

**Brimfield Township Board of Trustees
Public Hearing Meeting
September 2, 2015**

The Brimfield Township Board of Trustees met in a public hearing meeting on the above date at the Brimfield Town Hall. Present were Trustees Mike Kostensky, Sue Fields, C. J. Sprague, Jr. and Fiscal Officer John Dalziel was absent until 2:56 PM.

The meeting was called to order at 2:30 PM.

MOTION # 2015-255

Mike Kostensky moved to approve the agenda. C. J. Sprague, Jr. second.

Mike Kostensky	-	yea	Sue Fields	-	yea
C. J. Sprague, Jr.	-	yea	Motion Passed		

Chairman Mike Kostensky for the record:

Subject: Public Hearing to determine removal of building
Location: 1988 Old Forge Rd., Kent, OH 44240
Parcel: 04-062-00-00-015-000
Portage County Auditor Listed Owner of Record: Matthew Rabatin

The landowner(s), lien holder(s), and interested parties will be given the public hearing in which the property owner(s), lien holder(s) may show cause why the building should not be removed. All parties may present evidence, call witnesses, and be represented by counsel.

Be advised that this meeting is being recorded.

Please be advised the chair will acknowledge all speakers before testimony. Please state your name and address before testimony. Be advised at this time all testimony will be under oath.

Mike Kostensky states that all person(s) speaking will be considered under oath.

Zoning Department Report:

Dick Messner, Administrator, Zoning, Planning, Development and Zoning Inspector does a brief power point presentation:

- Tax Map, 1.82 acres; County Auditor's aerial view; Google Map aerial view.
- South side of Old Forge Rd., between Ranfield R. and Congress Lake Rd.
- Shows Multiple pictures from April 2014
- Akron Air Quality violation pictures; EPA violation, from July 2014
- Shows pictures submitted from the Inspectors by court order for entrance on the property in July, 2015.
- Shows timeline of violations: first in 2003, 2012 had four incidents, 2014 had 23 incidents, 2015 as of August 10, has had 18 incidents
- Hearing has been dually published, neighboring properties within 500 feet have been notified, and time allowance has been met. Registered mail sent notification to the property owner, lien holders and interested parties.
- Next report in packet are the reports from the building department, health department and the fire inspector all deeming the property being unfit for human habitation for numerous reasons through fire, health and building violations. The Brimfield Police Department was also present and did find drug paraphilia (needles, spoon, and pills) at the same time through a filed incident report.
- Under the Ohio Revised Code 505.86, the zoning department is acting with the advice of Portage County Inspectors, Brimfield Fire Inspector, to hold a public hearing for the Brimfield Township Trustees to declare the property uninhabitable for human habitation and be removed.

Mike Kostensky asks who is responsible for paying for the removal of the structure. Dick Messner states that the Portage County Land Bank no longer has funding to help this process and explains that there is a thirty (30) day grace appeal process that the land owner or interested parties could use to repeal this resolution. The property could be donated to the Land Bank and then the Land Bank would take the property at no cost to the Township. Worst case scenario the Trustees would order the Zoning Department to receive bids for the removal; the fiscal officer would have to allocate the funds for labor, material and removal, also a cost for an EPA report; that cost would be submitted to the County Auditor to be placed as a lien on the property. The cost could run from \$8,000 to \$22,000

for the total removal. At this stage, funding is questionable and could research usable funds through a blighted area but at this time it would be the Township that would fund the removal and place a lien on the property. Through recent emails, the highest lien holder, Tax Ease, Ohio, is going to start foreclosure on the property.

PUBLIC COMMENTS:

Matthew Paul Rabatin, 1988 Old Forge Road

- Apologizes to neighbors for the appearance of his property.
- States has a full time job; working on cleaning the place up; secured the door.
- Will not have any more people staying at his house.
- Asks the Board for a 60 day continuous to get things in order. To come back in 60 days and retake pictures of the house and go over the property then.
- Mike Kostensky states that this is the same story that was heard last time; he personally witnessed what appeared to be a man urinating outside and the debris two weeks ago.
- C. J. Sprague, Jr. asks for the name, number and type of construction work of employer: answered five the number, name and was roofing, windows, siding company from Tallmadge.
- Mike Kostensky asks why there was no employment in two years: has done side-jobs for neighbors, but could not work because of the lack of a license.
- Mike Kostensky state by the appearance of the liens on the property, it is in the final stages of losing the property.
- C. J. Sprague asks how all the junk got there and if he was living there at the time: He would stay occasionally, working out of town and staying with his sister.
- Mike Kostensky asks if he was aware of the drugs in the house when the inspections were done: he was not aware and had called the cops himself previously due to occupants with drugs; he had no idea that the inspections were taking place.
- Apologizes again to the neighbors for the neglect of his property.
- Has been staying at sisters and neighbors, has lock on front door, will get a better one for the back door.
- Was informed about hearing and inspection by the neighbor, Tim Mihalik

Kristen Poulson, 3327 ST Rte. #3, Mogadore, Ohio 44260

- Matthew Rabatin has been staying at her house for the last two weeks

The Board of Trustees clarify that if the decision is made today, there would be a thirty (30) day grace period in which an appeal, a submitted written letter to the fiscal officer, could be filed with the courts by the land owner and/or lien holders. If there was delay of thirty (30) days it would delay the process another thirty (30) days. The appeal would have to be sent to all parties and the major lien holder would have to agree to it also.

Charles Schumut, 2062 Old Forge Road

- Known Matt for 4 years, has problems and tax problems are more serious than others.
- No one wants to see anyone lose their house, but we have to deal daily with what is happening at the property. People he let stay there, had a fire that destroyed 15 acres of our property and about \$5,000 worth of fence that was out of pocket. People there have warrants, and had one under-aged person there. If he would get cleaned up, live there with a girlfriend, spouse, whatever and live a normal life. If he could do this great, but I'm afraid that with the conditions it isn't possible.
- We ask you (the Board) to move forward with condemning the place, and could give him a thirty (30) days for an appeal, and then you could grant another thirty day (30) extension; it is your prerogative giving him the chance to get the place cleaned up, and then give him the chance to start putting money into it. But I'm not sure if he will even want to do that because Tax Ease Ohio will probably end up taking the house.
- Matthew Rabatin states that he just has to make payments to them.
- You need to make payments or they are just going to take it from you. What I am asking from the Board is that you condemn the place, give him thirty (30) days to appeal and then an extension at that point for another thirty (30) days and board the place up in the meantime not allowing anyone in the structure.

Dick Sabol, 1983 Old Forge Road

- My concern is the cost of getting that place back up and running, plus the cost to the lien holders and a seasonal construction job. It seems that there is a lot of cost involved and my worry comes in within a couple of months.

The Board asks if the electric meter had been pulled from the house.

Dick Messner stated that the Building Department's request to pull the electric meter has not been done as it was dependent on this hearing. It has to follow proper notification process also.

MOTION #2015-256

Mike Kostensky moved to approve the recommendation of disposition of subject property and building at 1988 Old Forge Road, Kent, Ohio 44240, Parcel Number 04-062-00-00-015-000, and Sue Fields second for discussion.

Sue Fields

- Portage County Land Bank the potential income for this demolition would be zero dollars as the grant monies are gone.
- Taxpayers would then be paying anywhere from \$8,000 to \$22,000 depending on the EPA report which in consideration of the violations toxic materials are possible.
- That amount of money for one resident is very concerning to me.

John Dalziel, arrived 2:56 PM

- High amount of money to take on; understands the owner's problem but it is unfortunate that it is becoming the taxpayer's problem as this has been going on for years.

Matthew Paul Rabatin, 1988 Old Forge Road

- Started cleaning front year, securing door. Has electrician that could help him

Sue Fields

- Asks Rabatin if he has support to help him get it cleaned.
- Rabatin replies, yes.

John Dalziel

- Asks if there are any means to help get this property in order, in home owners' equity loan gaining money for the repairs? Or parents or family that could help?

Kristen Poulson, 3327 ST RT 43, Mogadore, OH 44260

- I live in PMHA housing.

Matthew Paul Rabatin, 1988 Old Forge Road

- Mother is Kevin-Coleman patient with issues, father died seven years ago.

Mike Kostensky

- If the vote is in favor, demolition will not be done tomorrow.
- Has received numerous calls from neighbors who are afraid in the area, which is not fair.
- Board has received multiple reports by entities that the house is destroyed.
- Appears the Mr. Rabatin is just getting back on his feet and ridding the house might be the best thing to lessen the stress and issues, and get out ahead; appears that the house is already being taken or in the process of being.

Matthew Paul Rabatin, 1988 Old Forge Road

- It is not written in stone yet.
- I also do not want to sell the house for nothing either.
- That is why I need a little bit of time to get it cleaned up.

Mike Kostensky

- States that Mr. Rabatin is sincere about keeping his house; the thirty (30) days will give him a chance to show and appeal the decision.
- Is concerned for the neighbors and their constant worries
- There are drug incidents now at the address.
- Seems as though the property is already being taken through foreclosure.

C. J. Sprague, Jr.

- Wants clarification on when the effective date would be if the resolution is made today.

Dick Messner

- If there is no challenge, the effective date would be today. The Trustees would then set a time of removal, delay or cancel the time or it could be sold. There is approximately \$50,000 worth of liens on the property which will be contacted in result of today's decision. If it is tabled, the Board could vote to affirm, remove or modify the motion.
- The lien holders were notified with no response.
- Stated that it would be wise for the owner to have a legal representative file the appeal.

Sue Fields

- The owner would get the sixty (60) days he was asking since there is thirty (30) days for the appeal and the foreclosure process.
- Would consider tabling in order to hear from lien holders

C. J. Sprague, Jr.

- State that the Board is not obligating ourselves to remove the building or the cost.
- Wants to consider tabling for thirty (30) days.
- Want to know if the owner would have to go before the courts to file the appeal.
- States that he would like to give Matt the chance to clean it up, but money to be doesn't mean that the person can't personally use their own hands to pick it up.

Mike Kostensky

- State that the Board would have to approve the bids and allocate the funds to do so.

- Wants the members of the Board to consider living next to this property and dealing with the problems for the last two years.
- State that there cannot be any more burning.

Dick Messner states that there is a resolution prepared and approved by the county prosecutor.

**BOARD OF TRUSTEES
BRIMFIELD TOWNSHIP, PORTAGE COUNTY, OHIO**

Resolution No. 256

A RESOLUTION

A Resolution Ordering the removal of the structure located at 1988 Old Forge Road in the Township of Brimfield, Portage County, Ohio, owner of record being Matthew P. Rabatin.

The Board of Trustees of Brimfield Township, Portage County, Ohio met at a regular session, on the 2 day of September, 2015 at the Brimfield Township Town Hall, with the following members present:

Mike Kostensky
Sue Fields
C. J. Sprague, Jr.

Mike Kostensky moved the adoption of the following resolution:

Whereas, Under Section 505.86 of the Ohio Revised Code a board of township trustees may provide for the removal, repair, or securance of buildings or structures that have been declared insecure, unsafe, or structurally defective or are unfit for human habitation.

Whereas, in the Township there is a structure currently vacant and not occupied.

Whereas, the Brimfield Township Board of Trustees has previously requested the Portage County Building Department, Health Department and the local fire department servicing Brimfield Township perform inspections upon this structure located upon the real property to determine whether such structure is insecure, unsafe, and/or structurally defective, or unfit for human habitation.

Whereas, this matter has come before the Brimfield Township Board of Trustees (“Board”) for a hearing to determine whether this structure situated upon a parcel of land in Brimfield Township, Portage County, Ohio with a permanent parcel number: 04-062-00-00-015-000 and with an address of 1988 Old Forge Road Kent, Ohio 44240 (“Real Property”) is an insecure, unsafe or structurally defective structure, or unfit for human habitation pursuant to Ohio Revised Code Section 505.86.

Whereas, inspection reports have been submitted to the Board and made part of the Township record in this matter.

Resolved, that the Board has determined based upon the attached inspection reports that the present condition of the structure located upon the real property is within the parameters of an insecure, unsafe and/or structurally defective structure, or unfit for human habitation pursuant to R.C. 505.86.

Resolved, that the Board hereby orders the building structure described in the attached inspection report(s) be removed pursuant to RC 505.86.

Resolved, **that the Board hereby orders the Structure located upon the Real Property shall be removed by the 3 day of November , 2015 and if this Structure is not removed within such time, the Board may cause the Structure to be removed at any time thereafter that is convenient to the Board and at the expense and cost of the owner(s) of the Real Property in accordance with R.C. 505.86 and this Resolution.**

Resolved, that the Board may obtain proposals from contractors for the removal of this Structure.

Resolved, in the event the owners of the real property do not remove the Structure by the date provided above, and this Board subsequently exercises its statutory right to remove such structure pursuant to RC 505.86, the board will move to take steps to collect its total costs for removing the structure by

directing the township fiscal officer to certify the total costs, together with a proper description of the lands to the county auditor who shall place the costs upon the tax duplicate, with said costs being a lien upon the Real Property from and after the date of entry, with such costs to be collected as other taxes and returned to the Township General Fund.

Resolved, that the fiscal officer is directed to serve, by certified mail, return receipt requested, a true copy of this Resolution on the owners and lienholders identified in the lien search.

Sue Fields seconded the motion, and the roll was called on the question of its adoption. The vote was as follows:

Name	Vote
Mike Kostensky	yea
Sue Fields	yea
C. J. Sprague, Jr.	yea

Adopted September 2 , 2015

This document is open to the public for review:

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved at 3:08 PM to adjourn. Sue Fields second. Upon a roll call vote passed unanimously.

We, the Trustees of Brimfield Township, do hereby set our hands as approval of the foregoing minutes as a true and accurate record of the proceedings.

Chairman

Fiscal Officer