

RECORD OF PROCEEDINGS

Minutes of Concord Township Board of Trustees Meeting

Held on September 7, 2022

This meeting was held via YouTube Live Streaming and Facebook Live. See transcripts for more details.

The Concord Township Board of Trustees met for a Regular meeting on September 7, 2022, 7:30 pm, in Town Hall, located at 7229 Ravenna Road. Chairperson Amy L. Lucci called the meeting to order and led in the Pledge of Allegiance. Trustees present were Amy L. Lucci, Morgan R. McIntosh and Carl H. Dondorfer.

RECOGNITION LETTERS FOR EAGLE SCOUTS SAM WATKINS AND ALEXANDER TILK

Mr. Rose read the recognition letters for Eagle Scouts Sam Watkins and Alexander Tilk.

APPROVAL OF MINUTES:

August 3, 2022 Regular Trustees Meeting. Mr. Dondorfer moved to approve the August 3, 2022 Regular Meeting Minutes as written. Mrs. Lucci seconded. Vote 2 ayes. Mr. McIntosh abstained.

ELECTED OFFICIALS REPORT:

A. FISCAL OFFICER – Amy L. Dawson

Mrs. Dawson reviewed the state of Concord Township finances since the last meeting.

B. TRUSTEES

Mr. Dondorfer, Mr. McIntosh and Mrs. Lucci discussed Concord Township business since the last meeting.

DEPARTMENT REPORTS:

A. ADMINISTRATION DEPT. – Andy Rose, Administrator

Andy Rose, Administrator, covered issues pertaining to the general business of the Township.

B. FIRE DEPT. – Chief Sabo

Chief Sabo reviewed the Fire Department's August activity.

C. SERVICE DEPT. – Tim Brown, Service Director

Tim Brown, Service Director, reviewed the Service Department's August activity in Concord Township.

D. ZONING DEPT. – Heather Freeman, Zoning Director

Heather Freeman, Zoning Director, reviewed the Zoning Department's August activity in Concord Township.

E. RECREATION DEPT. – Debra Bechel-Esker, Recreation Director

Debra Bechel-Esker, Recreation Director, reviewed the Recreation Department's September activities in Concord Township.

F. CONCORD LAW ENFORCEMENT REPORT – Sheriff's Office

Sgt. Infalvi read the Sheriff Department's August activity report in Concord Township.

AUDIENCE:

Brian Masse of 8196 Rainbow Drive, discussed the Auditor's Budget Commission Meeting and his concerns with excessive taxes; loss of faith in the Prosecutors Office and the FBI investigation into him.

OLD BUSINESS:

None

NEW BUSINESS:

A. AUGUST FINANCIAL REPORT. Mr. McIntosh moved to approve the August Financial report. Mr. Dondorfer seconded. Vote 3 ayes.

B. RES. 2022-18, DECLARING CERTAIN PERSONAL PROPERTY OF THE CONCORD TOWNSHIP FIRE DEPARTMENT SURPLUS AND NOT NEEDED FOR PUBLIC PURPOSE AND OBSOLETE, AND UNFIT FOR THE USE WHICH THE PROPERTY WAS ACQUIRED, AND APPROVING THE SALE OF THIS PROPERTY BY INTERNET-BASED AUCTION. Mr. Dondorfer moved to adopt the following resolution:

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RESOLUTION NO. 2022-18

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY OF THE CONCORD TOWNSHIP FIRE DEPARTMENT SURPLUS AND NOT NEEDED FOR PUBLIC PURPOSE AND OBSOLETE, AND UNFIT FOR THE USE WHICH THE PROPERTY WAS ACQUIRED, AND APPROVING THE SALE OF THIS PROPERTY BY INTERNET-BASED AUCTION.

WHEREAS, Ohio Revised Code Section 505.10(A) provides that when a township has property, including motor vehicles, road machinery, equipment, and tools, and the Board, by resolution, finds is not needed for public use, is obsolete or is unfit for the use for which it was acquired, the Board may sell and convey that property or otherwise dispose of it as surplus in accordance with this Section of the Ohio Revised Code; and

WHEREAS, the Township by and through its Fire Department owns personal property that is unfit for the use for which such property was acquired and is obsolete, to wit: one (1) 2008 Ford E450 Braun Ambulance and one (1) 2007 Dodge Durango motor vehicle.

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

Section 1. That the Board of Trustees for Concord Township does hereby find and determine in accordance with Ohio Revised Code Section 505.10(A) that the following personal property is unfit for the use for which it was acquired and obsolete, and as surplus is hereby authorized to be sold, to wit: (1) 2008 Ford E450 Braun Ambulance, with a starting bid of \$5,000.00; and one (1) 2007 Dodge Durango motor vehicle, with a starting price of \$500.00

Section 2. That such personal property shall be offered for sale to another public entity and in accordance with Section 505.10(D) of the Ohio Revised Code.

Section 3. It is found and determined that all formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees of Concord Township and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. McIntosh seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. Dondorfer – yes; Mr. McIntosh – yes.

- C. RES. 2022-19, A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT AND RELEASE. Mr. McIntosh moved to adopt the following resolution:

RESOLUTION NO. 2022-19

A RESOLUTION AUTHORIZING A RELEASE AND SETTLEMENT AGREEMENT OF LITIGATION WITH SHEETZ, INC., AND NORMANDY PROPERTIES LIMITED PARTNERSHIP, LTD.

WHEREAS, Sheetz, Inc., and Normandy Properties Limited Partnership, Ltd., and Concord Township, Ohio and the Concord Township Zoning Commission are parties to a declaratory judgment and mandamus injunction lawsuit in the Lake County Common Pleas Court captioned Sheetz, Inc., et al. v. Concord Township, et. al., Case No. 22CV000560, and a second and independently filed administrative appeal pursuant to R. C. Chapter 2506 in the Lake County Common Pleas Court captioned Sheetz, Inc., et al. v. Concord Township, et al., Case No. 22CV000517 (hereinafter collectively the "Litigation"); and

WHEREAS, the Parties to the Litigation have each denied and disputed the claims by the other in the Litigation and continue to do so; and

WHEREAS, to avoid further Litigation, the Parties are desirous of fully and finally resolving the Litigation and all actual potential claims by them in the matters stated herein; and

WHEREAS, the Township has received the Release and Settlement Agreement attached as Exhibit 1 and incorporated herein; and

WHEREAS, the Board of Trustees on behalf of itself and the Concord Township Zoning Commission are in agreement with the terms of settlement expressed in Exhibit 1;

NOW, THEREFORE, BE IT RESOLVED by the Concord Township Board of Trustees, Lake County, Ohio that the following Resolution is hereby authorized and adopted as follows:

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SECTION 1. That the Board of Trustees hereby approves the terms and conditions of the Release and Settlement Agreement attached as Exhibit 1 and to execute the foregoing Release and Settlement Agreement, and take such further actions as the Board may deem necessary and desirable in fulfilling the obligations of the Board of Trustees and/or its Zoning Commission under the terms of the Settlement Agreement.

SECTION 2. That the Board hereby authorizes and directs legal counsel to take all actions and do all things determined by counsel to be necessary or appropriate in order to effectuate the terms of settlement and conclusion of the Litigation.

SECTION 3. It is found and determined that all formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees of Concord Township and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Dondorfer seconded. Mr. Lucas (Legal Counsel) provided background information on Resolution 2022-19, Settlement Agreement and Release. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.


- D. ADMINISTRATOR TO ATTEND, ON BEHALF OF THE TRUSTEES, REQUIRED PUBLIC RECORDS TRAINING PURSUANT TO OHIO REVISED CODE SECTION 109.43 (B) AND 149.43 (E). Mr. Dondorfer moved to approve the Administrator to attend, on behalf of the Trustees, required Public Records Training pursuant to Ohio Revised Code Section 109.43 (B) and 149.43 (E). Mr. McIntosh seconded. Vote 3 ayes.
- E. FIRE DEPT. APPROVE CONDITIONAL OFFER OF EMPLOYMENT TO RYAN NAPPI AS A PART-TIME PROBATIONARY FIREFIGHTER/PARAMEDIC PENDING BACKGROUND CHECK AND PHYSICAL. Mr. McIntosh moved to approve Fire Dept. conditional offer of employment to Ryan Nappi as a Part-time Probationary Firefighter/Paramedic pending background check and physical. Mr. Dondorfer seconded. Vote 3 ayes.
- F. ITEMS VOTED ON IN STAFF MEETING ON SEPTEMBER 2, 2022. Mr. Rose read the following items voted on in the September 2, 2022 Staff Meeting:
1. ESTABLISH A SEPARATE ESCROW BANK ACCOUNT AT FIRST FEDERAL LAKEWOOD. Mr. McIntosh moved to establish a separate escrow bank account at First Federal Lakewood. Mr. Dondorfer seconded. Vote 3 ayes.
 2. ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION PURSUANT TO OHIO REVISED CODE 121.22 (G) (3). At 10:55 am, Mr. McIntosh moved to enter into Executive Session for the purpose of discussing pending litigation pursuant to Ohio Revised Code 121.22 (G) (3). Mr. Dondorfer seconded. Roll Call: Mrs. Lucci – yes; Mr. Dondorfer – yes; Mr. McIntosh – yes. At 11:14 am, Mr. McIntosh moved to exit out of Executive Session. Mr. Dondorfer seconded. Vote 3 ayes.

G. FUTURE MEETINGS & ANNOUNCEMENTS:

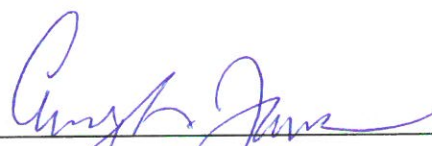
9/14	7:00 PM	BZA / Town Hall
9/21	6:30-7:30 PM	TRUSTEE OFFICE HOURS /Conference Room
	7:30 PM	TRUSTEE MEETING / Town Hall

Upon proper motion the meeting was adjourned at 8:32 pm.

For financial information go to: checkbook.ohio.gov



 Amy L. Lucci, Chairperson



 Amy L. Dawson, Fiscal Officer