wilcox - Absent  
Mr. Smith - YES

Mr. Nichols made a motion to approve reimbursement of \$500.00 to Terrol Stauffer after attending the 2007 IADRS (International Association of Dive Rescue Specialists) Water Conference in Colorado Springs on Sept. 26-29. Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

**ROAD:**

Road Superintendent presented receipts collected for two weeks for the following: \$25.00=Haul Permit, and \$160.00=Culvert Pipe, for a total of \$185.00. Mr. Smith made a motion to accept the fees as submitted, seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve opening one new PO:

\$11,254.32 = Bank of Magnolia (backhoe payment)

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve the purchase of a new snow plow, hydraulics, and sand-blasting package as quoted from Gledhill Road Machinery Co. in the amount of \$22,201.00 through the State of Ohio Purchase Program. Motion seconded by Mr. Smith and voting YES - Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve opening a new PO:

\$22,201.00 = Gledhill Road Machinery Co

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve and sign the Notice to Proceed with Central Allied Enterprises for the 2007 road paving as quoted \$140,018.55. This upon review of all quotes submitted and recommendation by Township legal counsel. Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve opening a new PO:

\$140,018.55 = Central Allied Enterprises

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

FYI: > 23<sup>rd</sup> St SW has been paved and striped  
> Road Superintendent – Vacation August 29-30-31

**ZONING:**

Zoning Director presented zoning fees for two weeks in the amount of \$368.90. Mr. Nichols made a motion to accept the report/fees as submitted, seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Mr. Smith made a motion to approve closing 1 BC and 1 PO:

BC  
#32 = Postage

PO  
#24 = Pitney Bowes

Motion seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Smith.

Mr. Smith made a motion to approve the Zoning Inspector using the township zoning truck and safety signs and vests on Saturday, September 8, 2007 to assist the Canton South High School band in the clean-up of Cleveland Avenue. Motion seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Smith.

FYI: > Violations Cleared:

631 Carnwise SE (Rocovitz) trash removed  
314 Carolldale SE (Sheaks) lawn mowed  
2923 Joseph NW (Tax Service) lawn mowed  
4128 Mapleton SE (Dalton) vehicle removed/lawn mowed  
4636 Monica SW (Daubenspeck) lawn mowed

- > Zoning minutes for 2004-2007 completed and ready to go online
- > Zoning forms completed and ready to go online
- > Update – Michel properties – Mr. Michel’s answer date to his legal notification is September 13
- > Update – Mellon property – Mr. Mellon has not yet been served his notice

**FISCAL OFFICER:**

Fiscal Officer presented bills in the amount of \$100,210.21, and payroll in the amount of \$48,092.55, for a total of \$148,302.76. Mr. Smith made a motion to approve the checks as submitted, seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Smith.

Payment Register and Fund Status reports handed out to Trustees and Department Heads. New Appropriation Status report and new PO & BC lists to be given to Department Heads on Thursday, August 30.

Mr. Nichols made a motion to open 1 Then & Now PO:

\$9,148.00 = Frank Gates Service Co (annual service fee for BWC)  
effective 07/06/07, but invoice not received until 08/17/07

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve opening 1 new PO:

\$89.85 = CanNet Internet Services (web hosting Oct-Nov-Dec)

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

FYI: > Employee Reimbursements – detailed receipts required

- > Community Center – AARP – mowing paid thru July  
– Guinther’s – maintenance paid thru August
- > Public Records Request – employee health benefits
- > 2008 Budget – Sept.11 meeting
- > 2007 Street Lighting – Sept. 11 meeting

Mr. Nichols made a motion to approve a Special Meeting to be set for Tuesday, September 4<sup>th</sup> at 6:00pm with the Trustees, Fiscal Officer, and Atty. Charles Hall to discuss fund advances and any other general township matters. Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Mr. Nichols made a motion to approve opening a new PO:

\$200.00 = Waco Area AARP (mow Comm.Center)

Motion seconded by Mr. Smith. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

Mr. Smith made a motion to approve opening a new PO:

\$300.00 = Richard Guinther (Co.Center maintenance-Sept)

Motion seconded by Mr. Nichols. Fiscal Officer certified funds are available. Voting YES – Mr. Nichols and Mr. Smith.

**PUBLIC SPEAKS:**

**Lorie Smith – 1203 Faircrest St SE, Canton Township**

Ms. Smith read a statement concerning the recently settled court case of Christopher Smith and herself verses Jonathan Smith and others.

TRUSTEES:

MR. NICHOLS:

Township Open House = Mr. Nichols made a motion to set a date for a township open house to be Saturday, October 20, 2007 from 9:00am to 11:00am at the Township Administration Building. Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Newsletter = All information from Department Heads is due to Mr. Nichols by September 5<sup>th</sup>.

Website = Is up and running. Department Heads still in process of updating and providing more information.

Township Auction = Auction will be Thursday, September 20<sup>th</sup> at 5:00pm at the Community Center.

Top 20 Township Taxpayers = Next meeting he will have list for each Trustee to contact those companies to express Township's appreciation for their business and see if there is anything Township can do for them.

CEDA Committee = As part of our CEDA agreements with the City of Canton, a committee was to be formed consisting of a Board designate, Fiscal Officer, and two appointees from the city to keep an ongoing dialog concerning the CEDA areas.

Mr. Nichols made a motion to approve the Board sending a letter to Canton City Mayor Creighton requesting to set a meeting of the CEDA committee to discuss growth opportunities in the CEDA areas. Motion seconded by Mr. Smith and voting YES – Mr. Nichols and Mr. Smith.

Carnwise Traffic/Trick-or-Treat = Discussion at the September 11 Regular Meeting concerning closing thru-traffic on Carnwise SW/SE during Trick-or-Treat time to avoid danger to the children walking in that area.

MR. WILCOX

Absent this evening

MR. SMITH

Nothing further to discuss this evening.

No further business coming before the Board, Mr. Smith made a motion to adjourn at 8:23pm, seconded by Mr. Nichols and voting YES – Mr. Nichols and Mr. Smith.

*(signatures on next page)*

