

The Chester Township Board of Trustees met in regular session **Thursday, July 28, 2022** in the Town Hall Meeting Room at 6:30 P.M. Chairman Ken Radtke presided.

Roll Call: Present: Trustee Radtke, Trustee Mazzurco, Fiscal Officer Jarrett
Absent: Trustee Richter

Pledge of Allegiance to the Flag

The Board led the audience in reciting the Pledge of Allegiance to the Flag.

Approval of Minutes

2022-310. Mr. Radtke moved to approve the minutes of the Board of Trustees meetings dated 7/7/22 and 7/14/22 as presented to the Board by the Fiscal Officer. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

Public Comments/Questions

The public had no comments or questions.

Township Administrator

Township Administrator Purchase has applied for a \$500 OTARMA safety grant for Parkside Park, intending to apply the funds to the playground mulch invoice. A Cleveland Guardians grant is available, which would replace some of the bleachers on the ball field. WGHS varsity softball wants to use Parkside as their home field next year. Field upkeep costs would be shared. Electrical issues have been repaired, the walkway and gazebo floor have been pressure washed. Administrator Purchase would contact First Energy to increase the service from the pole to the gazebo to 100 amps. This would help the holiday lighting issues. The Recycle Park sign regarding cameras will be installed shortly. Kiwanis has painted the fence at the site. The Township has been awarded nearly \$15,000 of Go Green grant money to address the driveway of the site.

There will be no hearings for the Board of Zoning Appeals in August. Many resident complaints regarding inspections have been received and are being investigated. HB 563 has cleared committee and is on the floor for vote, proposing to take away a Township's ability to zone rental properties, potentially resulting in anyone being able to rent their properties to anyone, including AirBnB, Vrbo, etc. Mr. Purchase drafted a letter for Chester Township in opposition to the bill; copies would be provided to the Trustees.

Linda Gifford called Diane Grendell regarding the bill, stating why she was against it. Ms. Grendell is also not in favor of the bill. The state representative who brought the bill forward owns a B&B, which is a conflict of interest.

Reserve funds are set aside for unplanned, unanticipated expenses. Prior to setting the funds up, an inspection of the Township properties and heavy equipment is required. Monies are set aside annually for each department. Russell Township shared their report regarding reserve funds. Mr. Purchase and the Fiscal Officer planned to have this in place by the end of 2022. Miller Dodson company was chosen on a recommendation from other Townships.

Department Business – Road

2022-311. Mr. Radtke moved to approve and sign the agreement with the West Geauga School System to provide them with anti-skid materials up to 250 tons at \$45.89/ton for the 2022-2023 winter

season. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

2022-312. Mr. Radtke moved to approve Road Department expenditures as listed below. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

PO #	Type	Amount	Payable To	Comments
168-2022	T&N	1082.50	J&L Door	Replace spring on RD bay door
169-2022	Reg	1880.00	Polen Implement Inc.	Steering parts for front side mower
170-2022	Reg	1800.00	Verizon Connect NWF	GPS through year end
171-2022	T&N	2181.24	Dover Hydraulics	Rebuild two cylinders on boom mower

Department Business – Fire

2022-313. Mr. Radtke moved to approve and sign after the fact the Agreement for the Sale of a Vehicle to Chester Township from the Geauga County Sheriff’s Office for a 2013 Chevrolet Impala, VIN# 2G1WD5E36D1259741. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

2022-314. Mr. Radtke moved to approve a change order request from Millstone Management Group for an additional \$14,193.97 for kitchen and corridor modifications to the Fire Station Renovation Project as requested by Chief William Shaw. Mr. Mazzurco seconded. Roll Call Vote: Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

2022-315. Mr. Radtke moved to approve Fire Department expenditures as listed below. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

PO #	Type	Amount	Payable To	Comments
173-2022	Reg	23983.00	Warren Fire Equipment	Firefighter turnout gear

2022-316. Mr. Radtke moved to enter into a student training internship learning program with Auburn Career Center for the 2022/2023 school year. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

Department Business – Zoning

The discussion regarding attorney Benza & Professor Weinstein’s participation in the Trustees’ 8/15 public hearing for Z-2022-3 would be postponed until August 11 when a full board would be present.

New Business

2022-317. Mr. Radtke moved to award the bid for the road improvement project listed below as recommended and approved by the Geauga County Engineer. Mr. Mazzurco seconded. Roll Call Vote: Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

Project No.	Project Name	Awarded to	Amount
RC-CHE-V-2022	Reconstruction of Various Roads (re-bid)	Chagrin Valley Paving Inc.	895.965.00

RESOLUTION 2022-318. Mr. Radtke moved to approve the revised Chester Township Investment Policy effective July 28, 2022, forward a copy to First National Bank for execution and file with the Auditor of State as required by law. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

The opioid settlement resulted in creation of a special revenue fund, along with a new appropriation account to be able to use the funds, which are to be used specifically for drug-related items.

RESOLUTION 2022-319. Mr. Radtke moved to approve a new fund, revenue account codes and appropriation account codes and an increase in the revenue fund 2273 as listed in the table below. Mr. Mazzurco seconded. Roll Call Vote: Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

Fund type	Account code	Description	Amount
Revenue (new)	2904-599-2901	OneOhio Opioid Settlement-Other Intergovernmental OneOhio Opioid	\$2,184.53
Appropriation (new)	2904-290-599-2901	OneOhio Opioid Settlement-Other Intergovernmental OneOhio Opioid	\$2,184.53
Revenue	2273-519-2073	American Rescue Plan Act/Other/Federal Receipts (ARP- Storm Water & contracted services)	\$539,781.18
Appropriation	2273-330-360-2073	American Rescue Plan Act/contracted services (ARP Storm water & contracted services)	\$539,781.18

2022-320. Mr. Radtke moved to approve payment of \$101,184.00 to OTARMA Service Center for renewal of property and liability insurance coverage effective August 19, 2022 as listed in the table below. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

1000-120-381-0000 Property Insurance Premiums	11875.42
2031-330-381-0000 Property Insurance Premiums	33481.08
2081-210-381-0000 Property Insurance Premiums	25272.52
2111-220-381-0000 Property Insurance Premiums	30554.98

Township Park

Sale of food/beverages at Concerts in the Park was discussed. A for-profit organization was seeking to raise funds and had inquired if this type of sale would be permitted. Kiwanis has been approached by the Boy and Girl Scouts and Metzenbaum, which are all non-profit civic organizations. Mr. Mazzurco would reach out to the for-profit organization.

2022-321. Mr. Radtke moved to approve after the fact the reservation of the east pavilion and baseball diamond on Sunday, July 24, 2022 from 1 to 4 PM. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

2022-322. Mr. Radtke moved to approve the use of the field behind the recycle park every Tuesday and Thursday from 6:00 PM to 7:30 PM from the end of July through August 2022 for 3rd/4th Grade flag football practice. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

Financial Items

2022-323. Mr. Radtke moved to approve the financial transactions below. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

INTRA-FUND TRANSFERS				
Fund	Amount	From Account	To Account	Purpose
FD	2578.73	2111-930-930-0000 Contingencies	2111-220-381-0000 Property Insurance Premiums	Property ins premium
RD	2821.83	2031-760-730-0000 Improvement of Sites	2031-330-381-0000 Property Insurance Premiums	Property ins premium
PD	2296.27	2081-930-930-0000 Contingencies	2081-210-381-0000 Property Insurance Premiums	Property ins premium
Gen	3100.83	1000-120-381-0000 Property Insurance Premiums	1000-110-360-0000 Contracted Services	Clemans Nelson invoicing through Y/E

PURCHASE ORDERS					
Dept	PO #	Type	Amount	Payable To	Comments
All	167-2022	Reg	103096.00	OTARMA	2022/23 property ins premium
Gen	172-2022	Reg	3637.50	Playground World	75 yds playground mulch

CHECKS		
Date	Starting No.	Ending No.
8/2/22	85400	85409
7/28/22	85410	85457

Fiscal Officer's note: the last check number used on 7/14/22 was 85399

EFT DIRECT DEPOSITS			
Date	Starting No.	Ending No.	Description
8/2/22	1092-2022	1157-2022	Regular payroll

VOUCHERS & WITHHOLDINGS				
Voucher	Payee	Amount	Dated	Description
1159-2022	First National Bank EFTPS	16900.52	8/2/22	Employee & employer withholding – Federal

Fiscal Officer's Report

Fiscal Officer Jarrett is still working with the State Auditor and providing various documents and policies.

Mrs. Jarrett reported that the pickleball donations are up to \$13,825.00. Money has been arriving steadily all week.

Donations Received		
Received from	Amount	Description
Barry Leven	1,000.00	Pickleball donation
R & B Mower	100.00	Pickleball donation
Chester Township Park District	10,000.00	Pickleball donation
Jerry Kaminski	500.00	Pickleball donation
Theresa & John Vince	25.00	Pickleball donation
Kenneth Kolsom	100.00	Pickleball donation
Patterson Farms, Inc.	1000.00	Pickleball donation
Dynamix Group LLC	100.00	Pickleball donation
George & Candice Minello	1000.00	Pickleball donation

Open/Ongoing Items

Henry House – no new update

Upcoming Items/Deadlines

Budget hearing August 15, 2022 at 11:00 AM at the Courthouse Annex 231 Street, Suite 1A

Executive session

2022-324. Mr. Radtke moved to enter into executive session at 7:20 PM pursuant to Ohio Revised Code 121.22 (G) (1) to consider the compensation of public employees. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

Administrator Purchase and Fiscal Officer Jarrett were invited into the executive session. The board reentered public session at 7:36 PM. Administrator Purchase reminded the board about the HB 563 letter needing board approval.

2022-325. Mr. Radtke moved to approve and sign a letter from the Chester Township elected officials regarding House Bill 563 and our opposition to it. Mr. Mazzurco seconded. Mr. Radtke, yes; Mr. Mazzurco, yes; Mr. Richter, absent. Motion passed.

ADJOURNMENT:

There being no further business before the Board, Mr. Radtke adjourned the meeting at 7:38 P.M.

Respectfully submitted,

Patricia Jarrett, Fiscal Officer

August 11, 2022 Motion 2022-330
Approval Date

Ken Radtke, Jr., Chairman

Joseph C. Mazzurco, Vice-Chairman

ABSENT
Craig S. Richter, Trustee



“Countryside Living”

Chester Township

Founded 1801

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FAX (440) 729-3679

FISCAL OFFICER

Patricia Jarrett

BOARD OF TRUSTEES

Joseph C. Mazzurco

Ken Radtke, Jr.

Craig S. Richter

July 28, 2022

The Honorable Sarah Fowler Arthur
State Representative, District 99
77 South High Street, 12th Floor
Columbus, Ohio 43215

Re: Proposed H.B. 563

Dear Representative Fowler Arthur:

The Chester Township Board of Trustees is unanimously opposed to proposed H.B. 563 as introduced. This legislation, as currently written (with certain exceptions), prohibits a township from adopting or enforcing any regulation or restriction that prohibits short-term rental properties or regulates the number, duration, or frequency of rental periods for short-term rental properties.

Ohio Revised Code (ORC) Section 519.2 enables a board of township trustees to regulate the use of real property through zoning for the purpose of promoting and protecting the public health, safety, and general welfare. Local zoning is how communities control land use and ensure complimentary development. It helps communities plan and has served townships for the past 75 years. The issue of short-term rentals is not as simple as whether to allow them or not -- it's about where they are located and what makes sense for the community. For townships, the issue of short-term rental regulation is, at its core, a local zoning issue. As elected officials charged with responsibility for the general welfare of our community, we would be negligent in those duties if we failed to consider the very real and potentially negative impact that short term rental, could invite into our neighborhoods. If H.B. 563 moves forward, there can be no disputing the fact that the potential for increased crime, noise and disruptions within our community will be present and will impact our local safety forces, in one capacity or another. We urge you to ensure our ability to manage and regulate what is best and safe for our community, continues through local zoning laws and that must include our ability to manage and restrict short term rental properties.

Whereas we certainly understand and agree with the exemptions to township zoning regulation of certain uses (such as agriculture) as currently set forth in ORC Section 519.21, allowing short-term rental property as defined in the proposed legislation virtually anywhere in a township could have serious detrimental impacts – particularly in a single-family residential zoning district. Essentially, as defined in the proposed legislation, this is a commercial use in a residential zone.

Again, it is contrary to the very purpose of zoning: to divide a township into districts that are uniform in terms of each class or kind of use in order to promote and protect the public health, safety, and general welfare. This is a bedrock principle of zoning pursuant to the decision by the U.S. Supreme Court in the case of *Euclid v. Ambler Realty Co.* 272 U.S. 365 (1926).

Thank you for carefully considering our position regarding this matter.

Sincerely,

CHESTER TOWNSHIP BOARD OF TRUSTEES

Ken Radtke, Jr.

Joseph C. Mazzurco

Craig S. Richter

Patricia Jarrett (Fiscal Officer)

cc: Honorable Diane V. Grendell, State Representative, District 76