

PENFIELD TOWNSHIP TRUSTEES

July 20, 2021

The regular meeting of the Penfield Township Trustees was called to order at 7:30 PM. All officers were present. Twenty-nine guests attended the meeting.

The minutes of the previous meeting were read and approved with a motion made by Trustee Flynn, seconded by Trustee Johnson. A motion was made to approve Voucher #'s 13502 thru 13535, WH Voucher #'s 25-26-2021, the June Bank Reconciliation, and the June monthly reports by Trustee Johnson, seconded by Trustee Flynn.

Boy Scout Troop #118 presented three Eagle Scout projects for consideration. Michael Spatafore will renovate the Town Hall porch on the east side with Trex material purchased by the Township to match the previous west porch renovation. John Wargo will renovate the small porch and ramp on the east side, again with Trex purchased by the Township. Declan Herbert presented plans for a Gaga Ball Pit which would be constructed at the Recreation Park. Further discussion needs to be held between the Trustees and the Recreation Board to determine who will finance this project.

Discussion was opened on a recent BZA variance granted a property owner on Foster Road for a flag lot with 33' road frontage.

Gerry Pae expressed concern over a septic easement that runs through the parcel in question as well as the original non-buildable status of the parcel.

Ted Younglas advised that he requested a 20' variance in 2000 and was told that he could not build behind someone else. He was concerned by the 16' fall of the parcel and where the water would go. He questioned the practical difficulties test used by the BZA in their decision making. He was referred to Article 14.4 in the Zoning Resolution which addresses government services. He then questioned the substantial justice consideration which addresses the spirit and intent behind the request for a variance.

Jerry Rathwell stated that the BZA hearing appeared "willy-nilly" and that no introductions were made.

Amy Younglas stated that she feared a dangerous precedent has been established by granting the requested variance.

Todd Bachman felt the BZA turned a blind eye to the resident's, who attended the hearing, concerns. He feels that Trustee Johnson has a conflict of interest with his wife serving on the BZA. He stated that granting a variance on 33' of frontage when the requirement is 250' was too much.

Roger Reed questioned why the process for residents to appeal a BZA variance requires them to hire an attorney. He felt that the majority interest is not considered in these variances.

Tom Mangan of the LC Prosecutor's office stated that the BZA deals with the law, not opinions. Amy Younglas stated that the letter adjoining property owners received from the BZA invited residents to the meeting to express their opinions. Tom advised that residents review the Zoning Resolution and ORC to better understand the BZA's position. He restated that they must consider the law.

Christopher Younglas stated that the BZA went against the Zoning Commission's stated frontage requirement of 250' and granted the variance for only 33' of frontage.

Scott Schrader questioned whether a vote of no confidence could be used to remove board members. Tom Mangan stated that would be illegal in the removal of public officials.

Shawn Reed questioned whether board members view the property they are deciding on. He questioned who holds the appointed board accountable. He stated with the rain in the past week there is already a significant water issue due to the 16' of fall. He further stated that when he requested a variance from his 236' frontage he was required to provide house plans and details on placement. Tom Mangan advised that the BZA can't speak on pending matters.

Todd Bachman questioned the process to make trustees aware of dissatisfaction of residents on pending variance requests. He stated that the parcel in question is for sale.

Ted Younglas questioned how the Township residents were notified of a potential cell tower construction. Fiscal Officer Denes advised minutes of all meetings are published in the Rural Urban, posted on the Township website, and legal notices are published in the paper per ORC requirements. Younglas suggested mailing a letter to all residents. FO Denes advised that was not fiscally responsible with 717 households in the Township.

Todd Bachman reported that no map was included with the letter to the residents advising of flag lot variance request.

Joy Rathwell, an adjoining property owner, stated that ten years ago when they purchased their home they researched township zoning and were comfortable that the parcel in question was not a buildable lot. She feels that Mr. Fowler's needs were considered but other residents were not

Jon Bailey, Keystone High School's Athletic Director, was in attendance to discuss the 2022 contract between the High School and Recreation Board for the HS and JV teams use the ball fields. He questioned the cost of \$2,500 in lieu of the expenses the high school already bears. He presented invoices from 2019 totaling \$588.30 and 2020 totaling \$576 in support. Trustee Flynn advised that Lagrange Rec Board is proposing a charge to the HS of \$5,000 per year. Coach Bert Fitzgerald stated that the fields were a mess and were unplayable and he'd hoped to schedule additional games and practice yet this season. He also advised that fences needed repair. A meeting was scheduled for 8/3 at 6:00 PM at the Recreation Park with the HS, Hot Stove, Recreation Board, and Trustees to discuss areas of responsibility. AD Bailey will invite the school superintendent to join the meeting.

Roger Reed questioned the original plan to place a cell tower at the Recreation Park and the fact that the decision was tabled due to parents concerned about the hazard to their children.

Jennifer Kidney, of the LC 4-H band, requested permission to hold a community concert and ice cream social at the Recreation Park on August 8th from 7: PM until approximately 8 PM. This is their way of saying thanks for allowing them to practice at the Park. There will be approximately 30 band members participating. Trustee Johnson will place notice on Township website and FB page.

Assistant Hall Coordinator Tom Seman discussed a different ground cover on the sloped front of the Cemetery as it is nearly impossible to weed eat there. He will research wild flowers to add in the existing cover. Terry Lyons repaired a faucet and noted a broken line to the ball field.

PHS Secretary Jackie Johnson reminded all of their garage sale from July 22 to July 24 at the former Recycle Building.

Recreation Board member Theresa Seman reminded all of their Craft Show on July 24th at the Recreation Park. She questioned if show could be moved into Community Room in the event of rain. Trustees agreed to this.

Zoning Secretary Linda Albrecht reported a zoning meeting on July 28th at 7:00 PM at the Town Hall.

Jeff Holland, of 39101 Jones Road, advised that the culvert under the road is half full of mud and needs cleaned. Former Trustee Lloyd Gordon advised that the LC Engineer's office had jetted it out approximately 28 years ago. Chairman Conrad will contact the LC Engineer's office regarding same.

Chris Younglas questioned the number of Zoning Commission and BZA members. He was advised that each board is composed of 5 members and 2 alternates. The members serve 5-year terms and the alternates are appointed annually.

Pittsfield Trustee/SWAC member Mark McConnell was in attendance with some questions on the Curtis Ditch projects. Fiscal Officer Denes will provide copies of the maps from these projects. The LC Engineer's office is supposed to inspect ditches annually and maintain them. FO Denes asked if Don Romancek/SWAC could ask them to be more diligent in this effort. A resident questioned how to go about getting a ditch cleaned and was told to contact Don Romancek.

Former Trustee Gordon advised that he was disappointed in the BZA's granting of the flag lot variance. He looked around the room and stated with very few exceptions had he seen any of the residents in attendance helping out on Pride Day, Dumpster Day, or other Township functions. He encouraged the residents to get involved in their community. Gordon commended Bob Storms on the mowing of the roadside ditches.

Michael Shank, of Foster Road, contacted Cemetery Sexton Duane Johnson regarding Netflix's use of the Cemetery on 9/4 to film a Cemetery scene. He was given permission and will forward a Certificate of Liability. He further advised that extras will be needed and should dress in appropriate funeral attire. Shank went on to question 4 Cemetery plots owned by his family and was told by Johnson that the Township would buy them back.

Zoning Inspector Brett Linden reported that he issued 3 permits in July and is working on another 3 or 4. He continues to work with resident Bakata on a conditional use permit to operate a tire repair shop. Linden received a complaint regarding the residents at 40956 St. Rt. 18 allowing their poultry to run free in the roadway. ORC 951.02 requires poultry to be contained. Linden cited Article 7.13 of the Zoning Resolution that addresses historical lots. When the flag lot that the variance was granted for was created in 1976 the minimum frontage required was 100'.

Fiscal Officer Vicki Denes read the correspondence which included a letter sent to the LCOOA in support of their Community Foundation grant request. She reported on her attendance at the SSOA meeting where a needs assessment survey was discussed. These will be distributed in early August and FO Denes volunteered to take 50 copies for distribution. A Focus Group for Caregivers will be offered in many locations. Details can be found on Township website. Denes reminded all of the Red Cross Blood Drive on 7/28. Denes received confirmation of the Department of Commerce's receipt of the Cemetery Grant. Correspondence included a recall on the Dodge dump truck, the LC Sheriff's report, a note commending P & J's maintenance and cleaning of the Porta-John's at the Parks, a thank you from the Board of Elections for the use of the hall for the election, information on OPWC's upcoming Round 36, and an email from Lagrange Township's Trustee, Rita Canfield requesting a copy of the Township's contract with KHS for the use of the ball fields. Denes asked for guidance from the Trustee's on this matter.

At 9:20 PM an Executive Session was called to discuss pending litigation with the Township attorney regarding the Schrader appeal on the Jones Road cell tower variance granted the Wolfs.

A roll call vote was held:

Chairman Conrad	Yes
Trustee Johnson	Yes
Trustee Flynn	Yes

The meeting was declared back in regular session at 10:59 PM

Roll call was held:

Chairman Conrad	Here
Trustee Johnson	Here
Trustee Flynn	Here

Trustee Flynn advised that Terry Lyons would repair the problem at the Concession Stand and that Indoor Comfort would complete the backflow testing. He reported that Bob Storms continues with the roadside ditch mowing. Flynn advised that the culvert at the Reed residence wasn't flowing properly and Trustee Johnson and he moved some large rocks to improve the flow of storm water. Flynn reported that Jacob Linden continues repair work on the vault at the Cemetery. Flynn spoke with Keystone Hot Stove president Dan Gurich about the abandoned batting cage nets at the Recreation Park. Bill Albrecht and Bob Storms repaired the fence at the Park. Flynn presented the 3 bids for the Recreation Parking Lot repair. The bid amounts were:

Denes Concrete	\$48,590
MPW	\$32,233
Gunter	\$50,060

The quote from Denes Concrete included 8" of concrete, the other two bids included 6". Trustee Flynn will have Denes requote at 6".

Trustee Johnson reported on the KEY meeting and advised that the next one will be held at the Penfield Recreation Park. Johnson completed and submitted the Department of Commerce's Cemetery grant for \$1,000 to be used toward monument maintenance.

Chairman Conrad attended the LC Engineer's pre-construction ZOOM meeting on the Chip & Seal program. Resident Richard Gwen, on Short Road, had a drainage issue and uncovered a catch basin that had a cracked tile that caused a washout. Bill and Bob brought in stone and repaired the washout, but catch basin still need a new grate. Conrad reported that RCLCWA installed 174 new water taps in 2020. Year to date 2021 they have installed 300. Superintendent Andy Provoznik reported that water usage has decreased by 1 million gallons daily due to rainfall. Chairman Conrad will contact Lagrange Township Trustee Rita Canfield regarding her request for a copy of Penfield's contract with KHS for the use of our ball fields. Conrad spoke with LCPH department regarding rescheduling the homeowner sewage treatment meeting from April of 2020. They will start these meetings back up in the fall.

With no additional business to discuss, the meeting was adjourned at 11:31 PM with a motion made by Trustee Flynn, seconded by Trustee Johnson.