

**MINUTES OF THE HOWLAND TOWNSHIP BOARD OF TRUSTEES**

The Howland Township Board of Trustees held their Regular meeting on June 12, 2019 at 6 P.M. at Howland Township Administration Building, 205 Niles-Cortland Rd. N.E., Howland Township, Ohio.

**Roll Call:** Rick Clark - Present  
Dr James LaPolla – Present  
Matthew G Vansuch- Present

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A motion was made by Rick Clark and seconded by Matthew Vansuch to suspend the reading of May 8, 2019 minutes and accept as written.

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Matthew Vansuch and seconded by Rick Clark to authorize the Fiscal Officer to pay all outstanding invoices incurred and approve all warrants issued.

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Rick Clark and seconded by Matthew Vansuch to vote on Resolution 2019-054:

Authorize the Fiscal Officer to transfer the following monies within the Funds:

**Fund 01: General**

01-A-27 (Transfers) to 01-A-02D (Reserve Acct-Severance Pay) \$17,294.62

**Fund 10: Fire**

10-A-01 (Salaries) to 10-A-02A (Employer’s Reserve Retirement Contribution)  
\$7,452.59

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Matthew Vansuch and seconded by Rick Clark to vote on Resolution 2019-055:

Authorize the Fiscal Officer to request an "Amended Certificate of Estimated Resources" from the Trumbull County Auditor for the following funds:

**INCREASE CERTIFICATE DUE TO OTHER SOURCES:**

<b>Fund 27:</b>	<b>Fire Loss &amp; Demolition Ins. Account</b>	
27-D	Fire Loss & Demolition Insurance	\$8,960.00

**INCREASE APPROPRIATION DUE TO ADDITIONAL OTHER SOURCES:**

<b>Fund 27:</b>	<b>Fire Loss &amp; Demolition Ins. Account</b>	
	27-A-09	Fire Loss & Demolition Insurance
		\$8,960.00

<b>Roll Call:</b>	Rick Clark	-yea
	Matthew G Vansuch	-yea
	Dr. James J LaPolla	-yea

A motion was made by Rick Clark and seconded by Matthew Vansuch to vote on Resolution 2019-056:

Approve to schedule a Public Hearing on July 10, 2019 at 6:30 p.m., immediately following the regular meeting, to review the "Alternative Tax Budget of Howland Township" for the next fiscal year ending December 31, 2020.

<b>Roll Call:</b>	Rick Clark	-yea
	Matthew G Vansuch	-yea
	Dr. James J LaPolla	-yea

A motion was made Matthew Vansuch and seconded by Rick Clark to vote on Resolution 2019-057:

Authorize the Fiscal Officer to request an advance from the Trumbull County Auditor for the 2<sup>nd</sup> Half Real Estate Property Tax Settlement.

<b>Roll Call:</b>	Rick Clark	-yea
	Matthew G Vansuch	-yea
	Dr. James J LaPolla	-yea

A motion was made by Rick Clark and seconded by Matthew Vansuch k to vote on Resolution 2019-058:

Accept the letter of retirement from Township Zoning Administrator Peter Ross effective June 15, 2019. Mr. Ross's last day of employment is June 14, 2019.

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Matthew Vansuch and seconded by Rick Clark to vote on Resolution 2019-059:

Per the recommendation of Administrator Darlene St. George, hire Daniel Morgan as a full-time employee into the position of Zoning Administrator with all duties and responsibilities as set forth in the Zoning Administrator Job Description effective May 16, 2019.

Mr. Morgan shall be responsible for working no less than forty (40) hours per week and shall be paid an annual salary of \$54,000 in semi-monthly amounts of \$2,250.00 with all benefits customarily paid to the Township's full-time employees.

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Rick Clark and seconded by Matthew Vansuch to vote on Resolution 2019-060:

Approve an Environmental Covenant Agreement with North Eastwood LLC., the Ohio Environmental Protection Agency and the Howland Township Board of Trustees on approximately 38.3388 acre tract of land located in Trumbull County.

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Matthew Vansuch and seconded by Rick Clark to vote on Resolution 2019-061:

Per the recommendation of Administrator Darlene St. George, approve to contract with Environmental Design Group to update Howland Township's Stormwater Regulations for a cost of \$9,980.00 (contract attached)

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Rick Clark and seconded by Matthew Vansuch to vote on Resolution 2019-062:

WHEREAS, the following list of properties have been cited during the month of May, 2019 in violation of the Howland Township Zoning Ordinance Section 8, A-8, Howland Township Resolution 2003-58 (Abatement, Control or Removal of Vegetation, Garbage, Refuse or Other Debris), and Howland Township Resolution 2002-93 (Establish Fines) where the yards have not been maintained; and

WHEREAS, Howland Township has received complaints from neighbors of said properties that the condition interferes with the reasonable enjoyment of use of property and high grass and/or

garbage, refuse or debris poses a safety and health threat to the neighborhood. The unsightly appearance of the properties is detrimental to the aesthetic value of the neighborhood and would cause a depreciation of property values; and

WHEREAS, the Zoning Office has not heard from any of the property owners, by telephone or mail.

NOW THEREFORE, BE IT RESOLVED that Howland Township declares and finds the following properties to be a nuisance.

<u>ADDRESS</u>	<u>PARCEL ID</u>
3570 Hightree Ave	28-385100
1505 Howland Wilson Rd	28-187350
655 Brentwood Ave	28-594600
534 Laurelwood Dr	28-599750
1190 Niles Cortland Rd SE	28-305500
696 Shadowood Ln SE	28-603362
7672 Dawson Dr	28-499206
2344 Allyson Dr	28-384800
3493 Draper Ave	28-589000
7906 Cherry Hill DR NE	28-475650
2817 Larchmont Ave NE	28-196500
9925 King Graves Rd NE	28-298021
332 Niles Cortland Rd NE	28-596850
568 North Rd SE	28-482900
6049 Mines Rd	28-035800
1186 North Rd SE	28-364500
3681 Hightree Ave.	28-181787

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made by Matthew Vansuch and seconded by Rick Clark to vote on Resolution 2019-063:

Per the recommendation of Administrator Darlene St. George, approved to renew the Township's health, dental and life insurance for all full-time employees with Huntington Insurance, Inc. (Anthem) for the period of September 1, 2019 to August 31, 2020.

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

A motion was made Rick Clark and seconded by Matthew Vansuch to vote on Resolution 2019-064:

Per the recommendation of Administrator Darlene St. George and Police Chief Nick Roberts, approve a revision to the Police Department's General Order #117 – Investigations – Section VI: Submission of Incident Reports. Clarification language was added to this revision on the timely submission of Incident Reports (revision attached)

**Roll Call:** Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

**Summary of Meeting:**

Rick C. When we did our budget in the spring and we talked to the fire department, it was becoming evident that their backs were against the wall financially. The number of calls have increased, we purchased an \$800,000.00 fire truck this year and we are subsidizing that out of our general fund. I don't see how they are able to operate with the same level of service going forward that the community is used to. I think it is time for us to consider going to the residents and maybe asking them for an increase for the fire department. I would suggest at our next meeting we ask our fire chief to come and make a presentation to us on the numbers of what we are up against and make a decision at that time. If we go in that direction, we have to have it to the board of elections by August 7<sup>th</sup> to get it on the November ballot.

Jim S. We had a resignation of one of our full time fire fighters last month. We are in the process of accepting applications. We have interviews scheduled for next week. We are hoping to have that position filled rather quickly.

Nick R. At this time of the year we get pretty busy with a lot of people out shuffling around at night and being in places they shouldn't be and parents not knowing where their kids are. We try to crack downs on that. Officer Rios is in his final week of field training and will be on solo patrol June 16<sup>th</sup>.

Darlene I would like to thank Alli DiVito for the outstanding job in organizing our summer events for us. The community gardens are going well and she seems to have the July 4<sup>th</sup> event organized and ready to go. I would like the public works department for the great job they did in getting the township ready for Memorial Day.

Dave M. The weather has been a little trying for the guys to try and keep everything mowed. Normally we have Grace Weed Control spray the township for the roadside weeds. This is usually happens at the end of June. The new sweeper vac is being utilized. We have completed the whole township one time and will continue to make a second round.

Pete R. It has been a busy May and June so far. For the last 30 days we have done 26 permits for a value of \$1,956,000 and took in \$11,839 in fees.

Ed Palumbo – 201 Sanctuary

In open ditches, does the road department pipe those in if the owner wants?

Dave M. Yes, if the owners want their frontage piped in, the owner purchases the pipe and we will install it.

Jim Kippel – 3896 Bellwood

We are asking the township to maintain the lawn mowing of the triangle at Surrey Hill. The residents have been maintaining it for the past 15 years.

Dave M. The area we are talking about is solely in the township right of way. It won't be difficult for us to maintain, but all we will do is mow it.

Jack Mullen – 667 North Road

I was wondering if one of the trustees could give us a quick synopsis of the covenant agreement with North Eastwood LLC?

Rick C. Just to be sure everyone knows Howland Township will not own this property.

Gary Onesti – North Eastwood LLC

The covenant is granted to Howland Township from LLC. It pretty much protects the perpetuities of the wetlands and adjacent acreage alongside those wetlands. (Approximately 38 acres or so) There are about 23 acres of category 3 and the rest are category 2. There is about 38.4 acres of that environmental covenant.

Jack Mullen

Good evening! I have a couple of questions that I'll get to very quickly out of deference to your time. Just a couple of things I wanted to preface with and get into the record.

As most of you likely know regarding the trade-offs of high quality wetlands versus economic development such as the Enterprise Park project proposal behind the mall – although it may seem like a tough choice in this case, it's really not, once everyone knows all the facts – and here's why:

In this case, despite what one hears, economic development can easily be achieved no matter where this project is located – you'll have the same new construction job increases, same increases in ultimate employment, etc – so, then, number one, why build this development anyway when there are medical/professional building and complexes empty less than a mile away. Plus, population is seriously declining! So, if you're going to build and concrete over everything, why not repurpose empty lots, vacant strip plazas, or use brownfields or gray fields? Why do we constantly build, build, build rather than reuse?

Also, wetlands control flooding better than anything man has ever devised, Just 1 acre of wetlands can store over 1 million gallons of water: take that times the project size and we're talking hundreds of millions of gallons of water! Can swales and retention ponds do that? I don't think so, besides they are subject to failure and miss-planning, and despite good engineering concepts, collecting and emptying drainage water from roofs and, in this case over 2,000 parking spaces, and ultimately dumping that water into Mosquito Creek with elevated water temperatures --all that can cause degradation and serious damage to the wetlands, the creek and all associated wildlife including migratory birds and aquatic life – all affecting clean water!

Lastly, before I get to my questions: 1/3 of endangered species live in wetlands & depend on them for survival. The multi-disciplinary experts from the Cleveland Museum of Natural History have been to my property a number of time, near the proposed development sit, and have discovered, in the past, several endangered species, both flora and fauna living there. They have collected & "pressed" onto special paper, endangered plant specimens from the area on my back porch for their humidity controlled collections. And, there has never been a complete inventory of what species reside in the wetlands in the proposed development area. Never!

So why destroy these wetlands – they've been here for hundreds if not thousands of years and once we destroy them, we can't replace them – they're gone forever!

So, then, I'd like to ask a couple of questions and get your response: 1)after what I just mentioned: why, now knowing that it appears the any potential wetland mitigations will come from off-site, out of the township, and now we learn perhaps out of the lower Mosquito Creek watershed – why would the township support this proposal? 2) Why when Howland Township and all 10 or 11 cities and twps. Supported a balanced growth plan in line with Ohio initiatives, whereby all the governmental entities in the area agreed on where new development could occur and which areas would be conserved with high priority – why, then, is Howland Township and other government entities now going counter to the agreed upon plan and allowing potential development to occur in a conservation area, counter to everything everyone planned? 3) Looking back, why didn't even one city or one township support or try to publicize the "401 clean water permit" public hearing for their constituents, which was held near the end of last year, and not one township asked the USACE for a "404 permit" public hearing, not one- what's going on here in all government entities, in terms of truly representing the constituents?

Jim L. This agreement does protect what we can protect. We can't tell other people what they can't do. I think this covenant does a really good job in doing what we can do to protect 38 plus acres. This is my own personal comment.

Jack Mullen I attended a public hearing and Mr. Vansuch was there and made a statement stating  
That first wetland mitigation required will be done on property, the property owner and developers. They should perform in such a way that there is a place that benefit the people of the township. In other words it needs to be done in Howland Township. We are talking any mitigation of wetlands, where you're trading our precious wetlands for somewhere else. Mr. Vansuch stated it needs to be done in Howland Township or the very least in the lower mosquito creek watershed. It is our understanding that it is not going to be done and may even turnout that they are over in Shenango Valley. Talk about leaving Ohio perhaps. Mr. Vansuch, that was your statement. You said that you wanted the developer to make sure that mitigations of any wetlands be accepted by the Ohio EPA.

Matt Yes, the request has been made. I can't regulate what I can't regulate. So my comments speak for themselves and I'm not going to say anything more.

Colleen McClain- 100 Woodhill Court

Is that true, has that request been made?

Matt The Township has communicated to the EPA and the applicant that is our desire that the mitigation should take place in Howland Township.

Rick We are not sure if this mitigation is going to take place in Howland Township or not at this point. I think there are some grant issues and things in the early stages that may enable this mitigation to take place in Howland Township.

Colleen I was here 2 weeks ago and gave you documentation that shows that right now it is not looking that way but I could be wrong.

Rick Things may have changed since 2 weeks ago.

Colleen When I spoke to the administrator 2 weeks ago she said she knew nothing about it and now you're telling me a month ago a deal was made.

Darlene Colleen, I just want to make sure we are on the same page. I didn't tell you I knew nothing. You came into my office and asked me if I have had any conversation with the Cafaro's or had any document form the Cafaro's since December. You asked me and I said yes. I told you that document was received from their attorney to our attorney and that's where it was at. I personally didn't have the document nor did the trustees. The received the document today.

Colleen It was dated May 14<sup>th</sup>.

Darlene That is when our attorney received it.

Colleen Do you have any answers to question I submitted?



Matt I have no other comments. No.

Colleen So what is a citizen to do that is concerned and involved?

Matt The regulatory agency is the Ohio EPA and the army corps of engineers. We are not the regulatory agency for this project.

Colleen But you wrote a letter of support which the agency is considering.

Matt And you also were at that meeting and fellow residents issued comments and statements that the EPA considered as all of its considerations.

Colleen So what good is a trustee letter if not followed?

Jim L. We are just one level. We can give our opinion but obviously Ohio EPA is higher than us. We can fight for what we can fight for. We may lose a battle but can win a war. There's thousands of acres back there. The hospital hasn't finalized its plans yet. Actually they have pulled back because of population. Knowing that the public is concerned, we can protect the wetland that we can protect. I think it is a plus- plus. I think the overall picture is both parties to be at the same table, we have to compromise and work together. Oil and water doesn't mix but if you come together in common ground it could be a project that is very functional for all parties involved and overall could make Howland a much better place. We are basically looking at 38 acres but we are still looking at 1,000 plus acres back there.

Colleen I wish our concerns would be reflected and wish that if my trustees write a letter that it would account for something and it does. The EPA and army corps of engineers is looking at your letter of support and using that as a factor in their determination. So that means something.

Jim L. Volume does better. 3 letters from us is one thing, but 1,000 letters from the area means more.

Colleen Can I also point out some of us were at a meeting this afternoon. Greg Orr for the OEPA gave a presentation on the 2013 lower Mahoning River watershed. Mosquito Creek is about 45% none attainment for biological integrity. So you talk about the greater good. We have a lot of work to do to recover from the legacy of our impact of the past and I think we are all on the same team for economic development. I'm pro economic development. We have 5,000 acres of brown field in this county, let's develop that. I'm disappointed that you guys don't want to offer your support. The criteria you laid forth is not being met.

Rick We supported this project. We talk about the greater good. This developer is not going to do this development anywhere else. It makes all the sense for them to develop it there to what they already have. They could have done this covenant with the City of Warren or the City of Niles, but they chose to do it with us. And my view is I would rather be part of this and have it in Howland than be on the outside and have this project in another political sub division. That's my feelings. I think we have a responsibility to that.

Colleen Are you guy familiar with the petition that was started last week and has over 400 signatures now?

Rick I am not. If this project moves forward, which I believe no matter what it will. No matter what we do I think ultimately the project will move forward whether it is in Howland, Miles or Warren. I guess if it moves forward I would rather it be in Howland

than somewhere else. It doesn't make any sense for Eastwood LLC to develop this project in a vacant plaza somewhere else as much as we would all like to see that happen.

Colleen        What will happen to Eastland Ave. residents when that area is abandoned?

Rick            I don't know. The City of Warren should be working with Mercy Health to keep the hospital there.

Jack            Those wetlands we are talking about is one of the finest quality urban wetlands in the state of Ohio if not in the country and it is important. And we are talking about destroying it.

Matt            Jack, you do know the township tried to buy this property years ago?

Jack            Yes, I do remember that. Back when I was working on the road project widening North road, a gentleman by the name of Lou Bocci approached me and said I have a piece of land that is deadlocked over behind the mall and I would like to donate that property. No one ever acted on it. He passed away and his heirs wanted to go in a different direction. I wish someone would have acted 10 or 15 years ago.

Did you also know this is one of the largest wetland fields in Ohio's history? Part of the reason for a difficulty in getting enough mitigation credits to offset what they are going to take is the size of this field. So if this would happen to go through we will definitely be appealing it. We will line up our experts, we will nit-pick and go through every little entity like these wetland credits, the cauterization of those wetlands from Category III, which were none buildable and Category II.

Marne Curio- Resident of Girard

I just came because I am a concerned citizen and I heard about this. I share their concerns. I appreciate this group that is getting into the details and I guess I wanted to ask this group who maybe are seeing things last minute and aren't getting all the facts before the meeting of what they vote on. Please ask some of the questions about the mitigation and the category III and category II. It does seem like your very concerned and working very hard to balance development and the wetlands. The impression that I am getting perception is that we need to ask more questions. So I am just calling you to do that because we all in the greater region will be impacted by this.

Patricia Dunbar – 9710 Kings Graves Rd.

I am also involved in the group called Friends of Mahoning River. One thing I want to do is tell you we are trying to organize a paddle on Mosquito Creek. If anyone is interested you can contact us at email – [MahoningRiverFriends@Gmail.com](mailto:MahoningRiverFriends@Gmail.com). Or check our website Friends of Mahoning River. The event is not listed there yet because we are still trying to organize it. One of the reasons why we wanted to organize it, we wanted everyone to look at this eco system. Now I've never do it but I know people who had done it and they say it is not an easy paddle. It is like wilderness, so pristine and so unique. So there would be a lot of portaging. You won't just be paddling; you would be getting out and walking around. I just want you guys to see what it's going to look like now prior to any development. I just want to invite you as friends of the Mahoning river. Our group has taken the position against development, because our mission is to protect the

Mahoning River. By degrading the wetlands and mosquito creek , which is a tributary of the Mahoning river, that's definitely going to affect the Mahoning river. We are not against development; we are against development here in the wetlands. The other thing I would like to mention is I haven't had as much time to research this as I'd like to but some of the other studies where you guys have actually shown the different properties that the township has purchased to try to preserve the 1,000 acres back there. Look at it, it is amazing. That track of wetlands is something that you're talking about the public coming in for this for this medical facility. However there are medical facilities everywhere. Wouldn't you like Howland to be known as an area where we to the most unique, special eco systems, preserves and protections areas. Think of the birders and fishers you would bring and the people that would come to see this unique eco system. We all have to be aware of the climate change thing that is happening and we have 11 years before it is irreversible. We all have to realize we live in a new reality. I know that you guys really don't have that much power but one of the things that Colleen mentioned is that you could say something to those regulatory bodies. Perhaps you would much rather protect and preserve the wetlands.

Ed Polumbo – 201 Sanctuary

What happens with the law in the state of Ohio that was supposedly pass on the traffic cameras? That was dollar for dollar trade off. Did that ever pass?

Nick Yes it did. That will take effect in July. We are in the process of speaking with our administrator and township attorney. We are looking at numbers and looking to do with whatever benefits Howland Township.

A motion was made by Matthew Vansuch and seconded by Rick Clark to adjourn the meeting at 7:05 p.m.

**Roll Call:**  
Rick Clark -yea  
Matthew G Vansuch -yea  
Dr. James J LaPolla -yea

Approved by: Robert M. Costello Dated: 6/25/19  
Robert M. Costello, Fiscal Officer

Approved by: Dr. James LaPolla Dated: 6/26/19  
Dr. James LaPolla, Chairperson-Trustee