

The Bainbridge Township Board of Trustees met in regular session at the Bainbridge Town Hall on November 9, 2009. Those present were trustees Mr. Matthew J.D. Lynch, Ms. Linda W. White and Mr. Jeffrey S. Markley and Fiscal Officer Mrs. Cherianne H. Measures. Mr. Lynch presided and called the meeting to order at 6:15 P.M.

#### EXECUTIVE SESSION

Mr. Lynch made a motion to go into executive session to discuss the employment of public employees.

Ms. White seconded the motion that passed unanimously.

The trustees recessed their regular meeting at 6:16 P.M. in order to go into executive session to discuss the pending litigation.

The trustees returned from executive session after discussing the pending litigation reconvening their meeting at 7:07 P.M.

#### ROAD DEPARTMENT

Mr. Walter Rudyk, Road Superintendent, presented the monthly departmental report for October of 2009. He also announced that Hawksmoor Way has had the guardrail reinstalled and both sides of the road have been repaired and is reopened.

Dr. Judith Gooding requested to find out what happened to the wood from the tree that was removed near the old Road Garage. Mr. Joyce was asked by the board to look into this matter. Dr. Gooding also brought to the attention of the board that there is another home near the Road Department east of the Salt Dome that could also be affected by the noise from the backup alarms on the vehicles.

#### Cartegraph

Mr. Rudyk is waiting for a one year renewal contract and price from the company before bringing this before the board.

#### Snow Plowing Contract

Mr. Rudyk has not heard back from the County regarding the negotiated amount for the 2009 - 2010 Snow Plowing Contract. This should be forthcoming in the very near future.

### Knowles Industrial Parkway Apron

Mr. Lynch moved to approve the purchase order request dated November 4, 2009 to Tony Nero Cement in the amount of \$5,500.00 to repair a drain and concrete apron on Knowles Industrial Parkway and Washington Street, per the recommendation of the Road Superintendent.

Mr. Markley seconded the motion. Mr. Lynch, aye; Mr. Markley, aye; Ms. White, abstain due to possible conflict.

### Tanglewood Trail Guardrail

Mr. Lynch moved to approve the purchase order request dated October 19, 2009 for the new guardrail on Tanglewood Trail to Auburn Fence in the amount of \$5,624.00 per the recommendation of the Road Superintendent.

Ms. White seconded the motion that passed unanimously.

### FISCAL OFFICER'S REPORT

Fiscal Officer Cherianne Measures presented the financial report for the township for the month of October 2009.

Mr. Lynch moved to approve the financial reports as presented by the Fiscal Officer.

Ms. White seconded the motion that passed unanimously.

Note: The financial report is attached to and becomes a permanent part of these minutes.

### PUBLIC COMMENTS

Mr. Rich Dobry, Lake In the Woods Trail, asked if there is any way a left turn can be prevented coming out of the new Dunkin Donuts. Ms. Lorrie Benza, member of the Board of Zoning Appeals stated that a provision is in place with a one-year delay for research to determine the necessity of this action.

Mr. Karl Kuckleheim, President of the Historical Society, asked what the status of the plaque that was removed from the Old Bainbridge School. Ms. White stated that the future of the plaque has not been determined. Mr. Lynch is inclined to turn the plaque over to the Historical Society. Mr. Lynch ask that once the Historical Society has determined where the plaque should be permanently housed a letter be sent to the Board of Trustees notifying the trustees of the destiny of the Old Bainbridge School plaque.

The Board of Trustees show general agreement to turn the plaque over to the Bainbridge Historical Society.

Steven Yingling, of Carrington Lane, congratulated Mr. Markley and Mrs. Benza on their election to trustee. He also expressed his gratitude to Ms. White for her dedication to this Township. Mr. Yingling expressed his concerns with sitting elected officials campaigning so strongly for specific candidates and not remaining neutral in an election.

#### TRUSTEES CORNER

Mr. Lynch informed the public that the results from the Fire Department Consultation Study have finally been returned to the Township and Fire Department. In this study, a recommendation of 5-man crews has been made. The trustees were in general agreement to authorize this increase, however the Fire Chief will make this request publicly in the very near future. Mr. Markley reiterated that there are a few mathematical corrections, but he felt the board would adopt the recommendation of the consultant in the near future.

A new member, whether it be an alternate member or full-time member, will be needed for the Board of Zoning Appeals effective January 1, 2010.

The cuts in the township roads for the new waterline were not an option, but part of a contract. The trustees were in general agreement to send the letter requesting an inspector be onsite for this process.

#### Snow Plowing

There is some concern as to the availability of man-power to plow the township properties as well as the sidewalk from the schools to the library. The board has asked Mr. Joyce to ask Mr. David Mitchell if he could retain a part-time employee for this purpose.

Mr. Markley asked that Mr. Mitchell present a list of properties and their priority on the plow schedule to secure a plan before it is needed as well as any additional manpower needed.

### Furniture Reinstallation

Mr. Lynch moved to approve the invoice dated October 6, 2009 to Northern Ohio Home Improvement in the amount of \$2,482.50 for the removal and reinstallation of the oak furniture from the Old Bainbridge School in the Town Hall Renovation, per the recommendation of the Township Administrator.

Ms. White seconded the motion that passed unanimously.

Mr. Markley asked that the Ohio EPA letter be made a public document and added to the Kenston Lake Dam Project file.

### TOWN HALL -- OLD BUSINESS

#### Conservation Easement

Ms. White presented the Zoning Amendment passed earlier this year, that is the purpose for Ms. White presenting two parcels for conservation easements.

One parcel is on Bainbridge Road South of 422 which is in a floodplain. The other parcel is 29 acres on Chillicothe Road, which contains an old gas well, which is possibly abandoned but there is probably several feet of underground pipe. This borders three residential areas.

Ms. White stated that this was first brought up on February 2, 2009 and this is the sixth time this item has been brought before this board. Three companies have been contacted to provide estimates for conservation easements. Chuck Rheil has been contacted since he was the legal counsel that handled the easement on the Mutual Securities property.

The Zoning Commission is already looking at all of the parcels to determine what the current zoning is and what the appropriate zoning should be. The specific parcel is the one located on Bainbridge Road in order to determine what the "use" needs to be in order to prevent the property from reverting to the previous owner.

Mr. Markley reminded the public that the township owns both parcels and controls the zoning on both parcels. When a conservation easement is entered into, it is because of some aspect of use that is trying to be preserved and the uses cannot be changed and therefore should not be entered into lightly. Mr. Markley has been reticent to move forward with the conservation easements at this time without a plan. The idea is not to tie the hands of future trustees to this extent. He would prefer using the Zoning Commission and BZA to control the township owned properties instead of creating conservation easements.

Mr. Ted Seliga, does not continue to object just to object. He is objecting because the proper planning has not been done as of yet to determine the best use for the property. And since this is a lame duck administration, if all members of the board are not in agreement, then it should not move forward until the new board of trustees is in place.

Mr. Joyce asked Mr. Markley if a conservation easement is put on the parcel on Bainbridge Road, can it still be used for mitigation. Mr. Markley stated that a conservation easement would prevent the property from being used for mitigation purposes, and we do not know if the Hawksmoor situation has been remedied.

Mr. Chuck Nichols, Chillicothe Road, stated that the Township already owns the property and controls the use of the property, so what is the reason or hurry to move forward with a conservation easement.

Mr. Lynch understands the binding qualities of a conservation easement can cause. The planning should have been done before the hundreds of acres had been purchased. At this point in time, he is not in favor of a conservation easement.

Ms. White reminded the board that she would be remiss if she did not bring this back to the board and followed up with it before she is finished.

TOWN HALL -- NEW BUSINESS

Review of Proposals for Kenston Lake Hydrogeologic Study

Three requests for proposal were returned before the November 5, 2009 deadline.

The requests for proposal were received from the following companies:

1. H.C. Nutting, A Terracon Company  
1414 East Schaaf Road  
Cleveland, OH 44131
2. ATC Associates, Inc.  
10020 Brecksville Road  
Brecksville, OH 44141
3. Uhl, Baron, Rana & Associates, Inc.  
P.O. Box 347  
243 North Union Street, Suite 240  
Lambertville, NJ 08530

The requests will be copied for Amy Brennan from Chagrin River Watershed Partners for review.

Ms. White inquired as to the duration of selecting a company to perform the study. Mr. Markley felt that could be done in as little as a week's time.

Classical Construction

Mr. Lynch moved to approve the certificate for payment dated October 23, 2009 to Classical Construction, Inc. for the Town Hall Roof Replacement in the amount of \$21,400.00, per the recommendation of Mr. Stephen Ciciretto.

Mr. Markley seconded the motion that passed unanimously.

Legal Invoices

Mr. Lynch moved to approve the legal invoices dated October 30, 2009 for Walter & Haverfield in the amount of \$84.00 for legal services rendered regarding the Bainbridge Aurora JEDD.

Ms. White seconded the motion that passed unanimously.

Mr. Lynch moved to approve the legal invoices dated October 30, 2009 for Walter & Haverfield in the amount of \$168.00 for legal services rendered regarding the Judson Retirement Community versus Bainbridge Township BZA Case 02A 0222.

Mr. Markley seconded the motion that passed unanimously.

PARKS DEPARTMENT

Kenston Community Education

Mr. Joyce stated that the Kenston Community Education received payment of \$2,495.00 for field rental.

Payment Policy -- Use of Fields

Mr. Marty Sfiligoj thought there was a discussion as to the policy in place for field rental. He stated that the terms of such a policy needs to be worked out before this can be adopted.

CHECKS DATED NOVEMBER 3, 2009 TO NOVEMBER 9, 2009

The trustees examined the above checks and invoices for same, and Mr. Lynch moved that these checks for outstanding obligations be accepted for payment.

Ms. White seconded the motion that passed unanimously.

Note: A copy of said checks is attached to, and becomes a permanent part of, these minutes.

Since there was no further business to come before this meeting of the Bainbridge Township Board of Trustees, the meeting was adjourned at 8:58 P.M.