

# Minutes of the Meeting of the Avon Township Supervisors

July 6, 2011

Avon Township Hall

**Call to Order:** Chairman Gondringer called the meeting of the Avon Township Supervisors to order at 7:30 P.M.

**Pledge:** The Pledge of Allegiance was recited.

**Roll Call:** Present – Richard Bresnahan, LeRoy Gondringer, Kelly Martini, John Merdan and Marion Gondringer. Absent – Steve Saupe.

**Approval of Agenda:** No additions to the agenda. Merdan moved to approve the agenda as written. Bresnahan second. All in favor. Motion carried.

**Minutes:** Two typos in the minutes of the June 1, 2011 meeting were corrected. Bresnahan moved to approve the amended minutes of the May 4, 2011 meeting. Merdan second. All in favor. Motion carried. Changes will be made and signatures added at the July meeting. Minutes from the May meeting were signed and filed with approved corrections.

**Treasurer's Report:** Martini presented the Treasurer's Report for approval (below). Approval of the report was postponed to the August meeting due to a mathematical error in the May Treasurer's Report. In addition: (a); in the future the line on the report which combines the beginning balances in the funds with any receipts received will be eliminated, since it is manually generated. (b) the Treasurer's Report will be generated completely by using the CTAS computer generated reports. (c) The Treasurer's Reports from the months of April, May and June will also be regenerated using the CTAS format and resubmitted at the August meeting for amended approval with corrections. Bresnahan moved to delay approval of the June minutes until the August meeting and revisit for reapproval the April and May Treasurer's Report. Merdan second. All in favor. Motion carried.

## **Cash Control Statement for the Period 06/01/2011 to 06/30/2011**

Name of Fund	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance	Less Deposits In Transit	Plus Outstanding Checks	Total Per Bank Statement
General Revenue	\$11,110.45	\$33,869.20	\$2,715.50	\$42,264.15			
Road and Bridge	\$158,284.83	\$107,833.05	\$3,155.97	\$262,961.91			
Fire	(\$48,210.88)	\$18,787.81	\$0.00	(\$29,423.07)			
Road Damage Deposit	\$400.00	\$0.00	\$0.00	\$400.00			
Capital Reserve Fund	\$120,857.27	\$3,447.28	\$0.00	\$124,304.55			
<b>Total</b>	<b>\$242,441.67</b>	<b>\$163,937.34</b>	<b>\$5,871.47</b>	<b>\$400,507.54</b>	<b>\$0.00</b>	<b>\$706.64</b>	<b>\$401,214.18</b>

**Claims:** Martini presented claims (1631 - 1649). Merdan moved to approve the claims. Bresnahan second. All in favor. Motion carried.

**Road Report:** The following items were discussed:

1. Road repairs - Recent bid repairs on Town roads has been completed. The asphalt on 355<sup>th</sup> was reground and reused which was the less expensive option available. Parkwood Circle - had a bad area which was dug out and replaced with crushed concrete since the water on both sides of the road can then drain through the road better in wet conditions.
2. Crack filling - 18000 pounds of rubber crack fill has been purchased for use on Town roads. This will be applied soon.
3. Driveway/yard repair - Theresa Pierskalla had a portion of her lawn beside the Town road

damaged this winter when a snow plow got stuck and had to be pulled out. The lawn has been repaired by the Town and a load of gravel was added to the roadway affected.

4. Brush work - Luke Johnson has finished brush work as hired. Nelson has one further tree to be removed on Pelican Lake Road. He has completed work assigned.
5. A thank you to Lloyd Koopmeiners for cutting up and removing a tree that was taken out by the recent storm and was blocking 370<sup>th</sup> Street.
6. Ditch mowing - One complaint has been received concerning ditch mowing that took place when the grass was very wet. It was felt the mowing was not as effective due to the wet conditions at the time.

**Planning Commission Report:** Ken Mergen, Planning Commission Chair, presented the Planning Commission Report. The items discussed were:

1. **U.S. Cable Franchise agreement** – Steve Johnson from the U.S. Cable company presented to the Planning Commission the proposal for a franchise agreement. U.S. Cable has been providing services to Township residences and has had a franchise agreement with the City of Avon for an extended period of time. Unbeknownst to the City of Avon and Township, the 3% service fees collected from Township residences has been going to the City of Avon. When this was discovered the fees were discontinued so that a proper franchise agreement with the Town can be adopted. Recommendations by Johnson are for the Township to adopt the a franchise agreement which would be connected to the City of Avon agreement but would allow for the fees collected to be properly forwarded to Avon Township. The franchise would renew, change, or discontinue in connection with that of the City agreement. There are currently 162 residences being serviced by U.S. Cable. At a 3% franchise fee, this would generate approximately \$250.00 per month. There are no restrictions on how the funds may be used by the Town. Motion by Bresnahan to pass the Resolution #07-06-11 for adoption of a franchise agreement with U.S. Cable to collect 3% franchise fees which will be forwarded to the Township of Avon. Second Merdan. All in favor. Motion approved. Resolution as signed will be sent to Johnson along with a request to forward franchise payments to Steve Saupe, Township Clerk and return a signed copy to Saupe.
2. **Casey variance** - The Planning Commission held a public hearing for a variance request by Mr. Mark Casey for a variance to construct a garage closer to the road (approx. seven feet from the road right-of-way or 40 feet from the center-of-the road) than current ordinance permits. Casey presented additional details for the Supervisors as requested and will provide a copy of the legal brief which contains the agreement to preserve the rock wall as an historical fixture. The location of the wall, septic system and well all create a hardship situation for Casey since the use of his land is restricted by these elements. There is no garage on the property at this time. The proposed garage would be constructed using rock facing in keeping with the historical aspects of the wall. A concern for setting precedence was discussed. Recommendation by county employees indicates a need for the 40 foot setback to be altered to 39 feet to allow compliance. Bresnahan moved to grant the variance to allow construction of the garage 39 feet from the center of the road. Merdan second. All in favor. Motion carried.
3. **Lisa Baker** – property is being used for horses, garden and a well has been dug. Nothing further to address at this time concerning this property.
4. **MOU** – The Memorandum of Understanding was reviewed and a recommendation for a public hearing is called for. This will be placed on the August agenda so that the hearing can be set for the September meeting.

Bresnahan moved to accept and approve Planning Commission Minutes. Second Merdan. All in favor. Motion carried.

**Public Hearings:** none.

**Scheduled Business:**

1. **Notary Stamp for Deputy Clerk** – Bresnahan moved to authorize the purchase of a Notary Public stamp for Deputy Clerk Marion Gondringer. Second by Merdan. All in favor. Motion carried.
2. **CapX2020** – Bresnahan presented a recap of the final hearings and the vote on the location selected for the power line placement. The final decision has placed the location of the CapX2020 power line on the southern route G, to route E with option 11. The PUC and the power company have accepted this decision and will not appeal. The CapX2020 line will not encroach Avon Township land. It will also not encroach other land not included in Avon Township but located in; Avon City, Albany Township, St. Wendel Township, Holding Township, and the City of Holdingford. Discussion took place in connection with the idea of contacting these governing entities which were positively affected by the expenses taken on by Avon Township in legal fees incurred during the court process of the CapX2020 investigative and defensive process. It was agreed that a letter would be drafted by Gondringer explaining the situation with a request for each government entity positively affected by the selection of the southern route to voluntarily share in the expenses incurred during the process. This letter will be reviewed, discussed, and presented for approval at the August meeting.

*A special "Thank You" to Richard Bresnahan for all the hard work and dedication he has put in to this concern. Mr. Bresnahan invested many hours of personal time in this process and sincere gratitude is expressed on behalf of Avon Township and its residents.*

3. **Nuisance complaint – Junk cars in yard** - Gondringer has viewed the property at 34641 Plum Hill Lane, Avon, which has an excessive amount of vehicles on the property, and has researched the ordinance on how many vehicles may be present on a individual property in Avon Township. There are no directives in the ordinance for this issue with the exception of the requirement that all vehicles be currently licensed and properly stickered. The county does not address nuisance complaints unless it is health related, which this is not. Bresnahan moved for Gondringer to draft a letter to the property owner addressing the issue using the county ordinance requirements. Second by Merdan. All in favor. Motion carried.

**Old Business:**

1. **Sign Implementation plan** – Martini is working on cataloguing all road signs in preparation toward formulating the road sign replacement plan as dictated by the government. Plan must be in place by January 2012.
2. **Thistle complaint** – A field of thistles exists on the Pierskalla property which must be addressed. Bresnahan moved for Gondringer to draft a letter to the property owner addressing the issue. Second by Merdan. All in favor. Motion carried.
3. **Copy Machine for office** – following discussion Bresnahan moved to purchase a copier/printer for the Township office. Second by Merdan. All in favor. Motion carried.
4. **Bulletin Board for Town Hall** – Prices for an enclosed bulletin board for the exterior entrance to the hall have been attained. 2 foot by 3 foot enclosed board would cost \$775.00 with a \$150.00 installation fee. The board would be brushed aluminum to match the exterior lettering on the building. Bresnahan moved to purchase board and have it installed. Second by Merdan.

All in favor. Motion approved. Bresnahan will contact Plantenberg for ordering.

5. **File Organization** - The process is moving along well. Files are now labeled with general filing done. Further sorting within each file is needed. Files are currently semi-organized along the lines of dated actions taken. The need to track variances and conditional use permits in connection with section and parcel numbers was discussed.

NOTE: In response to a question by a resident present; the records are being kept in a fire-protected room designed to provide protection for at least an hour of burn time.

**Other Business:**

1. **Wall maps** – Bresnahan brought in the two wall maps that have been mounted, laminated under protective glass and framed; The Avon Hills Conservation Area map, and the Orderly Annexation Area map. Bresnahan states that all framing material in public buildings must be free of glass because of safety liability issues that may arise with glass breakage. Merdan moved to authorize Bresnahan to purchase and have framed a new aerial map and a township zoning map. Second by Gondringer. All in favor. Motion carried.

2. **Complaint** - A Town resident present has expressed a complaint that there are junk cars and other refuse along the easement bordering his property. A request for contact being made to the landowner to remove the junk and clean up the corner has been made by a Town resident. Bresnahan moved to authorize Gondringer to draft a letter requesting the removal and clean up of the junk present. Second by Merdan. All in favor. Motion carried.

3. **Agenda items for August meeting:**

- a. Revisit April, May and June Treasurer Report balance numbers for reapproval and acceptance.
- b. Jane Youngkrantz - candidate for District 5 Director / Township Association. Voting date is noted as August 17<sup>th</sup>.
- c. Set public hearing for MOU for September meeting.
- d. TDR resolution

**Announcement of next meeting:** August 3, 2011 at 7:30 PM

**Adjournment:** Bresnahan moved to adjourn the meeting at 10:20 PM. Second by Merdan. All in favor. Motion carried.

Respectfully submitted,  
Marion J. Gondringer, Deputy Clerk

Supervisor Approval:

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Richard Bresnahan

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LeRoy Gondringer

\_\_\_\_\_  
John Merdan

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Date

