

**MINUTES OF REGULAR MEETING OF COUNCIL OF THE  
VILLAGE OF EAST SPARTA, COUNTY OF STARK AND STATE  
OF OHIO HELD IN THE MUNICIPAL BUILDING ON APRIL 21,  
2008.**

Meeting called to order at 7:00 pm. The Mayor led Council and visitors in reciting The Lord's Prayer and the pledge of Allegiance.

Roll call was taken with the following members present; Mayor Jackie Truax, Council Members Charlene Stelluto, Michael Caudill, Chris Freitag, Marlene Gray, Robert Smith, Kenneth Byrd and Clerk-Treasurer Rice.

Visitors included; Joe Kostic (Village Coordinator), Robert Cyperski (Village Solicitor), Dave Collier (East Sparta Fire), Karen Mundy (Press News), Linda Muir (East Sparta Civic), Patricia Byrd and Barb Malavite (Park Representative).

Officer Knotts presented the Police Report to Council. For March there were; 2 Traffic Arrests, 0 Juvenile Traffic, 0 DUI Arrests, 2 Crash Reports, 2 Misdemeanor Arrests, 5 Felony Arrests, 7 Calls for Service and 7 Department Assists.

Collier addressed Council. Collier reported that the Homecoming is progressing nicely and has received tremendous interest from outside sources to participate. Collier also presented the Council with a copy of the insurance policy held by the fireworks company listing the Village as loss payee.

The minutes of the March 17<sup>th</sup> regular meeting were read. Caudill made motion to approve the minutes as read, seconded by Freitag. Roll call 4 Yea, 0 Nay Byrd and Stelluto abstained, motion carried.

The minutes of the March 19<sup>th</sup> special meeting were read. Freitag made motion to accept the minutes as read, seconded by Caudill. Roll call 4 Yea, 0 Nay, Byrd and Stelluto abstained, motion carried.

The Financial Reports were presented to Council. The reports included; Warrant and Charge Registers, Receipt Register, Revenue Status, Fund Status, Bank Reconciliation and Appropriation Status. Freitag made motion to pay the bills totaling \$30,493.18, seconded by Gray. Roll call 6 Yea, 0 Nay, motion carried.

The Mayor presented the Mayor's Cash Report to Council. There was \$316.00 Collected with \$48.00 going to the state. Caudill made motion to accept the report as presented, seconded by Smith. Roll call 6 Yea, 0 Nay, motion carried.

The Clerk informed Council that he had received the packet from the County Commissioners regarding the annexation. The Clerk informed Council that an ordinance would have to be passed at the June meeting approving the annexation.

The Clerk informed Council that he had received a request from the Stark Council of Governments requesting a resolution approving a proposed county wide dispatching plan. Rice informed Council that he had spoke with Chief Hager and Hager was against the plan for various reasons. Hager's main reasons for dissent were cost of the plan, who pays for the plan and what happens if goes down, what are the plans for back-up? Caudill made motion to table the question until further information is available, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried.

R-4-08-4 resolution approving transfer of funds in the amount of \$3,000.00 from the General Fund to the Fire Fund for fire protection. Freitag made motion to suspend three readings, seconded by Stelluto. Roll call 5 Yea, 1 Nay, motion carried with Byrd casting the lone dissenting vote. Freitag made motion to accept the resolution as presented, seconded by Stelluto. Roll call 5 Yea, 1 Nay, motion carried with Byrd casting the lone dissenting vote.

R-5-08-4 resolution requesting an Amended Certificate and supplemental appropriations in the amount of \$10,000.00 for the Fire Fund. Freitag made motion to suspend three readings, seconded by Stelluto. Roll call 5 Yea, 1 Nay, motion carried with Byrd casting the lone dissenting vote. Freitag made motion to accept the resolution as presented, seconded by Stelluto. Roll call 5 Yea, 1 Nay, motion carried with Byrd casting the lone dissenting vote.

R-6-08-4 resolution sending the question of the Roads and Bridges levy to the Board of Elections to be placed on the November ballot. Freitag made motion to suspend three readings, seconded by Caudill. Roll call 6 Yea, 0 Nay, motion carried. Smith made motion to accept the resolution as presented, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried.

Byrd addressed Council. Byrd stated that prior to his leaving for Florida, he had been confronted by a Pike Township resident accusing Council of violating numerous Sunshine Laws. Byrd informed Council that he informed the resident that, to his knowledge, there has been NO violations of Sunshine Laws by the Council or Mayor. Byrd stated that he would also like to express his opinion on the proposed fire contract. Since his return home, Byrd states there has been a steady stream of residents approaching him with concerns regarding the intrusion of Pike Township into Village affairs. Residents have told Byrd that Council needs to stop “being kicked around by the Trustees”. Byrd stated that residents have also voiced concerns over the fire levy. They report that they were confused about the levy and did not know what they were voting for. Residents have also informed Byrd that they voted “NO” because they have heard of a pending operating levy for the new school and want to keep their taxes the same or lower if possible. Residents also reported to Byrd that the Fire Department had campaigned against the levy because they wanted more money than would be raised by the 1.25 mill levy.

Byrd would like Council to mail a Village Questionnaire to every household in the Village to see what millage, if any, the residents will support for fire protection as well as educating the residents about the need and workings of the levy. Byrd stated that with time constraints for placing the issue on the November ballot, this would need to be done almost immediately. Byrd also asked Council for permission to contact the Attorney General and find the process for removing Joel Black as the Village’s representative on the Tri-Division Board. Byrd states that Black is not representing the Village and not performing the job he was appointed to.

Smith addressed Council. Smith stated that he was also very upset about the “Strong Arm” tactics used by the Fire Department and Pike Township. Smith states he voted for the contract strictly to provide fire protection for the residents of the Village. Smith also agrees with Byrd’s assessment of the residents wanting Pike Township to keep their noses out of Village business. Smith went on to say that the residents of the Village cannot afford more taxes. In today’s climate, Smith said it is shameful for the Fire Department

to demand more money when people cannot even afford the medication to keep them alive.

Caudill addressed Council. Caudill stated that the Council is bound by law to provide fire protection to the Village. He stated that \$13,000.00 was better than the \$18,000.00 the Fire Department was asking for. Caudill stated that he didn't think the tactics were "Strong Arm" but he stated that they were shameful. Caudill stated that he has been in negotiation with other fire departments and several have stated that they will meet with Council and discuss its needs.

Stelluto addressed Council. Stelluto stated that Council must have something in place for the protection of residents. Stelluto also states that she feels the Village is paying its share contrary to statements from Pike Township, based on the number of calls in the Village versus the Township.

Mayor Truax stated that she was uncomfortable with the process in the last meeting. The Fire Department originally agreed last year to \$10,000.00 then came asking for \$13,000.00. At the Special Meeting they came demanding \$18,000.00 or no protection would be provided. Then the department accepted \$13,000.00 to continue to provide protection. The Mayor stated that she felt "Railroaded" by the department and the Township.

Caudill stated that he believes that Pike Township is influencing the department unduly. The Village does not have a landfill to provide them with large sums of revenue. This Village is mostly made up of retired residents on fixed incomes. Caudill states that he also believes the department did not live up to their agreement to be the spokesman for the levy since it was not the amount they wanted. Caudill stated that he was concerned of the cost of Byrd's proposal to do the mailing.

Byrd stated that he would donate his last paycheck to defer the costs of the mailing. Caudill stated that he would cover any additional costs.

The Mayor presented the fire contract to Council. The Mayor stated that she would like to have two items deleted from the contract which states that Council will continue to meet regularly with the department to come up with the proper millage. The Mayor stated that the decision to place a levy on the ballot and for how much is the decision of the Council, not the Fire Department or Pike Township.

Cyperski informed Council that the two paragraphs are not binding and Council did agree to have an open dialogue with the department regarding the levy.

O-10-08-4 ordinance approving one year fire contract for \$13,000.00. Smith made motion to suspend three readings, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried. Smith made motion to accept the ordinance as presented, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried.

O-9-08-4 ordinance editing permanent appropriations in the fire fund to reflect the new contract. Freitag made motion to suspend three readings, seconded by Stelluto. Roll call 6 Yea, 0 Nay, motion carried. Stelluto made motion to accept the ordinance as presented, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried.

R-7-08-4 resolution approving then and now certificate in the amount of \$13,000.00 for fire protection. Smith made motion to suspend three readings, seconded by Caudill. Roll call 6 Yea, 0 Nay, motion carried. Stelluto made motion to accept resolution as presented, seconded by Caudill. Roll call 6 Yea, 0 Nay, motion carried.

The Mayor stated that the clean-up day is April 26<sup>th</sup>. There will also be a breakfast at the Community Building the same day from 6:30am to Noon.

Kostic presented the Coordinator's Report to Council. Bob Easterday has completed wiring the Walsh building and now an inspection is needed. The cost is approx. \$110.00. Caudill made motion to pay the fee, seconded by Byrd. Roll call 6 Yea, 0 Nay, motion carried. Kostic has estimates for patching holes in the streets and paving the area in front of the Community Building and Westbrook from Main to the light. Vasco estimated \$4,709.00 and JD Mining \$3,580.00. Byrd made motion to accept the estimate from JD Mining, seconded by Stelluto. Roll call 6 Yea, 0 Nay, motion carried. Kostic also has an estimate from Riley's Sweeping Service to sweep Main, Walnut, Chestnut, Poplar, Pine and Maple streets. The cost would be \$190.00 for first 2 hours and \$90.00 for each additional hour. Approx \$730.00 would be needed to complete the job. Stelluto made motion to approve the expenditure, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried. Kostic stated that he would also like to berm several streets in the Village due to degeneration of the berms. Approx \$1,250.00 of limestone would be needed. Smith made motion to approve the expenditure, seconded by Stelluto. Roll call 6 Yea, 0 Nay, motion carried. Kostic reported that he had recently repaired two water leaks; one on Chestnut and the other at the park. The pool has been pumped dry and the repair work is being done.

Malavite presented the Park Board Minutes to Council. Malavite also asked Council to approve expenditures of \$3,650.00 for acid washing and painting the pool. Smith made motion to approve the expenditure, seconded by Freitag. Roll call 6 Yea, 0 Nay, motion carried.

Caudill stated that no action had been taken on Byrd's proposal. Byrd made motion to have a questionnaire drawn up and mailed out, seconded by Caudill. Roll call 6 Yea, 0 Nay, motion carried.

Stelluto made motion to adjourn, seconded by Freitag. Meeting adjourned 8:26pm.

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Mayor

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Clerk-Treasurer