

Trustee Regular Meeting – September 17, 2019

Chairman Becky Lutzko called the meeting of the Hinckley Township Board of Trustees to order at 6:32 p.m. on September 17, 2019. Present were Trustees Becky Lutzko, Jim Burns and Ray Schulte, Fiscal Officer Martha Catherwood, 60 residents and 2 reporters. All joined the Pledge to the Flag.

Ms. Lutzko made a motion to approve the minutes from the September 3, 2019, Regular Meeting as written. Schulte second. Vote: B-yes, S-yes, BCL-yes.

Ms. Lutzko indicated that the first order of business would be the contract between Kimble Recycling and Disposal Inc. and Hinckley Township. Fiscal Officer Catherwood provided the Trustees with a copy of a resident-led referendum petition that indicated it was based on O.R.C. home-rule provisions, which was given to Ms. Catherwood earlier that afternoon by several residents. Ms. Lutzko noted for the record that Hinckley Township is not a home-rule township, but otherwise acknowledged receipt.

Medina County Assistant Prosecutor Dennis Paul provided the Trustees with the finalized agreement for Kimble Company to provide waste and recycling services to Hinckley Township, and he stated that the finalized agreement has been reviewed by the Medina County Prosecutors Office. He presented the document to the Trustees to approve; he stated that he would then notarize the Trustees signatures.

At this time, Mr. Burns made a motion to approve **Resolution #091719-01**, entering into contract with Kimble Company to provide solid waste and recycling services to Hinckley Township. Schulte second.

Ms. Lutzko thanked the audience for their attendance. She provided details to the audience on provisions of the contract, detailing two service options: Unlimited; which includes waste and recycling services and an additional 2 cubic yards of bulk trash for a Year-One cost of \$21.75 per month, and Bag Service; which is a Pay-As-You-Go system. The Bag Service includes a recycling cart and 30-gallon bags purchase through Kimble. The cost of the Bag Service for Year One is \$6.90 a month for the routing fee and \$3.00 per bag. Ms. Lutzko added that both service options include curbside, single-stream recycling, no sorting required.

Ms. Lutzko addressed a criticism the Trustees have received from some residents, who stated that the Trustees should have put the single waste hauler issue on the ballot. She explained to the audience that Townships are limited forms of government, subject to the powers and limitations provided by the Ohio General Assembly, and based on information obtained from an Ohio Secretary of State Advisory Book relating to election and ballot issues, it was her understanding that the Township could not use the ballot to poll residents about the single-hauler waste issue. She added that, according to the Secretary of State publication, only municipalities have the power to place advisory questions on the ballot.

Ms. Lutzko addressed another criticism the Trustees have received from some residents, who stated that residents were not aware of the single-hauler waste initiative. She cited the publicly noticed Trustee Meetings and Special Meetings, and numerous articles in the Hinckley Record and the Post from as early as September 2018. She explained that throughout the process the Trustees have listened to resident concerns and made effort to address those concerns throughout both the bidding process and contract negotiations. Ms. Lutzko informed the audience that, when they voted to accept the bid from Kimble on August 20, 2019, the Trustees agreed to negotiate in good faith with Kimble to move forward on the single-hauler waste and recycling program. She asked that the audience keep an open mind and see how the service works before moving to judgement.

There being no further discussion, the roll call vote was cast as follows: B-yes, S-yes, L-yes.

The Trustees signed two copies of the Kimble contract, witnessed and notarized by Assistant Medina County Prosecutor Dennis Paul.

GUESTS

Mr. Schulte introduced Laura Toth, from the Medina County Office of Aging Adults to discuss the Social Service on the November 5, 2019 ballot. Ms. Toth explained the provision of services to older adults provided by the Office of Aging Adults and asked the audience for their support on November 5, 2019.

Mr. Schulte introduced Mike Cunnington, Policy Advisor for U.S. Congressman Gonzalez of the 16th District. Mr. Cunnington outlined Veteran's Affairs, Medicare and Social Security assistance the Congressman's office can provide residents. Ms. Lutzko asked Mr. Cunnington to contact or meet with the Township about infrastructure grants at a later date.

FIRE DEPARTMENT

Lt. Landis presented the August 2019 Monthly Report, which included, 41 Total Incidents (33 EMS/8 Fire-related), Average Emergency Response time overall – 7:09 minutes, Overlapping calls – 7, Occupancy Inspections – 6. Ms. Lutzko noted the significant decrease in response times, which Lt. Landis attributed to the 24/7 staffing.

TRUSTEES

Mr. Burns discussed the Crew Foreman position opening in the Service Department. The posting has been placed in the Medina County Gazette and the Hinckley Township website. Mr. Burns explained that a vacancy exists due to the departure of Jason Hamlett; the position will have an on-site supervisory component, but otherwise regularly involve labor. The closing date for the posting is September 25, 2019.

Mr. Burns asked Ms. Lutzko and Mr. Schulte if they were agreeable to scheduling the annual Hinckley Elementary School Trustee Meeting on Monday, November 4, 2019 to avoid a conflict with the Regular Meeting previously scheduled for November 5, Election Day. The Trustees agreed to the revised meeting schedule.

Mr. Burns made a motion to approve Resolution #091719-02, granting the Fiscal Officer the ability to pay the Set-In-Stone Contracting, LLC Invoice for the Galilee Oval, David Drive and Laurie Lane reconstruction project the approved bid amount (\$163, 874.00/ Res. # 070219-01) outside of the normal Trustee Meeting schedule. This is required pending a determination of a final total due to deductions and overages that have occurred during the project period. Lutzko second. Vote: B-yes, S-yes, L-yes.

Mr. Burns made a motion to adjourn into Executive Session for discussing an employment and compensation issue within the Service Department. Lutzko second. Vote: B-yes, S-yes, L-yes.

Mr. Burns made a motion to amend a previous motion for cold patch (08/06/19). The previous motion had Kokosing as the supplier; the amended motion identifies Unique Paving as the supplier of cold patch for the Bellus Road Cross culvert projects for a cost not to exceed **\$2,200.00**. Lutzko second. Vote: B-yes, S-yes, BCL-yes.

Mr. Schulte announced that the Ohio Department of Commerce has awarded Hinckley Township a Cemetery Grant for \$1,000. The grant will be used to address monument maintenance at Ridge Cemetery. Mr. Schulte thanked the Board and Sexton Suzanne Peterlin for their assistance in obtaining the grant.

Ms. Lutzko informed the audience that the 2019-2020 Hinckley Township Seniors Emergency Snow Removal Program will begin taking applications beginning on October 1, 2019. The application process is an annual process, therefore; even if an individual qualified in 2018, they must still apply in 2019. She added that the program is supported by the Hinckley Fire Department Community Benefit Fund, Inc. and administered by Hinckley Township. The program provides a packet of vouchers to qualified seniors or a Disabled Person as defined in the Americans with Disabilities Act of 1990. 42 U.S.C. 12102. Income restrictions and eligibility verification are required to receive program benefits.

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Additional details can be found on the Township website or by contacting the Hinckley Township Administrative Office.

Ms. Lutzko reported she has spoken with the Township's labor attorney and anticipates finalizing the Police Union Negotiations in time to enter into contract by October 1, 2019, but noted that a delay was possible due to the trial schedule of the Union's attorney. Mrs. Catherwood indicated that an additional fund appropriation is necessary to accommodate this stage of the negotiations

Ms. Lutzko made a motion to contract with Fisher and Phillips for an amount not to exceed \$5,000.00, appropriated from Fund 2192. Burns second. Vote: B-yes, S-yes, BCL-yes.

Ms. Lutzko asked Road Superintendent Haigh if he had received any quotations for centerline striping on Kellogg Road. Mr. Haigh replied that he had received one quote based on the Medina County Engineers Office recommendation. The quote was from AeroMark for \$1,527.00. Ms. Lutzko asked Mr. Haigh if he had obtained any additional quotes, Mr. Haigh responded that he did not, as this is a vendor that does the majority of striping throughout the County. He also noted that the vendor was available to complete the project promptly, if approved.

Ms. Lutzko made a motion to contract with AeroMark to perform striping on Kellogg Road subject to guidance through the Medina County Engineers Office that there are no legal impediments to centerline striping on this roadway. Burns second. Vote: B-yes, S-yes, BCL-yes.

FISCAL OFFICER

Ms. Lutzko made a motion approving **Resolution #091719-03**, requesting a supplemental appropriation transfer moving \$15,000.00 from 2031-330-599-0000 (Road and Bridge-Other Expenses) to 2031-330-221-0000 (Road and Bridge – Medical/Hospitalization). Burns second. Vote: B-yes, S-yes, L-yes.

Mrs. Catherwood stated the fund balance is \$5,291,448.03.

FLOOR

Chairperson Lutzko asked those in the audience who wanted to speak to keep their comments to 3 minutes or less and to be respectful.

Resident Connie King asked the Trustees to rescind their motion to hire a single waste hauler. She cited her concerns, which included the negative impacts on residents with long driveway, waste containers that may become eyesores and seniors dealing with a variety of challenges.

Several other residents later expressed similar concerns, also requesting the Trustees rescind the motion to hire a single waste hauler.

Resident Jim Bialosky spoke in support of the single-hauler program and felt that many residents were being given misinformation. He felt that the single-hauler proposal has been well-publicized and feels that the program will be beneficial to the community.

Resident Jim McClintock informed the Trustees that he has analyzed the survey results and expressed his concern that 30% of the IP addresses used to complete the survey may have been located outside of Hinckley. Ms. Lutzko and Mr. Burns replied that residents might have taken the survey at a workplace outside of Hinckley Township. Mr. McClintock cited 27 total responses that shared the same IP address (many involving 2 survey responses from 1 IP address, and a few involving more than 2 survey responses from 1 IP address) and reiterated his feeling that there were inconsistencies in the survey.

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A resident inquired when pricing and plan details would become available. Ms. Lutzko replied that Kimble has provided the Trustees a preliminary implementation plan, there is a meeting planned with Kimble on October 1, 2019 to discuss this plan and develop a timeline. She suggested residents check the Township website for additional information as it is determined.

A number of residents inquired as to how many households would be eligible to Opt-out and if the Opt-out could apply to individuals who do not reside in Hinckley in the winter. The Trustees replied that based on the current number of households in the Township, 154 households can chose to Opt-out, and there are accommodations within the contract for one break in service annually.

A resident asked why the November 20, 2018 Meeting Minutes did not reflect a vote for the creation of the waste district. Mrs. Catherwood replied that she was aware of the omission that was not caught in proofreading. She stated that the minutes are to be amended, but that other documentation established that, at the time, the vote was properly taken and passed. She brought out the meeting notes and the Certification of the Vote for the resident to see.

Resident Ron Garapick inquired as to whether the Trustees noticed their Special Meeting on September 10, 2019 properly. The Trustees assured Mr. Garapick that the meeting had complied with Public Notice requirements. Mr. Garapick then asked the Trustees about changes negotiated in the contract that he alleged were material; the Trustees replied that the Special Meeting was requested by Assistant County Prosecutor Dennis Paul for the Trustees to gain a consensus on the Opt-out portion of the contract. Mr. Garapick inquired as to whether any other contract negotiations were discussed at the September 10, 2019 Special Meeting. The Trustees replied that all other negotiations were discussed at the September 3, 2019 Regular Meeting.

The Trustees provided an opportunity for residents to speak on the topic of the solid waste issue to express their feelings. Several residents spoke extensively about their opposition to the single-hauler waste program.

Ms. Lutzko made a motion to pay the bills for **\$454,485.43**. Schulte second. Vote: B-yes, S-yes, BCL-yes.

The Trustees adjourned into Executive Session at 9:18 p.m. The Trustees returned from Executive Session at 9:42 p.m. with no decision made.

Ms. Lutzko made a motion to adjourn at 9:43 p.m. Burns second. Vote: B-yes, S-yes, BCL-yes.

The Board reviewed and signed purchase orders, Bank Reconciliation and bills.

The minutes of the meeting were approved by:

