

**Brimfield Township Board of Trustees
Regular Meeting
November 13, 2013**

The Brimfield Township Board of Trustees met in a regular meeting on the above date at the Brimfield Town Hall. Present were Trustees Sue Fields, Mike Kostensky, C.J. Sprague, Jr. and Fiscal Officer John Dalziel.

The meeting was called to order at 3:00 p.m. by Chairman Mike Kostensky.

MOTION #2013-283

Sue Fields moved to approve the Regular Meeting Minutes from 10/30/2013 as amended. Second by Mike Kostensky.

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

MOTION #2013-284

Mike Kostensky moved to approve the agenda as amended to include 2. Utility permit application, Public Works – tractor repair Administration Liquor Permit. C. J. Sprague, Jr. second.

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

MOTION #2013-285

Mike Kostensky moved to approve the PO's as presented. Second by Sue Fields.

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

MOTION #2013-286

Mike Kostensky moved to approve Warrants as presented. Second by C. J. Sprague, Jr.

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

PUBLIC COMMENTS

Clyde Pearson – concerns about open burning on Sunview. Chief Keller explained ORC/Home Rule ordinances and his conversation with the Ohio EPA. (Debbie Wallen)

Township Executive: No Action

Fire:

MOTION #2013-287

Sue Fields moved to transfer \$80,000.00 to the 2191 special Fire Levy Fund from the General Fund to cover unexpected salary costs. Mike Kostensky second.

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

Police: No Action

Zoning:

Public Works:

MOTION #2013-288

C. J. Sprague, Jr. moved to approve the operations policy of the Public Works Department regarding Right of Way Work and notifications. Mike Kostensky second.

In the interest of public safety. Per the Ohio Revised Code, Section 5543.14

The Board of Township Trustees may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the county roads of the engineer's county, and the board of township trustees may trim or remove any and all trees, shrubs, and other vegetation growing in or encroaching onto the right-of-way of the township roads of its township, as is necessary in the engineer's or board's judgment to facilitate the right of the public to improvement and maintenance of, and uninterrupted travel on, county and township roads. The Board of Township Trustees is not required to compensate the abutting landowner for trimming or removing such trees, shrubs, and other vegetation as is necessary to facilitate these rights. The ownership of all trees, so planted, shall remain in the public.

5571.14 Object bounding township road may be declared public nuisance.

(A) A board of township trustees or township highway superintendent may determine that an object bounding any township road and located wholly or in part on the land belonging to the road interferes with snow or ice removal from, the maintenance of, or the proper grading, draining, or dragging of the road, causes the drifting of snow on the road, or in any other manner obstructs or endangers the public travel of the road. The board or superintendent then may declare the object to be a public nuisance and order the owner, agent, or occupant of the land on or bordering upon which the object is maintained to remove it within thirty days. If that person refuses or neglects to comply with the order, the board or superintendent shall have the object removed. The expense incurred in that removal shall be certified to the county auditor and entered on the tax duplicate against that land, to be collected in the same manner as other taxes.

(B)

(1) The authority granted in this section is in addition to the authority granted in section [5543.14](#) of the Revised Code to remove vegetation and the authority granted in section [5547.03](#) of the Revised Code to remove objects or structures constituting obstructions.

(2) The authority granted in this section applies to land belonging to a township road whether owned in fee simple or by easement.

(3) Objects that may be declared to be a public nuisance under this section include a fence, post, pole, athletic or recreational apparatus, rock, or berm, any vegetation, or any other object identified by the board or superintendent as interfering with or obstructing the township road under division (A) of this section.

(C) The authority granted in this section does not apply to an object that is lawfully entitled to be maintained on land belonging to a township road pursuant to a franchise or other grant of public authority.

The Township policy will also include notification to the land owner of any tree removal that is deemed necessary and will offer the landowner any wood from the removal.

Ditching and pipe replacement in the road right-of-way will require no notification to land owners except when such work will affect the drive way of the land owner. New or replacement signs for safety or restrictions on roadways will require no landowner notification.

Mike Kostensky – yea
C.J. Sprague, Jr. – yea

Sue Fields - yea
Motion Passed

MOTION #2013-289

Mike Kostensky moved to request a hearing at the Ohio Division of Liquor Contraol regarding the Right & Tight LLC DBA Beef O’Brady’s title transfer.

Mike Kostensky – no
C.J. Sprague, Jr. – no

Sue Fields - no
Motion failed

MOTION #2013-290

Sue Fields moved to approve the repair of the road mower at a cost not to exceed \$3,500.00. Repairs to be made at Akron Tractor. Acct. 2031-330-323-0000. C. J. Sprague, Jr. second.

Mike Kostensky – yea
C.J. Sprague, Jr. – yea

Sue Fields - yea
Motion Passed

There being no further business to come before this meeting of the Brimfield Township Board of Trustees Mike Kostensky moved at 4:40 PM to adjourn. Motion seconded by Sue Fields. 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