

March 14, 2017

Attendees:

Mr. Butters
Mr. Genske Absent
Mrs. O'Brien

Joan Heppert, Recording

Regular Meeting
of the
Russell Township Park Commission

West Woods Visitor Center

Call to Order:

The regular meeting was called to order at 7:00 p.m.

Pledge of Allegiance

2017- 26 Move to approve and sign the minutes from 2/14/17 as presented was moved by Charlie Butters and seconded by Linda O'Brien.

Vote: Charlie Butters Y, Linda O'Brien Y

2017- 27 Move to approve and sign the minutes from 2/27/17 as presented was moved by Charlie Butters and seconded by Linda O'Brien.

Vote: Charlie Butters Y, Linda O'Brien Y

Mrs. O'Brien started the meeting with an update on the Uplands and mentioned that the property was hit hard by recent storms and a lot of trees had been knocked down. Michael Blades has walked the trails and will be working to make all the trails accessible for the residents. Linda continued with the Fairmont property and mentioned that the property has fence posts that are rotting out at the base. To replace the fencing would be costly and Michael Blades had given an estimate to remove the fencing at \$400. This would also make mowing more efficient and easier.

2017-28 Motion to approve and authorize Michael Blades to remove the fencing without replacement at a cost not to exceed \$400. was moved by Linda O'Brien and seconded by Charlie Butters.

Vote: Charlie Butters Y, Linda O'Brien Y

The Modroo property has been surveyed by Rudy Swartz and has given Linda O'Brien a copy of the topography and has mentioned to use this map for the entrance, parking lot and where a path might be mowed. Mrs. O'Brien then followed up with the Police Chief of Russell Township in regards to the entrance and safety and concluded to involve the county engineer and the Russell Township Fire Chief. The entrance will need a commercial culvert due to the potential traffic. The hopes are to make headway on the property in regards to the items mentioned, but no decisions have been made.

Charlie Butters mentioned posting the 2016 financials at the library and will follow up. The Hinkle filing was completed and had to be re-submitted due to the incorrect document being submitted by the assistant. The corrected filing has been sent to the Auditor and should be available for viewing shortly.

2017-29 Move to advertise the availability of the 2016 financials at the Geauga West Public Library was moved by Charlie Butters and seconded by Linda O'Brien not to exceed \$100.

Vote: Charlie Butters Y, Linda O'Brien Y

2017-30 Move to approve and sign check number 0991 to 0995 dated 3/14/17 and check # 150 payable to First National Bank dated 2/17/17 was moved by Charlie Butters and seconded by Linda O'Brien.

Vote: Charlie Butters Y, Linda O'Brien Y

2017-31 Move to enter into executive session per ORC 121.22 (G) (2) to discuss matters of land purchase or sale for public purposes to avoid unfair advantage was moved by Linda O'Brien and seconded by Charlie Butters.

Roll Call Vote: Charlie Butters Y, Linda O'Brien Y. and was entered at 7:11 p.m. Dale Markowitz was asked to join.

2017-32 Move to enter back into the regular meeting was moved by Linda O'Brien and seconded by Charlie Butters at 7:31 p.m.

Roll Call Vote: Charlie Butters Y, Linda O'Brien Y.

Linda O'Brien explained that the Park Board was looking at an option for the property at Dines and County Line Rd., 21.7 acres purchased in 1995 for the amount of \$500,800. This property has no public access. There are two deer stands and a feeder and Linda has contacted the police and the game warden to have these items removed. There is also some improper signage that will be addressed as well. Mrs. O'Brien mentioned that she is not in favor of selling this property and asked Mr. Butters for his opinion. Charlie mentioned that he was not in favor as well.

2017-33 Linda O'Brien made a motion not to pursue any further any opportunities at this time relative to the Dines/County Line 21.7 acre property and was seconded by Charlie Butters.

Vote: Charlie Butters Y, Linda O'Brien Y

Public Comments (limited to two minutes and Russell residents):

- Howard Shanker mentioned that it would be in the best interest if conservation easements were on the property. Mrs. O'Brien mentioned that the board will follow up on his suggestion.
- Eileen Fisco mentioned that Charlie Butters would not sell the property for the time being. When this comment was made she wonders if this will come up again. Eileen is not in favor of selling the property and the comment did not sit well with her.
- Jerry Stefancin stated that there should be no scenario in which any park properties are sold. The whole idea is to maintain green space.
- Martha Dempsey commented to Charlie Butters that there is no swamp land on the property. She suggested that the property be walked and stated that this is not a checkbook for the board. This property was a gift and is critical to Griswald Creek and any development will cause bank erosion and downstream issues. She went on to state that there are no issues of disturbance on the property and it is a park without a gazebo or tether ball. It requires no maintenance. Charlie Butters asked if she knew who put the tree stands on the property and Martha replied that there is hunting all around and she had no idea. Linda O'Brien mentioned that there is no hunting on park property, and if the Blackburn's gave permission, it goes back two decades and is no longer valid and the tree stands will come down.
- Sharmyn Clark requested to know how the sale of this land came about and what was the benefit. Linda O'Brien mentioned that an individual asked the Park Board to consider this. The property does not have public access and no one was currently walking the property to manage it. Linda stated that IF the property had been sold, the monies would have gone back into the fund to purchase other usable parkland. At the time there was no direct information about the purchase price which was later found out to be \$500,800 which is not a gift, Linda stated. The bilaws as being followed and are on the website. Sharmyn mentioned that there are not a lot of large parcels available and suggested not to squander the green space.
- Barbara Berkley asked about changing the bilaws in regards to active vs. passive and having access. She mentioned an article in the NY Times this week that stated you live longer living by green space. There are reasons to keeping things green and you don't have to have access to it – she stated that our lungs have access and our brains have access.
- Kathy Leavenworth stated her concerns about setting precedence with the selling of property that has already been established then other townships could follow the lead. Kathy thanked the Park Board for not following through with the sale.
- Shelley Chernin voiced her concerns in regards to the appraisers at two of the properties and asked if there were any other properties for sale. Linda O'Brien responded no. Shelley referred to ORC 1545.12 which governs the sale of property by the park district. She stated that you cannot sell any of the park property unless it is not necessary for the purpose of which it was acquired. In regards to the Dines property, which was acquired for conservation and ecological reasons, she felt that it is very much necessary at this time.
 - Shelley asked about the \$100K check from the previous meeting. Charlie Butters responded it was for the banking being opened with FNB. Charlie stated that in 2015 there was property bought for \$30K and the monies were taken from the general fund and would need to be restated back into the land acquisition fund.
 - Shelley stated that there was \$41K spent on legal fees in 2016. Charlie referred to the cost of the Modroo acquisition.
- Martha Dempsey did not understand the use of executive session. She went on to say that there are two property owners that were not informed of the potential sale and felt this was “on the edge”. Linda O'Brien asked Dale Markowitz to address this question.

Mr. Markowitz went over the events as they occurred.

- An individual approached the board about buying part of the property.
- The Park Board approached legal representation for the waiver of first right of refusal.
- The buyer was willing, (according to the interested party's counsel) to buy the property with a conservation easement.
- Under the ORC 1545.12 there are three steps. You either offer it (the property) to other governmental agencies and park boards, you don't have to go through advertising. In advertising in a paper of general circulation, you can offer it for sale to the best and highest bidder through a sealed bid process. Then you go to the probate court for approval.

Dale went on to explain the process of executive session in which Ohio Legislature recognizes the fact that certain things need to be kept confidential. Strategies, estimations of property value, terms, and possible sales. If you are public with that information you have now given an unfair competitive advantage to potential bidders.

Mrs. Dempsey stated that Mr. Kiebler made an offer to the park board and was invited into executive session. Mr. Markowitz stated that is a permissible reason to go into executive session. Dale went on to say that it is commonly done when you have a property owner that you want to negotiate with you are allowed to go into executive session. It is not unusual or illegal.

Lastly, Martha Dempsey stated she was upset that she could not read the park board information at the township offices. Charlie and Linda referred her to speak with the township trustees.

Charlie Butters wrapped things up stating that most people came to the meeting due to the property going to be sold and developed. That was never the case, never discussed nor the intent. Charlie stated that public access and recreation is why we are here.

The meeting was closed at 8:04 p.m.

2017-35 Move to re-open the meeting at 8:05 p.m. was moved by Linda O'Brien and seconded by Charlie Butters.

Vote: Charlie Butters Y, Linda O'Brien Y

2017-36 Move to approve the permanent appropriation for 2017 as follows was moved by Charlie Butters and seconded by Linda O'Brien.

Roll Call Vote: Charlie Butters Y, Linda O'Brien Y.

General Fund P10	\$ 36,000
Capital Improvement	\$161,000
Land Acquisition P40	\$111,000
Total	\$308,000

The meeting was closed again at 8:07 p.m.

Commissioner

Commissioner

Commissioner

Warrant Listing: