

RESOLUTIONS ADOPTED
April 7, 2020

2020-039 RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020

2020-040 RESOLUTION CONFIRMING THE APPOINTMENT OF JEREMY IOSUE AS LEGAL ADVISOR AND ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH JEREMY IOSUE EFFECTIVE APRIL 1, 2020

MINUTES

The Board of Painesville Township Trustees met for a regular meeting at 11:00 A.M. on Tuesday, April 7, 2020 at 55 Nye Road. The meeting was called to order at 11:06 A.M. by Chairman Hillier. Present: Trustees Gabe Cicconetti, Chuck Hillier, Josh Pennock, Administrator Michael Manary, Fiscal Officer Michael Patriarca, Legal Advisor Matt Lallo.

Chairman Chuck Hillier opened up Public Hearing for Zoning Case 19-ZC-05 at 11:17 A.M., text amendment regarding permitting requirements for poultry/fowl husbandry and continued the public hearing until April 21st at 7:30 P.M.

Chairman Chuck Hillier opened up Public Hearing for Zoning Case 20-ZC-01 at 11:17 A.M., district amendment for the rear portion of the Hadden School Site, from R-1, Single Family Residential to REC-1, public or non-profit recreation. A modification was made during the hearing process to make the requested district designation REC-1 in response to the Lake County Planning Commission's recommendation and also to adjust the acreage subject to the district designation change to conform to the survey and legal description provided by Land Design and continued the public hearing until April 21st immediately following Zoning Case 19-ZC-05

Chairman Chuck Hillier opened up Public Hearing for Zoning Case 20-ZC-03 at 11:18 A.M., district amendment for the portion of Hadden School Site fronting on Mentor Avenue from R-1 Single Family residential to B-1, Gateway Business. A modification was made during the hearing process to adjust the acreage subject to the district designation change to conform to the survey and legal description provided by Land Design and continued the public hearing until April 21st immediately following Zoning Case 20-ZC-01.

Various topics, agenda items and departmental matters were brought before the board including the approval of minutes from the previous meeting March 18, 2020.

SUMMARY OF WORK SESSION:

Administrator Manary summarized the work session noting the following:

- Administrator Manary wanted it to be noted that this meeting is being held electronically with some of the Trustees being present and some of them dialing in by remote and the public is also available. This is the first Trustee Meeting we have held electronically.
- Most of the work session was to discuss the Covid-19 and the different impacts on Township operations. There will be more details under the Administrator's report.
- The Trustees discussed the Hometown Heroes Banner Program
- The Fire Chief gave an update on the Coronavirus and how it is impacting the Fire Department and staffing.
- The Fire Chief gave an update on repairs at Fire Station 3.
- The Service Director gave an update on the ODOT Road Salt Contract that we will be passing a resolution today to purchase salt for next year's winter.
- The Service Director discussed proposed roads that we would want to resurface on the next OPWC Grant that we apply for.
- The Service Director gave an update on current road projects that are about to begin in the Township. We just learned that ODOT will be resurfacing Fairport Nursery Road.
- The Service Director gave an update on maintenance and repair at the Service Garage and on equipment that they have.
- The Zoning Inspector gave an update on a project call the SAFstor project. It is a new building that may be built on Mentor Avenue for storage.
- The Zoning Inspector gave an update about Tractor Supply moving into the former Pat Catans store on Mentor Avenue. If that goes through the company will be investing one million dollars in the building as part of their upgrades to it.

OLD BUSINESS: None

NEW BUSINESS: None

LAKE COUNTY SHERIFF'S OFFICE REPORT: No report given

DEPARTMENT REPORTS:

- SERVICE DEPARTMENT: Nothing to report.
- FIRE DEPARTMENT: Nothing to report
- ZONING DEPARTMENT: Nothing to report.
- LEGAL ADVISOR: Nothing to report.
- ADMINISTRATOR: The Township Trustees have taken the following actions to protect our employees and our residents.
 1. We cancelled the St. Patrick's Day Parade
 2. We restricted access to all buildings to a limited number of employees. Residents may drop off and pick up permit applications in the vestibule at our front door. No interaction is necessary.
 3. The Zoning Department employees are working from home.
 4. The Service Department has been split into two shifts. The Brush drop off has been changed to self-service.
 5. We are disinfecting buildings weekly.
 6. We are conducting public meetings electronically.
 7. We are maintaining our service to the community at almost 100% functionality.

TRUSTEES:

Motion to – Continue Zoning Case 19-ZC-05 until April 21st at 7:30 P.M.

Motion to – Continue Zoning Case 20-ZC-01 until April 21st immediately following Zoning Case 19-ZC-05

Motion to – Continue Zoning Case 20-ZC-03 until April 21st immediately following Zoning Case 20-ZC-01

BILLS PAID

Various bills, payroll and related disbursements were presented, examined and approved for payment.

RESOLUTIONS ADOPTED

2020-039 RESOLUTION AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020

(Text of this resolution separately printed as if fully included herein as Exhibit A)

2020-040 RESOLUTION CONFIRMING THE APPOINTMENT OF JEREMY IOSUE AS LEGAL ADVISOR AND ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH JEREMY IOSUE EFFECTIVE APRIL 1, 2020

(Text of this resolution separately printed as if fully included herein as Exhibit B)

Chairman Chuck Hillier made a motion to close the meeting at 11:31 P.M., seconded by Josh Pennock passed unanimously.

ADJOURNMENT



Chuck Hillier, Chairman



Michal Patriarca, Fiscal Officer

exhibit A

**RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2020**

WHEREAS, the (Painesville Township, Lake County) (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and
- d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 24 by 12:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

NOW, THEREFORE, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

 (Authorized Signature) 4-7-2020 Approval Date

 (Authorized Signature) 04-07-2020 Approval Date

Charles Hillier (Authorized Signature) 04-10-2020 Approval Date

_____ (Authorized Signature) _____ Approval Date

_____ (Authorized Signature) _____ Approval Date

THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN FRIDAY, APRIL 24, 2020.

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.

PAINESVILLE TOWNSHIP

RESOLUTION NO.: 2020 -

A RESOLUTION CONFIRMING THE APPOINTMENT OF JEREMY IOSUE AS LEGAL ADVISOR AND ESTABLISHING A WAGE AND FEE ARRANGEMENT WITH JEREMY IOSUE.

WHEREAS; The Board of Trustees wish to hire Jeremy Iosue as the Painesville Township Legal Adviser; and

WHEREAS, it has been determined that a wage and fee arrangement should be adopted.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Painesville Township Trustees, County of Lake and State of Ohio, that:

SECTION I: Jeremy Iosue has been appointed as Legal Advisor for Painesville Township is hereby approved and confirmed and shall be for the period commencing April 1, 2020 and ending December 31, 2021.

SECTION II: Jeremy Iosue shall provide the Township with all the routine and incidental legal services required of a Legal Advisor by Statutes of the State of Ohio, including, but not limited to, the following:

- A. Attendance at all regular Trustee meetings and any Special Meetings as requested by the Trustees and/or the Township Administrator.
- B. Preparation of legal memoranda when requested and be available for and provide routine consultation to and/or attend meetings with the Township Administrator, members of Board of Trustees, Department Heads, and/or members of the Boards and Commissions of the Township when needed.
- C. Review and approve all legal documents requiring the approval of the Legal Advisor.
- D. Preparation and/or review of all routine Resolutions, Motions and Proclamations that are to be either issued by the Board of Trustees or submitted to the Township for consideration.
- E. Trips at the request of the Board of Trustees or the Township. Any travel expenses for trips outside of Lake, Geauga or Cuyahoga Counties shall be reimbursed. There will be no charge for any travel expenses for appearances inside Lake, Geauga or Cuyahoga Counties. Mode of travel shall be subject to Trustee approval in instances where reimbursement is expected.
- F. The handling or prosecution of all zoning and other miscellaneous matters in the Painesville Municipal Court, including any research time and any time in Court whether pre-trial or trial.
- G. Attendance at all meetings of the Zoning Commission and the Board of Zoning Appeals.
- H. Any actual, threatened, or imminent litigation, state or federal agency, or other department.

- I. Negotiation and preparation of contracts and agreements.
- J. Negotiation and preparation of all documentation as required by the collective bargaining process and labor negotiations.
- K. Grievances and disciplinary matters with any Township employees.
- L. Preparation of and responses to public records requests.
- M. A total accumulation of fifty (50) hours of "extraordinary services" as found in Section IV of this Resolution to account for time spent on civil actions filed in the Painesville Municipal Court and all actions filed in Common Pleas Court, Court of Appeals, Ohio Supreme Court or any federal court either against the Township or on behalf of the Township.

SECTION III: For the performance of all routine and incidental legal services as described herein, Jeremy Iosue shall be paid a monthly retainer of Two Thousand Dollars (\$2,000.00), for the period commencing April 1, 2020 until December 31, 2021. Said payments shall be pensionable to the Ohio Public Employees Retirement System and reported as W-2 (or equivalent) wages.

SECTION IV: In the event the needs of the Township require extraordinary services beyond those already designated as "routine and incidental" in Section II, the Legal Advisor shall bill the Township at the rate of One Hundred Dollars (\$100.00) per hour for any hour worked beyond the fifty (50) hours mentioned above in Section II. Extraordinary services include, but are not limited to, the following:

- A. Defending the Township in all civil actions filed in the Painesville Municipal Court and all actions filed in the Court of Common Pleas, Court of Appeals, Ohio Supreme Court or any federal court either against the Township or on behalf of the Township
- B. Any other matter as directed by the Board of Township Trustees.

SECTION V: Jeremy Iosue shall be reimbursed for out-of-pocket expenses incurred in connection with litigation and additional projects, including but not limited to, filing fees, expert witness fees, medical exams, court reporter costs, appraiser's fees, real estate transfer and recording fees and other associated expenses, miscellaneous litigation expenses, and any other expenses approved by the Board of Township Trustees.

SECTION VI: Jeremy Iosue shall have the authority to retain outside legal counsel for various legal matters subject to the approval of the Board of Trustees.

SECTION VII: The Township is authorized and instructed to issue such vouchers and expend all funds necessary to pay said wages and special fees on a monthly basis.

Payment Listing

3/19/2020 to 4/7/2020

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
620-2020	03/20/2020	03/17/2020	CH	EXPERT PAY	\$6.00	C
707-2020	04/03/2020	03/31/2020	CH	EXPERT PAY	\$6.00	O
58154	02/26/2020	02/26/2020	AW	LAKE HEALTH	\$121.00 *	V
58154	04/06/2020	04/06/2020	AW	LAKE HEALTH	-\$121.00	V
58235	03/26/2020	03/26/2020	AW	AMERICAN DECAL & SIGN	\$72.00	O
58236	03/26/2020	03/26/2020	AW	AT & T MOBILITY	\$222.13	O
58237	03/26/2020	03/26/2020	AW	ATWELL'S POLICE & FIRE EQUIP. CO.	\$76.99	O
58238	03/26/2020	03/26/2020	AW	CINTAS CORPORATION	\$278.44	O
58239	03/26/2020	03/26/2020	AW	CLIA LABORATORY PROGRAM	\$180.00	O
58240	03/26/2020	03/26/2020	AW	COMDOC, INC.	\$232.28	O
58241	03/26/2020	03/26/2020	AW	DANIELLE THOMPSON	\$150.00	O
58242	03/26/2020	03/26/2020	AW	DOMINION EAST OHIO	\$412.23	O
58243	03/26/2020	03/26/2020	AW	HALLMARK EXCAVATING	\$50.00	O
58244	03/26/2020	03/26/2020	AW	HUMANADENTAL INS. CO.	\$4,269.92	O
58245	03/26/2020	03/26/2020	AW	HZW ENVIRONMENTAL CONSULTANTS, LL	\$983.50	O
58246	03/26/2020	03/26/2020	AW	LAKE HEALTH	\$81.00	O
58247	03/26/2020	03/26/2020	AW	MEDQUEST EVALUATORS, LLC	\$649.00	O
58248	03/26/2020	03/26/2020	AW	ROTO-ROOTER	\$125.00	O
58249	03/26/2020	03/26/2020	AW	THE ILLUMINATING COMPANY	\$1,258.40	O
58250	03/26/2020	03/26/2020	AW	THE NEWS-HERALD	\$158.15	O
58251	03/26/2020	03/26/2020	AW	UNIVERSAL OIL	\$94.36	O
58252	03/27/2020	03/27/2020	AW	LBP LEASING INC.	\$129.00	O
58253	03/27/2020	03/27/2020	AW	QUILL LLC	\$126.17	O
58254	03/27/2020	03/27/2020	AW	THE ILLUMINATING COMPANY	\$30.60	O
58256	03/30/2020	03/30/2020	SW	Skipped Warrants 58255 to 58256 Series 4	\$0.00	V
58257	03/30/2020	03/30/2020	AW	AIRGAS GREAT LAKES	\$65.43	O
58258	03/30/2020	03/30/2020	AW	ATWELL'S POLICE & FIRE EQUIP. CO.	\$86.99	O
58259	03/30/2020	03/30/2020	AW	BOUND TREE MEDICAL, LLC	\$1,309.82	O
58260	03/30/2020	03/30/2020	AW	CUYAHOGA COMMUNITY COLLEGE	\$1,400.00	O
58261	03/30/2020	03/30/2020	AW	LAKE COUNTY DOOR, INC.	\$135.00	O
58262	03/30/2020	03/30/2020	AW	LAKE HEALTH	\$10.00	O
58263	03/30/2020	03/30/2020	AW	QUILL LLC	\$188.91	O
58264	03/30/2020	03/30/2020	AW	R.C. HOMES, INCORPORATED	\$1,790.94	O
58265	03/30/2020	03/30/2020	AW	SHERWIN-WILLIAMS	\$48.32	O
58266	03/30/2020	03/30/2020	AW	VISION SERVICE PLAN (OH)	\$872.40	O
58267	03/30/2020	03/30/2020	AW	LDC, INC.	\$285.00	O
58268	04/02/2020	04/02/2020	AW	AQUA OHIO, INC.	\$129.70	O
58269	04/02/2020	04/02/2020	AW	CLASSIC CHEVROLET	\$298.00	O
58270	04/02/2020	04/02/2020	AW	COSE/MEDICAL MUTUAL OF OHIO	\$48,641.41	O
58271	04/02/2020	04/02/2020	AW	DOMINION EAST OHIO	\$1,421.28	O
58272	04/02/2020	04/02/2020	AW	LAKE HEALTH	\$5.00	O
58273	04/02/2020	04/02/2020	AW	LEARY H. SWIGER	\$150.00	O
58274	04/02/2020	04/02/2020	AW	MICHAEL MANARY	\$127.98	O
58275	04/02/2020	04/02/2020	AW	MELZER'S FUEL SERVICE	\$2,694.87	O
58276	04/02/2020	04/02/2020	AW	SAM'S CLUB	\$545.61	O
58277	04/02/2020	04/02/2020	AW	TREASURER, STATE OF OHIO	\$1,074.00	O

Payment Listing

3/19/2020 to 4/7/2020

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
58278	04/02/2020	04/02/2020	AW	SEACRIST MAINTENANCE, INC.	\$37.45	O
58279	04/03/2020	04/03/2020	AW	EMERGENCY MOBILE TECH. INC.	\$9,022.10	O
58280	04/03/2020	04/03/2020	AW	JOUGHIN HARDWARE	\$142.93	O
58281	04/03/2020	04/03/2020	AW	WARREN FIRE EQUIPMENT, INC.	\$2,073.32	O
58282	04/06/2020	04/06/2020	AW	DANIELLE THOMPSON	\$75.00	O
58283	04/06/2020	04/06/2020	AW	TODD THOMPSON	\$119.95	O
58284	04/06/2020	04/06/2020	AW	CINTAS CORPORATION	\$139.22	O
58285	04/06/2020	04/06/2020	AW	SEACRIST MAINTENANCE, INC.	\$40.00	O
58286	04/06/2020	04/06/2020	AW	LAKE HEALTH	\$121.00	O
58287	04/06/2020	04/06/2020	AW	VILLAGE OF FAIRPORT HARBOR	\$14,958.60	O
Total Payments:					\$97,480.40	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$97,480.40	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.