

RECORD OF PROCEEDING

Minutes of Burton Township Trustees
Held at the Burton Township Administration Building

Regular Meeting
September 16, 2024

Jarred Miller, Chairman, opened the meeting at 7:30 p.m. All present recited the Pledge of Allegiance.

Board Members Jarred Miller, Ken Burnett and Dan Whiting, in attendance, together with Fiscal Officer, Katie O'Neill.

Attendees included: Bonnie Kilvanick, Sheena Watts, Tim Henry, Bob White, Michele Dragmen, Scott Dragmen, Brian Davidson, Jason Sutter.

Minutes: The minutes from September 4th, 2024 were approved with a motion from Mr. Burnett. Mr. Whiting seconded this motion. Vote: Mr. Miller – yes, Mr. Burnett – yes, Mr. Whiting – yes.

Public Comment: Residents were in attendance to discuss the heavy equipment accessing Veteran's Legacy Park through Stanley Drive. Tim Henry, a resident of Stanley Drive, provided pictures of the trucks, material and equipment that was being brought down the road. In 2022 the road was chip n sealed. Trustees have been in contact with the County Engineer's & the Geauga Park District on this matter and plan to follow up with the Park District in November after the park project is complete to rectify any damage caused to the road. Trustees stated that the Park District is not obligated to inform the Township to the use of the road as there are no weight limitations on Stanley. Scott Dragmen notified the Trustees of a large "sink hole" in front of his home. This will be investigated by the Township.

Fire Department: Chief Brian Davidson reported on activity during the month of August. There were 29 incidents which represented a 3% increase from 2023. For the year (2024) there have been 933 incidents of which 254 have occurred in Burton Township. Approximately 63% of all incidents were related to Rescue & Emergency Medical Services, with the remaining 37% relating to Fire incidents as of August 31st. The fire department and mutual aid partners handled a total of 59 incidents between 08/26 and 09/02. Of these, 35 were related to Geauga County Fire over the 5-day period of the fair. Activity during the Geauga County Fair are added to the Burton Village Fire activity. In early October, members will travel to Columbus for a mid-point inspection of the apparatus build of the new rescue fire engine. In mid-October, members will travel to New Jersey to pick up the ambulance that has been out for remounting.

Roads: Road Foreman, Mr. Jason Sutter provided the following report for the department. Trees were cut down at the new garage building site. Hauled 6 loads of brush to Hauser's and the logs were taken to the Akron/Township property. The 2025 Road Projects were submitted to the County Engineer's Office. The 2004 International was taken to Kronk's Garage. It's in need of a set of front springs and is anticipated to be done in a couple weeks. Mowed at the admin building and the park. Berms were cut and dirt roads graded for: Pond, Rider, Hale and a portion of Durkee. Dept. received a complaint from Mr. Springer on White Road related to his driveway apron. The apron can be scraped down with the backhoe to eliminate the height difference. Checked Stanley Drive and confirmed the pot hole. It is located approximately half way down on the west side of the road. Upcoming Items: Road side mowing, tree cutting and debarking on Osmond and Forest. Prepping dirt roads.

Fiscal Officer: Shared annual Claridon Community Helps information. Note for the Ballot Language Review discussed on September 4th, the Issue number for Burton Township is Issue #15, opposed to #16 as reported. Mr. Burnett moved to approve a Then and Now PO for the Ohio CAT invoice in the amount of \$5,689.04. Mr. Whiting seconded this motion. Vote: Mr. Miller – yes, Mr. Burnett – yes, Mr. Whiting – yes. Have not received W-9 paperwork nor written quote from Ross Hornak for the power washing and cleaning of the cemetery fences. Mr. Miller will reach out to

another vendor. Received a Notice of Furnishings from American Roadway Logistics pertaining to the White Road Project. Mr. Burnett will retain a copy of the document for any further action. Trustees agreed to participate in collaboration with the County Engineer for Snow and Ice Control Materials for the 2024-2025 Winter Season. Burton Township will request 200 tons of straight salt prior to the September 30th deadline. Information for 2 open OTARMA Director positions were disseminated to the Trustees. Stark Glass and Jimmy Durham will be contacted for exterior door quotes related to the NOPEC NEC grants. Qualifying Exterior Door quote will be submitted after the October 7th meeting. In consideration of legal advice and information provided from the Dept of Commerce, Mr. Burnett moved the adoption of Resolution 2024-14: Establishing a Video Service Provider Fee; Authorizing Notice to the Video Service Provider; and Declaring an Emergency. Mr. Whiting seconded this motion. Vote: Mr. Miller – yes, Mr. Burnett – yes, Mr. Whiting – yes.

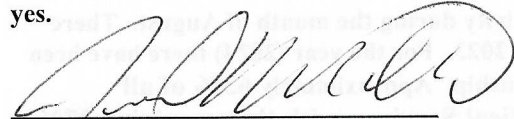
Old Business: In discussion for the Fall Newsletter, Trustees agreed to use the most cost-effective printer taking the cost of postage into consideration. Mr. Burnett moved to contract with M&M Tree Works, LLC for \$1,800.00, pending proper liability insurance and worker's comp documentation. If proper documentation cannot be provided the Township will contract with JNS Tree Service for \$1,850.00 for the tree work on the Baker/Township Park Property. Mr. Whiting seconded this motion. Vote: Mr. Miller – yes, Mr. Burnett – yes, Mr. Whiting – yes

New Business: Mr. Whiting moved to authorize the advertisement for bids of the Maintenance Garage for Burton Township, with the architect's estimated cost of the Project of \$800,000.00. Mr. Burnett seconded this motion. Vote: Mr. Miller – yes, Mr. Burnett – yes, Mr. Whiting – yes.

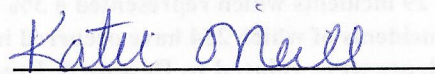
Next Meeting: The next regular meeting is scheduled for October 7th, 2024 at 7:30 p.m.

Warrants #12502 thru #12511 were approved and paid.

As there was no further business, this meeting was adjourned at 10:35 p.m. by a motion from Mr. Whiting and seconded by Mr. Burnett. Vote: Mr. Miller – yes, Mr. Burnett – yes and Mr. Whiting – yes.



Chairman



Fiscal Officer



JOE CATTELL, PE, PS
Gauga County Engineer

August 30, 2024

Burton Township Board of Trustees
P.O. Box 355
Burton, OH 44021

Re: Snow and Ice Control Materials for the 2024-2025 Winter Season

Dear Trustees:

The Geauga County Engineer is again offering to collaborate with townships and municipalities in the purchase of snow and ice control materials for the upcoming winter season. If your Board is so inclined to participate with the Engineer, please advise the Engineer in writing before September 30, 2024.

If you choose to participate with the Engineer, below is the relevant information to assist in your decision-making process:

1. The Engineer requires that you provide an approximate tonnage request of material.
2. You will be required to purchase as close to the requested amount as possible, but the Engineer offers some flexibility in your overall allocation.
3. Should the Engineer experience shortages or surpluses in materials, the Engineer has the ability to reduce or limit the amount of materials you request to ensure equity with all participating jurisdictions.
4. You will be required to pick up the materials at the Engineer's Merritt Yard storage facility. The Engineer will load your materials. You will need to call in advance for your pickup.
5. You will be required to pay for your total materials in March-April 2025.
6. The Engineer will execute the process of participating in the Ohio state bid with the Ohio Department of Transportation (ODOT) and will be required to accept whatever price-per-ton and supplier to whom ODOT chooses to award the contract, which means the Engineer, and your entity, will be required to accept whatever price and supplier ODOT awards.
7. You will not be required to bid or process proposal documents for this process. You will only be required to provide the Engineer with an approximate total tonnage of material below.

If you are interested in participating with the Engineer, please fill out the blanks in this letter and return a signed copy to the Engineer before September 30, 2024.

Straight Salt Request: 200 tons

Should you have any questions, please feel free to contact me at 440-279-1800 or ktaylor@geauga.oh.gov.

Sincerely,

Katie Taylor, Administrator
Gauga County Engineer

Entity Name: Burton Township

Responsible Person: Katie O'Neill

Responsible Person Title: Fiscal Officer

Signature: Katie O'Neill Date: 09/16/2024

RESOLUTION 2024-14 (INCLUDES AD REVENUE)

RESOLUTION OF THE BOARD OF TRUSTEES OF BURTON TOWNSHIP ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE TOWNSHIP; AUTHORIZING THE BOARD OF TRUSTEES TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY.

Section 2. That the VSP Fee shall be paid by each video service provider providing service in the Township on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter. R.C. §1332.32(A).



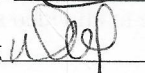
Section 3. That the Fiscal Officer is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by this Board above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the Township pursuant to a state-issued video service authorization.

Section 4. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of the Resolution were adopted in an open meeting of this Board, and all deliberations of the Board and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare in order to ensure that the Township of Burton receives appropriate fees from persons providing video and/or cable service in the Township using the Township's rights-of-way, this Resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to this Board, otherwise from and after the earliest period allowed by law.

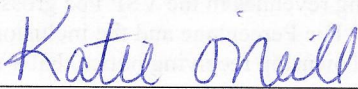
Mr. Burnett moved for the adoption of the foregoing, and

Mr. Whiting seconded the motion. Upon the call of the question, the vote was as follows:

TRUSTEE	YEA OR NAY
Mr. Jarred Miller 	<u>YEA</u>
Mr. Kenneth Burnett 	<u>YEA</u>
Mr. Daniel Whiting 	<u>YES</u>

Adopted on this 4th day of September, 2024

I, Katie O'Neill, Fiscal Officer of Burton Township Trustees do hereby certify that the above resolution is a true and correct transcript of the Resolution as adopted by the Board of Trustees of Burton Township, Geauga County, Ohio. At a regular public meeting on September 4th, 2024.


Katie O'Neill, Fiscal Officer

RESOLUTION 2024-14 (INCLUDES AD REVENUE)

RESOLUTION OF THE BOARD OF TRUSTEES OF BURTON TOWNSHIP ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE TOWNSHIP; AUTHORIZING THE BOARD OF TRUSTEES TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE; AND DECLARING AN EMERGENCY.

The Board of Trustees of Burton Township, Geauga County, Ohio, met in regular session on the 4th day of September, 2024 at the Administration Building with the following members present:

Jarred Miller

Kenneth Burnett

Daniel Whiting

WHEREAS, the Ohio General Assembly enacted Sections 1332.21 through 1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide "uniform regulatory framework" for the provision of cable television and/or other video service (the Video Law"); and

WHEREAS, under the Video Law a video service provider that is providing video service to subscribers in the Township pursuant to a state-issued video service authorization must pay the Township a video service provider fee ("VSP Fee") based on a percentage of the provider's gross revenues received from providing video service in the Township, not to exceed five percent (5%) of such gross revenues; and

WHEREAS, the Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the Township (the VSP Fee Percentage") or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee percentage shall be zero percent (0%) of gross revenues unless the Township determines by Resolution that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and

WHEREAS, the Video Law further requires the Township to provide a video service provider with written notice of the VSP Fee Percentage within ten (10) days of receiving notice from the video service provider, pursuant to R.C. 1332.27(A), that it will begin offering service in the Township; and

WHEREAS, the Video Law provides that advertising revenues will not be included in the gross revenues base upon which the VSP Fee Percentage is applied unless the Township specifically enacts an Resolution uniformly applicable to all video service providers requiring that advertising revenues also be included in the gross revenues base; and

WHEREAS, the Video Law requires the Township to promptly notify affected video service providers of the Resolution that requires the inclusion of advertising revenues in the gross revenues base and that requirement will not take effect until the first day of the first calendar quarter that begins more than thirty (30) days after giving such notice of the Resolution; and

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage and of the inclusion of advertising revenues in the VSP Fee gross revenues base, it is necessary for this Board (i) to establish the VSP Fee Percentage; (ii) to include advertising revenues in the VSP Fee gross revenues base, and (iii) to authorize the Fiscal Officer to provide the appropriate notice of the VSP Fee Percentage and the inclusion of advertising revenues in gross revenues to a video service provider within ten (10) days of the Township receiving notice that a video service provider will begin providing service in the Township.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BURTON TOWNSHIP, STATE OF OHIO:

Section 1. That this Board of Trustees of Burton Township hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of three percent (3 %) to the video service provider's gross revenues as defined in Section 1332.32(B) of the Video Law. For purposes of calculating the VSP Fee, the provider's gross revenues shall include advertising revenues in accordance with Section 1332.32(B)(2)(g) of the Video Law. The VSP Fee Percentage and Video Law gross revenues definition, as modified in this Resolution, shall apply equally to all video service providers and cable television operators providing video service in the Township.

BURTON TOWNSHIP BOARD OF TRUSTEES

LEGAL NOTICE

Notice is hereby given that sealed bids will be received by the Burton Township Board of Trustees by hand delivery to the Burton Township Administration Building at 14821 Rapids Road, Burton, Ohio 44021 or by mail until 2:00 P.M. on Friday, October 11, 2024. Sealed bids will be opened and read at 2:30 P.M. on Friday, October 11, 2024 at 14821 Rapids Road, Burton, Ohio 44021.

Sealed bids will be received for the construction of a Maintenance Garage for Burton Township ("the Project"). The architect's estimated cost of the Project is \$~~802~~50,000.00.

Copies of plans, specifications and contract documents are available from TMA Architects. Please email Sean Thompson at sean@tmaarch.com. Contractors will then be registered as bidders for the Project and documents emailed out. There is no fee for Registration or Documents, but is required so that Addenda can be properly distributed. The Architect will not distribute printed sets, but sets will be available at local plan rooms. Bidders must follow this procedure to register for the project in order to receive addenda and other bid notifications. A copy of all documents will be available for public inspection at the Burton Township Administration Building at 14821 Rapids Road, Burton, Ohio 44021.

Each bid must be accompanied by a certified or cashier's check or an irrevocable letter of credit pursuant to Chapter 1305 of the Ohio Revised Code, in the amount of ten percent (10%) of the amount bid, or a bid guaranty in the amount of one hundred percent (100%) of the bid amount, such check or bid guaranty to be made in favor of the Burton Township Board of Trustees and shall be held as a guarantee that in the event the bid is accepted and a contract awarded to the Bidder, the contract will be duly executed and its performance properly secured. To be considered, proposals must be made on the Bid Proposal Forms furnished by the Burton Township Board of Trustees in the Instructions to Bidders.

The envelope containing the bid and other required documents should be sealed and clearly marked "Bid for Burton Township Maintenance Garage Building", 14821 Rapids Road, P.O. Box 355, Burton, Ohio 44021.

Prevailing wage rates are applicable to the Project regardless of any contractual relationship which may be said to exist between the Contractor or Subcontractor and such individual.

The successful bidder is required to furnish a bond for the faithful performance of the Contract in a sum of not less than one hundred percent (100%) of the total bid price for the complete work, said bond to be that of an approved surety company authorized to transact business in the State of Ohio meeting the requirements of the O.R.C. Section 153.54.

A copy of the legal notice will be published in the Geauga County Maple Leaf and will be posted on the township's internet website at: www.burtontownship.org

The Burton Township Board of Trustees reserves the right to waive any formalities, irregularities, or to reject any or all bids. No bid may be withdrawn for a period of sixty (60) days after the scheduled closing for receipt of bids on October 11, 2024.

By Order of the Burton Township Board of Trustees

Publish September 19 – September 26 – October 3 and on the township's website.