

Orange Township Trustees
January 2, 2018
Regular Meeting

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Orange Township Trustee Minutes at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a “road map” to the audio recording. Copies of this record are available by request at the Orange Township Fiscal Office, 1680 East Orange Road, Lewis Center, Ohio 43035.

Fiscal Officer Joel Spitzer called the meeting to order at 7:00 p.m.

This meeting was held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

PLEDGE OF ALLEGIANCE

ROLL CALL: Ryan Rivers – present, Lisa F. Knapp - present, Deborah Taranto – absent.

TOWNSHIP OFFICIALS ALSO PRESENT

Matt Noble	Fire Chief
Joel Spitzer	Fiscal Officer
Amanda Sheterom	Human Resources/Communications Manager
Michele Boni	Planning and Zoning Director
Lee Bodnar	Township Administrator
Michael McCarthy	Township General Counsel

The minutes were prepared by Administrative Assistant for Maintenance and Parks Mary Ann Ross.

ORGANIZATIONAL BUSINESS

Fiscal Officer Joel Spitzer opened the floor for nominations for Chairman of the Board of Trustees.

RES.18- 000 CHAIRMAN 2018

Motion by Mr. Rivers to elect Trustee Knapp as Chairman of the Board of Trustees for the calendar year of 2018.

Seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – absent.

The remainder of the meeting was turned over to the Chairman.

RES.18-001 VICE CHAIRMAN 2018

Motion by Ms. Knapp to elect Mr. Rivers as Vice Chairman of the Board of Trustees for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

REGULAR SESSION

PUBLIC COMMENTS

Ms. Knapp opened the floor for public comment on items not on the agenda. She asked anyone to come forward to speak on township business. No one came forward.

CONTINUATION OF ORGANIZATIONAL BUSINESS

DEPARTMENT REPRESENTATIVES AND LIAISONS

RES.18-002 MAINTENANCE/PARKS DEPARTMENT LIAISON

Motion by Ms. Knapp that Trustee Knapp serve as Trustee Liaison to the Orange Township Maintenance/Parks Department, for the calendar year 2018.

Seconded by Mr. Rivers.

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VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

After a brief discussion it was decided to hold off on selection of a liaison to the Orange Township Fire Department and the Delaware County Sheriff Department.

RES.18-003 ZONING OFFICE LIAISON

Motion by Ms. Knapp that Trustee Rivers serve as Trustee Liaison to the Zoning Office, for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RES.18-004 REGIONAL PLANNING REPRESENTATIVE

Motion by Ms. Knapp to appoint Michele Boni as Orange Township Representative to the Delaware County Regional Planning Commission, for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RES.18-005 REGIONAL PLANNING ALTERNATE REPRESENTATIVE

Motion by Ms. Knapp to appoint Jeffrey Beard as Orange Township Alternate Representative to the Delaware County Regional Planning Commission, for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RES.18-006 RECORDS COMMISSION

Motion by Ms. Knapp that the Township Fiscal Officer, Chairman of the Board of Trustees of Orange Township, and the Township Administrator serve as our Records Commission, for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RES.18-007 ENTERPRISE ZONE REPRESENTATIVE

Motion by Ms. Knapp to appoint Mr. Rivers as Orange Township Representative on the Enterprise Zone Committee, for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RES.18-008 ORANGE TOWNSHIP OUTREACH AND COMMUNICATIONS COMMITTEE LIAISON

Motion by Ms. Knapp that Trustee Rivers serve as Trustee Liaison to Orange Township Outreach and Communications Committee for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RES.18-009 ORANGE TOWNSHIP COMMUNITY PARK BOARD LIAISON

Motion by Ms. Knapp that Trustee Knapp serve as Trustee Liaison to the Orange Township Community Park Advisory Board, for the calendar year 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

TRUSTEE MEETING SCHEDULE

RES.18-010 2018 TRUSTEE MEETING SCHEDULE

Motion by Ms. Knapp to schedule 2018 Trustee meetings on the following dates. All dates are on Monday at 7:00 p.m.

January 02, 2018*	July 02, 2018
January 16, 2018*	July 16, 2018
February 05, 2018	August 06, 2018
February 20, 2018*	August 20, 2018
March 05, 2018	September 04 2018*
March 19, 2018	September 17, 2018

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April 02, 2018

October 01, 2018

April 16, 2018

October 15, 2018

May 07, 2018

November 05, 2018

May 21, 2018

November 19, 2018

June 04, 2018

December 03, 2018

June 18, 2018

December 17, 2018

The meetings with a *; those being, January 02, 2018, January 16, 2018, February 20, 2018, and September 04, 2018, are being held on Tuesday due to Monday being a Holiday.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

GOV.DEALS

RES.18- 011 RESOLUTION OF INTENT TO SELL BY INTERNET AUCTION PERSONAL PROPERTY, INCLUDING MOTOR VEHICLES, ROAD MACHINERY, EQUIPMENT, TOOLS, OR SUPPLIES, THAT IS NOT NEEDED FOR PUBLIC USE, IS OBSOLETE, OR IS UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED

Ms. Knapp moved the adoption of the following resolution:

WHEREAS, the Board of Township Trustees of Orange Township, Delaware County, Ohio, routinely has personal property, including motor vehicles, road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, which it desires to sell; and

WHEREAS, the Board desires to sell that property by Internet auction and R.C. Section 505.10(D) authorizes the Board to sell such personal property by Internet auction;

NOW, THEREFORE BE IT RESOLVED that it is the intent of the Board of Township Trustees of Orange Township (“Board”) to sell by Internet auction personal property, including motor vehicles, road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired.

BE IT FURTHER RESOLVED that the manner in which the Internet auctions will be conducted, the number of days for bidding on the property, the identity of the representative contracted to conduct the Internet auctions, the contact information of the representative and the general terms and conditions of sale shall be as indicated in Exhibit “A” attached hereto, bearing in its footer the version identifier of 121416 and fully incorporated by reference into this Resolution as if fully repeated herein.

BE IT FURTHER RESOLVED that the Orange Township Administrator is hereby designated as, and for all purposes shall act as, the Board’s agent in conducting and/or administrating Internet auctions held pursuant to this Resolution and that this authority includes, but is not limited to, interacting with the contracted representative that will actually conduct the Internet auctions.

BE IT FURTHER RESOLVED that, after adoption of this Resolution, notice of the Board’s intent to sell unneeded, obsolete, or unfit-for-use township personal property by Internet auction shall be published in a newspaper of general circulation in the township (Delaware Gazette). The notice shall include a summary of the information provided in this Resolution and shall be published at least twice and a notice similar to the published notice shall be posted continually throughout the calendar year in a conspicuous place in the Board's office. The notice may also be posted on the Board's Internet web site

BE IT FURTHER RESOLVED that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. Section 121.22.

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BE IT FURTHER RESOLVED that this Resolution supersedes any Resolution of intent to sell personal property via Internet auction adopted by this Board prior to the effective date of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and shall be effective for calendar year 2018.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

Exhibit "A"

Version 121416

MANNER OF CONDUCT OF INTERNET AUCTIONS, NUMBER OF DAYS FOR BIDDING ON PROPERTY, IDENTITY AND CONTACT INFORMATION OF CONTRACTED REPRESENTATIVE CONDUCTING INTERNET AUCTIONS AND GENERAL TERMS AND CONDITIONS OF SALE.

Section 1. Minimum price; terms and conditions

When property is to be sold by Internet auction, the Board of Township Trustees of Orange Township ("Board") or its agent may establish a minimum price that will be accepted for specific items and may establish any other terms and conditions for the particular sale, including requirements for pick-up or delivery, method of payment, and sales tax. This type of information shall be provided on the Internet at the time of the auction and may be provided before that time upon request, after the terms and conditions have been determined by the Board or its agent.

Section 2. Auctions to be conducted by contractor

The Board, having entered into a contract with GovDeals, Inc. ("GovDeals"), a Delaware corporation, having its principal place of business at 100 Capital Commerce Blvd, Suite 110, Montgomery Alabama 36117, shall utilize such agreement to conduct the Internet auctions. The GovDeals representative assigned to the Board and his/her contact information is as follows:

Name: Greg Thomas
Title: Client Services Representative
Region: State of Ohio
Cell Phone: (937) 344-0286
Email: gthomas@govdeals.com

Section 3. Description of how auctions will be conducted

Township owned personal property, including motor vehicles, road machinery, equipment, tools, or supplies, that is not needed for public use, is obsolete, or is unfit for the use for which it was acquired will be posted on an Internet-based auction system for sale for potential buyers to bid upon and purchase these items. The Internet site where the items are posted is owned, managed, and operated by a contractor known as GovDeals, Inc. ("GovDeals"). The Board has contracted with GovDeals to post items and act as a representative of the Board to conduct the auction. Items will be listed for no less than the minimum number of days established by this Resolution.

GovDeals will charge a fee for items that are sold through GovDeal's Internet auction. For any items that are sold, GovDeals will charge a total fee of twelve and one half percent (12.5%) of the sales price. Of that fee, the Board pays seven and one half percent (7.5%) and the winning bidder pays five percent (5%). There is a minimum fee of Five Dollars (\$5.00).

The base fee of seven and one half percent (7.5%) charged to the Board is reduced as follows on sales where the sale price is greater than One Hundred Thousand Dollars (\$100,000.00):

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1. Where an asset sells for more than \$100,000, and up to \$500,000 the GovDeals fee is seven and one-half percent (7.5%) of the winning bid up to \$100,000, plus five and one-half percent (5.5%) of the winning bid for auction proceeds in excess of \$100,000 up to \$500,000.
2. Where an asset sells for greater than \$500,000, and up to \$1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first \$100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next \$400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the bid amount in excess of \$500,000 up to \$1,000,000.
3. Where an asset sells for greater than \$1,000,000 the GovDeals fee is seven and one-half percent (7.5%) of the first \$100,000 of the winning bid, plus a fee of five and one-half percent (5.5%) of the next \$400,000 of the winning bid, plus a fee of three and one-half percent (3.5%) of the next \$500,000 of the winning bid, plus a fee of two and one-half percent (2.5%) of the bid amount in excess of \$1,000,000.

GovDeals shall collect such fees by collecting all proceeds due the Board from the winning bidder and remitting the proceeds to the Board less the GovDeals fee.

The Board may utilize other disposal approaches including, but not limited to, traditional auctioneer services or sealed bids in addition to GovDeal's services. However, the Board may not simultaneously utilize other disposal approaches for an asset at the same time the asset is listed on the GovDeals online auction site.

Section 4. Minimum number of days that property will be offered

Personal property sold via Internet auction shall be offered for a minimum of ten (10) days including Saturdays, Sundays, and legal holidays.

Section 5. General terms and conditions of sales

The following terms and conditions shall apply to all sales via Internet auction:

1. **Guaranty Waiver.** All assets are offered for sale "AS IS, WHERE IS." Neither the Board nor Orange Township, Delaware County, Ohio (collectively "Seller") make any warranty, guaranty or representation of any kind, express or implied, as to the merchantability or fitness for any purpose of the property offered for sale. The Buyer is not entitled to any payment for loss of profit or any other money damages – special, direct, indirect or consequential.
2. **Description Warranty.** Seller warrants to the Buyer the property offered for sale will conform to its description. Any claim for mis-description must be made prior to removal of the property. If Seller confirms the property does not conform to the description, Seller will keep the property and refund any money paid. The liability of the Seller shall not exceed the actual purchase price of the property. Please note upon removal of the property, all sales are final.
3. **Personal and Property Risk.** Persons attending during exhibition, sale or removal of goods assume all risks of damage of or loss to person and property and specifically release the Seller and GovDeals from liability therefor.
4. **Inspection.** Most assets offered for sale are used and may contain defects not immediately detectable. Bidders may inspect the property prior to bidding. Bidders must adhere to the inspection dates and times indicated in the asset description. See special instructions on each asset page for inspection details.
5. **Consideration of Bid.** Seller reserves the right to reject any and all bids and to withdraw from sale any of the assets listed.
6. **Buyer's Certificate.** Successful bidders will receive a Buyer's Certificate by email from GovDeals.

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7. Buyers Premium. If a Buyers Premium is shown on the auction page bidder box, then that amount (expressed as a percentage of the final selling price) will be added to the final selling price of all items in addition to any taxes imposed.
8. Payment. Payment in full is due not later than 5 business days from the time and date of the Buyers Certificate. Payment must be made electronically through the GovDeals Website. Acceptable forms of payment are:
 - PayPal
 - Wire Transfer
 - Visa
 - MasterCard
 - American Express
 - Discover

PayPal and Credit Card purchases are limited to below \$5,000.00. If the winning bid plus applicable taxes, if any indicated, and the buyer's premium, equals more than \$4,999.99, PayPal and Credit Cards may not be used. If Wire Transfer is chosen, a Wire Transfer Transaction Summary page will provide payment and account information. The Wire Transfer must be completed within 5 days.

9. Removal. All assets must be removed within ten (10) business days from the time and date of issuance of the Buyer's Certificate. Purchases will be released only upon receipt of payment as specified. Successful bidders are responsible for loading and removal of any and all property awarded to them from the place where the property is located as indicated on the website and in the Buyer's Certificate. The Buyer will make all arrangements and perform all work necessary, including packing, loading and transportation of the property. Under no circumstances will Seller assume responsibility for packing, loading or shipping. See special instructions on each asset page for removal details. A daily storage fee of \$10.00 may be charged for any item not removed within the ten (10) business days allowed and stated on the Buyer's Certificate.
10. Vehicle Titles. Seller will issue a title or certificate upon receipt of payment. Titles may be subject to restrictions as indicated in the asset description on the website.
11. Default. Default shall include (1) failure to observe these terms and conditions; (2) failure to make good and timely payment; or (3) failure to remove all assets within the specified time. Default may result in termination of the contract and suspension from participation in all future sales until the default has been cured. If the Buyer fails in the performance of their obligations, Seller may exercise such rights and may pursue such remedies as are provided by law. Seller reserves the right to reclaim and resell all items not removed by the specified removal date.
12. Acceptance of Terms and Conditions. By submitting a bid, the bidder agrees they have read, fully understand and accept these Terms and Conditions, and agree to pay for and remove the property, by the dates and times specified. These Terms and Conditions are displayed at the top of each page of each asset listed on GovDeals. Special Instructions appearing on the asset page will override certain sections of the terms and conditions.
13. State/Local Sales and/or Use Tax. Buyers may be subject to payment of State and/or local sales and/or use tax. Buyers are responsible for contacting seller or the appropriate tax office, completing any forms and paying any taxes that may be imposed.
14. Sales to Employees. Except as permitted in R.C. Section 511.13, employees of the Seller may not bid on the property listed for auction.

121416

REGULAR SESSION

APPROVAL OF MINUTES

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DECEMBER 4, 2017 REGULAR TRUSTEE MINUTES

RES.18-012 APPROVAL OF MINUTES

Motion by Ms. Knapp to approve the December 4, 2017, regular trustee meeting minutes as presented.

Seconded by Mr. Rivers.

VOTE Knapp – yes, Rivers – yes, Taranto – absent.

ZONING REPORT

ORANGE TOWNSHIP ZONING HEARINGS/MEETING REPORT

Ms. Boni reviewed the hearing/meeting schedule.

Zoning Commission: Thursday, January 4, 2018 – ZON-17-08 WalMart
Tuesday, January 9, 2018 - ZON-17-10 Kirk Ridder
Wednesday, January 10, 2018 – ZON-17-09 CCBI Lewis Center, LLC

Board of Township Trustees Hearing: Date to be determined – ZON-17-05 – Pulte Homes
Date to be determined – ZON-17-04 216 Home Road and
Home High LLC c/o Brad Brock

Board of Zoning Appeals: Thursday, January 18, 2018 – CU-17-14 Orange Self Storage LLC

DISCUSSION AND POSSIBLE ACTION ON CREDIT CARD FOR ZONING ENFORCEMENT OFFICER

RES.18-013 ISSUE TOWNSHIP CREDIT CARD TO MR. JEFFREY BEARD, TOWNSHIP ZONING ENFORCEMENT OFFICER

Motion by Ms. Knapp to authorize the issuance of a Township Credit Card to Mr. Jeffrey Beard, Township Zoning Enforcement Officer with a credit limit not to exceed \$1,500.

Second by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

SET DATE FOR BOARD OF TRUSTEES HEARING

Ms. Boni briefly discussed setting dates was tabled at last meeting until the new trustee was on the Board. She gave a brief synopsis for each hearing. There was a brief discussion among the Board and Township General Counsel, Mr. McCarthy,

RES.18-014 SET HEARING DATE FOR HOME ROAD LLC AND HOME HIGH LLC

Motion by Ms. Knapp to hold the zoning hearing for Case #ZON17-04 of Home Road LLC and Home High LLC c/o Brad Block, on , Thursday, February 1, 2018, at 7:00 p.m. at the Township Hall.

Second by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

SET DATE FOR BOARD OF TRUSTEES HEARING

RES.18-015 SET HEARING DATE FOR PULTE HOMES OF OHIO LLC

Motion by Ms. Knapp to hold the zoning hearing for Case #ZON17-05 of Pulte Homes of Ohio LLC, on Thursday, February 1, 2018, at 7:00 p.m. at the Township Hall.

Second by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

MAINTENANCE REPORT

Nothing to report.

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PARK REPORT

APPOINTMENT OF ORANGE TOWNSHIP COMMUNITY PARK BOARD MEMBER

RES.18- 016 ORANGE TOWNSHIP COMMUNITY PARK BOARD APPOINTMENT

Motion by Ms. Knapp to reappoint Jennifer Keck to a full two year term on the Orange Township Community Park Board commencing January 1, 2018, and expiring December 31, 2019.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

RESCIND RES.17-460

Removed from the agenda due to correct as it stands.

THEN AND NOW PURCHASE ORDER

Removed from the agenda due to no need for it.

PUBLIC SAFETY REPORT

ACCEPT GIFT CARD DONATIONS

Fire Chief Matt Noble commented the department had received 6 gift cards from Jets Pizza. It was done through an HOA along with Christmas Cookies.

RES.18-017 ACKNOWLEDGE AND ACCEPT DONATION

Motion by Ms. Knapp to accept donation in the form of a Jets Pizza gift cards.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – absent.

FISCAL OFFICER REPORT

Ms. Knapp commented these items were added today. She asked the Fiscal Officer, Joel Spitzer, if these could be held off until the next meeting. She asked Mr. Spitzer to explain the purpose for these items. Mr. Spitzer commented there are 5 capital improvement funds; they hold money the Board has reserved road improvement projects. These department heads are requesting money to move to those funds to the roads budget funds. This is at the discretion of the Board.

Mr. Spitzer commented the supplemental appropriations are generally done every year in order to ask if the Fiscal Office can make supplemental appropriations within a fund; that is specifically designed. If there is an appropriation within a fund running out of money; they can move money within that fund.

Mr. Spitzer answered the Board questions.

TRANSFER OF FUNDS FROM THE GENERAL FUND

Tabled.

SUPPLEMENTAL APPROPRIATIONS

Tabled.

ADMINISTRATOR REPORT

Mr. Bodnar shared with the Board that last week the State of Ohio has released the Performance Audit that the township had asked the auditors to do. He has put copies in each of the Board's mailboxes to review and possibly discuss at a later date. There was a discussion among the Board.

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He reviewed briefly that he had sent electronically 2 draft protocols for prospective board/committee members. He asked the Board to review and change as they saw fit.

OLD BUSINESS

Nothing to report.

NEW BUSINESS

Nothing to report.

EXECUTIVE SESSION

Not needed.

There being no further business, meeting adjourned at 7:29 p.m.

Lisa F. Knapp, Chairman

Ryan Rivers, Vice Chairman

Deborah Taranto, Trustee

Attest: _____
Joel M. Spitzer, Fiscal Officer