

Trustee Regular Meeting  
April 18, 2023

Chairman Swedyk called the meeting of the Hinckley Township Board of Trustees to order at 6:31 p.m. on April 18, 2023. Present were Trustees Swedyk, Augustine and Ascherl. Fiscal Officer Catherwood, Road Superintendent Behary and Fire Chief Grossenbaugh. 25 people attended in person and three virtual.

### **MEETING MINUTES**

Mr. Swedyk moved to approve the following:

- April 4, 2023 Regular Meeting minutes as amended. Ascherl second. Vote: ASCH- yes, S-yes, AUG – yes

### **FIRE**

Ms. Ascherl made a motion to approve repairs to Squad 37-2 from Liberty Ford Brunswick for an amount not to exceed \$3,300.00. Augustine second. Vote: ASCH- yes, S-yes, AUG-yes

Ms. Ascherl made a motion to enter into a 1-year Emergency Apparatus Service Schedule “B” agreement with W.W. Williams for Engine 31 and 31-2 and Tanker 32 at a cost not to exceed \$5,800.00 for all three vehicles. Schedule :B: service includes bumper-to-bumper inspection, filters, fluid changes, pump test and ground ladder test. Augustine second. Vote: ASCH- yes, S-yes, AUG-yes

Ms. Ascherl made a motion to hire Firefighter/EMT James Gaeckle at a rate of \$14.78/hour with a one-year probation effective immediately. Augustine second. Vote: ASCH- yes, S-yes, AUG-yes

Ms. Ascherl administered the Oath of Service to Mr. Gaeckle.

The Trustees thanked Chief Grossenbaugh, Chief Centner and Zoning Inspector Wilson for attending the Township at the Medina County Commissioners Annexation Public Hearing.

### **SERVICE**

Mr. Swedyk made a motion to adopt **Resolution #041823-01**, approving contracting with Melway Paving Company for the Hinckley Township paving program at a cost of \$50,515.00. The paving will be on Boston Road from State Route 94 east to the dead end. The Township will be reimbursed 50% of the cost from the City of North Royalton in accordance with the Hinckley Township/North Royalton road agreement. Ascherl second. Vote: ASCH- yes, S-yes, AUG – yes

Mr. Swedyk made a motion to adopt **Resolution #041823-02**, for the purchase of a 2024 Mack Truck (Model # GR42F) from R & R Truck Dales Inc. through ODOT contract 023-23 at a cost of \$127,900.00. Ascherl second. Vote: ASCH- yes, S-yes, AUG – yes

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Mr. Swedyk made a motion to approve the purchase of a Milwaukee Cordless Pole Saw with a cordless electric chainsaw kit through Home Depot at a total cost of \$789.00. Ascherl second. Vote: ASCH- yes, S-yes, AUG-y

Mr. Swedyk requested the Trustees move to clarify the language that indicates a trustee resolution is required to authorize Typical Street Section/Pavement Type in the current Hinckley Township Subdivision Standards. The Trustees agreed that a clarification is required.

Mr. Swedyk made a motion to adopt **Resolution #041823-03**, rescinding Resolution 051722-03, effective April 18, 2023. Ascherl second. Vote: ASCH- yes, S-yes, AUG – yes

Mr. Swedyk made a motion to adopt **Resolution #041823-04**, as follows:

RESOLUTION OF THE BOARD OF TOWNSHIP TRUSTEES OF HINCKLEY TOWNSHIP, MEDINA COUNTY, OHIO, ADOPTING THE ROAD DISTRICT AS PRESCRIBED BY ARTICLE 4 OF THE MEDINA COUNTY ENGINEERING CODE FOR RESIDENTIAL SUBDIVISION DEVELOPMENT OF MEDINA COUNTY, OHIO.

WHEREAS, in the interest of preserving the public health and general welfare of the present and future residents of Medina County, it was deemed necessary in the opinion of the Medina County Commissioners to adopt general rules and regulations setting standards and requirements in securing the construction of improvements shown on the plats and plans as allowed by section 711.101 of the Ohio Revised Code, and

WHEREAS, it was the further opinion of the Board of Medina County Commissioners that through Article 4 of those rules and regulations, a road district per township should be established so that the political subdivision having the maintenance responsibility of said improvements will have roads constructed compatible to their normal maintenance procedures and the varying topographic and physical conditions of the respective township.

NOW, THEREFORE, BE IT RESOLVED by this Board of Township Trustees in and for Hinckley Township, Medina County, Ohio, that the following rules and regulations setting the criteria to be used within the road district for subdivision developments within said township shall govern all construction pertaining to subdivision from April 18, 2023 forward:

#### TYPICAL STREET SECTION/PAVEMENT TYPE

Deviations from the specifications contained herein requires final approval by the Township Board of Trustees and the adoption of a trustee resolution.

#### URBAN SUBDIVISIONS (Density > 1 House/Acre)

An 8'' fiber reinforced pavement with ¾'' dowels across the transverse joints on 3'' of base stone with a standard subgrade with type 2A curb with curb inlet catch basins and 4'' perforated pipe. Road width shall be 25' to the back side of the curb. (Urban residential)

#### RURAL SUBDIVISIONS (Density < 1 House/Acre, Non-Conservation Development)

An 8'' fiber-reinforced pavement with ¾'' dowels across the transverse joints on 3'' of base stone with standard subgrade with type 2A curb with curb inlet catch basins and 4'' perforated pipe. Road width shall be 25' to the back side of the curb. (Urban Residential) or

An 8'' fiber-reinforced pavement with ¾'' dowels across the transverse joints on 3'' of base stone with standard subgrade ditch enclosure and 4'' perforated pipe. Road width shall be 22' to the back side of the curb. (Special Residential)

#### RURAL SUBDIVISIONS (Density < 1 House/Acre, Conservation Development)

An 8'' fiber-reinforced pavement with ¾'' dowels across the transverse joints on 3'' of base stone with standard subgrade with type 2A curb with curb inlet catch basins and 4'' perforated pipe. Road width shall be 25' to the back side of the curb. (Urban Residential)

#### SIDEWALKS

The urban street section includes sidewalks. Sidewalks would be required with urban subdivisions and not required with rural subdivisions.

#### CUL-DE-SACS

Center islands with proper drainage are required in permanent cul-de-sacs when a homeowners association accepts maintenance. Boulevards (within) township road rights-of-way are forbidden unless permitted by motion of the Trustees.

#### DESIGN SPEED

25 mph design criteria and 25 mph signs should be used on all minor rural residential roads.

#### LIGHTING

A street light will be installed and paid for by the developer and the monthly cost will be paid by the township. Street lights will only be installed at the main entrance of the subdivision. Developer will install highly efficient (LED) directional lighting to minimize light pollution to surrounding property. Only by written agreement by the Trustees may this regulation be overridden.

Ascherl second. Vote: ASCH- yes, S-yes, AUG – yes

Ms. Augustine raised a resident concern that additional stop signs should be placed at the intersection of Brookhaven and Brookside Boulevard. Road Superintendent Behary does not feel the additional signs are necessary. Mr. Swedyk responded that he is working with Police Chief Centner and the Medina County Engineers Officer in a review of the intersection to see if additional signage is necessary.

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Resident Jim Brostus (305 Valleybrook Oval) stated that he had contacted Ms. Augustine to make the request and she has been very responsive to his concern that the intersection needs to be a four-way stop to avoid accidents. He also expressed his displeasure that the pavement on Valleybrook Oval has not been replaced yet.

### **ZONING**

Zoning Inspector Wilson discussed a recent notice from the Ohio Department of Commerce/Division of Liquor Control indicating that a Liquor Permit has been applied for by G5 Investments LLC at 1375 Ridge Road, Hinckley, OH . The notice requests the Board of Trustees to request or waive a hearing on the permit application. His concern is that the address of the permit application is within 500-feet of Township property. It was agreed to have Police Chief Centner review the notice and provide comment on whether to request or waive a hearing.

The Trustees discussed allowing Township Board of Zoning Appeals Alternate Robert Romanofsky an extension of taking his required Sunshine Law training to June 26, 2023 due to scheduling conflicts. All agreed.

Ms. Augustine presented the 1<sup>st</sup> Quarter Township Zoning Report which included, five accessory buildings, 3 new residences and 3 in-ground pools. Total fees collected for the first quarter were \$6,658.00.

### **CEMETERY**

Ms. Augustine presented the 1st Quarter Township Cemetery Report which included, two burials and four lots sold Total fees collected for the first quarter were \$3,303.00.

### **TRUSTEES**

Ms. Augustine stated that ODOT has determined that Highland Schools would be responsible for traffic control on Ridge Road outside of the school.

Ms. Augustine would like to explore if there is any interest in the Township placing a Greenspace levy on the ballot to purchase land for conservation. She indicated that this was a question on the recent Comprehensive Plan review survey that had support.

Mr. Swedyk stated his opposition to additional taxes on Township property owners and feels that this is not an effective way for the Township to pursue land conservation. He expressed his desire to continue working with other organizations who currently work to conserve greenspace.

Ms. Ascherl sees both sides stating that a levy allows people to vote on the issue, but she agreed that additional taxation is to be avoided.

Ms. Augustine informed the Trustees she had spoken to Medina County Economic Development Director Bethany Dentler and a financial expert regarding tax increment financing (TIF) and its use as a public financing tool to support infrastructure for a proposed development opportunity in the center of town. Ms. Augustine indicated that this was a simple process, beginning with the Trustees entering into an agreement that allows new property taxes gained by a private infrastructure investment to be reimbursed to the property owner.

Mr. Swedyk replied that he is not aware of a Medina County Township who has entered into a TIF agreement, Medina and Wadsworth City have utilized TIF agreements to improve impoverished areas. He feels that the TIF, as proposed, would siphon taxes away from the Township and the schools.

Ms. Ascherl stated that there are no known costs or identified project area for the town center development infrastructure proposal and is concerned the liability may be in the millions. She feels that the Trustees should obtain more information.

In conversation with Medina County Engineer Andy Conrad, Ms. Augustine was informed about another potential round of funding for the 2021 HB168 DOD grant program that may be granted to support eligible water infrastructure projects.

Ms. Augustine provided a brief recap of the Medina County Commissioners Annexation Public Hearing. She felt that the Trustees efforts to date have been effective.

Ms. Augustine noted that the Highland High School Spring Clean-up will be held on April 30 and May 7 from 1-3. Township residents in need of yard maintenance may contact the high school.

Ms. Augustine reminded the audience that the May 2<sup>nd</sup> Regular Trustee Meeting will be held in the old fire station and the Citizen of the Year award will be presented.

Ms. Ascherl made a motion to adopt **Resolution #041823-05**, authorizing the fiscal officer to forward \$2,149.29 to Kimble for the Hinckley Township Unpaid Trash 2022, T16001-1<sup>st</sup> half 2022 property taxes in accordance with Paragraph 6.1 of the contract: any delinquent charges that are collected pursuant to ORC 505.31 (B) specific to assessments are set out. \$242,57 are from 2021 and \$1,714.12 from 1<sup>ST</sup> HALF OF 2022, and \$192.60 is from 2<sup>nd</sup> half 2022 (paid with the first half of 2022). The additional \$55.79 in penalties collected by the Auditor's Office will be received into the General Fund. Swedyk second. Vote: ASCH=yes, S=yes, AUG=yes

Ms. Ascherl made a motion to adopt **Resolution #041823-06**, adopting the following:

WHEREAS, the Township has received a distribution of monies (the "ARPA Funds") from the American Rescue Plan Act of 2021 ("ARPA" or the "Act"); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, expenditure of ARPA funds is subject to the federal Uniform Guidance requirements set forth in 2 C.F.R. 200; and

WHEREAS, the Township is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, 2 C.F.R. 200.318 requires all recipients of federal funds to maintain documented procurement standards and policies; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files accordingly; and

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a “higher threshold consistent with State law”; and

WHEREAS, under Ohio law, Townships are required to conduct competitive bidding purchases and contracts if such purchases and contracts exceed the following threshold:

1. Purchase of materials, machinery and tools to be used in constructing, maintaining and repairing roads and culverts, where the amount involved exceeds \$50,000. R.C. 5549.21.
2. Contracts for the maintenance or repair of roads, where the amount involved exceeds \$45,000. The board must advertise once, not later than two weeks prior to the letting of the contract, in a newspaper of general circulation in the township. The award

must be to the lowest responsible bidder. R.C 5575.01.

3. Contracts for the construction and erection of a memorial building or monument when the amount involved exceeds \$50,000. R.C. 511.12(B).
4. Contracts for equipment for fire protection, mechanical resuscitation, underwater rescue and recovery, and communication estimated to exceed \$50,000. R.C. 505.37 and 505.376.
5. Contracts for street lighting systems where the cost exceeds \$50,000. R.C. 515.01.
6. Contracts for street lighting improvements where the cost exceeds \$50,000. The board shall accept the lowest and best bid, if the successful bidder meets the requirements of section 153.54 of the Revised Code. The board may reject all bids. R.C. 515.07.
7. Contracts for building modifications for energy savings pursuant to R.C. 505.264, where the estimated cost exceeds \$50,000 (with certain exceptions). Award must be to the lowest and best bidder in accordance with the provisions of R.C. 307.86 to 307.92.
8. Contracts for private sewage collection tiles where the cost exceeds \$50,000. R.C. 521.05. The successful bidder must meet the requirements of R.C. 153.54.

WHEREAS, pursuant to 2 C.F.R. 200.320(a)(1)(iv), the Township desires to adopt higher micro-purchase thresholds than those identified in 2 C.F.R. §§200.67, 200.321(a), and 48 C.F.R. § 2.101.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

1. In compliance with the Uniform Guidance, and specifically 2 C.F.R. 200.318, the Township adopts the attached Uniform Guidance Procurement Policy to be used for all expenditures of ARPA funds.
2. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of Ohio law, the Township hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. §200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:
  - A. \$50,000 for the purchase of materials, machinery and tools to be used in constructing, maintaining and repairing roads and culverts;
  - B. \$45,000 for contracts for the maintenance or repair of roads;
  - C. \$50,000 for contracts for the construction and erection of a memorial building or monument;
  - D. \$50,000 for contracts for equipment for fire protection, mechanical resuscitation, underwater rescue and recovery, and communication;
  - E. \$50,000 for contracts for street lighting systems;
  - F. \$50,000 for contracts for street lighting improvements;
  - G. \$50,000 for contracts for building modifications for energy savings, subjects to the exceptions set forth in R.C. 307.86 to 307.92; and
  - H. \$50,000 for contracts for private sewage collection tiles.

2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the [end of the current fiscal year] of the Township, but shall not be applicable to Federal financial assistance awards issued prior to , including ARPA funds.
3. In the event that the Township receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the Township shall comply with the more restrictive threshold when expending such funds.
4. The Township shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

Swedyk second. Vote: ASCH-yes, S-yes, AUG-yes

Ms. Augustine asked why she was not notified of this motion, Ms. Ascherl replied that she had been waiting for the attorney to call her back and she notified the Trustees via email as soon as he had contacted her.

Mr. Swedyk read the following into the public record:

### **Electrical Aggregation Program**

Hinckley Township is covered by the Medina County Electric Aggregation Program. The County selected Energy Harbor to manage their electrical aggregation program. The current cost per kilowatt hour in the program is 6.05 cents, and that rate is a fixed price through May of 2025. All residents were automatically enrolled in the program unless they specifically opted out. To determine if you are in the program, please review your most recent bill to see if it includes the section indicating charges from Energy Harbor (it should also show the Energy Harbor logo). If you do not see that, you are not likely enrolled. To enroll, or if you have any questions regarding the program, residents can call Energy Harbor at 866-636-3749.

### **FISCAL OFFICER**

Mr. Swedyk made a motion to reimburse Officer Shawn Landis his bi-annual health insurance opt-out payment in the amount of \$1,200.00 per the department's collective bargaining agreement. Ascherl second. Vote: ASCH-yes, S-yes, AUG-yes

Mrs. Catherwood stated the fund balance is \$6,961,445.92.

### **PUBLIC**

John Kalas (Ridge Road) feels that a Greenspace levy is not necessary since he already pay taxes dollars to the Cleveland Metroparks. He also does not support removing additional property off of the tax rolls. Regarding the TIF discussion, he shared his concern in recouping the investment if the project is not financially viable. He also shared a concern about allowing multifamily housing as part of the development plan in the town center.



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On behalf of 350 Hinckley, Richard Pearl (King Road) thanked the Trustees for their membership support of the Rocky River Watershed Partnership.

Mr. Swedyk made a motion to pay the bills in the amount of \$14540.73. Ascherl second. Vote: ASCH=yes, S=yes, AUG=yes

Mr. Swedyk made a motion to adjourn at 8:04 p.m. Ascherl second. Vote: ASCH=yes, S=yes, AUG=yes

The Board reviewed and signed purchase orders, payroll and bills.

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