

**MINUTES OF HUNTSBURG TOWNSHIP BOARD OF TRUSTEES MEETING
Held November 6, 2007**

Chairman Seliskar called the regular meeting to order at 7:15 pm with the following members present: Trustees Adams, Kothera and Seliskar and Fiscal Officer Saunders. Ann Wishart of the Geauga County Maple Leaf was also present.

The proper papers were notified.

Reading of the minutes of the October 16 & 23, 2007 meetings.

**RESOLUTION # 2007-095
Approval of Minutes**

A motion was made by Trustee Adams and seconded by Trustee Kothera to approve the minutes of the October 16 & 23, 2007 meetings.

Roll Call:		Yes	No
	Kothera	X	
	Seliskar	X	
	Adams	X	
Motion Unanimously Carried			

FINANCIAL REPORT:

Fiscal Officer Saunders presented bills, vouchers, purchase orders and warrants for board approval.

**RESOLUTION # 2007- 096
Approval of bills for payment**

A motion was made by Trustee Kothera and seconded by Trustee Adams to approve for payment bills submitted.

Payroll Voucher Totaling \$ 4,103.03
 Bills Voucher Totaling \$67,867.71
 Grand Total \$71,970.74
 See Exhibit A

Roll Call:		Yes	No
	Kothera	X	
	Seliskar	X	
	Adams	X	
Motion Unanimously Carried			

Fiscal Officer Saunders presented fund balance for October 16, 2007

Fund	Fund Balances
General	\$ 195,058.22
M.V.L. Tax	\$ 7,772.80
Gas Tax	\$ 54,381.82
Road & Bridge	\$ 114,296.08
Cemetery	\$ 11,075.00
Fire Protection	\$ 29,289.39
Permanent Improvement	\$ 38,197.96
Total All Funds	\$ 450,071.27

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Notice from the Ohio Dept. of Taxation on changes to made to the Ohio income tax withholding tables showing a reduction of 4.2%.

The Huntsburg Pumpkin Festival Committee Inc. presented a check in the amount of \$1600.00 to the Board of Trustees. The Festival committee owes ½ of electrical and ½ of sound system upgrades a total of \$3200.00. This payment is ½ of the agreed amount.

ZONING REPORT:

Oct 17 – Nov.5

- Smiths 322&Clay St. Accumulating more junk. violations sent and I met with Franklin Smith and he advised he will have current plates on all vehicles and all junk will be removed.
I told him he had 10 days to start cleanup 30 days to complete.
- Met with Tim Hadar 17613 Burton Windsor Rd. sold piece of property and had a issue with property line being too close to AG barn.
- Found 3 businesses without C.U.P. permits, Troyer Millworks 16201 Pioneer Rd. left application with son, I will follow up with a letter.
- M&M Rustic Furniture 13233 Clay St. already sent him a letter in the past; he advised he would have his app. In soon
- Bargain Bin 13400 Bundysburg Rd, application given to him, he seemed to have many issues with the township and did not seem like he would comply. A letter will be sent with a 30 day timeline
- Several hours returning phone calls.
- Several hours at town hall.
- Working to schedule inspection on businesses
- Following up on junk cases

Permit

1063 Baker Kyle Garage 16888 Huntley \$50.00

Geauga County Planning Commission has notified the board of trustees pursuant to R.C. Section 711.10 a public hearing will b e held on December 11, 2007 at 7:40 pm on a proposed amendment to the Subdivision Regulations of Geauga Co. The proposed amendment is deleting Section 502 (E) Riparian Setbacks and holding it in reserve.

MAINTENANCE REPORT:

Roads:

A notice to non-county drivers from the county Engineer's office was received and a copy passed on to Chris & Charlie.

Notification from the county engineer's office concerning ice control materials was received. The price for pre-mixed is \$32.50 per ton.

Mike Lechene will be notified that the township will accept cinders for the cost of trucking.

TOWN HALL:

Discussion was held on additional repairs necessary at the town hall. Next year new gutters will be needed and the soffits will need to be painted.

PARKS:

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Chris Whitney will be asked to trap the muskrats from the lake at the recreational park.

**RESOLUTION # 2007-097
Trapping of Muskrats**

A motion was made by Trustee Kothera and seconded by Trustee Adams to allow Chris Whitney to trap the Muskrats From the lake at the recreational park.

Roll Call:		Yes	No
	Kothera	X	
	Seliskar	X	
	Adams	X	
	Motion Unanimously Carried		

OLD BUSINESS:

We received a letter from Robert Boggs, Director Ohio Dept. of Agriculture in response to our letter to the OPSB.

Public Record Law discussion and review of Model Policy provided by the Ohio Township Association.

**RESOLUTION # 2007-098
Public Records Policy**

A motion was made by Trustee Kothera and seconded by Trustee Adams to approve and adopt the following Public Records Policy

**PUBLIC RECORDS POLICY OF
HUNTSBURG TOWNSHIP, GEauga, COUNTY**

Introduction:

It is the policy of Huntsburg Township in Geauga County that openness leads to a better-informed citizenry, which leads to more transparent government and sounder public policy. It is our policy to strictly adhere to the state's Public Records Act as well as other state and federal laws.

Ohio's Public Records Act imposes two primary obligations upon public offices:

1. Provide prompt inspection of public records (R.C. 149.43(B)(1)); and
2. Provide copies of public records within a reasonable period of time (R.C. 149.43(B)(2)).

The Public Records Act evolved from the principle that Ohio's citizens are entitled to access the records of their government. We agree that to advance that principle, the Public Records Act should be interpreted liberally in favor of disclosure.

Section 1. Public records

Under Ohio law, a public office may only create records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affect by the agency's activities. (R.C. 149.40).

In accordance with the Ohio Revised Code and court rulings, "records" are defined as those items that

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meet all of the following:

1. any document, device, or item, regardless of physical form or characteristic, including an electronic record (which includes but is not limited to e-mail or other record created, generated, sent, communicated, received, or stored by electronic means);
2. that is created or received by, or coming under the jurisdiction of a public office; and
- 3- that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).

The determination of whether a specific item constitutes a “record” will depend on the facts and circumstances surrounding the particular item requested. The Ohio Supreme Court has imposed an actual use standard in defining a “record,” which means that an item is not automatically a “record” simply because the public office could (but did not) use a document it received to carry out its duties and responsibilities.

Furthermore, a public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

Section 1.1

It is the policy of Huntsburg Township in Geauga County that, as required by Ohio law, records will be organized and maintained so that they are made available for inspection to any person at all reasonable times during regular business hours. (R.C. 149.43(B)(1)).

Copies will be made available upon request within a reasonable period of time. (R.C. 149.43(B)(1)).

A current record retention schedule will be readily available to the public upon request. (R.C. 149.43(B)(2))

Section 1.2

Not all of Huntsburg’s records are “public records.” Certain records are exempt from the Public Records Act. Exempt records include records: (1) the release of which is *prohibited* by state or federal law, or 2) that are subject to an express exception set forth in Ohio’s Public Records Act, which may be released only if Huntsburg decides to waive the express exception.

Examples of records, the release of which is *prohibited* by state or federal law, include, but are not limited to, the following:

Attorney-client privileged information;

Records of a Certified Public Accountant or public accountant in the performance of an audit of a public office (R.C. 4701.19(B));

Federal tax returns (26 U.S.C. 6103(a));

Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database (42 U.S.C. 3789g);

Records that have been sealed pursuant to a statutorily authorized court order (*i.e.* R.C. 2953.52);

Peace officer’s home address during the pendency of a criminal case in which the officer

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is a witness or arresting officer (R.C. 2921.24(A)); and

Employees' and their family members records that were created for purposes of the Family Medical Leave Act or the Americans with Disabilities Act (29 CFR 825.500(g) and 1630.14(c)(1)).

Examples of records that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if [HUNTSBURG] decides to waive the express exception include, but are not limited to, the following:

Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, Residential and Familial Information (R.C. 149.43(A)(7));

Records that pertain to a patient's medical history, diagnosis, prognosis, or medical condition and that were general and maintained in the process of medical treatment (R.C. 149.43(A)(1)(a));

Records that contain information that was specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding (R.C. 149.43(A)(1)(g)); and

Records that pertain to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature and that, if released, would create a high probability of disclosing any of the following (1) the identity of an uncharged suspect, (2) the identity of a confidential source, (3) specific confidential investigatory techniques or procedures; (4) specific investigative work product; or (5) information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential source (R.C. 149.43(A)(2)).

The exemptions to the Public Records Act will be narrowly construed by this office in the favor of disclosure. This office may seek a legal review prior to determining whether or not an exception applies.

Section 2. Record requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this office cannot reasonably identify what public records are being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing him/her of the manner in which records are maintained by the office and accessed in the ordinary course of this office's duties. (R.C. 149.43(B)(2)).

Section 2.2

The requester does not have to put a records request in writing, and does not have to provide his/her identity or the intended use of the requested public record. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required. (R.C. 149.43(B)(5)).

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Section 2.21

This office will permit a requester to choose to have the public record duplicated upon paper, upon the same medium which this office keeps it, or upon any other medium which this office determines that it reasonably can be duplicated as an integral part of the normal operations of this office. This office is not required to allow the requester to make the copies of the public record. (R.C. 149.43(B)(6)).

Section 2.3

Public records should be available for inspection at all reasonable times during regular business hours. Public records should be made available for inspection promptly. (R.C. 149.43(B)(1)). To the extent that an office may operate 24-hours-a-day, the records of that office will be made available for inspection during normal administrative hours.

Copies of public records should be made available within a reasonable period of time. (R.C. 149.43(B)(1)).

The determination of the terms “prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes (both in draft and final form), resolutions, budgets, etc.

Section 2.5

Upon request, this office will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. (R.C. 149.43(B)(7)).

This office will limit to ten the number of copies of public records provided per month to a requester by United States Mail, unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The word “commercial” should be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research). (R.C. 149.43(B)(7)).

Section 2.6

By Ohio law, this office is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation if the subject of the investigation or prosecution were an adult, unless the judge who imposed the sentence or made the adjudication with respect to the person, or the judge’s successor in office, finds that the information sought in the public record is necessary to support what appears to be a justifiable claim of the person. R.C. 149.43(B) (8).

Section 2.7

This office, in response to a written request made and signed by a journalist, which must include the journalist’s name and title and the name and address of the journalist’s employer and which states that the disclosure of the information sought would be in the public interest, will provide the address of the actual

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personal residence of anyone employed by this office as a peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, and, if such employee's spouse, former spouse, or child is employed by a public office, the name and address of that public office. (R.C. 149.43(B)(9)).

Section 2.8

Any denial of public records requested, in part or in whole, should include an explanation, including legal authority, as to why the request was denied. If the initial request was provided in writing, the explanation for denial will be provided to the requester in writing. (R.C. 149.43(B)(3)).

If portions of a record are public and portions are exempt, the exempt portions should be redacted and the rest released. If there are redactions, the office will notify the requester of any redaction or make the redaction plainly visible. Each redaction should be accompanied by a supporting explanation, including legal authority, as to why the redaction was made. (R.C. 149.43(B)(1) and (2)).

Section 2.9

This office has no duty to provide records acquired after a request for records is complete.

Section 3. Costs for Public Records

Those seeking public records should be charged only the actual cost of making copies, unless the cost is otherwise set by statute. (R.C. 149.43(B)(1)). Employee time should not be calculated into the charge for copying a public record. However, in the event that circumstances make it reasonable for this office to hire an outside contractor to make copies of requested records, the requester will be charged the actual cost paid to the outside contractor for the copying service. (R.C. 149.43(F)(2)(a)). These circumstances may include but not be limited to a lack of in-house photocopying resources or labor.

This office has no duty to provide copies of public records free of charge to someone who indicates an inability or unwillingness to pay for them.

Section 3.1 The charge for paper copies is [TEN] cents per page. -

Section 3.2

This office may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested. (R.C. 149.43(B)(6)).

Section 3.3

Upon request, this office will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this office deems reasonable. This office may require such a requester to pay in advance the cost of postage or costs incurred for other supplies used in the mailing, delivery, or transmission. (R.C. 149.43(B)(7)).

Section 3.4

There may be instances when this office may be able to provide copies made in-house without disrupting its normal functions, but only over an extended period of time. In that instance, this office may offer the requester the options of (1) having the documents produced through a faster method by employing temporary personnel and equipment, (2) using an external private contractor, or (3) having the documents produced in-house by this public office's normal staff and equipment in a less efficient and more time-consuming manner.

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Section 4. Failure to respond to a public records request

This office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, this office's failure to comply with a request may result in the requester commencing a mandamus action against this office in either the court of common pleas, in the court of appeals, or in the Supreme Court of Ohio. The court may order this office to comply with the Public Records Act, as well as order this office to pay statutory damages of one hundred dollars for each business day (beginning with the day the requester files the mandamus action) during which this public office failed to comply (up to a maximum of one thousand dollars), as well as court costs and the requester's reasonable attorney fees.

Roll Call:		Yes	No
	Kothera	X	
	Seliskar	X	
	Adams	X	
Motion Unanimously Carried			

NEW BUSINESS:

We received four booklets from the Multi-State-ISAC addressing Cyber Security.

A 2007 Census Survey for completion

Employee Evaluations will be held on November 20 starting at 6:30 in Executive Session

Starting Time Change was discussed on the following section of the policy book
Section 3.5 **HOURS OF WORK**

- A. A full-time employee works forty (40) hours per week, eight (8) hours per day, five (5) days per week. Normal hours for the road department are 7:00 a.m. to 3:30 p.m. April through October Daylight Savings Time and 7:30 a.m. to 4:00 p.m. and November through March Eastern Standard Time, however, an employee may be required to respond to an emergency call. (See **Section 3.6 EMERGENCY CALL STATUS**)

After discussion the following action was taken:

RESOLUTION # 2007-099
Policy Change 3.5 Starting Time

A motion was made by Trustee Kothera and seconded by Trustee Adams to adopt the following change to the township policy.
Section 3.5 **HOURS OF WORK**

- A. A full-time employee works forty (40) hours per week, eight (8) hours per day, five (5) days per week. Normal hours for the road department are 7:00 a.m. to 3:30 p.m., however, an employee may be required to respond to an emergency call. (See **Section 3.6 EMERGENCY CALL STATUS**)

Roll Call:		Yes	No
	Kothera	X	
	Seliskar	X	
	Adams	X	

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	Motion Unanimously Carried
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CORRESPONDENCE:

GTA Dinner meeting Nov 14th in Montville anyone going?

NOPEC Email concerning Meeting Nov 13 do we want to appoint a proxy if so who?

John Pestle, Cable Franchise Rule Making, email concerning newly adopted rule by FCC

October 16 OPERS Employer Notice Service Purchase

October 30 OPERS Notice New Refund Application Form

Geauga Co Jobs & Family Services Newsletter

November 200y Grassroots Clippings

Board of Election results at <http://www.co.geauga.oh.us?departments/elections/index.asp>

Herbruck & Alder info in reference to the Ohio Plan Healthcare Consortium

Love Insurance Ohio Plan Health Care Plan

Geauga Co. Dept. on Aging sent an Elder Health Crisis Handbook

There being no further business the meeting was adjourned at 8:05 pm.

Chairman Seliskar

Fiscal Officer Saunders