

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

The Greenfield Township Trustees met in regular session at the firehouse. Trustee Kosch called the meeting to order and led those present in the Pledge of Allegiance. Dave Cotner, Lonnie Kosch and Kent Searle were present.

After each trustee reviewed the minutes from the Trustees' Meeting held on April 12, 2023, Trustee Kosch asked if there were any corrections needed. Trustee Searle made a motion to approve the minutes as written; Trustee Cotner seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

After each trustee reviewed the minutes from the Trustees' Special Meeting held on April 24, 2023, Trustee Kosch asked if there were any corrections needed. Trustee Searle made a motion to approve the minutes as written; Trustee Cotner seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

FROM THE FISCAL OFFICER:

Fiscal Officer Wyne distributed the financial reports.

Trustee Kosch made a motion to pay the bills associated with warrants 35246 through 35260 and Electronic Debits 52-2023 through 60-2023 which are listed on the payment report; seconded by Trustee Cotner.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

Fiscal Officer Wyne advised the Trustees iWorQ requires a 30 day written notice for cancellation; therefore we will have to pay them \$158.33 for May 1 through May 31, 2023. An email was sent on 4-13-23 advising them of the cancellation.

Fiscal Officer Wyne advised that Jim Reinscheld was over hours for the pay period April 2 through April 15, 2023. He is only able to work up to 58 hours and he worked 58.50.

FLOOR:

The following participants spoke from the floor:

First was Dawson Heimberger, 2269 Ginder Road. Mr. Heimberger was responding to the letter he received from the township regarding running a business from his property on Election House Road. Tom Erlenwein, Zoning Inspector, stated the activity appeared to be another type of business activity - landscaping - on the property. This includes workers coming and going. Mr. Heimberger stated the activity at the property is agricultural and there is farm machinery on the property. He stated the back two acres are farmed. They also work on the machinery there. Also, the house on the property is being rented and is occupied. Mr. Heimberger provided a map (along with other documentation of this issue) of other local residents and properties in the township where farm operations are being run, and they are zoned the same as his property. Tom Erlenwein stated he would take all of the information Mr. Heimberger provided into consideration for review.

Trustee Searle asked for clarification regarding the different properties Mr. Heimberger owns - one on Election House Road, and one on 2269 Ginder Road, where his business is housed. Mr. Heimberger confirmed that no business activity is happening at the Election House Rd.

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

property; only at the Ginder Road property. He stated he parks trailers that are used at the farm, as well as farm equipment, at times.

Trustee Kosch asked if the Ginder Road property is zoned as business. Mr. Heimberger confirmed it is. He stated no customers come to that property, but he was required to have an address when he registered with the state of Ohio. Trustee Kosch also asked where the equipment for the business was stored. Mr. Heimberger stated it is stored in multiple locations.

Tom stated there will be a public notice issued in the future to address some zoning concerns such as businesses operating out of residential properties. Discussion continued as to the zoning requirements for Planned Rural Business zoning/rezoning.

The next speaker was Michael Frankhouser, 5458 Carroll Northern Rd.; business address: 95 Market Street, Carroll. Mr. Frankhouser explained that his neighbor is upset with him because their concrete is over the property line, and he had asked them to remove it. He has tried to work with them to have them fix this problem; however, they were not interested in doing anything about it. They filed a complaint with the township regarding Mr. Frankhouser's company conducting minimal business activity on his property, which is no longer occurring. Once he received the notice to stop conducting business at his address, he complied and there was no longer an issue with the township.

Mr. Frankhouser went on to ask what had changed in the township with business owners who had at one time been allowed to conduct business from home, but were no longer allowed to do so. The Board pointed out that it was never allowed, and when it came to light, it was being dealt with.

Kyle and Jessica Gleich, 4975 Carroll Eastern Rd., asked how their zoning had been approved by the prior zoning inspector, but now they are being told they cannot operate their business for which they applied. Mr. Gleich stated the addition they had attached to their house was built exactly as they had described to the prior zoning inspector. Mr. Gleich stated he has had issues with the township since 2018, and spent several thousand dollars trying to resolve this issue.

Tom Erlenwein stated he was interpreting the code as the zoning inspector, and conducting an objective review of the information at hand regarding accessory structures. He did not know the history and was listening to both sides of the issue. He also reiterated he would issue his findings in writing. He again stated that a notice is going to be issued to the community and publicly posted to notify them that operating a business out of a residence does not meet local code. This will be putting everyone on a 30-day notice that this issue will be resolved within the township. The notice will identify the process to get changes to the zoning in order to make it compliant. This will be posted on social media, as well as Greenfield Township website, the Greenfield Township Fire Station, the township office building and the Carroll post office. Mr. Heimberger asked why the notice was not going to be mailed to every resident in the township to make them aware of this. Tom responded that the cost was prohibitive, i.e. approximately \$2,500, and by posting the notice in all the required places, the township would be meeting the ORC requirements.

Trustee Kosch reiterated that any further questions about the zoning issues could be addressed by the Zoning Commission, and residents could attend those meetings to make their inquiries. The Zoning Commission is the entity responsible for handling the legislation of the zoning book.

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

There are public hearings held when a change is made to the zoning book; and then the Board of Trustees hears the decision on those changes.

An additional question was asked to confirm that local zoning does not apply to the agricultural exemptions per the ORC. Tom Erlenwein responded that it does not. He gave a recent example of a resident who thought he was exempt because he had a five-acre parcel; however, this was not the case based on the information he provided to the township. Tom and the trustees confirmed that legal counsel, as well as the OTA - Ohio Township Association - are in support of testing the agricultural exemption status. The agricultural process and product that is being produced must be proven.

Chris Heimberger, 3675 Election House Rd., asked about issues with people moving to the township and then complaining about living beside an agricultural barn that had already been in existence for a long time. Tom advised him to put the issue or concern in writing and submit it to the township so it can be investigated. He then asked what Mr. Erlenwein's credentials are, and whether he was a resident of the township. Tom responded that he does live in the township and gave his address. He stated he has 35 years of experience in the construction industry and building technology platforms. He is a journeyman electrician by trade. He reiterated that he is doing the best job he can do, as he has always done in every job he has held.

ZONING BUSINESS: Tom Erlewein, Zoning Inspector, reported on the following items:

- **Zoning Commission Hearing - A. Delong:** This hearing was held on April 18, 2023 at 6:00 p.m. for a rural business. The Zoning Commission approved his business plan, so a meeting was scheduled with the Board of Trustees to hear his request for a Planned Rural Business.
- **Board of Zoning Appeals Hearing:** This public hearing was held for Iron Pony regarding sign variances on April 20, 2023 at 6:00 pm. These variances were approved.

Mr. Frankhouser asked if Mr. Delong had employees. Tom Erlenwein confirmed he has 20 employees. He turned himself in in order to be in compliance, and went through the process of being approved for a Planned Rural Business by going to the Fairfield County Regional Planning Commission, who denied his request for rezoning. He then came to Greenfield Township and submitted his business plan for approval.

The BZA organizational meeting will be held Thursday, April 27, 2023 at 6 p.m. at the township office. The Fairfield County Township Association meeting will be held on April 27, 2023 at 7 p.m. at 138 E. Chestnut St. Tom will attend both of those meetings.

- **Public Complaints:** Public complaints have been filed regarding the following properties:
 - 4123 Election House Rd.
 - 4159 Election House Rd.
 - 5458 Carroll Northern Rd. NW
 - 4183 Lithopolis Rd. A notice will be sent to this address tomorrow.

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

- **South Central Incentive Update:** Tom reviewed a draft of the engineering study and sent it back to the engineering firm on Monday with comments. They will make those changes and send it back to the township so it can be submitted to South Central Power.
- **Zoning Application Status:** There are six open applications currently.
- **Additional Items:**
 - Tom is currently working on a 30-day public notice for businesses operating out of residential R-1 properties. This will be posted on the township website, the Carroll post office, GTFD Fire Station, and the township office, as well as social media, i.e. Facebook and another social media site. Legal notices will also be posted.
 - Tom was contacted regarding farm animal security. Trustee Searle and Trustee Kosch confirmed this is not a zoning issue.

ROAD AND CEMETERY DEPARTMENT BUSINESS: Tom Shafer, Road & Cemetery Superintendent, reported on the following items:

- **ODOT Salt Contract:** Tom asked the Board to sign the resolution for the 2023-2024 salt participation contract for the upcoming winter. He had originally speculated that he would need 250 tons of salt; he revised that to 175 tons, as the barn is full and with the mild winters, not as much salt has been used. He noted the township can take 10 percent more or ten percent less than the number that is submitted. He also stated delivery likely starts around October, but the township would not take the delivery until after the first of the year, as the current supply needs to be used.

Trustee Searle made a motion to approve Resolution 2023 04 26 01 for participation in the ODOT Road Salt Contract; Trustee Cotner seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

Tom stated he would make a copy to leave with Dawn, and scan and email the approved resolution to ODOT.

- **Ferris Mower:** Tom originally planned to put a Kawasaki engine in the mower; however, it would also need a wiring harness, choke cable, and the muffler would need to be replaced. Tom has two quotes at this time. CEC Turf & Tractor has given a quote of \$3,154.94 for the Kawasaki engine. They cannot get the Briggs & Stratton engine. McGuire's Distinctive Trucks is where the Ferris mower was purchased from originally in 2015. Kuhn Turf & Equipment is where the new mower (Big Dog) was purchased from last year, and this was because they had the mower available. Based on the recommendations Tom has received, it would be best to put an engine in the mower and then hopefully do a trade-in next year. He'd like to purchase the engine from McGuire's in order to support a business in the township

Trustee Cotner made a motion to purchase a motor from McGuire's Distinctive Trucks for \$3,250; Trustee Searle seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

It is not currently in stock, but is in a warehouse in Columbus. Discussion continued as to the funding situation, since the mower could also be used for roads for mowing the guardrails. Dawn will need to move money in order to have the money available from the cemetery fund for the purchase, as well as having partial payment from the road fund.

- **Mastic Sealing:** The contractor who completed the mastic sealing last year plans to be in the area in the middle to end of June; he has a lot of work to do in Violet Township first. Tom and Dawn have been discussing the use of the ARP funds, and Tom has been looking into ODOT's website for procurement. He has spoken with Todd Van Kirk with ODOT who has given guidance regarding the 101G and 101L contract. This would allow the township to use a contractor who has already been approved, and negate the need for the competitive bidding process. Tom stated Dawn has questions regarding the use of the ARP funds in this scenario, and the \$45,000 threshold. Dawn explained that she had consulted Amy last year, and Amy recommended not using the ODOT contract. Dawn would like to have a conference call with Amy, Trustee Kosch and Tom Shafer to review this process again so everyone is on the same page, specifically in regard to using the ARP funds. Tom agreed that this was a good idea, based on the thresholds that have been raised, and the rules and regulations changing.

Trustee Kosch asked if the contractor was going to review the work that needs to be done so the township would have an idea on the cost. Tom stated he would get a count for square yardage and stay within the \$50,000 threshold. He did find this specific contractor under the 101G contract today. Also, this contractor is a trustee in his own township, and he confirmed that his township utilizes the 101G contract. Tom also noted he has spoken with Will Yapple at Violet Township, and they use the contract, as well. Mr. Yapple had sent the packet of information from ODOT that needed to be completed for this process for Tom to read. Dawn reviewed the email she had sent to Amy on March 13, 2023 to inquire about using the ARP funds for the road work projects, such as micro sealing, as long as the job was under the \$45,000 threshold. Dawn also asked about the prevailing wage law and whether it would apply. Amy had answered "...that because Ohio's threshold for competitive bidding for road construction is lower than the federal rules, the township will need to follow Ohio laws and bid it out. Further, prevailing wages would apply, since prevailing wages apply to public improvement under Ohio law".

Trustee Kosch suggested that Tom review the areas needing work with the contractor ahead of time, since Victor and Kull Roads only need some additional maintenance. Tom stated he wanted to finish Greenfield Estates this season.

FIRE DEPARTMENT BUSINESS: Chief Brad Smith presented the following items:

- **Station Vehicles:** Brad reported he had sent the Board a status update regarding the engine rescue overheating issue. A fan clutch had been ordered to replace it. The original motion was \$6,000 for the rear drum brakes that had to be replaced. An additional motion will be needed for Midwest Towing for \$780.39 for the work that was done on the rear brakes and the fan clutch.

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

Trustee Searle made a motion to pay Midwest Towing \$780.39 to complete the work on the engine rescue; Trustee Cotner seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

- **Software:** A new software vendor is still being sought in order to operate on a single platform. Brad hopes to be able to present this at the next meeting.
- **Special Events/Training:**
 - CPR/AED training was provided to 17 students at the Workforce Center. These students are in the trades programs. Four more students will attend the training this Friday.
 - Touch-A-Truck event was held at Shalom Church this past Sunday.
- **Full-Time Candidates:** Interviews were conducted last week for both full-time and part-time candidates. Brad presented the following names for full-time positions: Jack Schumacher and Noah Donley. These candidates are internal candidates - currently part-time firefighters. They would become full-time firefighters and medics upon successful passing/completion of Pension Stress Test and medical.

Trustee Cotner made a motion to hire Jack Schumacher and Noah Donley as full-time firefighters as of a date set by Fiscal Officer Wyne; Trustee Searle seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

Brad explained the third full-time candidate, Shawn Schlabach, is from another Department where Local 4422 provided an MOU for a lateral transfer. This was provided to the Board in an email. The MOU will allow for the candidate to transfer at the highest rate of pay, as well as transferring some vacation and sick leave. Brad will work with Fiscal Officer Wyne to determine the amount of leave to be transferred. Brad had already confirmed that compensatory time cannot be transferred. He will be paid for that time from his current Department. Fiscal Officer Wyne pointed out that the sick time will likely not be transferred over; however, a portion of the vacation time may be transferred. Discussion continued as to the liability of the transfer in with leave time. Captain Spires pointed out the MOU states no vacation time will be transferred over. After the probationary period of one year, the normal vacation accrual based on current years of service will be available for use.

Brad confirmed the candidate will not need to complete the Pension Stress Test, as he has already completed it; however, he will need to go for a drug test. He will need to sign a HIPPA agreement for the stress test results to be transferred to Greenfield. Captain Spires also pointed out that the candidate will be taking a pay cut to transfer to Greenfield, but he is doing so to be closer to home.

After additional discussion, Trustee Searle made a motion to accept Shawn Schlabach as a full-time firefighter for Greenfield Township upon completion of background testing and physical testing, at a time to be decided later; Trustee Kosch seconded the motion.

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

- **Part-Time Candidates:** Brad reported the part-time candidates are Jacob Baugess, Sydney Mays and Jonathan Ewen. These positions are firefighter/EMT's to be paid at a rate of \$14.50 per hour. A motion is needed to hire them based on successful completion of background and physical. Trustee Cotner moved to hire the three part-time candidates as stated above; Trustee Kosch seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

The start date will be coordinated with Fiscal Officer Wyne once all requirements are completed.

- **Thank You Letter:** Brad presented a thank you letter/appreciation letter received by the Department from a Carroll family for their efforts, compassion and care toward one of their family members during a recent emergency.

Trustee Kosch asked about the staffing level at this point in time. Brad stated with the move of part-time to full-time staff, there will be 33 employees in the Department. This will guarantee three full-time firefighter/medics on duty every day.

FROM THE TRUSTEES:

- **Zoning Public Hearing for 4730 Wilson Road:** Trustee Searle noted the zoning recommendation for rezoning to a PRB received by the Board of Trustees from the Board of Zoning Appeals (BZA), and stated a hearing needed to be scheduled on this issue. After discussion, it was determined the hearing will be held on Wednesday, May 17, 2023 at 6:30 p.m. at the Greenfield Township Firehouse.

At this time, Trustee Searle moved to enter Executive Session to discuss current litigation. He asked for Zoning Inspector Erlenwein and Fiscal Officer Wyne to be included, as well. Trustee Kosch seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

Executive Session was entered at 7:33 p.m.

Trustee Searle moved to come out of Executive Session; Trustee Cotner seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

The Board returned from Executive Session at 7:59 p.m.

Trustee Kosch reported the chair of the Board of Zoning Appeals will be resigning as of this summer; he will be sending a letter to the Board of Trustees to officially notify them of this action. Once that occurs, Elizabeth McNeese, alternate, can be appointed as an official member of the Board of Zoning Appeals, and then alternate members will need to be sought.

RECORD OF PROCEEDINGS

Minutes of

Greenfield Township Trustees

Meeting

April 26, 2023 - Held 6:00 PM

Fiscal Officer Wyne raised the issue of the Board reviewing the township policies. After discussion, it was determined to schedule a meeting for this review on Monday, May 15 at 4 p.m. at the township office.

Chief Smith asked the Board to review the clarifying information and MOU regarding the transfer in of the new full-time firefighter, and the issues of leave time transferring. After discussion, it was determined that no sick leave would be transferred to Greenfield Township. Chief Smith also noted that he will be at the top step in the pay scale according to his years of service. Also, he will be earning sick leave each pay period, as well as having the opportunity to earn compensatory time that can be used, if needed. It was confirmed he will not bring any seniority in with him.

Additional discussion was held concerning items five and seven in the MOU. Chief Smith suggested that item seven could be redacted and a new version sent to the Board. The Board was in agreement with this action.

Trustee Searle made a motion to accept the Memorandum of Understanding between Greenfield Township Fire Department Local 4422 and Greenfield Township dated April 26, 2023. Trustee Cotner seconded the motion.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

With no further business to be discussed, a motion to adjourn was made by Trustee Searle; seconded by Trustee Kosch.

ROLL CALL: Cotner: Yes Kosch: Yes Searle: Yes Motion Passed 3-0

Meeting adjourned at 8:20 p.m.