

**RECORD OF PRECEEDINGS**  
**WINDHAM TOWNSHIP**  
**March 6, 2014**

Windham Township Trustees met in regular session On March 6, 2014 with all trustees and fiscal officer present. All trustees received their monthly financial packets.

3-1-2014 Rich Gano moved to approve February minutes correcting the permanent appropriations as there was a typo Brian Miller seconded all voting yes motion carried.

3-2-2014 Rich Gano moved to approve expenditures pending certification Brian Miller seconded all voting yes motion carried.

Roads: Dann reported that the township did not prevail in litigation with Dale Soinski in his request that we vacate a portion of Frazier Rd. The Judge ruled in his favor and deemed the township to vacate the road as requested. He also said he had been in contact with Dale Soinski and Terry Kane and they still want to put the cul-de-sac in a previously stated. This would have to be done under the supervision of the Portage County Engineers. He also instructed the board on the obligation to pass a resolution within 30 days to appeal or not appeal the judge's ruling; he also noted both Prosecutor Meduri and Attorney Finamore were in agreement that it was not in the best interest of the township to appeal. At this time Brian Miller read a prepared statement as to how the proceedings went in court and his opinion as to how we should proceed. He felt that we should not pass the appeal resolution until it is confirmed officially that the cul-de-sac would be put in, when and also requested a guard rail go up to deter any traffic flow or otherwise trespassers which was Mr. Soinski major concern in his request to vacate. After much discussion:

3-3-2014 Dann Timmons moved to not appeal the decision of Judge Enlow, Rich Gano seconded Fiscal Officer called Roll: Timmons: yes Gano: Yes and Miller abstained. Motion carried.

Brian Miller read a letter he received from Township Resident thanking Kevin & Rusty for their assistance in the snow storm.

Zoning: Joe Pinti gave a report on the demolition and all paperwork has been turned in and everything is complete. Dann asked about Horner's, Joe reported he is continuous contact with Martin and he is making headway, hopes to get ahead once the weather breaks.

A public hearing has been set for March 27<sup>th</sup> at 7pm on the proposed zoning amendments and Brian reported he still does not have a copy.

Cemetery: Rich reported not much going on; he received some information at the OTA conference and will be ordering the pins to get the additional graves laid out. He also wanted to address the board on the backhoe, he said it is a 1979 and does not really do what is needed at the cemetery. The last couple of funerals during the cold spell we had to have the village assist with theirs as ours would not cut through the frozen ground. He said he found one at conference a used one 2004 for \$28000.00 a new one could cost in excess of \$90,000.00. The board agreed that Rich should call and see if this one is still available and if not to start looking around.

Fire District Report: Dann reported that the issue has come up again as to whether or not the township should pursue the village in their noncompliance of the contract to provide dispatching services for 10 years under the terms of the agreement to create the fire district. He addressed the additional cost to the district now that they have to pay for dispatching and feels that the village may be obligated to pay for this. He would like to have Mark Finamore take a look at the contract to see if he felt if there were any legal avenues that we may pursue in order to assist the fire district. The board agreed to contact legal counsel Meduri or Finamore to get a legal opinion on whether or not this would a prudent obligation for the township to undertake.

Guest: Resident on Bryant Rd. spoke of a plowing issue during the snow storm that was taken care of.

The board discussed a letter received by Lloyd Billman in regards to his time served on the Zoning Board and wanted to buy service time through OPERS. The fiscal officer gave all the board members a copy of determination received in 2011 from OPERS that Mr. Billman had requested then. They found that this is noncontributing position and were determined to be an independent contractor status. Dann said he will refer this to Chris Meduri to get something in writing to Lloyd.

There being no further business meeting was adjourned.

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Dann Timmons, Chairman

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Jayme Neikirk, Fiscal Officer