

No. 2015-0604

In the Supreme Court of Ohio

ORIGINAL ACTION FOR WRIT OF PROHIBITION

STATE ex rel. CHESTER TOWNSHIP, ET AL.,

Relators,

v.

**THE HONORABLE TIMOTHY J. GRENDALL, JUDGE
GEAUGA COUNTY COURT OF COMMON PLEAS, PROBATE DIVISION**

Respondent.

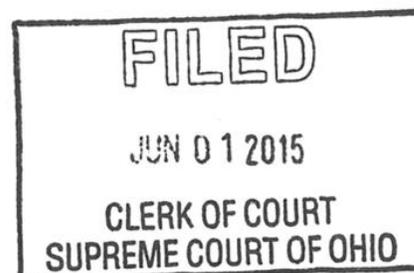
**JOINT SUBMISSION OF EVIDENCE
(Volume 2 of 2)**

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JOINT SUBMISSION OF EVIDENCE

Pursuant to the Court's Order of May 12, 2015, and S. Ct. Prac. R. 12.06, Relators Chester Township and the Chester Township Board of Trustees, Michael J. Petruziello, Bud Kinney, and Ken Radtke, Jr. and Respondent The Honorable Timothy J. Grendell, Judge Geauga County Court of Common Pleas, Probate Division, hereby submit the following evidence for consideration by the Court in the above-referenced prohibition action. The parties stipulate and agree that all of the documents attached hereto are true and correct copies of the following:

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Respectfully submitted,

Per e-mail approval 5/29/15

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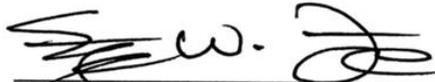
PROOF OF SERVICE

A copy of the foregoing was served on May 29, 2015, pursuant to Civ. R. 5(B)(2)(d) by

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Stephen W. Funk

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
GEAUGA COUNTY, OHIO

IN RE:)
)
CHESTER TOWNSHIP PARK)
DISTRICT)
)
)
)
)

CASE NO. 84 PC 000139
JUDGE TIMOTHY J. GREDELL

REPORT AND RECOMMENDATIONS
OF THE MASTER COMMISSIONER-
ANALYSIS OF THE
“CHESTER TOWNSHIP PARK DISTRICT
REVIEW 2013”

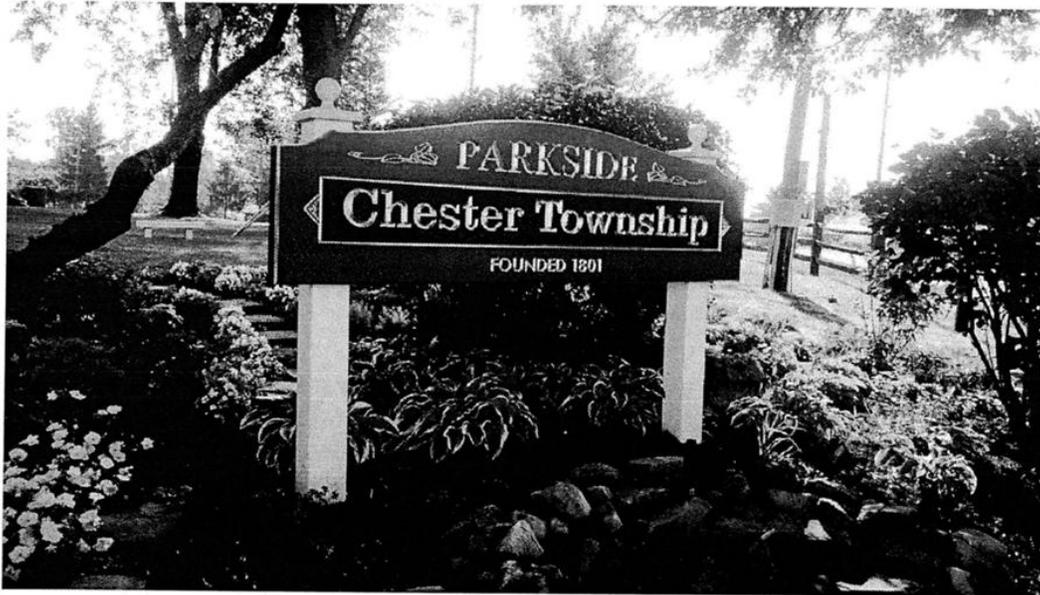


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Analysis of the “Chester Township Park District 2013 Review”

Executive Summary of Findings and Recommendations

The renaissance of the primary park land in Chester Township known as Parkside over the past four years has been a source of pride for the community of residents and business owners. Under the stewardship of the Geauga County Probate Court and the Chester Township Park District Board of Commissioners and the funding support from the Chester Township Board of Trustees, the community has a public park that is in keeping with the intent of the donor of this property, David Hudson, who envisioned this five acre parcel as the public square where citizens would gather.

Its users come day and night from Chester and surrounding townships, young and old, music lovers, and softball, volleyball, and horseshoe players. Parents and grandparents bring children to play on the state-of-the-art playground equipment. Teens organize games at the park, and it has become a positive meeting place for young adults. Seniors have also found the park to be a great place to meet. Local gardeners display their talents in the perennial garden. The Chesterland Chamber of Commerce moved its Chester Fest to Parkside, showcasing the park and the local business to 2,000 to 3,000 visitors. Service organizations, including Rotary and Kiwanis, have spearheaded donation drives and events for and in the park. The summer band concerts have been enhanced by the upgrades to the park, and the park provides the perfect location for weddings, family reunions, and holiday celebrations. The park is the community gathering place from morning into the night with its lighted recreational areas and pavilions.

But controversy and a lack of understanding about the legal status of the park district as a separate body politic not governed by all the same rules as a township board of trustees nor

controlled by that board have occasionally overshadowed the accomplishments and interfered with the mission of the park district.

This latest controversy is not new. Within the first five years of the park district's existence, the seeds of discontent were already being sowed when the township trustees asked the park district commissioners to attend a trustees meeting for the purpose of voicing objection to Judge Lavrich reappointing one commissioner without any recommendation from the trustees. The park board chairman objected "to the Park District being used in a political battle."¹ Thus, as the politics of Chester Township ebbed and flowed the discontent spilled over to the park district.

From my research and discussions with those involved with the park district's formation, and apart from securing local government funds for park operations and improvements after the elimination of the intangible tax, one thing was constant- a driving force behind the creation of an independent park district with commissioners appointed by the probate court, as opposed to a park board with members appointed by the township trustees, was to "keep politics out of the park" and protect the park district from the vicissitudes of township government and priorities.

In 1984, Judge Lavrich created the Chester Township Park District at the request of the Chester Township Trustees, and under R.C. 1545 it became a separate body politic². It entered into an agreement with the township to maintain the township's park lands. The park district was originally funded by its share of the local government and library funds passed through from the state of Ohio by the Geauga County Budget Commission and by inside millage of 0.08 mil initially and raised in 1992 to 0.1 mil from Chester Township, as well as donations. The park commissioners voted to bring the finances in-house, so to speak, as they were authorized to do, rather than have the Geauga County Auditor certify expenditures and issue warrants for payments from the Geauga County Treasurer.

¹ Chester Township Park District Record of Proceedings, 3/2/89

² Geauga County Probate Court, Case No. 84 PC 000139

What is curious is the first park board opted to bring the finances in-house and at the second meeting two days later adopted by-laws that conflicted with this procedure.³ Those by-laws have never been amended. Many past commissioners I interviewed were unaware of the existence of by-laws during their service, and the current board⁴ was not aware of the existence of the by-laws or the written agreements relating to control and maintenance of the park lands until the "Review" was presented to them.

In the ensuing years the park district went about its business with little controversy and only occasional acrimony between the park district commissioners and the township trustees for a number of years. There were many changes in the composition of the volunteer park district board of commissioners. There were also a number of paid secretaries or administrative assistants, who kept the minutes, handled correspondence, wrote the checks, maintained the financial records, issued public notices, and in some instances actually performed work at the park or helped prepare for park events.

This turn over in leadership without a structured transition designed to assure each new commissioner or administrative assistant was aware of the controlling documents and appropriate processes for record keeping, budgeting, and expenditures has contributed to confusion and incomplete or misinformation about the activities and responsibilities of the park district board. It has also provided fodder for complaints from the various political factions in the township.

When I began my interviews and research I inquired whether the park district had a current policy and procedure manual for either the commissioners or the administrative assistant. Neither the current board nor the current administrative assistant received one upon taking the position. One current board member attempted to schedule a transition meeting with an outgoing

³ Minutes 6/12/84 and 6/14/84 meetings

⁴ This reference to the "current" board does not include the two new members, whom I have not personally interviewed for this analysis.

commissioner without success. There has never been new commissioner or new administrative assistant orientation or training.

I was recently provided with a very outdated and incomplete procedure manual⁵, which one commissioner found. This manual will at least provide a skeleton upon which to build a new manual.

The minutes for the year 2008 cannot be located, and until now, the park district has never been audited either at its own request or by the Auditor of State. In short, because the park district never developed a complete, standardized, and continually updated set of policies and procedures for its operation nor did it ever put into place a fund-based accounting system, the park district has generally operated more like a small, private charitable organization. Unlike its larger sister park districts, it never had the benefit of full-time, paid, professional staff, advisors, or counsel.

In 2002, the township eliminated the third source of funding, the inside millage, citing a sufficient reserve for the park district's 2003 budget and the township trustees' intent to shift money toward developing other park lands. From that point on, funding from the township has been basically on a project basis with maintenance services provided by the township's road department, and those maintenance services were eliminated in 2013.

With the shortfalls linked to the embezzlement scheme perpetrated by then township clerk, Michael Spellman, it is understandable that the trustees pulled back the set amount of funds allocated to the park district. But in a few years the park district reserve was depleted. Then a number of factors came together to create a perfect storm resulting in the open disharmony we now find between the park district, the trustees, and a few vocal citizen activists. Those factors are or were:

⁵ *Chester Township Park District Procedure Manual*, with various updating notations from 1994 and 1994

- the lack of an allocated fund for the park district;
- a lack of understanding or appreciation of the fact that the park district is a separate body politic;
- the cycling of new faces on the township board of trustees and the park board of commissioners;
- the increased demands on the township road department time and resources;
- severe cuts in the local government fund;
- loss of the estate tax revenue;
- litigation concerning the so-called “eighty-acres” of parklands;
- energized, “full speed ahead” park commissioners bringing to fruition big ticket projects that have enhanced Parkside but with a lack of adherence to the more deliberative pace and detailed processes and checks demanded of projects funded by public dollars;
- and just some old-fashioned and long-standing political rivalries and scores to settle.

This disharmony has been fueled by unfounded rumors that the township trustees are preparing to close Parkside by “defunding” the park district juxtaposed with unfounded rumors that the park commissioners are engaged in improper activity. This disharmony and lack of understanding of the boundaries of authority or more simply put, who runs the park, has been building over time. The presentation of the “Review” document to the township trustees ratcheted this conflict to a new level.

Compound all of this with the fact that the park district has never been audited, which allowed inadequate and/or incomplete compliance with strict fund-based financial record-keeping and reporting requirements to continue for many years.

What we have today is a vastly improved public park overseen by a dedicated group of volunteers, who have not been given the necessary tools to adequately and simply report and account to the public. These volunteers do not want to have the park district’s funding become a political battle each year.

My research has found that funds coming into the park district may be traced to projects, but not always easily. A consistent process of budgeting, appropriations, and documenting income and expenses for each project has never been implemented. In those years when projects

were few and small in amounts, the inability to consistently follow a path from budgeting, to resolution, to certification, to payment was not so problematic, as it is now when the projects are numerous and the dollars amounts are more substantial. The money *is* being spent on the park and the results are plainly evident; however, the lack of a standardized practices and procedures provides an opening for critics.

In regard to the “Review”⁶ and the issues, questions, and concerns raised in that document, I have found no evidence of intentional disregard of controlling law on the part of the current park commissioners or its administrative assistant. There are instances of omission as opposed to commission, which are detailed throughout my analysis of the issues raised in the “Review,” but I have also found that the township leadership and some citizen activists have a very incomplete understanding of the *independent* nature of the park district and what laws are and are not applicable.

I have also found that negative personal agendas and long memories of past disputes have interfered, at times, with governance and have distracted all involved- the park commissioners, the township trustees, citizen activists, and the general public from encouraging the development of a positive culture of clear communication and information sharing, cooperative problem solving, and a clearly defined process compliant with both the law and best practices for accepting, spending, and accounting for both the receipt and expenditure of public funds and private donations to the park district.

As noted earlier, I have found a substantial and long-standing failure to strictly comply with the requirements proscribed for any public body receiving and expending public funds and for a park district accepting donations. The township trustees raised the issue of donations or

⁶ Exhibit A, *Chester Township Park District 2013 Review*, (revised 3/5/14)

discounts on contracts given as donations, which may give the appearance of impropriety or a quid pro quo from vendors. But I have found no evidence of actual improprieties in that regard.

I have found that the park district by-laws and the 1993 Agreement with the Chester Township Trustees are sorely in need of revision.

I have found that the park district needs to develop a handbook for its commissioners and administrative assistant/secretary/fiscal officer outlining the structure of the park district, detailing the governing documents and their responsibilities, as well as the requirements of state law and best practices for accounting and operations so that each purchase order or contract may be easily traced from budget to resolution through payment.

Toward that end I have already offered to the park district examples of meeting minutes and accounting forms and practices utilized by their sister district in Russell Township, which are simple, straight forward, and have passed muster with the Auditor of State.⁷ I also recommend that district's examples of best practices including having one commissioner tasked with financial oversight. That commissioner would review and sign off on the monthly bank statement and listing of cash balances each month. While there is no set recommendation from the Auditor of State for park districts as to the number of signatories on checks or who those signatories must be, I recommend that checks be signed by two commissioners and the fiscal officer. With the addition of two new commissioners, that process should not present a problem.

I also offer examples of a resolution adopted by Lake Metroparks adopting a "Board of Park Commissioners Performance Metrics," which may be utilized to introduce new commissioners to the requirements and expectations of their new position.⁸ While the Lake

⁷ Exhibit B-Russell Township Park District ("RTPD") sample year end & year beginning minutes;
Exhibit C-RTPD sample cash balances spreadsheets;
Exhibit D-RTPD sample receipt documentation;
Exhibit E-RTPD sample warrant approval with certification

⁸ Exhibit F-Lake Metroparks Resolution No. 2013-010

system is substantially larger and has full-time, paid, professional staff, many of the metrics are equally applicable to a small park district.

I also recommend the park district review its insurance and bond coverages. I have found that other districts have been able to purchase more coverage for the same amount. For example, Russell Township Park District commissioners' bonds are in the amount of \$25,000 rather than the \$5,000 minimum bond required by statute. The premium for three years is \$250. Their fiscal officer also has a higher bond. Given the increased amount of funds passing through the park district, a larger bond is prudent, especially if it may be obtained at the same price. The bonds should be filed with the Geauga County Auditor as mandated by statute. It just makes sense that another entity provides a check to assure compliance with the bonding requirement.

The park district needs to have regular legal counsel, be it the Geauga County Prosecutor on a contract basis (which may at times present a conflict if the trustees continue to fund on a project by project basis because the county prosecutor represents the township trustees) or private counsel.

The park district and the township need to work cooperatively to develop three, five, and ten year strategic plans, focusing first on maintaining the improvements at Parkside so that the investment is preserved and then on a vision for other park lands within Chester Township.

Most importantly, the two boards must discuss and resolve to either restore a set amount of inside millage or support an inside levy for the park district to stabilize funding and allow for more precise budgeting. Over the years the park district has been in existence, there have been few attempts to craft a strategic plan for the parklands, and attempts that were made failed, in part, because of the project-by-project nature of the park district's funding by the township. At one point in time after the township withdrew the inside millage, the park commissioners, in the words of a former commissioner, literally "begged" the trustees for money to run the park. Sadly,

these volunteer commissioners simply lost interest or moved to another volunteer position where they could accomplish something and to avoid personal attacks.

This cooperative effort begins simply with a schedule change- the two boards should not meet on the same night. The park commissioners and the township trustees have already implemented one improvement designed for better communication. Each board now has a designated liaison so that information may be exchanged efficiently and effectively with the goal of ending miscommunication or incomplete communication.

I am of the opinion that once the park district has in place its new fund-based accounting system with enhanced minutes, which will more simply allow the public and the township to track project expenditures and any subsequent change orders, especially during each board's budgeting process, the township trustees will no longer insist that it act as an über authority demanding a second vetting process for each and every park district project as well as dictating the continued maintenance of park grounds and facilities, an example of which may be found in the April 1, 2014 "funding" letter from the township trustees and noted in Judge Grendell's April 3, 2014 letter to the trustees.⁹

The minutes should reflect all donations and quantify donations of time and materials made to and by the park district, and all donations to the park district must have prior probate court approval as required by statute. In regard to donations or discounts on contracts given as donations and bartering, in particular, the state auditor confirmed my research. I recommend that bartering not be done on a regular basis, but the one example of bartering I found did not present a problem in and of itself. The park district should be continue its practice of securing discounts for purchases whenever possible, as long as there are no conflicts of interest with the vendor offering the discount over another potential vendor. I would ask Judge Grendell to consider

⁹ Exhibits G & H

exempting so-called “donation” discounts on contracts with vendors from the prior approval requirement.

Standardized forms for public notices of each type of meeting should be developed, and the park district has already recently enhanced its website to include a calendar. A meeting schedule for the year should be determined at the January meeting and posted. The agenda for the meeting should be posted along with the notice itself.

Introduction to the Analysis of the “Chester Township Park District 2013 Review”

Formation of the Chester Township Park District

Sometime in either 1983 or early 1984, research began into the creation of a Chester Township Park District. The impetus for the project appears to have been two-fold. The first was the perceived need to create a separate park district under R.C. 1545 in order to lock in a “viable method of funding continued recreation and parks activities.”¹⁰ The second was to remove the day-to-day policy, planning and operational decisions to an entity separate and apart from the township board of trustees in order provide stability and continuity regardless of any change in township government and to attempt to ameliorate any negative effects of politics.

A R.C. 1545 park district is a separate and distinct entity, and the office of park commissioner is not a township office within the meaning of R.C. 703.22. Park commissioners serve without compensation, but they may be reimbursed actual and necessary expenses associated with the performance of their duties.¹¹

As will be discussed infra, the seeds of discontent and tension between the park district board of commissioners and the township board of trustees began to blossom as early as 1989.

¹⁰ *Creation of a Park District*, a three page white paper, undated and without an author noted found in the records of the Chester Township Park District, p.1.

¹¹ R.C. 1545.07 and R.C. 1545.05

In regard to the continued funding aspect, the white paper observed that the “singular attractiveness of a township park district is its authority to request intangible tax dollars from the [Geauga County] Budget Commission...”¹² The author was under the impression that with the impending elimination of intangible taxes after 1985, “...the budgetary request filed in July of 1984 for the tax year 1985 [was] the last time a newly created park district [would] have the opportunity to lock in a continuous source of revenue.”¹³ The author was operating under the assumption that the intangible tax was going to be replaced by a pool of state funds (what we now refer to as the Local Government Fund); that the money from that pooled fund would be distributed to the counties in the “same proportion that the intangibles taxes were distributed in 1985;” and that the taxing units within each county that had received a percentage of the intangible funds in 1985 county would “receive a proportionate percentage” from the new fund.¹⁴

These three assumptions may have been correct; however, the assumption that funding would be “locked in” or grandfathered at a specific dollar amount was incorrect. It should be noted that the Chester Township trustees were also of the opinion that after the approval of the park district’s 1985 budget request in September 1984, and its allocation of the sum of approximately \$20,000, the park district was “now assured at least this amount of money yearly in perpetuity.”¹⁵

That letter to the editor and an earlier one sent to The Herald-Sun were prompted by a controversy that arose by the creation of the Chester and Russell Township Park Districts, specifically over the fact that these entities would now share funds with the libraries.

¹² *Creation of a Park District*, p.1.

¹³ *Id.*, p.3.

¹⁴ *Id.*, p.2.

¹⁵ September 27, 1984 letter from the Chester Township Trustees and Clerk to the Weekly Mail Journal Editor

Chester Township Board of Trustees Applies to the Geauga County Probate Court

On March 29, 1984, the Chester Township Board of Trustees passed a resolution authorizing the filing of an application with the Geauga County Probate Court under R.C. Chapter 1545 to create the Chester Township Park District, and on May 10, 1984, Judge Lavrich approved the application. On May 17, 1984, Judge Lavrich appointed the first Board of Commissioners for the district-Nicholas Gattozzi, Jr., Bruce L. Mielziner, and Charles F. Sells.¹⁶

The Board of Commissioner held its first organizational meeting at the Township Hall on June 12, 1984, for the purpose of adoption of a set of by-laws, which were taken directly from those used by Howland Township in Trumbull County, Ohio.¹⁷ The board also appointed Carol Ferguson as a secretary/bookkeeper to be paid at an hourly rate.

By-Laws of the Chester Township Park District Board of Commissioners

The by-laws¹⁸ confer upon the board all powers and responsibilities found in R. C. Chapter 1545, and the provisions mirror the applicable sections of that code chapter. These by-laws are the same by-laws in effect today. The by-laws pertinent to this review are discussed below.

Composition, Oaths & Bond Requirements

The board shall be comprised of three commissioners appointed by the Geauga County Probate Judge pursuant to R.C. 1545.05, who will serve without compensation and the successors to each expiring term of park commissioner will be appointed for three year term. There is no limit on re-appointment to the board. An oath and a \$5,000 bond are required of each commissioner. The bond is to be filed with the Geauga County Auditor. A commissioner may be removed at the discretion of the Geauga County Probate Judge. The Geauga County Treasurer and Auditor are ex-officio members of the board pursuant to R.C. 1545.22.

¹⁶ *In Re: Chester Township Park District*, Case No. 84-PC-139, Docket 17, Page 371

¹⁷ Chester Township Park District Record of Proceedings, Organizational Meeting, June 12, 1984.

¹⁸ Exhibit I-By Laws of Chester Township Park District Board of Commissioners

The current commissioners, Clay Lawrence, Joseph Weiss, Jr., Lance Yandell, Al Parker, and Ruth Philbrick have oaths on file with the Geauga County Probate Court, and all five are bonded, but the bonds have not been filed with the Geauga County Auditor as required by R.C. 1545.05(A). In fact, no bonds of any park district commissioners have been filed with the auditor's office for some time.¹⁹ Some former commissioners' bonds could not be found in the records of the Chester Township Park District. According to the Geauga County Auditor his office serves only as a "pass through" of public funds, and the only park district records filed with his office are the budget requests and year end reports.

Board Officers

The board officers are to be elected by the board members at an annual meeting, which is to be held at the Chester Town Hall on the third Thursday of January or a special meeting called for the purpose of electing officers. There is to be a Chairman, authorized to sign all documents and make all reports required by law. There is also to be a Clerk/Secretary who keeps the minutes and gives public notice of the board meetings.

Employees, Consultants and Contracting for Goods and Services

The board is also empowered to hire secretarial or other employees and may hire and contract for professional, technical, consulting, or other special services and may purchase goods. It contracts pursuant to R.C. 1545.09, and as a "contracting authority under R.C. 307.86 through 307.90," to the same extent and with the same limitations as a county Board of Commissioners. Thus when procuring any goods with a cost in excess of fifty thousand dollars, the board must follow the provisions of sections 307.86 to 307.91 of the Revised Code. Any contract for the purchase of goods or services or the employment of personnel requires a majority vote.

¹⁹ Auditor Gilha advised me that his informal polling of other county auditors found that few, if any, park district are filing bonds with that office.

The board may also designate persons as police officers to exercise police powers within and adjacent to the lands within the district.

Meetings and Public Notices

Regular meetings of the board are to be held at the Chester Town Hall at least once a month. A special or emergency meeting may be called by the Chair or by a majority of the commissioners. Written notice of the regular or special meetings are to be given by the Secretary of the Board to the commissioners by regular mail at least twenty-four hours in advance, and no written notice is required for an emergency meeting.

The public notice of meetings is to comply with the so-called "Sunshine" law found at R.C. 121.22. There is to be a schedule of the regular meetings, noting date, time and place, posted on a bulletin board in a public area within the Chester Town Hall. This posting requirement also applies to notices of any special meeting.

No special meeting may be held without at least twenty-four hour notice being given to the news media who have requested, except in the event of an emergency meeting. In the event of an emergency meeting the board member (s) calling the meeting shall immediately notify the news media outlets, which have request notification of the time, place and purpose of the meeting. If a meeting is to be cancelled or changed, the board is to make "every reasonable effort," including newspaper notice to all interested parties. Members of the news media or persons who have requested direct notification shall be notified individually of the change "as soon as possible."

To request this direct notification of a meeting and/or the agenda, one must send a written request and provide the board with a self-addressed, stamped envelope. If there is a special or emergency meeting, then the board is to make a "reasonable effort" to notify the person or persons by phone.

Minutes of each meeting are to be promptly recorded and open for public inspection, and the board operates on a quorum of two members.

Expenditures

Regarding expenditures of funds, the by-laws tract the revised code section and require that no expenditure is effective until the Geauga County Auditor certifies that there are sufficient funds otherwise unappropriated for the board in the custody of the Geauga County Treasurer. The Auditor is then to issue a warrant to the Treasurer to disburse the funds upon an order of the board evidenced by a certificate of the Secretary.

However, at the board's second meeting the commissioners formally adopted an alternative procedure authorized by the Revised Code, but the park district's by-laws apparently have never been amended to reflect this alternative procedure. The Geauga County Treasurer was requested to appoint Chairman Mielziner as Deputy Treasurer for the limited purpose of maintaining custody of the park board funds, paying the funds out upon warrant of the deputy auditor and investing funds upon board authority. The Geauga County Auditor was requested to appoint Carol Ferguson as Deputy Auditor for the limited purpose of maintaining the required financial records, certifying availability of funds and disbursing funds upon approval of the vouchers by the park board of commissioners. They also adopted a resolution to issue a Letter of Intent to select a depository, which letter was to be sent to the Geauga County Board of Commissioners and qualifying banks within the county.²⁰

R.C. 1545.07 now authorizes the board to appoint a treasurer to act as custodian of the board's funds and as fiscal officer for the park district-similar to the provision followed at the formation of the Chester Township Park District.

²⁰ Chester Township Park District Record of Proceedings, 6/12/84 & 6/14/84

R.C. 1545.22(A) provides that “[i]f a treasurer is appointed by a board of park commissioners pursuant to section 1545.07 of the Revised Code, the accounts of the board shall be kept by that treasurer. The treasurer shall be an ex officio officer of the board. No contract of the board shall become effective until the treasurer certifies that there are funds of the board sufficient to provide for that contract.”

The minutes provide scant information as to how succeeding treasurers were determined as it appears that the formalities followed by the initial board of commissioners in designating a treasurer, auditor, and depository have not been followed in the ensuing years (until 2014) even though there has been a turnover of commissioners and secretaries or administrative assistants.²¹

In April 2014, the commissioners voted to designate Margaret “Peg” Vitale as “secretary” and appoint her as “treasurer” and as “fiscal officer” to act as custodian of the district’s funds and to act “as necessary in the performance of the powers conferred in such sections of the Ohio Revised Code 1545.07.”²² Ms. Vitale, a C.P.A., has been working for the district as an independent contractor since September 2010, in the position of secretary or administrative assistant at an hourly rate of \$15.00 set by the commissioners. As previously noted, Ms. Vitale is bonded in the sum of \$ 5,000.

Check Signing Authority & Authority for Expenditures by One Commissioner

In 2009, the commissioners voted to require two signatures on checks without specifying which of four signatories are required, and a review of some of the cancelled checks over the last few years indicates that checks drawn on the park district account at Charter One are being signed by either two commissioners or by a commissioner and the administrative assistant, Margaret Vitale.²³

²¹ It must also be noted that the minutes from 2008 are missing.

²² Minutes of the Chester Township Park District, April 23, 2014

²³ Minutes of the Chester Township Park District, December 21, 2009

I confirmed the propriety of this policy with the state auditor, who advised that unlike townships, the Auditor of State has no real set recommendation on the number of check signers when it comes to park districts. If the park district has a set policy about signatories and the number of signatories, it should follow that policy. If it does not, only one signature from an authorized signatory would be required.

Now that there are two additional commissioners available, I recommend that all checks be signed by two commissioners and the fiscal officer.

The park district board also passed a resolution authorizing a single commissioner to “orally and individually expend up to \$1,000 for work to be done at the Park.”²⁴ An earlier board passed a resolution authorizing any commissioner to “address routine electrical maintenance issues up to \$500” without a meeting; however, the issue must involve a “material safety hazard” or an “immediate operating issue,” which will prevent a reserved facility use. If this expenditure is authorized, the commissioner must “email” the other commissioners within one week.²⁵ If emails were sent pursuant to this earlier resolution, they were not noted in the minutes or maintained in a separate file, paper or electronic.

Finally, the by-laws provide that the board may also acquire land within or without the district by a majority vote. The purposes and procedures for land acquisition are as prescribed in R.C. 1545.11 and include appropriation. The board may also accept donations of money, property, or may act as trustee of land, money or other property, and use the donation or property to be held in trust as either stipulated by the donor or as provided in the trust agreement. The probate court judge must approve each donation or trust before it is accepted by the board, but that practice has been followed only once.

²⁴ Minutes of the Chester Township Park District, January 24, 2013

²⁵ Minutes of the Chester Township Park District, August 3, 2009

It is my understanding that Judge Henry had dispensed with the donation approval process, in whole or in part, but Judge Grendell has rescinded that order.

The board may also sell land it has acquired with probate court approval as set forth in R.C. 1545.12. It may also lease lands.

The By-Laws are Supplemented with Additional Provisions of R.C. 1545

Expansion of the Board of Commissioners

The park district board may by majority vote expand the board to five members. The board then certifies a resolution to the probate judge requesting the appointment of two additional commissioners who will take office immediately. One member is appointed to a term that expires on the first day of January of the year following the year of that member's appointment, the second member is appointed to a term that expires on the first day of January of the second year following the year of that member's appointment. Thereafter, their successors are appointed by the probate judge for terms of three years.²⁶

On April 23, 2014, the park district commissioners voted to approve the drafting of a resolution requesting Judge Grendell expand the board to five commissioners, and two new commissioners, Ruth Philbrick and Al Parker were appointed.²⁷

Adoption of Park Rules, Regulations & Penalties

The commissioners may also adopt "rules for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways, and other reservations of land under its jurisdiction and control and of property and natural life therein."²⁸ The board may also set penalties for violations of a by-law or rule, with certain limitations on the severity of the penalty.²⁹ The penalties are to be paid into the treasury

²⁶ R.C. 1545.05(B)

²⁷ Minutes of the Chester Township Park District, April 23, 2014.

²⁸ R.C. 1549.09

²⁹ R.C. 1545.09 (B)(2)

of the park board.³⁰ Summaries of the by-laws and rules are to be published as provided in the case of ordinances of municipal corporations under section 731.21 of the Revised Code before taking effect.³¹

The commissions may also enter into contracts not to exceed a three year period with any private corporation or non-profit association to maintain a museum of natural history in any county where the park district is located.³²

Power to Enter Into Certain Contracts

Subject to the terms of the Agreement between the Chester Township Park District and Chester Township described below and subject to the provisions of the statute, the commissioners may enter into a contract with township, the county sheriff, or other park district (among other entities listed in the statute) to “allow the use of the park district police or law enforcement officers designated under section 1545.13 of the Revised Code to perform any police function, exercise any police power, or render any police service” on the park district’s behalf.³³

Annexation and Public Highway Improvements

R.C. 1545.15 and RC. 1445.16 set out an annexation procedure.

When a public highway extends into or through a park area, the park commissioners may under R.C. 1545.17 through R.C. 1545.19 enter into improvement agreements with the public authorities controlling the subject area and to assess the cost of the improvement.

The Power to Levy Taxes

Most importantly, under R.C 1545.20 the park commissioner may levy taxes on all taxable property within the district “in an amount not in excess of one-half of one mill upon each

³⁰ R.C. 1545.09(C)

³¹ Id.

³² R.C. 1545.10

³³ R.C. 1545.131

dollar of the district tax valuation in any one year, subject to the combined maximum levy for all purposes otherwise provided by law.”

The park commissioners may also pass a resolution submitting a tax levy to the voters. “The rate submitted to the electors at any one time shall not exceed two mills annually upon each dollar of valuation.”³⁴ There is also a provision for tax anticipation notes to meet current expenses and debt charges.³⁵

Legal Counsel

In 1984, the Chester Township Trustees requested an opinion from the Geauga County Prosecutor whether that office acts as legal counsel for the park district, and if, not, whether the park district is required to retain its own legal counsel.

By letter of June 19, 1984, then Assistant County Prosecutor Forrest W. Burt advised the township trustees that while the prosecutor’s office serves as legal counsel for the township trustees, the county board of commissioners, the board of elections and all other county offices and boards, there is no provision in R.C. 309.09 permitting that office to act as counsel for a park district created pursuant to R.C. 1545, because the district is a body politic in its own right and its commissioners and employees are not considered township officers or county officers.

Mr. Burt’s opinion cited two Ohio Attorney General Opinions. The first determined that the board of park commissioners is not represented by the county prosecutor and may employ its own counsel to be paid from district funds.³⁶ The second determined that the county prosecutor is not the legal advisor for a joint recreational district, which is a separate body politic from the townships and boards of education which combined to form the district.³⁷ Mr. Burt concluded

³⁴ R.C. 1545.21

³⁵ R.C. 1545.211

³⁶ 1927 OAG 279

³⁷ 1981 OAG 279

and advised that the park district could not be represented by the county prosecutor and that it may employ counsel from district funds.

As late as 1994, the Ohio Attorney General opined that a R.C. 1545 park district could not be represented by the county prosecutor³⁸; thus, in 1996, the General Assembly amended R.C. Section 309.09 to permit the county prosecutor to contract with a R.C. 1545 park district to provide legal services.³⁹

R.C. 309.09(D) now provides that the “prosecuting attorney and the board of county commissioners jointly may contract with a board of park commissioners under section 1545.07 of the Revised Code for the prosecuting attorney to provide legal services to the park district the board of park commissioners operates.” And division (I) of that section also provides

“all money received pursuant to a contract entered into under division (D)... of this section shall be deposited into the prosecuting attorney's legal services fund, which shall be established in the county treasury of each county in which such a contract exists. Moneys in that fund may be appropriated only to the prosecuting attorney for the purpose of providing legal services to a park district...as applicable, under a contract entered into under the applicable division.”

Park Lands

Written Agreements Between the Park District and the Township Trustees

Within the first year of the district's existence, the Chester Township Trustees passed a resolution⁴⁰ and signed a written agreement pursuant to R.C. 1545.14 by which the park district assumed control of all parks and park lands owned by Chester Township beginning April 5, 1985, and continuing for another period of one year and then renewable for an additional five year period.⁴¹ The park district commissioners agreed to “use, operate, maintain, develop,

³⁸ 1994 OAG 035

³⁹ 1996 H 268, eff. 5-8-96

⁴⁰ Record of Proceedings before the Chester Township Board of Trustees, April 4, 1985

⁴¹ Exhibit J- Agreement of April 4, 1985, p. 1,2.

improve and protect” the park lands for the “purpose of providing passive and active recreational facilities to the residents of Chester Township and the public.”⁴²

The park district agreed that no construction or alteration of any permanent improvement on park lands would be undertaken without prior written approval of the township trustees, and that plans for any such project would be submitted to the township trustees at least sixty days before start of work. The township trustees also reserved the right to refer any plans to the zoning commission for “advice and comment,” and the park district agreed that any projects would be performed “in the spirit of the Chester Township Zoning Resolution.”⁴³

The park district also obligated itself to adopt rules and regulations for the use of the park lands within thirty days, and the township trustees acknowledged that the duty and authority to regulate the use of the park lands has been transferred to the park district commissioners.⁴⁴

The park district agreed not to appoint any park rangers or officers other than Chester Township police officers, who would remain under the direction and control of the police department.⁴⁵

The Agreement specifically provided that control of the park lands would revert to the township trustees upon any early termination or at the end of the period, as extended; that is April 4, 1992.

It was not until February 25, 1993, that the two boards executed a new Agreement, with the same or similar provisions. This Agreement’s term is five years and renews annually thereafter unless terminated.⁴⁶

⁴² Id., p. 1.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id., p. 2.

⁴⁶ Exhibit K, Agreement dated February 25, 1993, p.2.

What are the Chester Park Lands?

Two questions then arise: the first, what are the park lands and the second, which entity, Chester Township or the Park District, is in de facto control of each park land? The answer to the first question is complicated because until 2014 Chester Township had no inventory of its real property holdings. Township Fiscal Officer, Craig Richter, compiled a list of township property, but it is not readily apparent which properties are park lands.⁴⁷ The township has no zoning designation for parks. From my interviews with the trustees, the township fiscal officer, and the park commissioners, and from land records, the following chart sets forth the park lands in Chester:

Park	Acquired	Acres	Parcel Number
Parkside (Rt. 322 & 306)	David Hudson, 1811-deed restriction for public park	5	11-710900
Lot Adjacent to Parkside	5/13/10	1.27	11-714499
Hancock Park/Mulberry [^]	8/14/08 deed restriction for public park	3.375	11-389276
"The Eighty Acres" Chillicothe Rd. between Sharp & Kirkwood*	2/26/01	85.17	11-714490,
	12/29/11 Conservation easement given to the Western Reserve Land Conservancy		11-714483, 11-714485
Henry House [#]	3/16/12	0.22	11-714503

[^]The Park District has not been asked to maintain

^{*}The Park District has not been asked to maintain and the conservation easement is the subject of litigation, *Kenneth Radtke, Jr. v. Chester Township, et al.* Case No. 13M1076, Geauga County Common Pleas Court. A motion to dismiss for failure to state a claim was granted by the court on June 19, 2014. Mr. Radtke filed an appeal on July 17, 2014.

[#]Henry House property-There has been discussion by the township trustees of making this part of the Parkside campus

⁴⁷ See Exhibit L, Chester Township Real Property Inventory

In 1993 the Chester Township Zoning Commission drafted an amendment regarding park district zoning, specifically the creation of both an active park district zone and passive park district zone. The zoning commission sought input from the Nature Conservancy⁴⁸; however, no further action was taken. Consequently, Chester Township still has no park district zoning.

Other Park Districts in Geauga County

Gauga County has four R.C. 1545 park districts: Geauga County Park District, Thompson Township Park District, Chester Township Park District, and Russell Township Park District. There are seven park boards or departments in the county: Hambden, Chardon Township and City of Chardon Parks & Recreation Department, Bainbridge, Munson Parks & Recreation Board, Newbury and South Russell Village Parks Committee.

Funding Sources

As noted above, R.C. 1545 provides for levying a tax upon all of the taxable property within the park district in an amount not in excess of one-half of one mill, subject to the combined maximum levy for all purposes otherwise provided by law.⁴⁹ Additional levies approved by the electorate and not in excess of two additional mills per levy may be sought.⁵⁰

Currently, there is no tax levy for the Chester Township Park District, and the funding sources for the park district are Chester Township, the Local Government Fund, the Library Fund, and donations. The park district has in turn contributed a portion of these funds to the West Geauga Joint Recreational District, which serves both Chester and Russell Townships.

Initially (and it would appear that until August 2002) the park district received inside millage of .08, raised to 0.1mil in 1992 from property taxes. In August 2002, the township board of trustees voted to rescind the inside millage, citing the park district's "ample budget for 2003"

⁴⁸ Letter from zoning commission to Mr. Tom Stanley dated September 1, 1993.

⁴⁹ R.C. 1545.20

⁵⁰ R.C. 1545.21

and the intent of the trustees to have that money “go back into development and funding for the other park we have in the community now.”⁵¹

The following chart shows how the “reserve” was spent down:

Unencumbered Year End Cash Balances & Township Contributions for that year	2002	2003	2004	2005
Cash Balances	\$29,838.27	\$14,690.08	\$6,590.08	(\$8,814.68)
Chester Twp.	\$25,363.02	—	—	\$13,320 ⁵²

R.C. 511.37 provides that a board of township trustees may make contributions of “moneys, lands, supplies, equipment, office facilities, and other personal property or services to any board of park commissioners of a park district” established under R.C. 1545 for the “purposes of park planning, acquisition, management, and improvement.” The park district may accept these contributions without the approval of the terms by the probate judge.

It further provides that “[a]ny moneys contributed by the board of township trustees for those purposes shall be drawn from the general fund in the township treasury not otherwise appropriated. The board of township trustees may anticipate the contributions of moneys for those purposes and enter the amount of the contributions in its annual statement to the county budget commission for inclusion in the budget upon which rates of taxation are based.”

⁵¹ Record of Proceedings, Chester Township Board of Trustees, August 1, 2002, Resolution 2002-298.

⁵² Chester Township Board of Trustees’ Resolutions 2005-97, 2005-346, 2005-361 & 2005-535-all for either electric bills or electrical repairs.

Recent Funding for the Chester Township Park District taken from Geauga County Auditor's Amended Certificate of Estimated Resources for the Fiscal Year

Year	Undivided Local Government Fund	Library Fund	Chester Township	Other (Permits, Fees & Interest)
2014	\$10,050.00	\$4,379.00	\$75,000	\$500
2013	\$10,050.00	\$4,379.00	\$100,000.00	\$501.20
2012	\$10,049.90	\$4,268.00	\$90,000.00	\$275
2011	\$10,749.00	\$4,645.00	\$83,925.00	
2010	\$10,749.00	\$4,172.00	\$28,602.13	\$1,289.76
2009	\$10,749.00	\$4,588.00	\$41,162.00	\$2,200.00

Actual Funding Balances for the Chester Township Park District Submitted to the Geauga County Auditor

Year	Cash Balance Brought Forward	Receipts Chester Township	Receipts Local Govt. & Library Funds	Other (Permits, Fees & Interest)	Total Receipts & Balance
2014					
2013	\$12,375.52	\$150,000.00	\$14,678.00	\$10,002.79	\$187,056.39
2012	\$4,018.68	\$130,410.00*	\$15,515.53	\$326.03	\$150,270.24
2011	\$4,246.84	\$44,000.00*	\$14,466.47	\$927.53	\$63,685.84
2010	\$12,684.44	\$33,005.00*	\$16,025.98	\$277.28	\$61,992.70
2009	\$18,570.28	\$28,602.13*	\$16,090.08	\$1,289.76	\$60,290.25
	(\$4,262.00)^				

*Chester Township paid \$10,000 for maintenance

^ Prior Year Encumbrances

**Actual Expenditure Balances for the Chester Township Park District
Submitted to the Geauga County Auditor**

Year	General	Personal Services	Capital Improvements	Reserve Fund	Maintenance	Donations or Other#	Total Expenditures
2014							
2013	\$16,300.43	\$4,422.49	\$119,875.79	3,223.50	\$30,876.38	\$4,000.00	\$178,699.59
2012	\$9,600.36	\$3,357.03	\$117,833.74	-0-	\$8,174.30*	\$1,000.00	\$139,965.43
2011	\$13,166.06	\$2,712.05	\$39,489.80	-0-	\$1,421.55*	\$1,005.50	\$57,794.96
2010	\$14,479.34	\$3,297.50	\$35,725.33	-0-	\$2,942.02*	\$1,301.67	\$57,745.86
2009	\$16,244.39	\$3,119.02	\$26,078.62	-0-	\$858.58*	\$1,305.00	\$47,605.81

*Chester Township paid \$10,000 for maintenance
#Other is vandalism

The park district's assets valued on a cost basis as of December 31, 2013 total \$12,077.53.⁵³

The "Chester Township Park District 2013 Review"

In March 2014, a twenty-nine page document entitled, "Chester Township Park District 2013 Review (Revised 3/5/14),"⁵⁴ without an identified author was presented to individual members of the Chester Township Board of Trustees and the Chester Township Fiscal Officer by a former Chester Township Trustee, Ron Cottman.

The "Review" raised a number of issues regarding the operation of the park district relating to vendor payments; increased spending; park projects, plans and budget estimates; alleged failures to follow Ohio law, park district by-laws and the Agreement between the park district and the Chester Township relating to the operation of a park district and open meetings; irregularities in accounting; non-park related expenditures for goods and services; disposition of park district property; bonding of the commissioners; and the employment of the park secretary.

⁵³ See Exhibit M, Chester Township Park District Inventory List

⁵⁴ Exhibit A

Because of the “Review” the township trustees at their March 7, 2014, meeting withheld funding for the park district. An immediate needs funding request submitted by letter from Park Commissioner Weiss dated April 10, 2014, was approved on April 17, 2014.⁵⁵

On March 20, 2014, Geauga County Probate Judge Timothy Grendell appointed me as Master Commissioner “to address issues raised” in the “Review,” and to “determine, examine, and either resolve or provide to Court a proposed resolution” of the issues raised in the “Review.”⁵⁶

I began my research by interviewing the new Chester Township Fiscal Officer who had already asked for a state audit of the township shortly after he assumed his new post. The auditor inquired of him about the park board, and after that inquiry, it was determined that the park district had never been audited. Upon further investigation, the state auditor determined that the park district would be audited but separately from the township because of the district status as a separate body politic.

That audit is underway, and because of it I did not undertake an exhaustive review of the park district’s finances, but rather focused on the specific issues raised in the “Review” in general terms, leaving the audit function up to the state of Ohio. I also focused on issues raised in my interviews of the township fiscal officer, the township trustees, the park commissioners and the park’s administrative assistant, former township trustees and park district commissioners, the

⁵⁵ Minutes of the Chester Township Board of Trustees, April 17, 2014. 2014-223. Mr. Radtke moved to approve up to \$21,348.90 payable to the Chester Township Park Board for the following items:

- \$3,275.00 to M.A.L. Enterprises – repainting the gazebo
- \$2,000.00 to Ladislav Zala – electrical engineering configuration layout for lampposts
- \$2,395.00 to Ken’s Parkhill Roofing – replace horseshoe pavilion roof and gutters
- \$3,548.90 to Play & Park Structures – mulch for both playgrounds
- \$2,100.00 to M.A.L. Enterprises – recoat all split rail fencing
- \$2,500.00 Eugene DiFranco – baseball field initial preparation
- \$1,000.00 to Chesterland Kiwanis Club – summer concert series
- \$3,780.00 for Professional House Cleaning Services - Park cleanup expenses
- \$ 750.00 for restroom vandalism repair – Freshly & Sons

Mr. Petruziello seconded. Vote unanimous; motion passed.

⁵⁶ In Re: Chester Township Park District, Case No. 84PC000139, Judgment Entry dated 3/20/14.

Geauga County Auditor and his deputy, and members of the public through their emails, letters⁵⁷ or at a public meeting.⁵⁸ My methodology was to examine each section of the “Review” versus the minutes, any controlling documents and law, contracts or orders for the purchase of goods or services, receipts and disbursements.

In other words, I have examined the questions raised in a broader context and measured generally how the park district operates using the metrics set out in applicable revised code provisions, the district’s by-laws, and best practices for a park district board. Where necessary to provide context to my conclusion and findings and to point to specific deficiencies in process, I have given specific references to park board or township trustee meeting minutes, to specific resolutions and checks approved, or to answers to my specific questions posed during interviews. But it must be emphasized that my analysis of the “Review” is not an exhaustive audit.

I defer any final conclusions as to the specific items delineated in the “Review” relating to financial discrepancies until the audit is complete. Once that audit is complete, I will be notified and the results reported to the court.

⁵⁷ See Exhibit N1 through N10-emails and letters received from the public and attendance list from public meeting with Master Commissioner held on June 26, 2014

⁵⁸ See Exhibit O-notice of June 26, 2014 meeting

Analysis of the "Review"

"Recent Significant Vendor Payments" in 2012 and 2013⁵⁹

Issue 1-Play and Park Structures-\$64,734

Issue Raised-No other quotes obtained



Conclusion-With major enhancement projects there is necessarily going to be major expense. Even if the formal bidding process calling for multiple bids is not mandated because of the dollar amount of the contract, best practices generally require obtaining multiple bids for large dollar expenditures.

When asked why no other bids were obtained for the playground, the commissioners and Ms. Vitale, who was a member of the playground committee, cited the failed attempts to re-engage another vendor, TDA Design, which company the park district had worked with in the initial design and planning stages, as well as the expense of the TDA proposals in the \$200,000 range. They also cited their consultation with the Geauga Park District, their desire to "go with a local company," and the safety credentials of Mr. Varga of Play and Park Structures. I conclude the park district did its due diligence, the details of which are set forth in the chart below.

Park District Meeting Date	What the Records Reveal
2/8/11 meeting	Resolution passed to "allocate \$3,500 to initiate the playground continuation project involving TDA Design [Then Design Architecture]" with a fall target date for installation and to re-

⁵⁹ I have also considered the charts of expenditures prepared by Ms, Vitale in response to the "Review" and my inquiries, which is found in the appendix as Exhibit AA.

	establish the playground committee to seek community input.
February and March, 2011	Letters were sent to “interested citizens” and to school PTOs seeking input and volunteers for the playground committee. Committee members were Margaret Vitale, Ronald Downs and Jim Beazel.
4/4/11 meeting	TDA notified of its selection-“awaiting reply.” Resolution approved appointing Jim Beazel as Leader of the Playground Committee. No community members appeared at the meeting despite invitations sent to school PTOs. A press release will be issued to seek more members.
6/6/11 meeting	Playground Committee will obtain a quote from TDA to include in 2012 budget
6/27/11 meeting	TDA presented the Playground Committee’s equipment selection and cost estimates for 4 project categories. The commissioners decided to present a playground proposal to the Township Trustees seeking 2012 budgeted funds for 3 of the 4 categories. No other specifics were reflected in the minutes. No minutes for the July 14, 2011 budget meeting are in the district records.
8/15/11 meeting	2012 Budget approved and there was no item for playground improvements. Ron and Cathy Cottman attend the meeting and questioned why phase II of the playground expansion project “budgeted for \$215,000” at the June 27, 2011 meeting was removed from the 2012 budget posted at Town Hall. “Ron Cottman requested an explanation of what happened between the Commissioners and the Trustees regarding the change from the budget of June 27 th which was approved and posted at the town hall.” “The Playground Committee fulfilled the commissioners requirement for an initial plan and it was determined that a meeting needs to be scheduled with the Trustees, the Playground Committee and the Commissioners to explain the phase II playground project expansion and discuss fruition plans.” Commissioner Downs reported that he contacted TDA to verify the request for a survey.
1/17/12	TDA will be invited to next meeting to “discuss their planning needs and inform the Park Board of what is involved in the installation project.”
2/2/12 Meeting	Another potential vendor, Then Design Architecture (TDA) was not responding to request for information and to attend a meeting. TDA had requested a “full park survey,” which the board could not justify inasmuch as topographic survey could be obtained from the county. Commissioner Downs was tasked to meet with Mr. Curtain from the Geauga Park District to obtain information on its playground designs and Commissioner Weiss was tasked with contacting Playground World of Chester and to follow up again with TDA.
4/2/12 meeting	Commissioner Weiss reports Playground World will provide their earlier proposal and site plan presented a few years ago

5/3/12 meeting	Presentation by Jerry Varga of Play and Park Structures-works with installer, Playground World of Chesterland. Park District is “no longer working with the TDA Group”
6/14/12 meeting	Mr. Varga presented 2 purchasing options: purchase selected equipment in 2 or 3 phases and keep cost below \$25,000; the other would be to install the selected equipment via The Cooperative Purchasing Network (TCPN). Commissioner Weiss was tasked to consult with the Geauga County Prosecutor to determine eligibility to use this program. The cost of park benches was also determined to be approximately \$517 and Commissioner Weiss has contacted interested donors.
8/23/12 Township Trustees Meeting	Plans and contract presented to the township trustees with the funding request by Commissioner Weiss and Ms. Vitale. Resolution funding the project in the amount of \$24,650 was passed. ⁶⁰
7/12/12 meeting	Commissioner Weiss reports that there has been no final answer from the prosecutor’s office regarding TCPN. If it could be used then the installation could be done in two phases. The commissioners passed resolution to approve the phase one as presented 6/4/12 [sic] with Play & Park in the sum of \$24,126.18 and submit to county prosecutor for contract preparation.
10/18/12 meeting	Check 1683 approved to pay Play & Park \$24,126.18 (for quote 717-65393A)
2/27/13 meeting	Met with Mr. Varga to discuss playground completion. “Updated pricing” noted, but no amounts are reflected in the minutes.
3/21/13 meeting	Resolution was approved to approve a contract with Play & Park to “complete the final playground expansion discussed at the prior meeting.” But there is no contract price or other details reflected in the minutes.
5/16/13 meeting	Check 1758 approved to pay Play & Park \$35,296.65 (for Invoice 30515 for the final phase of equipment)
6/19/13 meeting	Six park benches have been donated and installed and patron’s displays have been ordered; however, the Probate Court file reflects only one park bench donation was submitted to Judge Grendell for approval. ⁶¹
7/2/13 meeting	Check 1803 approved to pay Play & Park \$2,655.74 (for 6 park benches)
7/31/13 meeting	Twelve park benches have been installed “primarily paid for through the donations” and the district “will assume an estimated \$500” for the twelve benches
8/22/13 meeting	Check 1821 approved to pay Play & Park \$2,655.74 (for additional park benches) and commissioners acknowledged Chester Auto Body for donating the labor to mount the twelve plaques on the benches. There was no quantification of the donated labor reflected in the minutes.

⁶⁰ Chester Township Board of Trustees Resolution 2012-489.

⁶¹ 3/20/14 approval of donation by Consolidated Investment Corporation



Conclusion-The NatureWorks funded pavilion project was actually started by the township trustees, who turned the project over to the park district for completion. This is a good example of cooperation between the township and the park district. The project was vetted by the township, the park district and the Ohio Department of Natural Resources. Outside sources of funds were identified and plans obtained from Munson Township at no cost. Given the scope of the project and the end product, I conclude the significant payments were well-spent.

Park District Meeting Date	What the Records Reveal
4/2/12 meeting	ODNR NatureWorks ⁶² has been approved to fund the pavilion which is a part of the master plan for the volley ball court installation. The grant is in the amount of up to \$15,000 with the inclusion of a budgeted 25% funds match from the public entity. Commissioner Weiss obtained drawings from Munson Township prepared to fit the existing concrete pad ⁶³ . H&M to prepare proposal for pavilion.
5/3/12 meeting	Mr. Mazzurco of H&M Landscape presented proposals for pavilion construction to meet ODRN Nature Works grant specifications. No amounts for each option are reflected in the minutes. He also presented proposals for landscape enhancements to complete the volleyball park court installations and repairs to the existing pavilion. Commissioners agreed to further discuss 5 items from this

⁶² Exhibit P-ODNR Letter dated 12/22/11 to Trustee Joyce regarding grant applied for by the Chester Township Board of Trustees

⁶³ Exhibit Q-email dated 4/3/12 from Trustee Joyce to Commissioner Weiss regarding drawings

	proposal totaling \$14,721.01 with H&M.
6/14/12 meeting	ODNR approval both options, and a resolution was passed to go forward with option 1 in the amount of \$20,419 contingent on preparation and review of contract by county prosecutor. (Contract signed 6/28/12.)
7/12/12 meeting	Resolution approved the landscape enhancements of \$14,721.01 contingent on preparation and review of contract by county prosecutor. (Contract signed 8/9/12.)
8/9/12 meeting	Check 1661 approved to H&M \$10,209.50 (for 50% draw on pavilion project)
9/5/12 meeting	Check 1669 approved to H&M \$10,209.50 (for balance on pavilion project)
9/27/12 meeting	Pavilion complete and documents being assembled to submit to state of Ohio for reimbursement per the grant. Minutes reflect H&M "performed several additional required tasks at no cost," without quantification of the value of those donated services. It is also noted that "special Township funds" were approved to purchase gravel for the parking lot adjacent to the baseball field without further detail in the minutes.
10/18/12 meeting	Check 1684 approved to H&M \$10,800.93 (toward landscape enhancements contract)
11/29/12 meeting	Check 1689 approved to H&M \$3,920.08 (toward landscape enhancements contract balance)
5/16/13 meeting	Check 1754 approved to H&M \$1,560.00 (toward repairs to volleyball court area)
7/31/13 meeting	Minutes reflect that Joe Mazurco of H&M donated his time and materials to replace the lighting at the corner of the perennial garden without quantification of the value of this donation. Resolution approving H&M's bids for three separate projects: Perennial Garden Renovation \$1,585.00, Stone Reset Around Driveways and Garden Areas \$1,500.00, and Flower Bed Horseshoe Area Clean Up \$585.00 [sic]. Minutes reflect proposals were obtained from "three local area landscape companies" for this work; however, the records only contain one additional proposal for the stone reset project.
9/12/13 meeting	Check 1832 approved to H&M \$3,665.00 (for the three projects)



Conclusion-When asked about efforts to obtain other quotes, the commissioners indicated that “all vendors” were asked to quote the work for the ball field. The park district arborist recommended the board hire DiFranco. I conclude the park district did its due diligence, the details of which are set forth in the chart below.

Park District Meeting Date	What the Records Reveal
12/9/11 meeting	Commissioner Bidwell was tasked to contact Bart Alcorn (also preps ball fields) and Eugene DiFranco to obtain assistance on baseball field renovation and get time estimate for the work
3/5/12 meeting	Wayne Williams from the West Geauga Baseball Federation attended meeting to discuss its use application and “commitment to the ongoing field maintenance.” Mr. Williams offered his assistance in evaluating the renovation project. Alcorn “will perform the required pre-maintenance of the field and invoice the Park Board for that initial job.” No dollar amount noted.
4/2/12 meeting	Mr. DiFranco discusses drainage issues. Minutes note that the

	township road superintendent is willing to assist in investigation of the drainage issue and proving trenching services. Mr. DiFranco will submit a proposal.
5/3/12 meeting	Commissioner Weiss reports of possible drainage temporary fix by road department while full renovations plans are being prepared
6/28/12 meeting	Within the 2013 Proposed Budget is an estimated project costs for field renovation of \$25,000
7/12/12 meeting	“Proposals are being requested to determine the scope, timing and cost of the work”
8/9/12 meeting	Minutes reflect that Commissioners Bidwell and Weiss met with DiFranco at the ball field to discuss the “necessary renovations.” ⁶⁴ Resolution was adopted to accept the 7/27/12 proposal from DiFranco in the sum of \$23,600 contingent upon documentation and contract. (Contract was signed 9/5/12.)
9/5/12 “emergency” meeting	Contract with DiFranco signed and commissioners also approved \$1,700 contract with ABV Contractors, Inc. to scope the ball field drainage pipes “if deemed necessary” by Mr. DiFranco
11/29/12 meeting	Check 1688 approved to DiFranco Landscaping \$21,240.00 (10% retained because 90% of the project complete and the balance to be done in the spring)

Issue 4-Electrical Contractor Payments \$52,411 Issue Raised: No specific issue identified other than to note that the payments were “significant”

The “Review” identifies these specific vendors and payment totals:

Peerless Electric	2012-2013	\$36,996
Chesterland Electric	2013	\$9,509
Hi Lite Maintenance	2013	\$3,065
ElectroLite	2013	\$2,841

Conclusion-The electrical system at Parkside has historically been problematic. With input from a consultant and the recent investments in upgraded lighting system, the lighting expense “black hole” should become manageable. I conclude the “significant” payments were necessary to continue to offer the park for evening games and events, and the park district did its due diligence, the details of which are set forth in the chart below.

⁶⁴ See “Sunshine Law” discussion infra., regarding the issues raised in the “Review” about this meeting.

Park District Meeting Date	What the Records Reveal
1/17/12 meeting	Presentation by Laszlo Zala, electrical engineer, for two proposed lighting plans for the volleyball court. Approved resolution to request Zala to given written details of what he would provide to the district to assist in the preparation of scope and specifications packages for contractor bids for his \$1,500 engineering fee
2/2/12 meeting	Approved resolution to accept Zala's engineering proposal and \$1,500 fee
3/5/12 meeting	Zala presents specification package. He will review the bids and make a recommendation once bids are received
4/2/12 meeting	Commissioner Weiss reported he requested volleyball lighting bids from "three local area electrical contractors found in the phonebook." Responses: Chesterland Electric "job is outside of their scope and too large"; Kennington Electric and Peerless Electric "will provide a quote"
5/3/12 meeting	Two quotes received and commissioners found that both are under the competitive bidding threshold. Zala is evaluating the bids.
6/14/12 meeting	Peerless bid is accepted contingent on contract review by county prosecutor. No amount is stated in the minutes.
6/28/12 meeting	Peerless contract approved and signed. Minutes do not reflect the amount of the contract. (From other documents I found the Contract price was \$24,650.)
	Peerless was also contacted to perform an emergency lighting repair performed on June 22, 2012 to the ball field light fixtures to meet needs of scheduled games in the amount of \$1,589. Check 1643 to Peerless \$1589.00 was approved.
	Proposal from Peerless dated 6/27/12 to provide a monthly park electric inspection and report at a cost of \$110 per month for the months of April through December approved.
	The Proposed Capital Budget for 2013 included \$10,000 for "Safety Lighting" near the new pavilion area parking lot and \$5,500 for "Holiday Lighting/Decorations"
7/12/12 meeting	Check 1651 approved to Peerless \$6,162.50 for the 25% down payment for the volleyball lighting project. No requisition form signed, only an email initialed apparently by Commissioner Downs
8/9/12 meeting	It was noted that the Chester Road Department performed the trenching for the volleyball court lighting project without any quantification of the value of these services.
9/5/12 meeting	Check 1663 to Peerless \$10,353.00 approved (42% of the contract price) Job estimated to be complete by the "end of the week"
9/20/12	Check 1674 \$8,134.50 to Peerless for volleyball court lighting issued but not approved in minutes
9/27/12 meeting	Minutes reflect "Peerless Electric will install the light fixtures along the ceiling" of the new pavilion. No mention of cost or approval of a proposal.
10/18/12 meeting	Check 1686 to Peerless \$225.00 approved (for gazebo repairs) Peerless presented a quote to relocate wires in the playground area. Resolution approved a 10/17/12 Playground Lighting Base Bid for

	\$900.
11/29/12 meeting	Check 1697 to Peerless \$925 approved (to pay new pavilion power and lighting contract dated 10/5/12) It appears this is the pavilion lighting project discussed at the 9/27/12 meeting, and there is no resolution approving the contract.
2/27/13 meeting	Check 1713 to Peerless \$1,450 approved (for ½ of the purchase option for the holiday lights) It is presumed that this stems from the resolution passed at the 1/3/13 meeting to “fund the holiday lighting/decoration project up to \$5,500 the 2013 budgeted amount”.
	Check 1716 to Peerless \$720 (for flag pole light repair per 12/27/12 invoice) and there is no resolution approving the contract
	Check 1723 to Peerless \$1,450 (for the second payment toward the holiday lights/purchase)
3/21/13 meeting	Resolution approved to contract with Chesterland Electric for the expanded parking area \$5,315.00. No mention in the minutes of any other quotes received. (Commissioner advised that Peerless submitted a quote.)
4/17/13 meeting	Check 1737 to ElectoLite \$2,841.65 (for installation of hanging baskets and banners) It appears this is the “park banners” mention in the minutes from the 3/21/13 meeting, and there is no resolution approving the contract.
	Check 1740 to Peerless \$605.00 (for rope lighting)
5/16/13 meeting	Check 1749 to Peerless \$900.00 (for third and final payment for holiday lights/decorations purchase)
	Check 1755 to Hi Lite Maintenance \$3,065 (to install flagpole and lighting) The minutes of the 2/27/13 meeting reflect a resolution passed approving the “purchase and installation” of new flag pole and flag from The Flag Store for \$2,500
	Check 1774 to Chesterland Electric \$4,500.00 (for parking lot project) approved 3/21/13
6/19/13 meeting	Resolution approved a quote from Peerless in the sum of \$1,395.00 to replace the 1500 W ball field light
	Check 1787 to Chesterland Electric \$3,750.00 (to pay the balance for the parking lot project plus “extras.”) Total cost \$8,250.00 Approval of extras not reflected in the minutes.
7/31/13 meeting	Check 1807 to Peerless \$767.50 approved (for monthly inspection performed 6/5/13 and repairs) Check 1812 to Chesterland Electric for \$291.18 actually written but minutes show check was to Sal Charillio for \$291.
8/22/13 meeting	Resolution passed and Check 1826 to Peerless \$320.00 approved for temporary electric service panels for Chesterfest
	Check 1829 to Chesterland Electric approved (for \$290.00 for soda machine light) No resolution to approve work.
11/13/13 meeting	Resolution approved to contract with Peerless for temporary installation and the removal of outlets and cabling for holiday lights for \$1,500

	Check 1842 to Peerless approved \$1,395 (for 1500 W ball field light)
12/19/13 meeting	Check 1860 to Peerless approved (for \$2,000 for holiday lights) This was the contract for \$1,500 approved at the 11/13/13 meeting plus \$500 extras. Approval of extras not reflected in the minutes.

Issue 5-Tree work and arborist charges **Issue Raised: No specific issue identified other than to note that the payments were “significant”**



The “Review” identifies these specific vendors and payment totals:

Inspeyered Tree Service	\$5,760
The Pruning Company	\$4,815
Apex Land Management	“paid \$1,690 for a two year period expenditure of \$12,265”

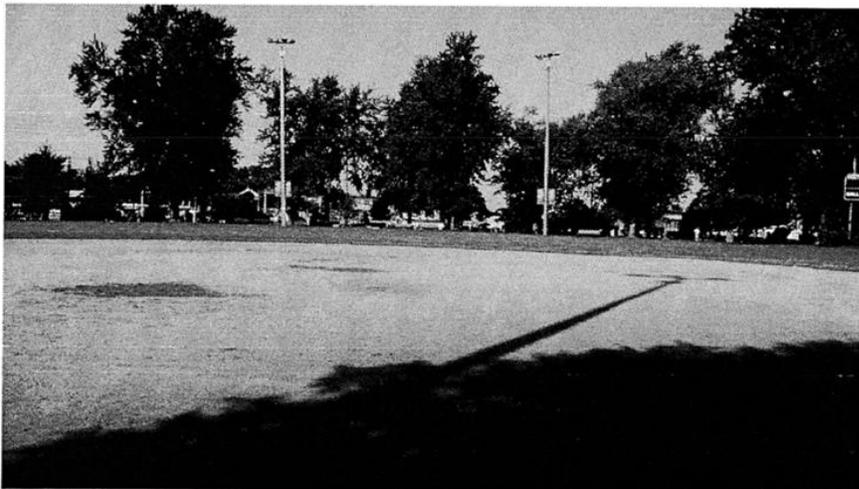
Conclusion-Engaging an arborist and tree service contractors to maintain a park with many large, mature trees seems to be an obvious and necessary expense. The total expenditure number is “significant” because it appears significantly higher than the budgeted amount. However, tree maintenance is separate and apart from other tree work associated with a project, e.g, removing trees from the volleyball area. I conclude the park district did its due diligence in selecting a Forester, and it was reasonable for the park district to rely on his advice and his recommendation of contractors as detailed in the chart below.

<i>2012 Budget request</i>	<i>Included \$2,500 for arborist tree trimming expenses</i>
Park District Meeting Date	What the Records Reveal
2/8/11 meeting	Three applications for position of Forester were received and resolution passed to select Dave Allen and the arborist consultant. No mention in minutes of contract terms.
3/7/11 meeting	Minutes mention commissioners review a document submitted by Mr. Allen stating his available services and rate, but no specifics given. The document is apparently the 3/2/11 rate letter from The Pruning Company, LLC setting Mr. Allen’s rates of \$45 per hour for consulting services and \$60 per hour for tree care services
1/17/12 meeting	Park arborist Allen recommended pruning for health and safety. “He referred Inspeyered Tree Service of Chesterland to perform the work over the winter months as their rate is more competitive during this time.” Mr. Allen was tasked to obtain 3 quotes for the necessary pruning.
2/2/12 meeting	Mr. Allen presented quote from Morningstar Tree Service and Inspeyered Tree Service. Resolution passed to approve the lower bid of \$2,400 from Inspeyered.
	Check 1621 to The Pruning Company (Dave Allen) approved \$390 for consulting and pruning work
6/28/12 meeting	2103 Proposed Budget included \$5,310 for Arborist-Safety Pruning
8/9/12 meeting	Resolution approved for contract with Inspeyered Tree Service for \$3,360.00 for tree removal by volleyball courts
	Check 1657 approved to Inspeyered Tree Service \$2,400 approved at the 2/2/14 meeting
9/27/12 meeting	Check 1675 approved to the Pruning Company \$675.00 for arborist services & labor
1/3/13 meeting	Resolution passed approving contract to Apex Land Management for planting trees \$1,000
	Check 1702 approved to the Pruning Company \$330.00 for arborist services & labor
1/24/13 meeting	Resolution passed approving contract with Apex for stump removal \$425.00

	Check 1709 approved to Apex Land Management for \$1,265.00 for planting approved on 1/2/13 and extra clean up services
3/21/13 meeting	Check 1728 approved to the Pruning Company \$1,237.50 for arborist services
4/17/13 meeting	Check 1734 approved to Apex Land Management \$425.00 for 1/24/13 stump removal contract (Check was voided but that fact was not reflected in the minutes)
	Check 1743 approved to Apex Land Management \$120.00 for stump grinding
5/16/13 meeting	Check 1769 approved to the Pruning Co. \$1,252.50 for arborist services and labor
	Check 1781 approved to Apex Land Management \$425.00 (reissued to replace Check 1734)
7/31/13 meeting	Check 1819 approved to The Pruning Company \$930.00 for arborist services and labor

“Recent Commissioner Actions Resulting in Increased Spending”

Issue 1-Dragging Ball infield	Issue Raised: Prior to 2013, Bart Alcorn was hired to drag infield and was paid \$650 in 2012; then DiFranco Landscaping was hired to do the work for \$2,480
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Conclusion-I went back to examine what Mr. Alcorn did for the \$625. In 2010, he was paid \$650 to do one pre-season field preparation. In 2011, he charged \$650 for this same pre-season prep work. This is different work than preparing the field before a game. I conclude the “Review” is not making an “apples to apples” comparison as detailed in the chart below.

Park District Meeting Date	What the Records Reveal
11/29/12 meeting	Commissioners noted that a discussion of having DiFranco Landscaping (who was doing the field renovations) do the field maintenance the first year “to ensure proper upkeep” would be had at a future meeting. They also noted that the West Geauga Baseball Federation “will need to be informed... since they have maintained the field in the past.”
1/3/13 meeting	Commissioners again noted that a discussion of having DiFranco Landscaping (who was doing the field renovations) do the field maintenance the first year “to ensure proper upkeep” would be had at a future meeting. Minutes also note that a “memo will be sent to West Geauga Baseball Federation informing them that DiFranco Landscaping will maintain the field for the 2013 season and that use fees will be imposed to defray the maintenance cost.
1/24/13 meeting	Proposal to charge West Geauga Baseball Federation use fee of \$250 per day for five days per published rates. No vote.
5/16/13 meeting	Resolutions passed to contract with DiFranco to prepare and maintain the ball field at a contract price of \$85.00 per prep. Minutes reflect that the West Geauga Baseball Federation offer to donate \$50 toward the expense, but in light of the Federation’s shortage of funds a resolution passed to waive the field prep fee for the 2013 season.
11/13/13 meeting	Check 1846 approved to DiFranco Landscaping \$2,480 for 24 drags of the infield (\$2,040) approved at the 5/16/13 meeting plus extras for materials for the field, e.g. base plugs, bags (\$315.00) and one field aeration due to compaction (\$125.00). Extras were not included in any resolution.

Issue 2-Hiring Dave Allen of The Pruning Company	Issue Raised: None specifically stated as the park’s resident arborist apart from a total three year fees of \$7,315.00
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Conclusion-As previously noted, engaging an arborist is essential. The park district advertised its RPF, reviewed three quotes, and accepted the lowest quote.

Park District Meeting Date	What the Records Reveal
11/1/10 meeting	Commissioner Downs was tasked with preparation of an ad for a certified forester “for work consisting of safety pruning, assisting in the selection and placement ... of memorial trees & plaques and two year tree planting phase schedule corresponding with park plans with a specified mandatory meeting attendance.”
1/3/11 meeting	No applications had been received in December in response to RFP in the Chesterland News. The RFP was very detailed and called for a two year contract
2/8/11 meeting	Three applicants: Knowles Municipal Forestry \$50/hr; The Pruning Co. LLP (Dave Allen) \$45/hr; and Douglas Yates \$70/hr.

Issue 3-Land & Site Contractor Services Hired 2013 to mow grass and do janitorial work 1 day/week from 4/1-11/30 (2013 paid \$16,493)

Issued Raised: Road Dept. previous did this

**Professional House Cleaning Service hired to clean restrooms
A minimum of two days per week at \$45/day (2013 paid \$2,742.30)**

Conclusion-I conclude the park district had no choice but to hire outside contractors because of increased demands on the road department as detailed in the chart below.

Park District Meeting Date	What the Records Reveal
1/3/13 meeting	Chester Township Road Department Groundskeeper Mark Rosieum spoke to the commissioners about issues and concerns about the proper maintenance of the parklands and the reasons why the park district may have to hire an outside crew to perform this work. He cited increase in parklands and new equipment needs in order to meet the increased tasks.
1/24/13 meeting	Arborist was tasked with compiling a list of duties to maintain the park. Minutes reflect “several local landscape contractors have been solicited to provide a quote to the park for these maintenance services. Considering the funds required to maintain the Park in the past, the Commissioners are moving forward to assigning the upkeep of the Park to a single contracted source of services instead of a combination of two Road Department employees performing the maintenance and the law cutting. Due to a lack of resources and time some of the maintenance was overlooked in the past by the Road Department because of other more pressing jobs and therefore the condition of the Park is at a lower standard.”
4/17/13 meeting	Arborist conducted a review and bidding process and recommended Land & Site, a local company. Resolution approved to hire the firm at a contract price of \$15,495 for period from April 1 through November 30, 2013. Contract signed 4/17/13. An additional resolution passed to hire Professional Home Cleaning a local company to do addition janitorial work a minimum of two days a week at \$45/day. Contract signed 4/17/13. Neither the minutes nor the letter from Mr. Allen specifically detail any other bidders or RFPs.

Issue 4-Peerless Electric Monthly Inspections

Issue Raised: No specific issue identified other than to note that the payments were “significant”

Conclusion-I found only one monthly inspection and one payment for that inspection. I cannot find where any additional monthly inspections were performed or paid, and I confirmed in my interviews with the park district’s fiscal officer that no other inspections were done.

Park District Meeting Date	What the Records Reveal
6/28/12 meeting	Proposal from Peerless dated 6/27/12 to provide a monthly park electric inspection and report at a cost of \$110 per month for the months of April through December approved. No proposal in the records.
7/31/13 meeting	Check 1807 to Peerless \$767.50 approved for monthly inspection performed 6/5/13 and repairs. Written report form is in the park records.

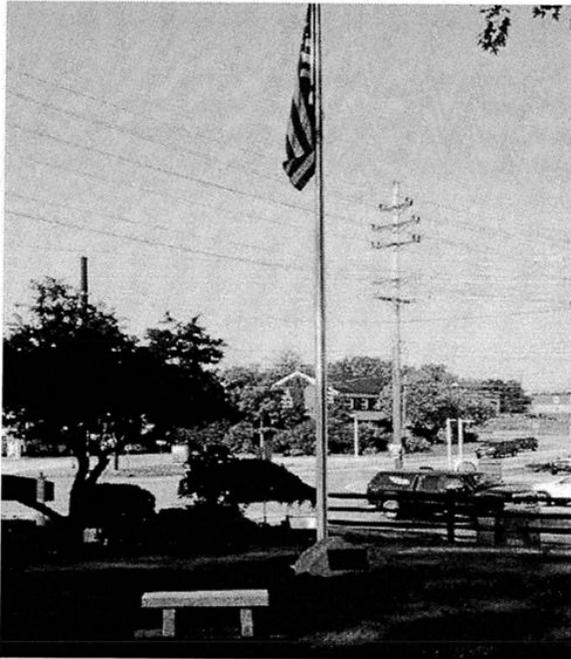
Secretarial Costs 2011 \$2,710 2013 \$4,422	Issue raise: Increase from 2011 by 61% 2014 Funding Request to Chester Township Trustees indicated secretary costs at \$3,600 “same as last year” but last year’s amount was \$4,422
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Conclusion-When I inquired about the increased amount, Ms. Vitale explained that she has been required to put in more time with the increased level of activity and number of park projects. She has also spent many hours doing work at the park for which she has not sought compensation. Commissioner Weiss explained that the “same as last year” notation was simply an error.

Park District Meeting Date	What the Records Reveal
8/6/2007 meeting	Resolution approved to hire Ms. Vitale’s predecessor, Michele Reksten and to change the title for the position from “Secretary” to “Administrative Assistant.” No mention made in minutes of amount to be paid.
12/21/09 meeting	Commissioners inquire whether time logs for secretary were being maintained. Secretary maintains time on “slips of paper” and then transfers them to a log. (Logs are being maintained by Ms. Vitale)
8/30/10 meeting	Resolution approved to appoint Margaret “Peg” Vitale as new Administrative Assistant. No mention of pay rate.
1/3/13 meeting	Resolution approved to increase Park Secretary’s rate to \$15.00

Deviations from 2013 Stated Park Projects

Issue raised: Actual spending was 20% over estimate presented to Chester Township Trustees on 2/7/13⁶⁵



⁶⁵Exhibit R-Chester Township Park District Project Estimates dated 2/7/14

From the “Review”: Project/cost estimate/ 2013 payments (as calculated by the “Review”) and Comments in “Review”	What the Records Reveal
Playground completion Estimated cost \$25,000 2013 payments \$35,296 (\$10,296 over estimate)	2/27/13 meeting (after the date of the estimate)- Met with Mr. Varga to discuss playground completion. “Updated pricing” noted, but no amounts are reflected in the minutes. 3/21/13 meeting-Resolution approving a contract with Play & Park to “complete the final playground expansion discussed at the prior meeting.” But there is no contract price or other details reflected in the minutes. 5/16/13 meeting-Check 1758 approved to pay Play & Park \$35,296.65 for Invoice 30515 for the final phase of equipment
Ball field outfield renovations- Not done Estimated cost \$25,000 2013 payments -0-	6/19/13 meeting-the minutes reflect that the “timing of the ball field outfield work to complete the ball field project will be discussed at future meeting.”
Pavilion repair-horseshoe pit area Estimated cost \$6,000 2013 payments -0- Not done, except gutter work for \$300-\$500	I found nothing in the records regarding this proposed project. In my interviews with the Commissioners and fiscal officer, I learned that they decided to put this off for a year, and the gutter work was for the gazebo.
Maintenance Estimated cost \$18,000 2013 payments \$40,614 (\$22,614 over estimate) \$2,480 for DiFranco dragging \$2,841 for ElectoLite \$5,207 for Peerless \$2,135 for Freshley \$3,065 for Hi Lite \$1,100 for bench painting \$16,493 for Land & Site \$2,742 for restroom cleaning	DiFranco dragging the ball field-this used to be done by the West Geauga Baseball Federation. Electolite –payment to hang baskets & banners Peerless-multiple electrical repairs Freshly-plumbing work to upgrade the bathroom fixtures and repair men’s bathroom. \$250 was donated by the West Geauga Kiwanis after the commissioner solicited donations to do the upgrade and install a drinking fountain (see 7/2/13 meeting). 8/22/13 resolution to approve \$1,850 to complete the replacement of flush valves and sink faucets Hi Lite-new flag pole and lighting installation Bench painting is self-explanatory Land & Site and Professional Home Cleaning- The actual maintenance cost for FY 2012 was \$18,174.30, so the estimated cost for 2013 of \$18,000 was in line if the road department was going to continue to do the work as in the past. However, the road department and the commissioners began to question whether

<p>\$3,750 for the Pruning Company \$801 for Turney's</p>	<p>this arrangement could continue. See the entire discussion above regarding the contract to Land and Site and Professional Home Cleaning regarding the increase for these services triggered by outsourcing and not being able to use the road department See entire discussion above regarding the need for a park arborist</p>
<p>Park signs-not listed in the 2013 plan Estimated cost -0- 2013 payments \$3,963</p> <p>Park signs by All-ways Flasher for \$963</p> <p>\$3,000 to Guthrie Designworks</p>	<p>All-Ways Flasher-park safety signs determined to be needed at 4/17/13 meeting</p> <p>3/21/13 meeting-resolution passed to purchase a new Parkside sign from Guthrie and Check 1732 to Guthrie Designworks \$1,200 approved (for down payment on the initial sign at a cost of \$3,000) 4/17/13 meeting-resolution approved to purchase two more Parkside signs from Guthrie for \$1,200 (But these were never purchased) Check 1745 to Guthrie Designworks \$600 approved (for second payment on the initial sign) 5/16/13 meeting-Check 1766 to Guthrie Designworks \$1,200 approved (for the final payment on the initial sign)</p>
<p>Park benches-not listed in the 2013 plan Estimated cost -0- 2013 payments \$5,311</p>	<p>6/28/12 meeting a park bench donation project is first discussed 7/31/13 meeting \$500 assumed by the park district for this park bench donation project \$8,750 in park bench donations have been received⁶⁶</p>
<p>Drainage trench along walkway-not listed in 2013 plan Estimated cost -0- 2013 payments \$3,548</p>	<p>6/19/13 meeting brick walkway flooding problem raised and resolution passed to contract with Abate Landscaping to perform the drainage work</p>
<p>Perennial garden renovation by H&M-not listed in 2013 plan Estimated cost -0- 2013 payments \$1,585</p>	<p>1/24/13 meeting Ms. Slane from the Perennial Gardeners informed that approximately \$700 is spent per year for planting and maintaining the garden. Resolution approved to provide \$500 in support of their work 3/21/13 meeting Ms. Plank from the perennial gardeners informed district that they will require help to continue to maintain the corner garden 7/31/13 resolution approve to contract perennial garden improvements to H&M \$1,585</p>
<p>Holiday Lighting Estimated cost \$5,500</p>	<p>1/3/13 meeting- resolution adopted to fund the project up to \$5,500 11/13/13 meeting-resolution to approve the same amount paid in</p>

⁶⁶ Exhibit S-Chester Township Park District Donations 2013 list

<p>2013 payments \$7,400 (\$1,900 over budget)</p>	<p>2012 to Peerless to set up and take down the outlets and cabling. 12/19/13 meeting Check 1860 to Peerless approved for \$2,000 for holiday lights. This was the contract for \$1,500 approved at the 11/13/13 meeting plus \$500 in extras 11/13/13 meeting Check 1845 approved to Rotary for \$3,000. <u>A review of 2013 checks for holiday lighting reveals:</u></p> <table border="0"> <tr> <td>02/07/2013</td> <td>1713</td> <td>Peerless Electric</td> <td>Holiday Lighting</td> <td>1,450.00</td> </tr> <tr> <td>03/13/2013</td> <td>1723</td> <td>Peerless Electric</td> <td>1/18/2013 memo</td> <td>1,450.00</td> </tr> <tr> <td>05/06/2013</td> <td>1749</td> <td>Peerless Electric</td> <td>Holiday electric equipment</td> <td>900.00</td> </tr> <tr> <td>10/01/2013</td> <td>1845</td> <td>Rotary Club of Chesterland</td> <td>Holiday display</td> <td>3,000.00</td> </tr> <tr> <td>12/18/2013</td> <td>1860</td> <td>Peerless Electric</td> <td>Christmas lighting</td> <td>1,500.00</td> </tr> <tr> <td>12/18/2013</td> <td>1860</td> <td>Peerless Electric</td> <td>Extension cords</td> <td>500.00</td> </tr> <tr> <td colspan="5">TOTAL \$8,000</td> </tr> </table>	02/07/2013	1713	Peerless Electric	Holiday Lighting	1,450.00	03/13/2013	1723	Peerless Electric	1/18/2013 memo	1,450.00	05/06/2013	1749	Peerless Electric	Holiday electric equipment	900.00	10/01/2013	1845	Rotary Club of Chesterland	Holiday display	3,000.00	12/18/2013	1860	Peerless Electric	Christmas lighting	1,500.00	12/18/2013	1860	Peerless Electric	Extension cords	500.00	TOTAL \$8,000				
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TOTAL \$8,000																																				
<p>Parking lot expansion and horseshoe driveway gravel-new pavilion and lighting walkway area and park and electric relocation expense Estimated cost \$21,000 2013 payments \$24,093 (\$3,092 over budget)</p> <p>\$6,299 for gravel \$3,500 for Podogil Excavating \$1,500 to H&M for stone boundary wall replacement \$585 to H&M for added top soil & mulch \$9,509 to Chesterland Electric \$646 to Costco for lamps \$2,054 to Yandell and Costco for lamps and Costco membership 6 out of 10 lamps purchased have been installed)</p>	<p>1/24/13 meeting -discussed expanding the parking lot area. Mr. Parker to perform survey</p> <p>2/27/13 meeting -police chief and road department support the revised parking plan and resolutions approved to spend up to \$2,500 for Podogil Excavating to revamp the driveway and up to \$750.00 for additional gravel for the horseshoe driveway. Mr. Parker's survey and drawings delayed due to the weather.</p> <p>\$2,054 to Yandell and Costco for lamps and Costco membership-requisition signed by Weiss and Yandell on date of purchase 1/29/13 and Check 1711 dated 2/1/13 was cashed on 2/7/13 and was approved at the 2/27/13 meeting</p> <p>3/21/13 meeting -Mr. Parker presented the updated parking area survey. Resolution to approve contract with Chesterland Electric for \$5,315 to perform the electric work.</p> <p>4/17/13 meeting-resolution approved to spend \$1,000 for more gravel and Mr. Parker presented additional plans for split rail fencing and block edging</p> <p>5/16/13 meeting: Check 1759 to Podogil Excavating \$3,500 Check 1763 to All-Ways Flasher Services \$140.84 Check 1765 to Deepwoods Trucking \$5,779.52 (gravel) Check 1773 to All-Ways Flasher Services \$239.62 Check 1774 to Chesterland Electric \$4,500 (parking lot-partial payment) Check 1772 to Al Parker \$300</p> <p>6/19/13 meeting: Check 1783 to Costco \$646.47 Check 1878 to Chesterland Electric \$3,750 (parking lot-balance due)</p>																																			

	<p>7/31/13 meeting resolution passed to accept 1 (H&M) of 3 bids to replace stone boundaries around new driveway and repair stone walls around driveway gardens \$1,500</p> <p>9/12/13 meeting Check 1832 to H&M \$3,665 for stone boundaries and other projects outside of the driveway area Check 1839 to Deepwoods Trucking \$519.79 for more gravel</p>
Patio stones for Fire Department Patio-not listed in 2013 plan Estimated cost -0- 2013 payments \$620	<p>5/16/13 meeting -Check 1751 to American Rail Road Tie \$620.60 6/19/13 minutes reflect "goodwill efforts by commissioners" including fire station patio, painting the road department building "efforts assumed by Park Board to improve the overall appearance of the Township campus adjacent to the Park."</p>
Garden design by Mary Singluff-not listed in 2013 plan Estimated cost -0- 2013 payments \$400	<p>5/16/13 meeting-Check 1778 to Mary Singluff \$400 No resolution</p>
Apex planting trees and stump grinding-not listed on 2013 plan Estimated cost -0- 2013 payments \$1,690	<p>1/3/13 meeting-resolution to contract with Apex to plant the live tress from the holiday lighting up to \$1,000 1/24/13 meeting-Check 1709 to Apex Land Management \$1,265 Resolution passed to contract with Apex for stump removal \$425 4/17/13 meeting-Check 1734 to Apex Land Management \$425</p>
Staining and painting labor and materials- Estimated cost \$17,000 2013 payments \$16,809 (\$191 under budget)	<p>\$12,080 to MAL \$4,729 to Sherwin Williams⁶⁷ 2/27/13 meeting-resolution approved contract with 1 (MAL) of 2 contractors for wash, treat and stain park structures in the sum of \$8,530 4/17/13 meeting under "Staining Park Structures"-minutes refer to a resolution passed at the 1/24/13 meeting approving MAL Enterprises to stain and paint all park structures in the amount of \$7,530. Minutes also reflect discussion of additional work to be added including power washing gazebo bricks and power washing all park fencing and oil staining. Resolution passed to approve an additional \$1,970.</p> <p><u>Review of the MAL Contract dated March 21, 2103</u> 2/5/13 proposal price \$7,560 with a 50% draw upon acceptance \$3,780 2/10/13 amended proposal adding \$970.00-TOTAL NOW \$8,530 3/20/13 additional amendment adding \$1,000-TOTAL NOW \$9,530 <u>Add on after contract-see Invoice dated 4/27/13</u> An addition \$2,550 was added for painting bathrooms, service garage, and power wash brick walkways TOTAL NOW \$12,080</p>

⁶⁷ It should be noted that there has been a problem with assuring that vendor accounts are charged properly so that, for instance, charges at Sherwin Williams are put on the park district account rather than the township account.

	<p>N.B. invoice shows and \$325.00 donation discount to the walkway power washing</p> <p>4/17/13 meeting-resolution approved a draw to MAL \$3,500 to complete painting, staining and power washing services</p> <p>4/17/13 meeting: Check 1733 dated 4/9/13 to MAL Enterprises \$3,780 Check 1741 to Sherwin Williams \$1,354.61 Check 1747 to MAL Enterprises \$3,500</p> <p>5/16/13 meeting: Check 1757 to MAL Enterprises \$1,300.00 Check 1782 to MAL Enterprises \$3,500.00</p>
<p>Gutters and downspouts-new pavilion Estimated cost \$300 2013 payments \$835 (\$535 over budget)</p>	<p>2/27/13 meeting-resolution passed to contract with H&K to install gutters on the pavilion up to \$535</p> <p>3/21/13 meeting-received estimate from H&K of \$350 for new gutters on the horseshoe pit pavilion. Additional quote would be sought.</p> <p>5/16/13 meeting: Check 1750 to H&K \$835. No resolution</p>
<p>Horseshoe pit repairs Estimated cost \$1,000 2103 payments \$1,000 No "deviation"</p>	<p>5/16/13 meeting: Check 1761 to Bob Lautenschleger \$335 for construction materials for new backstops. Labor donated by the West Geauga Horseshoe Club.</p> <p>Check 1775 to Claridon Barns \$665for new shed installed by the road department \$100 discount on the purchase given by Claridon Barns)</p>
<p>Perennial Gardeners Estimated cost \$1,000 2013 payments \$500 donation</p>	<p>1/24/13 meeting-resolution approved for a \$500 donation given to the club by the district to help off-set club's annual expense of approximately \$700</p> <p>7/31/13 resolution approve to contract perennial garden improvements to H&M \$1,585</p>
<p>Hanging flower baskets Estimated cost \$1000 2013 payments \$3,298 Bremec \$2,048 Sal Charlillo [sic] \$1,250</p>	<p>2/27/13 meeting resolution approved to purchase and install seven park banners from Design Viewpoints and install flower basket brackets on park poles for \$2,334.(3/21/13 meeting minutes reflect ten)</p> <p>4/17/13 meeting: Check 1735 to Bremec Greenhouse and Nursery \$692 for brackets</p> <p>6/19/13 meeting: Check 1784 to Sal Charlillo \$1,000 to remove Chester Township banners and flowers baskets and rehang flower baskets</p> <p>7/2/13 meeting: Check 1800 to Bremec Greenhouse and Nursery \$761.92 for baskets Check 1805 to Sal Charlillo balance due on 5/31/13 invoice 497275</p> <p>9/12/13 meeting-resolution passed to approve \$594.13 to Bremec for the flower baskets for Chester Township</p> <p>9/12/13 meeting:</p>

	<p>Check 1831 to Bremec Greenhouse and Nursery \$594.13 7/31/13 meeting: Check 1809 to Sal Charlillo \$150 to remove and rehang 4 Chester Township banners N.B. Check 1812 to Sal Charlillo \$291 (was actually a check to Chesterland Electric)</p> <p><i>Actual total to Bremec for Park District Flowers & banners was \$1,453.92 for the baskets & brackets. The \$594.13 for Chester Township flower baskets was a donation to the township by the park district.</i></p> <p><i>Total to Charlillo \$1,250.00 to remove and rehang banners and baskets for Chester Township was a donation to the township by the park district.</i></p> <p><i>ElectroLite installed the park district hanging flower basket brackets at no charge. (See 3/18/13 invoice for hanging banners below**)</i></p>
<p>Park banners Estimated cost \$2,400 2013 payments \$1,344</p>	<p>2/27/13 meeting resolution approved to purchase and install seven park banners from Design Viewpoints and install flower basket brackets on park poles for \$2,334.(3/21/13 meeting minutes reflect ten) 2/27/13 meeting: Check 1718 to Design Viewpoints \$784 for 7 banners 3/21/13 meeting: Check 1726 to Design Viewpoints \$336 for 3 banners 5/16/13 meeting: Check 1752 to Design Viewpoints \$224 for 2 banners</p> <p><i>Total banner cost was \$1,344, but "Review" does not include the cost to install the banners.</i></p> <p>4/17/13 meeting-Check 1737 to ElectroLite for \$2,841.65 approved for installation of park district banners (**Invoice 48662 dated 3/8/13 to install 6 banners \$2,324.99 and Invoice 48669 dated 4/1/13 to install 2 additional banners \$516.66)</p>
<p>BBQ grills Estimated cost \$1,300 2013 payments -0- Not done</p>	<p>I found no specific mention in minutes. My interviews with the Commissioners and Fiscal Officer revealed this was a concept added to the proposal at the last minute, but it was never discussed at a meeting or pursued further.</p>
<p>Flag pole Estimated cost \$4,000 2013 payments \$2,291 (\$1,709 under budget)</p>	<p>2/27/13 meeting -The minutes reflect a resolution passed approving the "purchase and installation" of new flag pole and flag from The Flag Store for \$2,500 and two residents have donated \$500 each toward the new flag pole.⁶⁸</p>

⁶⁸ Exhibit S-Chester Township Park District Donations 2103, which reflect 3 donors for a total of \$1,500.

	<p>2/27/13 meeting: Check 1722 to The Flag Store \$1,000</p> <p>5/13/16 meeting: Check 1753 to The Flag Store \$1,291.48 Check 1755 to Hi Lite Maintenance \$3,065 to install flagpole and lighting.</p> <p>Actual cost for flag and pole \$2,291.48 Actual cost for installation and lighting \$3,065 Less donations \$1,500 Total actual cost \$3,856.48</p>
Pavement markings not listed in 2013 plan Estimated cost -0- 2013 payments \$250	<p>6/19/13 meeting: Check 1786 to Brite Stripe Pavement Markings for \$250 approved No resolution specifically addressing this item.</p>
Chesterland News ads not listed in 2013 plan Estimated cost -0- 2013 payments \$874	<p>4/17/13 meeting: Check 1736 to Chesterland News \$250 for park bench ad</p> <p>6/19/13 meeting: Check 1788 to Chesterland News for \$400 for Memorial Day ad 8/22/13 meeting minutes reflect a full page thank you ad in the Chesterland News was placed to thank vendors in the 8/21/13 edition</p> <p>8/22/13 meeting: Check 1820 to Chesterland News \$16.00 for legal ad</p> <p>11/13/13 meeting: Check 1841 to Chesterland News \$412.50 for Chesterfest ad</p> <p>12/19/13 meeting: N.B. Check 1857 to Chesterland News \$45.62 Check 1857 to Chesterland News for \$45.62 actually a check to All-Ways Flasher for \$45.62</p> <p>Total was actually \$1,075.50</p>
Custom Logos work? not listed in 2013 plan Estimated cost -0- 2013 payments \$754	<p>6/19/13 meeting: Check 1797 (Actually check 1796) to KT Custom Logos \$538.99 for plaques for benches. (Check 1797 was actually a check to Ms. Vitale for \$682.17)</p> <p>8/22/13 meeting: Check 1823 to KT Custom Logos \$216 for plaques for benches No specifics in a resolution or minutes.</p>
Mulberry Creek Greenhouse? Not listed in 2013 plan Estimated cost -0- 2013 payments \$939	<p>6/19/13 meeting: Check 1798 to Mulberry Creek Greenhouses \$335 for rototill & topsoil</p> <p>7/31/13 meeting: Check 1817 to Mulberry Creek Greenhouses \$3,548.45 for drainage repairs</p> <p>8/22/13 meeting: Check 1825 to Mulberry Creek Greenhouses \$64 for anchor corn hole games & spray</p> <p>9/12/13 meeting:</p>

	<p>Check 1835 to Mulberry Creek Greenhouses \$80 for rake wood chips</p> <p>11/13/13 meeting: Check 1850 to Mulberry Creek Greenhouses \$348 for install of gravel & flower bed around flag pole</p> <p>12/19/13 meeting: Check 1859 to Mulberry Creek Greenhouses \$111.98 for rakes for volley ball court</p> <p>No specifics in a resolution or minutes.</p>
<p>Western Reserve Graphics? Not listed in 2013 plan Estimated cost -0- 2013 payments \$550</p>	<p>1/24/13 meeting: Check 1707 to Western Reserve Graphics \$515 for stationary and business cards</p> <p>2/27/13 meeting: Check 1720 to Western Reserve Graphics \$35 for business cards</p> <p>No specifics in a resolution or minutes.</p>

Potential Ohio Revised Code Issues

Issue 1-Compliance with R.C. 1545.22(B)(1) and (2)-“It would appear that the approximately \$180,000 worth of check signed and issued by the park commissioners in 2013 violate this provision of Ohio law.

Conclusion- There is no issue here. As previously explained, R.C. 1545 permits the park district to appoint its own fiscal officer and deposit its funds with a depository. The original board of commissioners elected to do this and complied with the formalities. R.C. 1545.22(B)(1) and (2) apply only, as the statute provides, “[i]f no treasurer is appointed by the board pursuant to section 1545.07 of the Revised Code.”

That being said, the park district by-laws have not been amended to reflect this resolution to appoint its own fiscal officer nor have successive boards complied with the formalities.

Issue 2-R.C. 5705.45 liability for wrongful payments from public funds
Issue 4-R.C. 5705.41(D)(1) certification of available funds
Issue 5-R.C. 5705.38(A) passing an annual appropriation resolution on or after the first of day of each fiscal year

Conclusion- Ohio law does provide for personal liability for wrongful payments *unless* those payments were “subsequently approved” as provided in R.C. 5705.41.⁶⁹ Over the years, the park district did fail to include certification language on its requisition form and did fail to formally adopt an annual appropriation resolution at the beginning of each fiscal year. While ignorance of these requirements is no excuse, my research has found that there are other small township park districts that have similarly failed to comply.⁷⁰ The park district needs to update its practices and procedures, and I have already provided the district with examples of forms used by Russell Township Park District to correct any process deficiencies.

The “Review” though contains incomplete statements of the applicable law and many misapprehensions. What may apply to a township board of trustees or a park district that has its own tax levy is not necessarily the same law applicable to this park district.

Discussion-

R.C. 5705 - The Tax Levy Law

The definitional section of that chapter, found at R.C. 5705.01, provides in pertinent part:

5705.01 Definitions As used in this chapter:

(A) **“Subdivision”** means any county; municipal corporation; township; township police district; joint police district; township fire district; joint fire district; joint ambulance district; joint emergency medical services district; fire and ambulance district; joint recreation district; township waste disposal district; township road district; community college district; technical college district; detention facility district; a district organized under section 2151.65 of the Revised Code; a combined district organized under sections 2152.41 and 2151.65 of the Revised Code; a joint-county alcohol, drug addiction, and mental health service district; a drainage improvement district created under section 6131.52 of the Revised Code; a lake facilities authority created under Chapter 353. of the Revised Code; a union cemetery district; a county school financing district; a city, local, exempted village, cooperative education, or joint vocational school district; or a regional student education district created under section 3313.83 of the Revised Code....

⁶⁹ R.C. 5705.45

⁷⁰ See e.g., https://ohioauditor.gov/auditsearch/Reports/2013/Auglaize_Township_Park_District_12_11-Allen_Basic_Report.pdf and https://ohioauditor.gov/auditsearch/Reports/2013/Spencer_Township_Park_District_12_11-Allen_Basic_Report.pdf

(C) **“Taxing authority” or “bond issuing authority”** means, in the case of any county, the board of county commissioners; in the case of a municipal corporation, the council or other legislative authority of the municipal corporation; in the case of a city, local, exempted village, cooperative education, or joint vocational school district, the board of education; in the case of a community college district, the board of trustees of the district; in the case of a technical college district, the board of trustees of the district; in the case of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, the joint board of county commissioners of the district; in the case of a township, the board of township trustees; in the case of a joint police district, the joint police district board; in the case of a joint fire district, the board of fire district trustees; in the case of a joint recreation district, the joint recreation district board of trustees; in the case of a joint-county alcohol, drug addiction, and mental health service district, the district's board of alcohol, drug addiction, and mental health services; in the case of a joint ambulance district or a fire and ambulance district, the board of trustees of the district; in the case of a union cemetery district, the legislative authority of the municipal corporation and the board of township trustees, acting jointly as described in section 759.341 of the Revised Code; in the case of a drainage improvement district, the board of county commissioners of the county in which the drainage district is located; in the case of a lake facilities authority, the board of directors; in the case of a joint emergency medical services district, the joint board of county commissioners of all counties in which all or any part of the district lies; and in the case of a township police district, a township fire district, a township road district, or a township waste disposal district, the board of township trustees of the township in which the district is located. “Taxing authority” also means the educational service center governing board that serves as the taxing authority of a county school financing district as provided in section 3311.50 of the Revised Code, and the board of directors of a regional student education district created under section 3313.83 of the Revised Code...

(H) **“Taxing unit”** means any subdivision or other governmental district having authority to levy taxes on the property in the district or issue bonds that constitute a charge against the property of the district, including conservancy districts, metropolitan park districts, sanitary districts, road districts, and other districts.

(I) **“District authority”** means any board of directors, trustees, commissioners, or other officers controlling a district institution or activity that derives its income or funds from two or more subdivisions, such as the educational service center, the trustees of district children's homes, the district board of health, a joint-county alcohol, drug addiction, and mental health service district's board of alcohol, drug addiction, and mental health services, detention facility districts, a joint recreation district board of trustees, districts organized under section 2151.65 of the Revised Code, combined districts organized under sections 2152.41 and 2151.65 of the Revised Code, and other such boards.

Following a basic principle of statutory construction, this chapter does not apply to the Chester Township Park District because the term “park district” or any reference to an entity created under Chapter 1545 is not found in the list of entities in the definitional section.⁷¹

The Chester Park District is not a “subdivision.” It is not a “taxing authority.” It is not a “bond issuing authority.” It is not a “district authority,” because it receives funds from only one “subdivision” as the term is defined in this chapter, Chester Township. The funds received via the county’s budget commission are pass-through funds from the state local government and library fund.

The only definitional section that references “park districts” is R.C. 5705.01 (H), which includes a “metropolitan park district” in the definition of a “taxing unit.” The Chester Park District is not a metropolitan park district.

While the district has the authority to levy property taxes, it had not chosen to do so. Thus, may be argued that this section does not apply to Chester because it has no levy, unlike its sister district in Russell Township.

I could find no case law or Ohio Attorney General opinions addressing this issue vis á vis park districts. There is an opinion posing the question of whether a regional council of governments formed under Chapter 167 had to comply with the budgetary requirements of Chapter 5705.⁷²

The Attorney General answered in the negative, and the opinion provides analytical guidance cogent to this analysis. It also emphasizes that while this chapter is inapplicable to a

⁷¹ See R.C. 1.42 (“[w]ords and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly”); *Woman’s International Bowling Congress v. Porterfield*, 25 Ohio St. 2d 271, - 267 N.E.2d 781 (1971) (syllabus, paragraph 2) (“[w]here a statute defines terms used therein which are applicable to the subject matter affected by the legislation, such definition controls in the application of the statute”).

⁷² O.A.G. 98-004

regional council of governments because such councils are not delineated in the definitional section, other sections of the Revised Code do offer safeguards.

It should be noted that, even though R.C. Chapter 5705 does not apply to a regional council of governments, the moneys held and expended by a regional council of governments may be expended only for proper purposes and through proper procedures. The fact that a regional council of governments is not itself required to comply with R.C. Chapter 5705 does not mean that no safeguards apply to its funds. Moneys held by a regional council of governments are public moneys that are held in trust for the public and may be recovered by legal action if illegally expended or not properly accounted for. *See* R.C. 117.01(C), (D), (E); R.C. 117.28-.30; R.C. 117.42; 1973 Op. Att'y Gen. No. 73-119, at 2-457 (moneys of a regional council of governments are public moneys that are to be deposited or invested in accordance with the Uniform Depository Act). As a public office, a regional council of governments must file with the Auditor of State an annual financial report setting forth its income and expenditures. R.C. 117.38. *See generally, e.g.*, 1971 Op. Att'y Gen. No. 71-010 (a regional council of governments is a political subdivision for purposes of exemption from the payment of sales tax). As your letter indicates, a regional council of governments is subject to audit by the Auditor of State in accordance with auditing standards established by the Auditor of State. *See* R.C. 117.10; R.C. 117.11; R.C. 117.19; R.C. 117.43. O.A.G. 98-004.

The Audits of Chester Township and the Chester Township Park District

As previously noted, the first people to be interviewed for this review was the new Fiscal Officer for Chester Township, Craig Richter. Mr. Richter advised that upon taking office he requested an audit of the Chester Township's 2013 finances. In the course of his discussion with the state auditor the auditor asked about the park district. The initial question for the auditor was whether the park district was a "component unit." This question is not simply answered,⁷³ and may be one reason why the park district has never been separately audited. Another reason may be that the park district does not have its own tax levy.

The Chester Township audit for the 2013 fiscal year has been completed, and the state auditor expects to complete his audit of the park district within thirty days of receipt of requested

⁷³ See generally, Statement No. 39 of the Governmental Accounting Standards Board Determining Whether Certain Organizations Are Component Units an amendment of GASB Statement No. 14, May 2002

records. The audit will cover only the years 2012 and 2013, and thus will also address the compliance issues raised in the “Review.”

When looking for guidance as to what practices and procedures are to be followed by a park district that does not levy taxes, the Auditor of State follows the *Implementation Guide for Legal Compliance Auditing in Ohio*.⁷⁴ And it should be noted that the Auditor of State does look to certain sections of Chapter 5705 in reference to park districts’ budget process and record-keeping. The Guide provides

[w]hen they [park districts] do not levy taxes, Ohio Rev. Code §5705.28 (B)(2) requires a comparable, but somewhat streamlined budget process. Ohio Rev. Code §5705.28(B)(2) requires entities to follow §5705.36, .38, .40, .41, .43, .44,⁷⁵ and .45. However, documents prepared in accordance with these sections need not be filed with the county auditor or county budget commission. Also, while Ohio Rev. Code §5705.39 does not apply, §5705.28(B)(2)(c) prohibits appropriations from exceeding estimated revenue (i.e. receipts + beginning unencumbered cash).⁷⁶

Applying These Metrics to the Chester Township Park District

The park district does submit an annual budget to the Geauga County Budget Commission and to the township trustees.⁷⁷ It also complies with R.C. 5705.36(A)(1) which states, in pertinent part, that on or about the first day of each fiscal year the fiscal officer shall prepare a certificate of the total amount from each fund set up in the tax budget which is available for expenditure in the tax budget along with any encumbered balances that existed at the end of the preceding year with a few certain exceptions.⁷⁸ These are prepared and they have

⁷⁴ The 2014 Ohio Compliance Supplement was employed in this review.

⁷⁵ R.C. 5705.36 (Certification of Available Revenue; Additional Revenue; Amended Official Certificate); R.C. 5705.38 (Annual Appropriation Measures); R.C. 5705.40 (Amending or Supplementing Appropriation Ordinance); R.C. 5705.41 (Restrictions on the Appropriation and Expenditure of Money; Certification by Fiscal Officer); R.C. 5705.43 (Improvements paid by Special Assessments); R.C. 5705.44 (Contracts Running Beyond Fiscal Year); and R.C. 5705.45 (Liability for Wrongful Payments from Public Funds)

⁷⁶ Id. at 120.

⁷⁷ Exhibit T-2014 Annual Park District Budget

⁷⁸ Exhibit U-FY2014 Beginning Balance/FY2013 Chester Township Park District Annual

been filed each year with the Geauga County Auditor, but that fact is not always documented in the minutes of the first January meeting each year.

For instance, minutes of 1/3/11 meeting note “Reviewed year to date Financial Statements and Bank Account Reconciliations, but no such reference in the minutes for the 1/12/12 meeting or the 1/3/13 meeting.

Confirmations of beginning balances are not in the minutes regularly. For example, in the 1/17/12 meeting minutes there is no mention of formally confirming beginning balances, but a sheet with balances is appended to the signed minutes.

The purpose of the certification is to assure there has been prior approval by the commissioners for any expenditure. The prior approval of each expenditure, with two exceptions⁷⁹, is to be done at a public meeting by resolution, which is noted in the minutes of the meeting.

Generally, this has been followed by the park district, but Mr. Richter expressed concern that the park district did not go back and recertify funds after the park received another \$50,000 after its budget was submitted.

As for expenditures, the district does utilize a requisition form for each expenditure.⁸⁰ This form is signed by two commissioners authorizing each payment. The payment is also listed by check number and payee in the minutes of the meeting at which the disbursement has been approved.⁸¹

The district’s requisition form does not fully meet the requirements of R.C. 5705.41(D), which states that no subdivision shall make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the

⁷⁹ Resolution for up to \$500 for emergency electric repairs and resolution for one commissioner to expend up to \$1,000

⁸⁰ Exhibit V-Chester Park District Requisition

⁸¹ Exhibit W-Minutes of Chester Township Park District, 9/27/12

subdivision. The fiscal officer must certify that the amount required to meet such a commitment has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance. The requisition form does not have the certificate.

Pertaining to uncertified expenditures and lack of appropriate resolutions, R.C. 5705.41(D)(1) and (3) provide safe harbors for expenditures made without the certificate or resolution. This is how each safe harbor is described by the Auditor of State:

“Then and Now” Certificate – If the fiscal officer can certify that both at the time that the contract or order was made (“then”), and at the time that the fiscal officer is completing the certification (“now”), that sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance, the subdivision can authorize the drawing of a warrant for the payment of the amount due. The subdivision has thirty days from the receipt of the “then and now” certificate to approve payment by ordinance or resolution. Amounts of less than \$3,000 may be paid by the fiscal officer without a resolution or ordinance upon completion of the “then and now” certificate, provided that the expenditure is otherwise lawful. This does not eliminate any otherwise applicable requirement for approval of expenditures by the subdivision.

Blanket Certificate – Fiscal officers may prepare “blanket” certificates not exceeding an amount established by resolution or ordinance adopted by the legislative authority against any specific line item account over a period not running beyond the end of the year. The blanket certificates may, but need not, be limited to a specific vendor. Only one blanket certificate may be outstanding at one particular time for any one particular line item appropriation.

Super Blanket Certificate – The subdivision may also make expenditures and contracts for any amount from a specific line-item appropriation account in a specified fund upon certification of the fiscal officer for most professional services, fuel, oil, food items, and any other specific recurring and reasonably predictable operating expense. This certification is not to extend beyond the current year. More than one super blanket certificate may be outstanding at a particular time for any one line item appropriation.

In other township park district audits I have reviewed I note that the use of these safe harbors is the prescribed solution to a finding of non-compliance. In fact, in my meeting with the secretary of the Russell Township Park District, I learned that the park district employs the blanket certificate. I have already shared the examples of the Russell Township Park District’s

accounting forms with the Chester Township Park District and recommended it convert its process to that used by Russell. I also understand that the state auditor has recommended a software program the park district may purchase from the Auditor of State's office.

The reader should not infer from these observations and recommendations or from those that follow that the current administrative assistant, now treasurer and fiscal officer, has not been maintaining books, records, and accounts for the park district. The "Quick Books" format used by the park district for some time makes it more difficult to follow than a fund-based accounting system.

Neither she nor any commissioner received any transitional assistance, training, or guidance from those who preceded them in the position. Only recently did one current commissioner find a very outdated and incomplete procedure manual⁸². It appears the new commissioners and assistants simply continued the same practices as their predecessors, relying on an assumption that their predecessors were following all requirements.

Issue 3-Actual expenditures exceeded appropriation authority for 2013 in violation of R.C 5705.41(B)

Conclusion- I agree that 2013 actual expenditures were \$178,699.59 and the amended certificate of estimated resources for fiscal year 2013 dated 2/19/13 reflected the sum of \$127,305.72. It is important to note that the actual total receipts and balance for 2013 was \$187,056.39, resulting in a balance brought forward into 2014 of \$10,800.30. In regard to the appropriateness of the term "legal spending authority" of the park district, please refer to the previous discussion. A change to a fund-based accounting system with appropriate forms and process will resolve this issue.

Discussion- As noted above, the auditor applies R.C. 5705.38(A) to park districts. That section requires the district to pass an appropriation measure at the beginning of the year. During the year it may pass any supplemental appropriation measures as it finds necessary, based on the

⁸² *Chester Township Park District Procedure Manual*, with various updating notations from 1994 and 1994

revised tax budget or the official certificate of estimated resources or amendments of the certificate. It may postpone the passage of the annual appropriation measure until an amended certificate is received based on the actual balances, and instead pass a temporary appropriation measure until April 1. Most importantly, the R.C. 5705.40 stipulates that any appropriation measure may be amended or supplemented by complying with the same process used in making the original appropriation.

The purpose of this process of approving estimated receipts and appropriations is to protect against the possibility of deficit spending.

Issue 6-The Record of Proceedings or minutes do not reflect acceptance of approximately \$10,000 in donations nor did the minutes document the authorization of many of the expenditures that exceeded the \$1,000 limit for expenditures by individual commissioners.



Conclusion- I agree that some donations and some expenditures were not noted in meeting minutes, as observed in the preceding discussion. Since the park district is now submitting donations for approval by Judge Grendell, going forward the minutes should reflect both the donation and the approval. Please also see the discussion that follows regarding receipts of donations.

In regard to the \$1,000 expenditure by a single commissioner, any such expenditures should be noted in the minutes, and I recommend the park district review this practice during the state audit in order to establish a procedure for certifying these expenditures during the year via a blanket certificate.

Discussion- Once again the issue with proper documentation of donations is not unique to this park district. On at least one occasion I did find that the park district sought probate court approval of a donation, but that was the only one I found in the probate court file for the district⁸³. Inquires were made to other districts and none follow the practice of probate court approval for donations. It is my understanding that Judge Henry had dispensed with the donation approval process, in whole or in part, but Judge Grendell has rescinded that order.

A listing of donations during 2013 may be found in the appendix.⁸⁴

Issue 7- Does R.C. 9.38, Deposit of Public Moneys apply to the park district? Was the \$250 donation from the West Geauga Kiwanis noted in the 7/31/13 meeting minutes actually received and deposited? Were the other donations deposited according to Ohio law?

Conclusion- R.C. 9.38 applies to a “public office” and to a “public official.” The park district is a “public office” as provided in R.C. 117.01(D) and “public official” is any officer, employee, or duly authorized representative or agent of a public office. R.C. 117.01(E).

⁸³ See Exhibit X-3/19/14 request from Ms. Vitale for approval of a park bench donation

⁸⁴ See Exhibit S-Chester Township Park District Donations 2013

The section requires the deposit of all public moneys received by a public official with the treasurer of the public office or properly designated depository, which in the park district's case would be Charter One Bank, its depository, on the next business day after receipt, if the total amount of such moneys received exceeds one thousand dollars.

If the total amount does not exceed one thousand dollars, the deposit is to be made on the business day next following the day of receipt, unless the park district had adopted a policy permitting a different time period, not to exceed three business days next following the day of receipt, for making such deposits, and the person is able to safeguard the moneys until such time as the moneys are deposited. The policy shall include provisions and procedures to safeguard the public moneys until they are deposited.

As for financial documentation and documentation in the minutes, as the state auditor has noted in other district's audits, the "failure to maintain supporting documentation increased the risk that errors and/or irregularities could occur and not be detected in a timely manner. Public knowledge of such errors and/or irregularities may impact the amount of donations received by the Park District."

When this deficiency is found in an audit, the auditor has recommended corrective action, most of which is already being done in the Chester Township Park District, such as maintaining a copy of the check from each donation and issuing a duplicate and pre-numbered receipt to the donor. If the donation is paid in cash, the donor should sign a duplicate receipt issued to the donor. Finally, as noted earlier all donations should be reported to the park board of commissioners and documented in the minutes.

The difficulty with strict compliance with R.C. 9.38 (one apparently not contemplated by the General Assembly) is that a park district must obtain probate court approval *before* the donation is accepted (i.e., deposited). This situation rarely arises with other public bodies

because most do not receive donations; however, I would note that the township trustees have recently discussed how donations are to be handled when offered.

I recommend that the policy should be that the time requirements set forth in R.C. 9.38 must be followed upon receipt of Judge Grendell's approval of acceptance of a donation.

In regard to the questions as to the Kiwanis donation of \$250, that donation was received.⁸⁵

Issue 8-R.C. 117.38 report to the Auditor of State with newspaper notice when filed

Conclusion- There has not been compliance with this provision. After questioning the commissioners and administrative assistant, I find that this lack of compliance was an act of omission, not commission. As with other requirements discussed throughout the report, the current and past commissioners I interviewed were totally unaware of the requirement.

Discussion- Simply, R.C. 117.38 requires in part, that cash-basis entities must file an annual report with the Auditor of State within 60 days of the fiscal year end. Also, the public office must publish notice in a local newspaper stating the financial report is available for public inspection at the office of the chief fiscal officer.

Issue 9-Does RC. 5705.30 requiring public notice and public hearings prior to adopting the annual budget apply to the park district.

Conclusion- Per the state auditor compliance manual this section of Chapter 5705.30 does not apply to a park district that does not have its own levy.

Discussion- It should be noted that over the years, the park district has given prior public notice of its budget meetings if the meeting is a special meeting for that purpose.⁸⁶

⁸⁵ See Exhibit Y- Letter from Messrs. Dave Puruczky and Rich A. Levin to the Park Commissioners and Charter One deposit slip and statement

⁸⁶ See, e.g., Exhibit Z- Notice of special meeting-budget hearing set for July 12, 2012.

Financial Discrepancies

Issue 1- 2014 “carry over balance”-Commissioner Weiss told the Chester Trustees during the 2/20/14 meeting that the figure was around \$4,800, but the figure on the FY2014 Beginning Balances statement was \$11,580 & The listing of 2014 park revenues and expenditures is missing the carry over balance in its arithmetic.

Conclusion- When I inquired about the carry over figure given at the meeting, Commissioner Weiss responded that he simply misspoke. It should be noted that the FY2014 Beginning Balances statement signed by Commissioner Weiss on 2/19/14 was submitted to *both* the township trustees and Geauga County Auditor.⁸⁷

I agree with the finding in the “Review” that the carry over balance is missing in the listing.

Issue 2-2013 list of donations shows donations of \$10,150 vs. the amount of \$9,652.79 submitted to county for interest/misc. revenues

Conclusion-Mr. Yert’s \$500 park bench donation was not included because the donation was received at year-end 2013 and deposited in 2014⁸⁸

Issue 3-2014 Beginning Balances show receipt of \$174,680.87 vs. bank statements show deposits of \$174,803.07-\$122.20 discrepancy

Conclusion-I leave this up to the state auditor. When I inquired of the Fiscal Officer she could not either agree or disagree with this finding. She explains that she takes her beginning balances from the year-end bank statements.

Issue 4-12/19/13 meeting resolution passed to hire MAL Enterprises to paint the gazebo at a cost of \$3,275 and this amount was not listed as encumbered in the 2014 Beginning Balances

Conclusion- When I inquired about this, it was explained that this was an oversight.

⁸⁷ Exhibit U

⁸⁸ Exhibit S

Issue 5-Five checks issues in 2012 were not listed as approved for payment in the minutes

Check 1670 9/20/12	\$27.14 The Illuminating Company
Check 1671 9/20/12	\$3,360 to Inspeyered Tree Service 8/9/12 meeting-Resolution approved for contract with Inspeyered Tree Service for \$3,360.00 for tree removal by volleyball courts
Check 1672 9/20/12	\$257.81 to H&M Landscaping Co.
Check 1673 9/20/12	\$68.42 to Turney's Hardware
Check 1674 9/20/12	\$8,134.50 to Peerless Electric for 1/3 payment on the volley ball court lights 7/12/12 meeting -Check 1651 approved to Peerless \$6,162.50 for the 25% down payment for the volleyball lighting project. No requisition form signed, only an email initialed apparently by Commissioner Downs 9/5/12 meeting- Check 1663 to Peerless \$10,353.00 approved 42% of the contract price-job estimated to be complete by the "end of the week"

Conclusion-There is no record in the minutes of these checks being approved. Check 1669 was the last check approved at the 9/5/12 meeting. The 9/20/12 meeting was cancelled and rescheduled to 9/27/12. At the 9/27/12 meeting the first check to be approved was Check 1675. The checks were cashed.

Specifics-Apparent Overage of Spending Authority

Conclusion-In some instances, such as the first and last example below, an individual commissioner would exceed the \$1,000 threshold for expenditure without prior resolution and no subsequent resolution was passed to approve purchase(s). The checks would be subsequently approved as noted in the minutes. I would reiterate the earlier recommendation regarding discussion with the state auditor about the use of a blanket certificate and subsequent documentation in the minutes.

In other instances, such as the Sherwin Williams expenditures for materials for the painting and staining project, appear to be part of a larger project, the total cost of which appear to be within or under budget. I would reiterate the earlier recommendation to follow the fund-based accounting procedures so that one may easily follow a project from point to point utilizing

purchase orders for each project and warrants and check numbers relating back to the specific purchase order.

Check 1711 2/1/13 \$2,054.88 to Lance Yandell for Costco membership and lamp posts	2/27/13 meeting-Check 1711 approved \$2,054.88 to Lance Yandell for Costco membership and lamp posts
Check 1737 4/17/13 \$2,841.65 to ElectoLite	4/17/13 meeting-Check 1737 to ElectoLite \$2,841.65 for installation of hanging baskets and banners. approved for installation of park district banners (**Invoice 48662 dated 3/8/13 to install 6 banners \$2,324.99 and Invoice 48669 dated 4/1/13 to install 2 additional banners \$516.66) This is the "park banners" mentioned in the minutes from the 3/21/13 meeting. There is a resolution passed at the 2/27/13 meeting to purchase and install park banners and hanging baskets for \$2,334, but no resolution approving a specific ElectoLite contract.
Checks totaling 5/6/13-1/23/14 \$18,429.96 to Land & Site Contractor	4/17/13 meeting-Arborist conducted a review and bidding process and recommended Land & Site, a local company. Resolution approved to hire the firm at a contract price of \$15,495 for period from April 1 through November 30, 2013. Contract signed 4/17/13. (2013 paid \$16,493)
Check 1765 5/16/13 \$5,779.52 to Deepwoods Trucking	2/27/13 meeting-police chief and road department support the revised parking plan and resolutions approved to spend up to \$2,500 for Podogil Excavating to revamp the driveway and up to \$750.00 for additional gravel for the horseshoe driveway. Mr. Parker's survey and drawings are delayed due to the weather. 4/17/13 meeting-resolution approved to spend \$1000 for more gravel 9/12/13 meeting-Check 1839 to Deepwoods Trucking \$519.79 for more gravel
Check 1755 5/6/13 \$3,065.00 to Hi Lite Maintenance	2/27/13 meeting -The minutes reflect a resolution passed approving the "purchase and installation" of new flag pole and flag from The Flag Store for \$2,500 and two residents have donated \$500 each toward the new flag pole. ⁸⁹ 2/27/13 meeting: Check 1722 to The Flag Store \$1,000 5/13/16 meeting: Check 1753 to The Flag Store \$1,291.48 Check 1755 to Hi Lite Maintenance \$3,065 to install flagpole and lighting. <i>Actual cost for flag and pole \$2,291.48</i> <i>Actual cost for installation and lighting \$3,065</i> <i>Less donations \$1,500</i> <i>Total actual cost \$3,856.48</i>

⁸⁹ Exhibit S-Chester Township Park District Donations 2103, which reflects 3 donors for a total of \$1,500.

<p>Check 1770 5/16/13 \$3,337.70 to Sherwin Williams</p>	<p>This is the materials portion of the staining and painting project examined earlier with the estimated cost \$17,000 2013 payments \$16,809 (\$191 under budget)</p>
<p>Check 1741 4/17/13 \$1,354.61 to Sherwin Williams</p>	<p>\$12,080 to MAL \$4,729 to Sherwin Williams</p> <p>2/27/13 meeting-resolution approved contract with 1 (MAL) of 2 contractors for wash, treat and stain park structures in the sum of \$8,530 4/17/13 meeting under "Staining Park Structures"-minutes refer to a resolution passed at the 1/24/13 meeting approving MAL Enterprises to stain and paint all park structures in the amount of \$7,530. Minutes also reflect discussion of additional work to be added including power washing gazebo bricks and power washing all park fencing and oil staining. Resolution passed to approve an additional \$1,970.</p> <p><u>Review of the MAL Contract dated March 21, 2103</u> 2/5/13 proposal price \$7,560 with a 50% draw upon acceptance \$3,780 2/10/13 amended proposal adding \$970.00-TOTAL NOW \$8,530 3/20/13 additional amendment adding \$1,000-TOTAL NOW \$9,530</p> <p><u>Add on after contract-see Invoice dated 4/27/13</u> An addition \$2,550 was added for painting bathrooms, service garage, and power wash brick walkways TOTAL NOW \$12,080 N.B. invoice shows and \$325.00 donation discount to the walkway power washing</p> <p>4/17/13 meeting-resolution approved a draw to MAL \$3,500 to complete painting, staining and power washing services 4/17/13 meeting: Check 1733 dated 4/9/13 to MAL Enterprises \$3,780 Check 1741 to Sherwin Williams \$1,354.61 Check 1747 to MAL Enterprises \$3,500 5/16/13 meeting: Check 1757 to MAL Enterprises \$1,300.00 Check 1782 to MAL Enterprises \$3,500.00</p>
<p>Check 1803 7/2/13 \$2,655.74 to Play & Park Structures</p>	<p>6/28/12 meeting a park bench donation project is first discussed 6/19/13 meeting-Six park benches have been donated and installed and patron's displays have been ordered. 7/2/13 meeting-Check 1803 approved to pay Play & Park \$2,655.74 for 6 park benches 7/31/13 meeting-Twelve park benches have been installed "primarily paid for through the donations" and the district "will assume an estimated \$500" for the twelve benches 8/22/13 meeting-Check 1821 approved to pay Play & Park \$2,655.74 and</p>
<p>Check 1821 8/22/13 \$2,655.74 to Play & Park Structures</p>	

	<p>commissioners acknowledged Chester Auto Body for donating the labor to mount the twelve plaques on the benches. There was no quantification of the donated labor reflected in the minutes.</p> <p>\$8,750 in park bench donations have been received⁹⁰</p>
<p>Check 1787 6/13/13 \$3,750 to Chesterland Electric</p>	<p>3/21/13 meeting-Resolution approved to contract with Chesterland Electric for the expanded parking area \$5,315.00. No mention in the minutes of any other quotes received. Commissioner advised that Peerless submitted a quote and Check 1774 to Chesterland Electric \$4,500.00 for parking lot project approved.</p> <p>6/19/13 meeting-Check 1787 to Chesterland Electric \$3,750.00 to pay the balance for the parking lot project plus "extras." Total cost \$8,250.00 Approval of extras not reflected in the minutes.</p>
<p>Check 1728 3/21/13 \$1,237.50 to The Pruning Company</p>	<p>The requisition form and attached invoice is for consulting services for January, February and March at \$45 per hour</p> <p>2/8/11 meeting-Three applications for position of Forester were received and resolution passed to select Dave Allen and the arborist consultant No mention in minutes of contract terms.</p> <p>3/7/11 meeting-Minutes mention commissioners review a document submitted by Mr. Allen stating his available services and rate, but no specifics given. The document is apparently the 3/2/11 rate letter from The Pruning Company, LLC setting Mr. Allen's rates of \$45 per hour for consulting services and \$60 per hour for tree care services.</p>
<p>Check 1769 5/16/13 \$1,252.50 to The Pruning Company</p>	<p>This was for pruning work and inspection.</p>
<p>Check 1713 2/7/13 \$1,450.00 to Peerless Electric</p> <p>Check 1723 3/13/13 \$1,450.00 to Peerless Electric</p>	<p>Check 1713 to Peerless \$1,450 approved for ½ of the purchase option for the holiday lights. It is presumed that this stems from the resolution passed at the 1/3/13 meeting to "fund the holiday lighting/decoration project up to \$5,500 the 2013 budgeted amount".</p> <p>Check 1723 to Peerless \$1,450 for the second payment toward the holiday lights/purchase</p>
<p>Check 1759 5/6/13 \$3,500 to Podogil Excavating</p>	<p>2/27/13 meeting-police chief and road department support the revised parking plan and resolutions approved to spend up to \$2,500 for Podogil Excavating to revamp the driveway and up to \$750.00 for additional gravel for the horseshoe driveway. Mr. Parker's survey and drawings are delayed due to the weather.</p> <p>4/17/13 meeting-resolution approved to spend \$1000 for more gravel</p> <p>9/12/13 meeting-Check 1839 to Deepwoods Trucking \$519.79 for more gravel</p>
<p>Contracts approved to MAL Enterprises 2/27/13 \$8,580</p>	<p>2/27/13 meeting-resolution approved contract with 1 (MAL) of 2 contractors for wash, treat and stain park structures in the sum of \$8,530</p> <p>4/17/13 meeting under "Staining Park Structures"-minutes refer to a</p>

⁹⁰ Exhibit S-Chester Township Park District Donations 2013 list

<p>4/17/13 \$1,970 \$12,080 paid to MAL in 2013 and approved dollar amount was exceed by \$1,530</p>	<p>resolution passed at the 1/24/13 meeting approving MAL Enterprises to stain and paint all park structures in the amount of \$7,530. Minutes also reflect discussion of additional work to be added including power washing gazebo bricks and power washing all park fencing and oil staining. Resolution passed to approve an additional \$1,970.</p> <p><u>Review of the MAL Contract dated March 21, 2103</u> 2/5/13 proposal price \$7,560 with a 50% draw upon acceptance \$3,780 2/10/13 amended proposal adding \$970.00-TOTAL NOW \$8,530 3/20/13 additional amendment adding \$1,000-TOTAL NOW \$9,530</p> <p><u>Add on after contract-see Invoice dated 4/27/13</u> An addition \$2,550 was added for painting bathrooms, service garage, and power wash brick walkways TOTAL NOW \$12,080 N.B. invoice shows and \$325.00 donation discount to the walkway power washing</p> <p>4/17/13 meeting-resolution approved a draw to MAL \$3,500 to complete painting, staining and power washing services 4/17/13 meeting: Check 1733 dated 4/9/13 to MAL Enterprises \$3,780 Check 1747 to MAL Enterprises \$3,500 5/16/13 meeting: Check 1757 to MAL Enterprises \$1,300.00 Check 1782 to MAL Enterprises \$3,500.00</p>
<p>Check 1754 5/6/13 \$1,560 to H&M Landscaping</p>	<p>5/16/13 meeting-Check 1754 approved to H&M \$1,560.00 toward repairs to volleyball court area</p>

Specifics-Apparent Expenditures of Public Funds Outside the Authority of the Park District Jurisdiction

Conclusion-The park district should not be faulted for its good will efforts toward the township especially when the improvements are to other Chester Township property and buildings adjacent to Parkside. In one instance the park district used materials left over from a project. Why not use materials already paid for with Chester Township funds to improve the township campus area adjacent to the park? I can find no prohibition for this practice, so long as the park district quantifies the donation and reflects the value of donation (time and materials) in its minutes.

<p>Check 1751 \$620.60 to</p>	<p>5/16/13 meeting-Check 1751 to American Rail Road Tie for \$620.60 6/19/13 minutes reflect "goodwill efforts by commissioners" including</p>
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American Rail Road Tie for patio stones for Chester Fire Dept.	fire station patio, painting the road department building “efforts assumed by Park Board to improve the overall appearance of the Township campus adjacent to the Park.”
Three checks totaling \$1,250 to Sal Charlillo to relocate flower baskets along 32 and 306 and within Parkside Park	See earlier discussion of banners and hanging flower baskets. The total to Charlillo \$1,250.00 to remove and rehang banners and baskets for Chester Township was a donation to the township by the park district.
Landscaping services to Town Hall	6/19/13 minutes reflect “goodwill efforts by commissioners” including fire station patio, painting the road department building “efforts assumed by Park Board to improve the overall appearance of the Township campus adjacent to the Park.”
Install a patio and landscaping behind the fire station	5/16/13 meeting-Check 1751 to American Rail Road Tie for \$620.60 6/19/13 minutes reflect “goodwill efforts by commissioners” including fire station patio, painting the road department building “efforts assumed by Park Board to improve the overall appearance of the Township campus adjacent to the Park.”

Specifics-Checks Cashed Prior to Park Commissioner Approval

Conclusion- I agree with the finding in the “Review” as to the list of 23 checks cashed before minutes reflect approval.

Recommendation-This will be rectified with the switch to the fund-based accounting system.

Specifics-Questionable Signatory Authority

1. Check 1834 to Land & Site for \$1,936.97 cashed without any commissioner’s signature

Conclusion- I agree with the “Review” finding. In fact, no one signed the check.

2. Checks 1748,1781,1806,1807,1780,1808,1818,1784 signed by one commissioner and administrative assistant

Conclusion- I agree with the “Review” finding as to who signed those check; however, in 2009, the commissioners voted to require two signatures on checks without specifying which signatories are required. A review of some of the cancelled checks over the last few years

indicates that checks drawn on the park district account at Charter One are being signed by either two commissioners or by a commissioner and the administrative assistant, who is also bonded.⁹¹

As noted earlier, I confirmed the propriety of this policy with the state auditor, who advised that unlike townships, the Auditor of State has no real set recommendation on the number of check signers when it comes to park districts. If the park district has a set policy about signatories and the number of signatories, it should follow that policy. If it does not, only one signature from an authorized signatory would be required.

Recommendation- As a result of my investigation and discussions with other park districts and with the state auditor and now that there are two additional commissioners available, I recommend that all checks be signed by two commissioners and the fiscal officer.

Specifics-Check Amount/Payee Discrepancies

Conclusion- I agree with the “Review” findings as to the 6 checks listed. The administrative assistant’s response is that she has a 96% accuracy rate regarding typos in her minutes. Out of 164 checks written 6 were inaccurately described in the minutes for an error rate of .0366%.

Recommendation-The new fund-based accounting system, as opposed the “Quick Books” system the park district has had in place for sometime. This should help ameliorate the relatively small error rate. It especially needed with the substantial increase in the number and size of projects, which brings with them an increased number of invoices, checks, records to be maintained by a part-time contractor. One commissioner should be tasked with financial oversight to assist the fiscal officer and to assure the accounting process and best practices are being followed. In accordance with recommendations made to other park districts by the Auditor of State, that commissioner would:

- Review the monthly reconciliations to help assure that the bank and book reconcile and are in agreement with the check register

⁹¹ Minutes of the Chester Township Park District, December 21, 2009

- Review the year-end financial statement to verify agreement to the activity recorded in the books, to the reconciled bank to book balance, and to the check register. Any variances between these documents should be investigated and resolved
- Periodically review the accounting records and bank statements to help assure receipts are being recorded and deposited timely

6/19/13 meeting	Check 1797 (Actually check 1796) to KT Custom Logos \$538.99 for park bench plaques. Check 1797 was a check to Ms. Vitale for \$682.17
6/19/13 meeting	Check 1788 to Chesterland News for \$250. Actually the amount was \$400 for a Memorial Day ad
6/19/13 meeting	Check 1796 to Ruth Chapman \$100 actually a check to KT Custom Logos for \$538.99. Cannot find any check written to Ruth Chapman
7/31/13 meeting	Check 1812 to Sal Charillo [sic] for \$291 actually a check to Chesterland Electric for \$291.18
12/19/13 meeting	Check 1857 to Chesterland News for \$45.62 actually a check to All-Ways Flasher for \$45.62
6/19/13 meeting	Check 1798 to Margaret Vitale for \$682.17 was actually a check to Mulberry Creek Greenhouse for \$335

Miscellaneous Questions & Concerns

Property Disposition-

Issue 1-Two More Park Signs-Where Are They?

Conclusion-Two additional signs were approved for purchase but never purchased. The contract price for the initial sign that is now installed at the corner of S.R. 306 and S.R. 322 was \$3,000, and \$3,000 was paid in three installments.

3/21/13 meeting	Resolution passed to purchase a new Parkside sign from Guthrie and Check 1732 to Guthrie Designworks \$1,200 approved (for down payment on the initial sign at a cost of \$3,000)
4/17/13 meeting	Resolution approved to purchase two more Parkside signs from Guthrie for \$1,200 (But these were never purchased) Check 1745 to Guthrie Designworks \$600 approved (for the second payment on the initial sign)
5/16/13 meeting	Check 1766 to Guthrie Designworks \$1,200 approved (for the final payment on the initial sign)

Issue 2-“Determine what, if any, ORC requirements regulate the park commissioner’s [sic] of property and verify compliance.” Also, where is the old flag pole that was at the corner of SR 306 and SR 322?

Conclusion- I am assuming from the reference to R.C. 501.10, Acceptance of Property; sale or donation of property and equipment, the “Review” is inquiring about any similar code section applicable to a park district.

As explained earlier, R.C. 1545.11 provides that the board may accept donations of money, property, or may act as trustee of land, money or other property, and use the donation or property to be held in trust as either stipulated by the donor or as provided in the trust agreement. The probate court judge must approve each donation or trust before it is accepted by the board.

Park benches have been donated and installed; however, the Probate Court file reflects only one park bench donation was submitted to Judge Grendell for approval. A new flag pole was installed and donations were accepted for that project.

As noted earlier, the park district does maintain an inventory list of personal property.

The “old flag pole” that was removed from the corner of 322 and 306 became the subject of a barter. At the July 31, 2013 meeting a resolution was approved to barter the old flag pole valued at \$300 for services valued at \$800 from Todd Thornston of American Asphalt to clean up the new garden along S.R. 322 in front of the parking area of the new east park section; thus discounting the clean up services by \$500.

In park records there is a letter dated March 18, 2014 from David Wilkes, President of Hi-Lite Maintenance Inc. valuing the old flag pole between \$250 and \$300.00.

I presented this barter to the state auditor, who opined that “[w]hile “bartering” is not a recommended way of doing business on a regular basis, all entities are encouraged to find discounts for purchases whenever possible. As long as the entity does not have a specific policy governing purchases, the situation does not require a formal contract/competitive bidding, and/or

no related parties of someone associated with the entity are involved with the vendor offering the discount over another potential vendor, this practice would be acceptable. The scenario you present does not, to me, seem to pose any issues.”

Bonding

Issues 1 & 2-Verify that the park commissioners are bonded for \$5,000; that their bonds have been approved by and filed with the county auditor; and that Mr. Yandell’s bond is still “active.”

Conclusion-My first task was to locate the bonds for the current commissioners. Commissioners, Clay Lawrence, Joseph Weiss, Jr., and Lance Yandell are bonded, but the bonds have not been filed with the Geauga County Auditor. In fact, no bonds of any park districts’ commissioners have been filed with the auditor’s office for some time. The bonds of Commissioner Yandell and Margaret Vitale were issued but not signed by them. Once I brought that to their attention the bonds were signed. They are in the custody of the park administrative assistant. The two new commissioners, Al Parker and Ruth Philbrick, are also now bonded.

No bonds have been revoked.

Bonds should be filed with the Geauga County Auditor as required by statute.

Payroll

Issues 1 & 2-There is no withholding from Ms. Vitale’s wages nor is PERS being paid for her.

Conclusion-There is no withholding tax taken from her check or PERS contributions made by the park district because Ms. Vitale was hired as an independent contractor. I can find no record of any park district secretary being hired as an employee. I inquired of Russell Township Park District, and its secretary, Ms. Palmer, is an independent contractor. The Russell Park District has obtained a legal opinion verifying the propriety of this arrangement.

Outstanding Checks and Voiding Checks

Conclusion-I agree that the voided checks were not listed in minutes as having been voided.

Check 1734 4/17/13	Voided lost check to Apex and stop payment was ordered 5/20/13
Check 1743 4/17/13	\$120 to Apex for lamp posts delivered still outstanding
Check 1736 4/17/13	\$250 Chesterland News for park bench ad is still outstanding
Check 1802 7/2/13	Void check to Lance Yandell for Bremec

Sunshine Law Concerns

Issues 1 & 2-January 2013 meeting: Commissioners Yandell and Weiss with park arborist, Dave Allen at Arabica Coffee House in Chester and August 9, 2012 minutes reflect a meeting between Commissioners Weiss and Bidwell and contractor DeFranco [sic] at the baseball field regarding renovations

Conclusion-Unfounded

Discussion-The Open Meetings Act requires the park district board of commissioners to take any official action and conduct all discussion and deliberations upon official business only in an open meeting about which advance notice of date, time and location has been given to the public. In the case of special meetings, notice is to be given of the specific topic to be discussed. There are a few exceptions that permit an “executive session” out of the public eye.

“Discussion” has been viewed as the exchange of words, comments, or ideas by the members of a public body.⁹² “Deliberation” has been viewed as the act of weighing and examining reasons for and against a choice.⁹³ Courts have also defined “deliberation” as a thorough discussion of all factors involved, a careful weighing of positive and negative factors, and a cautious consideration of the ramifications of the proposal, while gradually arriving at a

⁹² *Devere v. Miami Univ. Bd. of Trs.*, 12th Dist. No. CA85-05-065 (June 10, 1986).

⁹³ *Springfield Local Sch. Dist. Bd. of Educ. v. Ohio Ass'n of Pub. Sch. Employees*, 106 Ohio App.3d 855, 864 (9th Dist. 1998).

decision⁹⁴ or involving “a decisional analysis, i.e., an exchange of views on the facts in an attempt to reach a decision.”⁹⁵

Thus, the question becomes whether a meeting between a majority of the board of commissioners and another that is not noticed to the public and may not even take place in a public setting is a “meeting” for purposes of the Open Meetings Act.

In the Eleventh Appellate District, which includes Geauga County, the controlling law is found in an opinion authored by Judge Ford. He explained that the Open Meetings Act “is intended to apply to situations where there has been actual formal action taken; to wit, formal *deliberation* concerning the public business.”⁹⁶ If a gathering is strictly of an investigative and information-seeking nature that does not involve actual discussion or deliberation of public business it is not a “meeting” for purposes of the Open Meetings Act.⁹⁷ To date, the Supreme Court of Ohio has not decided the question of whether “investigative and informational” gatherings are or are not “meetings.”

A question-and-answer session between board members and others who were not public officials, such as those meetings with Mr. Allen and Mr. DiFranco are not violative of the Open Meetings Act unless a majority of the board members also entertain a discussion of public business with one another.⁹⁸

I found no evidence that these meeting were anything other than question and answer sessions.

⁹⁴ *Theile v. Harris*, No. C-860103 (1st Dist. 1986).

⁹⁵ *Piekutowski v. South Cent. Ohio Educ. Serv. Ctr. Governing Bd.*, 161 Ohio App.3d 372, 379, 2005-Ohio-2868 (4th Dist.).

⁹⁶ *Holeski v. Lawrence*, 85 Ohio App.3d 824 (11th Dist. 1993).

⁹⁷ *Id.*

⁹⁸ *Cincinnati Enquirer v. Cincinnati Bd. of Educ.*, 192 Ohio App.3d 566, 2011-Ohio-703 (1st Dist.)

Issue 3-Violation of R.C. 121.22(F)-The commissioners changed their meeting date to the first Thursday of each month at the April 2, 2012 meeting and violated the rule at least 17 times from May, 2012 through December, 2013.

Conclusion-Unfounded

Discussion-R.C. 121.22(F) requires the public body to establish by rule a reasonable method by which the public may determine the time and place of all regularly scheduled meetings, and the time, place and purpose of all special meetings. All R.C. 121.22(F) requires is a rule⁹⁹, and the district has such a rule in its by-laws.

The park district by-laws provide regular meetings of the board are to be held at the Chester Town Hall at least once a month. A special or emergency meeting may be called by the Chair or by a majority of the commissioners. Written notice of the regular or special meetings are to be given by the Secretary of the Board to the commissioners by regular mail at least twenty-four hours in advance, and no written notice is required for an emergency meeting.

There is to be a schedule of the regular meetings, noting date, time and place, posted on a bulletin board in a public area within the Chester Town Hall. This posting requirement also applies to notices of any special meeting. No special meeting may be held without at least twenty-four hour notice being given to the news media who have requested, except in the event of an emergency meeting.

In the event of an emergency meeting the board member (s) calling the meeting shall immediately notify the news media which have request notification of the time, place and purpose of the meeting. If a meeting is to be cancelled or changed, the board is to make “every reasonable effort,” including newspaper notice to all interested parties. Members of the news media or persons who have requested direct notification shall be notified individually of the change “as soon as possible.”

⁹⁹ *Doran v. Northmont Board of Ed.*, 2nd Dist. Montgomery No. 19956, 2003 WL 23011464 (December, 24, 2003).

To request this direct notification of a meeting and/or the agenda, one must send a written request and provide the board with a self-addressed, stamped envelope. If there is a special or emergency meeting, then the board is to make a “reasonable effort” to notify the person or persons by phone.

The district has not complied with the requirement of holding its meetings at the Town Hall for sometime. For the most part, it has complied with posting individual meeting notices or regular and special meetings on the bulletin board at Town Hall and on a board at Parkside. But that being said, the frequency of changes in dates and locations over the past few years is not good practice. Notices have not been regularly posted on the district’s website, and over the years of minutes reviewed I have found that there were some meeting without formal agendas

It was explained that meetings are now held at the fire rescue station instead of Chester Town Hall because of issues of access, the security alarm, and space. Meetings for some time were not held at one regular location. They were held at the West Geauga Public Library, the Chester Fire Rescue Station and even at Arabica Coffee House.

Recommendation- Given the resolution to hold meetings on the first Thursday of each month, a list of the meeting dates for the year should be determined at the beginning of each year and then posted. It would be prudent to schedule meetings on a day that does not conflict with other township boards’ meetings.

Issue 4-Meeting dates in the minutes frequently are changed to another date.

Conclusion-Agreed.

Discussion and Recommendation-See preceding issue.

Issue 5-Failure to comply with R.C. 121.22(F) requiring the purpose of special meetings to be stated

Conclusion- I agree that there has been incomplete compliance with this requirement, as demonstrated by the chart below.

Discussion-R.C. 121.22(F) defines each type of meeting and the notice required.

“Regular meetings” are those held at prescheduled intervals.

“Special meeting” is any meeting other than a regular meeting and requires at least 24 hours advance notification of special meetings to all media outlets that have requested such notification, unless there is an emergency requiring immediate official action. If a special meeting is called to discuss particular issues, the statement of the meeting’s purpose must specifically indicate those issues, and the public body may only discuss those specified issues at that meeting. If the special meeting is really a rescheduled “regular” meeting, the statement of the meeting’s purpose may be for “general purposes.” The discussion in these meeting cannot go beyond the stated purpose.

“Emergency meeting” is a type of special meeting. 24-hours advance notice is not required, but the body must immediately notify all media outlets that have specifically requested such notice of the time, place, and purpose of the emergency meeting. The purpose statement requirement is the same as that for special meetings.

7/10/11 notice	Given to notify of a change in the budget planning special meeting date from 7/11/11 to 7/14/11 No minutes of the 7/14/11 meeting located
No notice found	12/2/11 Emergency Meeting held apparent purpose was to buy more holiday lighting
7/6/12 notice	Given to notify of a special meeting-budget hearing meeting on 7/12/12. There is an agenda attached which lists other items in addition to the budget
9/4/12 notice	Given to notify of an emergency meeting for 9/5/12 (no stated purpose) No agenda attached. Five items were discussed; two contracts were approved; checks were approved

4/9/13 notice	Given of a special meeting for 4/13/13 (no stated purpose) and no minutes
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Recommendation-The park district should develop a set of standardize forms and procedure for giving public notices. The last set in recently discovered manual was last revised in 1998 and is out of date.

Issue 6-Failure to comply with R.C. 121.66(F) requiring advance notice of meetings to be given to any person requesting it

Conclusion-I agree with this in part, only because the recently discovered procedure manual lists two media outlets, The News-Herald and The Plain Dealer, with named contacts. I cannot locate any record of any individual or media outlet sending in a request for prior notification and the administrative assistant has no such correspondence.

Perceived Noncompliance with the 2/25/93 agreement between the Chester Township Board of Commissioners and the Chester Township Park District

Issue 1-Failure to obtain prior written approval from the Chester Township Board of Trustees prior to constructing or altering any permanent improvement and failure to submit plans and specifications at least 60 days before construction commences.





Conclusion-Unfounded

Discussion-The reviewer does not identify any specific permanent improvement. I will analyze three major projects completed at the Parkside location within the past few years- the volleyball court; the pavilion by the volleyball court on the east side of the park and the playground on the west side of the park.

For this discussion I will use the definition of the term, “permanent improvement” found in Ch. 5705:

“Permanent improvement” or “improvement” means any property, asset, or improvement with an estimated life or usefulness of five years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life or usefulness of five years or more.”¹⁰⁰

This provision, which is paragraph four of the 1993 Agreement is essential to ensure compliance with the township zoning resolution.

¹⁰⁰ R.C. 5705.01

Plans for the volleyball court on the east side of the park were submitted to the township and the county for approval,¹⁰¹ and they were initially made a part of the ODNR grant application.¹⁰²

The pavilion constructed to the east of the ball field falls within this definition, and the project is not in violation of the Agreement inasmuch as the Chester Township Board of Trustees initiated the project, supplied drawings to the park district, and submitted the application for the Ohio Department of Natural Resources Nature Works grant to build the structure.¹⁰³

The playground constructed to the west of the ball field also falls within this definition of a permanent improvement, but I find the provision was not violated by the project either. At the August 23, 2013 township trustees meeting plans and the contract for the playground installation were presented to the township trustees with the funding request by Commissioner Weiss. A resolution funding the project in the amount of \$24,650 was approved by the township trustees.

Issue 2-Failure to comply with Section 8 of the Agreement

Conclusion-Unfounded in part. I do agree that the fiscal officer certification provision has not been done.

Section 8 provides, "The Park District may not contract for or incur any debts or obligations which result or could result in liens on the parks, parklands, or permanent improvements therein without prior written approval of the Township. Such approval shall be in withheld by the Township until it receives certification from the fiscal officer of the Park District

¹⁰¹ See Meeting Minutes, Chester Township Park District, 3/7/11.

¹⁰² Exhibit P-see last two pages of the exhibit, "NatureWorks Application Adjustment Form."

¹⁰³ Exhibit P-ODNR Letter dated 12/22/11 to Trustee Joyce regarding grant applied for by the Chester Township Board of Trustees and Exhibit Q-email dated 4/3/12 from Trustee Joyce to Commissioner Weiss regarding drawings

that the Park District is in compliance with all applicable provisions of the Ohio Revised Code, including, but not limited to, R.C. 5705.41.”¹⁰⁴

This is a curious section. One may speculate this provision was inserted to avoid mechanics’ liens resulting from non-payment; however, inasmuch as Ohio law prohibits a sale or seizure upon execution of public property, a mechanics’ lien against public works attaches not to the property itself but only to a fund.¹⁰⁵ Thus, it follows that if the park district entered into a contract to build an improvement without having the funds to pay for the contract, the contractor/creditor would have a lien against the park district funds, not against the real property owned by Chester Township. If there can be no lien against the parklands by operation of law, then there is no need to seek prior written approval for improvement contracts.

The certification process by the fiscal officer is necessary, as discussed previously to assure there are sufficient funds to pay the expenditures and thus avoid any liens of the funds.

Recommendation-The park district should assure that its records adequately document that plans, specifications and contracts for any future major projects constituting permanent improvements on township lands have been delivered to the township trustees and that the township trustees approve same. I have already made recommendations regarding the certification process.

Perceived Noncompliance by the Board of Park Commissioners with their By Laws

The six issues raised under this section of the “Review” have already been thoroughly addressed in earlier sections.

¹⁰⁴Certification of funds

¹⁰⁵ *Talco Capital Corp. v. Commn.*, 41 Ohio App.2d 171, 174. (1974).

Conclusion



The NDCL Volleyball Team at practice

Oversight of park districts has been entrusted to the probate court because so many parks began with a gift of property to the public upon someone's death with instruction that the property remain a park in perpetuity. Parks enhance the quality of life in a community. Parks have been the subject of poetry-- "Think of our life in nature, — daily to be shown matter, to come in contact with it, — rocks, trees, wind on our cheeks!"¹⁰⁶ Parks have been championed by great leaders—"The lack of power to take joy in outdoor nature is as real a misfortune as the lack of power to take joy in books."¹⁰⁷

Despite the current controversies surrounding the park lands in Chester Township, it is clear that the people of Chester Township are proud of the park's development, and they want to see their park maintained properly, always with an eye on fiscal responsibility.

¹⁰⁶ Henry David Thoreau

¹⁰⁷ Theodore Roosevelt

I have found that all stakeholders subscribe to this goal, and I stand ready to assist the court and the Chester Township Park District to implement the recommendations in this report.

Respectfully submitted,

Dated: 7/28/14

/s/ Mary Jane Trapp
MARY JANE TRAPP, Master Commissioner

EXHIBIT A

Chester Township Park District 2013 Review

Overview of Park District Financial History

Park expenditures for 2012 and 2013 totaled \$318,665 according to records submitted by the park commissioners to the Geauga County Auditor (\$139,965 in 2012 and \$178,699 in 2013). Refer to attachment number 1 for a summary of historical expenditures and revenues.

Recent Significant Vendor Payments

A review of the park commission's expenditures for 2012 and 2013 reveal the following significant expenditures to vendors/suppliers/contractors (refer to attachment 2):

1. The park commissioners paid Play & Park Structures a total of \$64,734 for playground equipment and benches during 2012 and 2013. Meeting minutes make no mention of obtaining other quotes from vendors for the purchase/ installation of similar playground equipment.
2. The park commissioners paid H&M Landscape a total of \$40,622 during 2012 and 2013.
3. The park commissioners paid DiFranco Landscaping \$26,080 during 2012 and 2013. \$23,600 was for the infield renovation. The park commissioners obtained only one single contractor quote for this work.
4. Electrical contractor payments during 2012 and 2013 have been significant. Peerless Electric has been paid \$36,996 over the period; Chesterland Electric was paid \$9,509 in 2013, Hi Lite Maintenance was paid \$3,065 in 2013 and ElectoLite was paid \$2,841 in 2013. Electrical contractor costs in the two-year period totaled \$52,411.
5. Tree work and arborist charges during 2012 and 2013 were as follows: Inspeyered tree service was paid \$5,760, The Pruning Company was paid \$4,815 and Apex Land Management was paid \$1,690 for a total two-year period expenditure of \$12,265.

Recent Commissioner Actions Resulting in Increased Spending

1. Prior to 2013, Bart Alcorn was hired to regularly drag the ball field infield. Mr. Alcorn was paid \$650 for the work in 2012. In 2013, the park commissioners decided to hire DiFranco Landscaping to drag the infield. DiFranco Landscaping was paid \$2,480 for the work.
2. On February 8, 2011 the park commissioners hired Dave Allen of The Pruning Company to be the park's resident arborist consultant. He was paid \$2,500 in 2011, \$1,065 in 2012 and \$3,750 in 2013 resulting in a three-year total of \$7,315.
3. In 2013 the park commissioners hired Land & Site Contractor Service to mow the park grass and perform janitorial service at the restroom one day per week for the period April 1 through November 30. They also hired a company called Professional House Cleaning Service to clean the restrooms a minimum of two additional days per week at \$45 per day. Road department personnel did this work previously. In 2013 Land & Site Contractor was paid \$16,493 and Professional House Cleaning Service was paid \$2,742.30.
4. On June 28, 2012 the park commissioners approved entering into an agreement with Peerless Electric to perform monthly inspections of the entire park electrical conditions and to provide a typed report to the commissioners on their findings. The commissioners agreed to pay them \$110 per month for the period April through December.
5. Secretarial costs in 2011 were \$2,710. Secretarial costs in 2013 were \$4,422, a 61% increase from 2011. The commissioners February 20, 2014 request to the Chester Township board of

trustees for 2014 funding shows proposed secretary costs at \$3,600 with a note saying "same as last year (Refer to attachment 7). Payments to Margaret Vitale in 2013 were \$4,422.

Deviations from 2013 Stated Park Projects

1. At the regular Chester Township trustee meeting held on February 7, 2013, the park commissioners presented their list of 2013 park projects and cost estimates. The total projected expenditure was \$128,500. The following chart identifies deviations from their proposed plan.

Project Name	Estimated Cost (as proposed 2/7/13)	2013 Payments	Comments regarding 2013 payments and work performed
Playground completion	\$25,000	\$35,296	
Ball field renovation (outfield)	\$25,000	0	Not done
Pavilion repair-horseshoe pit area	\$6,000	0	Not done, except gutter work for \$300- \$500
Maintenance	\$18,000	\$40,614	\$2,480 for DiFranco dragging, \$2,841 for ElectoLite plus \$5,207 for Peerless plus \$2135 for Freshley plus \$3065 for Hi Lite plus \$1,100 for bench painting plus \$16,493 for Land & Site plus \$2,742 for restroom cleaning plus \$3,750 for The Pruning Company plus \$801 for Turneys
Not listed in 2013 plan	0	\$3,963	Park signs- by All-ways Flasher for \$963 and \$3,000 to Guthrie Designworks
Not listed in 2013 plan	0	\$5,311	Park benches
Not listed in 2013 plan	0	\$3548	Drainage trench along walkway
Not listed in 2013 plan	0	\$1585	Perennial garden renovation by H&M
Holiday lighting	\$5,500	\$7,400	\$3000 to Rotary plus \$4400 to Peerless for temp lighting and cords
Parking lot expansion and horseshoe driveway gravel -new pavilion and Lighting walkway area and park and electric relocation expense	\$21,000	\$24,093	\$6,299 for gravel plus \$3,500 for Podogil Excavating plus \$1500 to H&M for stone boundary wall replacement plus \$585 to H&M to add top soil and mulch plus \$9,509 to Chesterland Electric plus \$646 for Costco lamps plus \$2,054 to Lance Yandell for lamps and Costco membership. NOTE: only 6 of the lamp posts were installed in 2013. NOTE—10 more to go.
Not listed in 2013 plan	0	\$620	Patio stones for Fire Department patio
Not listed in 2013 plan	0	\$400	Garden design by Mary Slingluff
Not listed in 2013 plan	0	\$1,690	Apex planting trees and stump grinding
Staining/painting (labor/mat'ls)	\$17,000	\$16,809	\$12,080 to M.A.L. plus \$4,729 to Sherwin Williams (36255500)
Gutters & downspouts-new pavilion	\$300	\$835	Gutters by H&K for new pavilion and gazebo

Project Name	Estimated cost (as proposed 2/17/13)	2013 Payments	Comments regarding 2013 payments and work performed
Horseshoe pit repairs	\$1,000	\$1,000	\$335 for backstop and \$665 for shed
Perennial Gardeners	\$1,000	\$500	Donation
Hanging flower baskets	\$1,000	\$3,298	Bremec at \$2,048 and Sal Charillo at \$1,250
Park banners	\$2,400	\$1,344	
Barbeque grills	\$1,300	0	Not done
Flag pole	\$4,000	\$2,291	
Not listed in 2013 plan	0	\$250	Pavement markings
Not listed in 2013 plan	0	\$874	Chesterland News Ads
Not listed in 2013 plan	0	\$754	Custom Logos work ?
Not listed in 2013 plan	0	\$939	Mulberry Creek Greenhouse?
Not listed in 2013 plan	0	\$550	Western Reserve Graphics?
Total projected 2013 project expenditures	\$128,500	\$153,964	Project/maintenance actual spending was 20% over estimate.

Potential Ohio Revised Code Issues

1. It appears that according to ORC 1545.22(B)(1) and (2), the park commissioners have no authority to negotiate checks for goods and services, as is their current practice. The regulation names the Geauga County Treasurer as the custodian of the funds of the park district. It requires that the Geauga County Treasurer pay funds out upon a warrant from the Geauga County Auditor. It further states that "...no contract of the board involving the expenditure of money shall become effective until the auditor certifies that there are funds of the board in the custody of the county treasurer and otherwise unappropriated sufficient to provide therefor. The auditor shall draw warrants on the treasurer to disburse the funds of the board upon order of the board, evidenced by the certificate of its secretary." It would appear that the approximately \$180,000 worth of checks signed and issued by the park commissioners in 2013 violate this provision of Ohio law.
2. ORC 5705.45 describes liability for wrongful payments from public funds. It states that any officer or employee who expends or authorizes expenditures of public funds contrary to the ORC shall be liable to the political subdivision for the full amount paid.
3. Contrary to Ohio law, actual expenditures exceeded appropriation authority for the year ending 12/31/13. ORC 5705.41(B). 2013 expenditures were \$178,699. Amendment 1 of the Certificate of Estimated Resources dated 2/19/13 was \$127,305. It appears that the park commissioners exceeded their legal spending authority by \$51,394 in 2013.
4. Contrary to Ohio law, it appears that the park commissioners did not require the certification of available funds before it incurred an obligation. ORC 5705.41(D)(1) states that no subdivision shall make any contract or give any order involving expenditure of money unless there is attached thereto a certificate of the fiscal officer stating that the amount required to meet the obligation has been lawfully appropriated for such purpose and is in the treasury or in process of being collected. The section also states that every

- contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due.
5. Contrary to Ohio law, the park commissioners did not pass an annual appropriation measure on or about the first day of each fiscal year. ORC 5705.38(A).
 6. The record of proceedings is the official record taken by the park commissioners and should reflect all pertinent information approved by the commissioners. The 2013 minutes did not reflect the acceptance of approximately \$10,000 in donations nor did it document the authorization of many of the expenditures that exceeded an individual commissioner's authorization of \$1,000.
 7. Determine whether ORC 9.38 applies to revenue received in by the park commissioners. ORC 9.38 regulates the timely deposit of public moneys. In summary, it requires public moneys to be deposited into the public office's designated depository on the business day next following the day of receipt, unless the public office adopts a policy permitting a different time period, not to exceed three business days next following the day of receipt -- provided that the moneys are safeguarded until such time that they are deposited. Park commissioner meeting minutes of 7/31/13 indicate that the WG Kiwanis donated \$250. Verify when this money was received and deposited. Also verify whether the other approximately \$10,000 in donations were deposited in accordance with applicable Ohio law.
 8. ORC 117.38 requires each public office to file a financial report to the Ohio Auditor of State's office for each fiscal year. Newspaper notice is also required when the report is filed. Penalties exist for financial reports not filed or filed late. Determine whether the park district has filed the required report and provided public notice.
 9. ORC 5705.30 requires public notice and public hearings prior to adopting the annual budget. Verify whether this requirement applies to the park commission and whether it has complied with this requirement.

Financial Discrepancies

1. Park commissioner Joe Weiss told the Chester trustees during a meeting on 2/20/14 that the 2014 carry over balance for the park district was around \$4,800. The carry over according to the 2014 beginning balances submitted by the park commissioners to the county auditor's office on 2/21/14 was \$11,580. Mr. Weiss signed the document on 2/19/14. See attachment 3. The listing of 2014 park revenues and expenditures is missing the carry over balance in its arithmetic.
2. The listing of 2013 donations to the park district that was provided by the park district shows total donations of \$10,150 (see attachment 4). The accounting submitted to the county for the same period lists interest/misc revenue at \$9,652.79. An approximate \$500 discrepancy exists.
3. The 2014 beginning balances submitted by the park commissioners to the Geauga county auditor show a 2013 receipts at \$174,680.87. The bank statements show deposits of \$174, 803.07, a discrepancy of \$122.20.
4. On 12/19/13, the park commissions passed a motion to hire M.A.L. Enterprises for \$3,275 to paint the gazebo. This amount was not shown as encumbered in the 2014 beginning balances approved and submitted by the park commissioners to the Geauga County Auditor.
5. Five checks issued by the park commissioners in 2012 that totaled \$11,847.87 were never mentioned as approved for payment in their meeting minutes (check numbers 1670, 1671, 1672, 1673 and 1674). There is no record of these checks in the meeting minutes-\$3,360 was issued to Inspeyered Tree Service and \$8,134.50 was issued to Peerless Electric.

Specifics- Apparent Overage of Spending Authority

On 1/24/13, a motion was approved to authorize an individual park commissioner to "expend up to \$1,000 for work to be done at the park". The following checks appear to have been paid that exceeded the individual authorization of \$1,000 and had no prior board approval in the meeting minutes:

1. \$2,054.88 to Lance Yandell, check 1711 dated 2/1/13
2. \$2,841.65 to ElectroLite, check 1737 dated 4/17/13
3. On 4/17/13 the commissioners approved \$15,495 to Land & Site Contractor for lawn care from April 1 - November 30. A total of nine checks were issued to them between the period 5/6/13 and 1/23/14. The checks totaled \$18,429.96. The approved dollar amount was exceeded by \$2,934.96.
4. \$5,779.52 to Deepwoods Trucking, check 1765 dated 5/16/13
5. \$3,065.00 to Hi Lite Maintenance, check 1755 dated 5/6/13
6. \$3,337.70 to Sherwin Williams, check 1770 dated 5/16/13
7. \$1,354.61 to Sherwin Williams, check 1741 dated 4/17/13
8. \$2,655.74 to Play & Park Structures, check 1803 dated 7/2/13
9. \$2,655.74 to Play & Park Structures, check 1821 dated 8/22/13
10. \$3,750 to Chesterland Electric, check 1787 dated 6/13/13
11. \$1,237.50 to The Pruning Company, check 1728 dated 3/21/13
12. \$1,252.50 to The Pruning Company, check 1769 dated 5/16/13
13. \$1,450 to Peerless Electric, check 1713 dated 2/7/13
14. \$1,450 to Peerless Electric, check 1723 dated 3/13/13
15. On 2/27/13 the commissioners approved \$2,500 to Podogil Excavating. \$3,500 was paid by check 1759 dated 5/6/13. The approved dollar amount was exceeded by \$1,000.
16. On 2/27/13 the commissioners approved \$8,580 to M.A.L. Enterprises and another \$1,970 was additionally approved on 4/17/13. Total authorized was \$10,550. Payments made to M.A.L. in 2013 were \$12,080.00. The approved dollar amount was exceeded by \$1,530.
17. \$1,560.00 to H&M Landscape, check 1754 dated 5/6/13

Specifics- Apparent Expenditure of Public Funds Outside the Authority of the Park District Jurisdiction

In the following instances the park commissions made payments to contractors and vendors for goods and services that were beyond the boundary of Parkside Park:

1. Check 1751 for \$620.60 to American Rail Road Tie for patio stones at the Chester Fire Department
2. Three checks to Sal Charlillo for a total of \$1,250 for relocating flower baskets along SR 322 and SR 306 and within Parkside Park
3. ?? for landscaping services to the town hall and fire station
4. ?? to install a patio and landscaping behind the fire station

Specifics- Checks Cashed Prior to Park Commissioner Approval

In the following instances, checks were cashed BEFORE the meeting was held that the commissioners approved to pay the invoices as vouchered:

1. Check 1711 to Lance Yandell for \$2,054.88-commissioners approved on 2/27/13 and check was cashed on 2/8/13
2. Check 1758 to Play & Park Structures for \$35,296.65-commissioners approved on 5/16/13 and check was cashed on 5/10/13
3. Check 1755 to Hi Lite Maintenance for \$3,065-commissioners approved on 5/16/13 and check was cashed on 5/9/13
4. Check 1760 to DiFranco Landscaping for \$2,360-commissioners approved on 5/16/13 and check was cashed on 5/9/13
5. Check 1846 to DiFranco Landscaping for \$2,480-commissioners approved on 11/13/13 and check was cashed on 11/6/13
6. Check 1733 to M.A.L. Enterprises for \$3,780-commissioners approved on 4/17/13 and check was cashed on 4/11/13
7. Check 1757 to M.A.L. Enterprises for \$1,300-commissioners approved on 5/16/13 and check was cashed on 5/9/13

8. Check 1759 to Podogil Excavating for \$3,500-commissioners approved on 5/16/13 and check was cashed on 5/10/13
9. Check 1713 to Peerless Electric for \$1,450-commissioners approved on 2/27/13 and check was cashed on 2/13/13
10. Check 1749 to Peerless Electric for \$900-commissioners approved on 5/16/13 and check was cashed on 5/7/13
11. Check 1807 to Peerless Electric for \$767.50-commissioners approved on 7/31/13 and check was cashed on 7/15/13
12. Check 1842 to Peerless Electric for \$1,395-commissioners approved on 11/13/13 and check was cashed on 10/1/13
13. Check 1754 to H&M Landscape for \$1,560-commissioners approved on 5/16/13 and check was cashed on 5/7/13
14. Check 1841 to Chesterland News for \$412.50-commissioners approved on 11/13/13 and check was cashed on 10/4/13
15. Check 1783 to Costco for \$646.47-commissioners approved on 6/19/13 and check was cashed on 5/28/13
16. Check 1750 to H&K Gutter for \$835.00-commissioners approved on 5/16/13 and check was cashed on 5/7/13
17. Check 1806 to Illuminating Company for \$820.70-commissioners approved on 7/31/13 and check was cashed on 7/16/13
18. Check 1756 to Land & Site Contractor for \$1,936.87-commissioners approved on 5/16/13 and check was cashed on 5/8/13
19. Check 1843 to Playground World for \$200-commissioners approved on 11/13/13 and check was cashed on 10/4/13
20. Check 1808 to Professional House Cleaning Service for \$569.97-commissioners approved on 7/31/13 and check was cashed on 7/10/13
21. Check 1844 to Professional House Cleaning Service for \$360-commissioners approved on 11/13/13 and check was cashed on 10/2/13
22. Check 1784 to Sal Charlillo for \$1,000-commissioners approved on 6/19/13 and check was cashed on 6/6/13
23. Check 1722 to the Flag Store for \$1,291.48-commissioners approved on 5/16/13 and check was cashed on 5/9/13

Specifics- Questionable Signatory Authority

1. Check 1834 to Land & Site for \$1,936.87 was cashed on 9/16/13 absent any park commissioner signature(s) on the check.
2. In the following instances, checks were signed by only one commissioner- Joe Weiss. The second signature was Margaret Vitale, the secretary:
 - a. Check 1748 to All-Ways Flashers Services
 - b. Check 1781 to Apex Land Management
 - c. Check 1806 to the Illuminating Company
 - d. Check 1807 to Peerless Electric
 - e. Check 1780 to Professional House Cleaning Service
 - f. Check 1808 to Professional House Cleaning Service
 - g. Check 1818 to Professional House Cleaning Service
 - h. Check 1784 to Sal Charillo

Specifics- Check Amount/Payee Discrepancies

In the following instances, there is a discrepancy between the vouchered check listing in the meeting minutes and the checks shown on the bank statement(s):

1. 6/19/13 meeting minutes indicate that check 1797 was to KT Custom Logos for \$538.99, while the bank statement shows that check issued to Peggy Vitale for \$682.17
2. 6/19/13 meeting minutes indicate that check 1788 was to Chesterland News for \$250, while the bank statement shows the amount to be \$400
3. 6/19/13 meeting minutes indicate that check 1796 was to Ruth Chapman for \$100, while the bank statement shows that check issued to KT Custom Logos for \$538.99
4. 7/31/13 meeting minutes indicate that check 1812 was to Sal Charillo for \$291.00, while the bank statement shows that check issued to Chesterland Electric for \$291.18
5. 12/19/13 meeting minutes indicate that check 1857 was to Chesterland News for \$45.62, while the bank statement shows that check issued to All-Ways Flasher for \$45.62
6. 6/19/13 meeting minutes indicate that check 1798 was to Margaret Vitale for \$682.17, while the bank statement shows that check issued to Mulberry Creek Greenhouse for \$335.

Miscellaneous Questions & Concerns**A. Property Disposition**

1. At their 4/13/13 meeting, the commissioners approved \$1,200 to Guthrie Designworks for two more park signs. Check number 1766 to Guthrie Designworks for \$1,200 was cashed on 5/21/13. To date, the signs have not been installed—where are they?
2. Determine what, if any, ORC requirements regulate the park commissioner's of property and verify compliance. (Township trustees are regulated under ORC 505.10). Where is the old flag pole that was at the corner of SR 322 and SR 306?

B. Bonding

1. In accordance with ORC 1545.05, verify that the park commissioners are bonded for \$5,000 and that their bonds have been approved by and filed with the county auditor.
2. Verify that park commissioner Lance Yandell's bond is still active given that a personal income tax lien of approximately \$5,000 was filed against him on 1/7/14 by the Department of Taxation.

C. Payroll

1. Payroll withholdings are not being withheld from park commissioner secretary, Margaret Vitale's, wages. Determine whether they should be.
2. PERS is not being paid for park commissioner secretary, Margaret Vitale. Determine whether it should be.

D. Outstanding Checks and Voiding Checks

1. Four checks written in 2013 were never cashed (1734, 1743, 1736, 1802). The meeting minutes of the commissioners fail to identify check numbers for any voided checks.

Sunshine Law Concerns

1. Park Commissioners Lance Yandell and Joe Weiss held a business meeting with Dave Allen, the arborist consultant, at the Arabica Coffee House in January 2013. The meeting was not noticed and meeting minutes were not prepared in accordance with the Open Meetings Act.
2. The August 9, 2012 Park District meeting minutes state that park commissioners Joe Weiss and Todd Bidwell met with contractor Eugene DeFranco at the baseball field to discuss the necessary renovation. The meeting was not noticed and meeting minutes were not prepared in accordance with the Open Meetings Act.
3. The park commissioners have failed to comply with ORC 121.22F which requires every public body to, by rule, establish a reasonable method whereby any person may determine the time and place of all regularly scheduled meetings. According to the 4/2/12 park commissioner meeting minutes, regular meeting dates were stated to be the 1st Thursday of every month. From May 2012 through December 2013, they violated their rule at least 17 times.
4. The park commission, either intentionally or unintentionally, has made it nearly impossible for a citizen to know when their next regular meeting is planned to occur. Their 1/3/13 meeting minutes states that upcoming regular meetings are scheduled for 2/7/13 and 3/7/13. There were no meetings held on these dates. Instead they were held on 2/27/13 and 3/21/13. Their 1/24/13 meeting minutes state that their next regular meeting was to be held on 2/21/13. There was no meeting on 2/21/13. Their 2/27/13 meeting minutes state that their next regular scheduled meeting was to be on April 18. The next meeting was held on 3/21/13 and the subsequent meeting was on 4/17/13. Their 5/16/13 meeting minutes state that their next regular meeting was to be held on 6/13/13. This meeting ended up occurring on 6/19/13. Their 7/2/13 meeting minutes state that their next regularly scheduled meeting was to be held on 8/15/13. It was actually held on 7/31/13. Their 8/22/13 meeting minutes state that their next regular meeting was to be held on 9/19/13. It was held instead on 9/12/13. Their 12/19/13 meeting minutes state that their next regularly scheduled meeting was to be held on 1/16/14. Instead it was held on 1/23/14.
5. The park commissioners have failed to comply with ORC 121.22F which requires the purpose of all special meetings to be stated.
6. The park commissioners have failed to comply with ORC 121.22F which requires that advance meeting notice be given to any person requesting such notice.

Perceived Noncompliance with the Agreement between the Chester Township Board of Trustees and the Chester Township Board of Park Commissioners dated February 25, 1993
(see attachment 5)

1. The park commissioners have not complied with the requirements of item 4. This provision requires the park commissioners to obtain prior written approval from the Chester Township board of trustees prior to constructing or altering any permanent improvement. It also requires that plans, specs and drawings be submitted at least 60 days before commencing any such construction.
2. Item 8 states that the park commissioners may not contract for or incur any debts which result or could result in liens on the parks, park lands or permanent improvements without prior written approval of the trustees. It goes on to require that the park district fiscal officer provide the trustees with certification that the commissioners and park district are ~~in compliance with the ORC requirements that prohibit expenditure of money unless it 1)~~ has been properly appropriated; 2) that proper warrants have been drawn; and 3) that the fiscal officer has certified that the amount required to meet the obligation is in the treasury or in the process of being collected, free from encumbrances. This requirement is not being complied with.

Perceived Noncompliance by the Board of Park Commissioners with their By Laws
(see attachment 6)

1. The park commissioners have not complied with the requirements of Article IV Section 4a which states that "no contract of the Board of Park Commissioners involving the expenditure of money shall become effective until the Geauga County Auditor certifies that there are funds for the Board of Park Commissioners in the custody of the Geauga County Treasurer and otherwise unappropriated sufficient to provide therefor. The Auditor shall issue a warrant to the Treasurer of Geauga County to disburse the funds of the Board of Park Commissioners upon order of the Board, evidenced by the certificate of the Secretary in such manner as the Bureau of Inspection and Supervision of Public Offices prescribes."
2. In accordance with Article III Section 1, the commissioners are required to elect one of their members to serve as clerk/secretary. This has not been done. The clerk/secretary is required to keep the meeting records and give meeting notices.
3. Annual meetings have not been held in accordance with Article IV, Section 1.
4. The park commissioners have not complied with the public notice requirements outlined in Article IV, Section 5a.
5. The park commissioners have not complied with the public notice requirements outlined in Article IV, Section 5b.
6. The park commissioners have not complied with the notice requirements outlined in Article IV, Section 5c.

Cheter Park District Historical Financials

A MACHINIST #1

Cash Balance January 1 2006 ACTUAL 2007 ACTUAL 2008 ACTUAL 2009 ACTUAL 2010 ACTUAL 2011 ACTUAL 2012 ACTUAL 2013 ACTUAL
 \$8,814.68 \$17,597.78 \$15,648.89 \$18,570.28 ?? \$4,246.84 \$4,018.68 \$12,375.52
 Prior Year Encumbrances \$9,998.00 \$0.00 \$4,262.00 ?? \$0.00 \$0.00 \$0.00

RECEIPTS

Chester Twp \$30,000.00 \$25,000.00 \$20,000.00 \$28,602.13 ?? \$44,000.00 \$130,410.00 \$150,000.00
 State/County \$16,504.91 \$16,311.08 \$16,445.11 \$16,090.08 ?? \$14,466.47 \$15,515.53 \$14,678.08
 Donations \$0.00 \$525.00 \$0.00 \$0.00 ?? \$0.00 \$0.00 \$0.00
 Fees \$2,325.00 \$2,050.00 \$1,825.00 \$975.00 ?? \$300.00 \$325.00 \$350.00
 Interest/Misc \$244.29 \$206.58 \$177.75 \$14.76 ?? \$672.53 \$1.03 \$9,652.79
 Concert Proceeds \$210.42 \$0.00 \$0.00 \$0.00 ?? \$0.00 \$0.00 \$0.00
TOTAL RECEIPTS \$49,284.62 \$44,092.66 \$38,447.86 \$45,681.97 ?? \$59,439.00 \$146,251.56 \$174,680.87

TOTAL RECEIPTS & BALANCE \$50,467.94 \$61,690.44 \$54,096.75 \$59,990.25 ?? \$63,685.84 \$150,270.24 \$187,056.39

EXPENDITURES

General \$9,046.67 \$9,012.41 \$7,893.27 \$16,244.39 ?? \$13,166.06 \$9,600.36 \$16,300.43
 Personal Services \$2,331.00 \$2,213.34 \$2,998.04 \$3,119.02 ?? \$2,712.05 \$3,357.03 \$4,422.49
 Capital Improvements \$8,147.80 \$30,358.23 \$23,045.84 \$26,078.82 ?? \$39,489.80 \$117,833.74 \$119,876.79
 Reserve Fund
 Facility/Program Expense
 Maintenance \$13,044.69 \$870.45 \$1,589.32 \$858.58 ?? \$1,421.55 \$8,174.30 \$30,876.38
 Donations \$300.00 \$0.00 \$1,000.00 ?? \$1,000.00 \$1,000.00 \$4,000.00
 Vandalism
 Other \$305.00 ?? \$5.50
TOTAL EXPENDITURES \$32,870.16 \$42,454.43 \$35,526.47 \$47,605.81 ?? \$57,794.96 \$139,965.43 \$178,699.59

CASH BALANCE, December 31st \$17,597.78 \$19,236.01 \$18,570.28 \$12,384.44 ?? \$5,890.88 \$10,304.81 \$8,356.80
 Less Encumbrances \$0.00 \$3,600.00 \$4,262.00 ?? \$0.00 \$0.00 \$780.00
UNENCUMBERED BAL, Dec 31st \$17,597.78 \$15,636.01 \$14,308.28 ?? \$5,890.88 \$10,304.81 \$7,576.80

?? Bank Statements show Dec 31 balance at \$14,950.30. If minus \$780 for encumbrance, then end of year unencumbered balance should be \$14,170.30.

2012 and 2013 Park Board Expenditures by Vendor

2012 Amount 2013 Amount Vendor Paid

Total for 2012 and 2013

\$24,126.18	\$40,608.13	Play & Park Structures Total	\$64,734.31
\$35,397.82	\$5,225.00	H&M Landscape Total	\$40,622.82
\$27,389.00	\$9,607.50	Peerless Electric Total	\$36,996.50
\$21,240.00	\$4,840.00	DiFranco Landscaping Total	\$26,080.00
\$6,308.97	\$16,493.09	Land & Site Contractor Serv Total	\$16,493.09
	\$7,676.91	Illuminating Company Total	\$13,985.88
	\$12,080.00	M.A.L. Enterprises Total	\$12,080.00
\$3,645.71	\$9,509.75	Chesterland Electric Total	\$9,509.75
\$4,200.00	\$4,612.62	Margaret Vitale Total	\$8,258.33
	\$3,000.00	Rotary of Chesterland Total	\$7,200.00
\$5,760.00	\$6,299.31	Deepwoods Trucking Total	\$6,299.31
\$650.00		Inspèyered Tree Service	\$5,760.00
\$1,065.00	\$4,487.43	Mulberry Creek Greenhouse Total	\$5,137.43
	\$3,750.00	The Pruning Company Total	\$4,815.00
	\$4,729.67	Sherwin Williams Total	\$4,729.67
\$1,625.00	\$3,500.00	Podogil Excavating Total	\$3,500.00
	\$1,563.00	Public Entities Pool (PEP) Total	\$3,188.00
	\$3,065.00	Hi Lite Maintenance Total	\$3,065.00
	\$3,000.00	Guthrie Designworks Total	\$3,000.00
	\$2,841.65	Electolife Total	\$2,841.65
	\$2,742.30	Professional House Cleaning Serv Total	\$2,742.30
\$411.64	\$2,135.00	Freshley & Son Total	\$2,546.64
	\$2,291.48	The Flag Store Total	\$2,291.48
	\$2,054.88	Lance Yandell Total	\$2,054.88
\$1,000.00	\$2,048.08	Bremec Garden Center Total	\$2,048.08
\$850.00	\$1,000.00	Kiwanis Club of Wig Total	\$2,000.00
\$954.23	\$1,110.00	J. Vild Total	\$1,960.00
	\$801.26	Turney's Home and Auto Total	\$1,755.49
\$1,500.00	\$1,690.00	Apex Land Management Total	\$1,690.00
		ZalaConstruction	\$1,500.00
	\$1,344.00	Design Viewpoints Total	\$1,344.00

ATTACHMENT 2

2012 Amount	2013 Amount	Vendor Paid	Total for 2012 and 2013
\$375.78	\$963.75	All-Ways Flashers Services Total	\$1,339.53
\$534.85	\$737.60	Republic Services Total	\$1,272.45
\$1,159.10	\$1,250.00	Sal Charillo Total	\$1,250.00
\$183.36		United Volleyball	\$1,159.10
	\$874.12	Chesterland News Total	\$1,057.48
	\$835.00	H&K Gutter Total	\$835.00
	\$754.99	K.T. Custom Logos Total	\$754.99
\$200.00	\$550.00	Insurance Partners Total	\$750.00
\$650.00	\$665.00	Clairdon Barns Total	\$665.00
	\$0.00	Bart Alcorn	\$650.00
	\$646.47	Costco Total	\$646.47
	\$620.60	American Rail Road Tie Total	\$620.60
	\$550.00	Western Reserve Graphics Total	\$550.00
	\$500.00	Perennial Garden Club Total	\$500.00
	\$400.00	Mary Slingluff Total	\$400.00
\$0.00	\$335.00	Bob Lautenschleger Total	\$335.00
	\$300.00	Albert Parker Total	\$300.00
	\$250.00	Brite Stripe Total	\$250.00
\$75.00	\$170.00	CCM Rental Total	\$225.00
\$100.00	\$200.00	Playground World Total	\$200.00
\$69.96	\$100.00	Ruth Chapman Total	\$200.00
	\$105.00	CarrotTop Industries Total	\$174.96
	\$121.70	Playpower LT Farmington Total	\$121.70
		ODNR-Division of Parks	\$90.00
	\$75.00	Epic Sign & Design Total	\$75.00
		Village Outdoors	\$70.50
\$70.50	\$0.00	Abate Landscaping	\$66.00
\$66.00	\$60.00	Best Trophy and Awards Total	\$60.00
\$43.77	\$0.00	Home Depot	\$43.77
\$24.99	\$23.10	Bloom Bros	\$24.99
	\$23.10	Geauga County Maple Leaf Total	\$23.10
		TOTAL	\$314,960.25



Chester Township Park District

12701 CHILlicoTHE ROAD CHESTERLAND, OHIO 44026
440-729-7058
www.chestertwp.org

FY2014 Beginning Balances / FY2013 Chester Township Park District Actual: 12/31/13

PURPOSE	FOR 2013 ACTUAL
GENERAL FUND	
CASH BALANCE, January 1st, 2013	12,375.52
PRIOR YEAR ENCUMBRANCES	
RECEIPTS:	
TAXES: Chester Twp	150,000.00
State/County	14,678.08
FEES:	850.00
OTHER: Interest/Misc	9,652.79
TOTAL RECEIPTS	174,680.87
TOTAL RECEIPTS & BALANCE	187,056.39
EXPENDITURES:	
GENERAL	16,900.48
PERSONAL SERVICES	4,422.49
CAPITAL IMPROVEMENTS	119,876.79
RESERVE FUND	3,223.50
MAINTENANCE	30,826.35
DONATIONS	4,000.00
TOTAL EXPENSES	178,699.59
CASH BALANCE, December 31, 2013	8,356.80
RESERVE Fund Balance	5,223.50
LESS ENCUMBRANCES	780.00
UNENCUMBERED BALANCE, December 31, 2013	12,800.30

RECEIVED

FEB 21 2014

Frank J. Gilha
Geauga County Auditor

TOTAL carry over
= \$11,580.30

But Bank balance
is \$11,950.30
Δ \$370.00

To the Chester Township Trustees:
The Board of Park Commissioners of Chester Township Park District hereby submits the actual balances for the year commencing January 1, 2014 for consideration of the County Budget Commission, pursuant to Section 5705.30 of the Ohio Revised Code.

Respectfully Submitted by:
Peggy Vitale, Administrative Assistant of the Board

CHESTER TOWNSHIP PARK DISTRICT COMMISSIONERS

Clay Lawrence *Clay Lawrence* Date: 2/20/14

Joe Weiss, Jr. *Joe Weiss, Jr.* Date: 2/19/14

Lance Yandel *Lance Yandel* Date: 2/20/14

BAT MTE WITH
TRUSTEES
w/ps
2/20/14
WEISS TOLD
TRUSTEES
w/ps
13

"A PASSION FOR OUR PARKS"

CHESTER-TOWNSHIP PARK DISTRICT DONATIONS 2013

Park Bench Contributor	\$
West Geauga Plaza, LLC	500
Mr. Joseph H. Weiss, Jr.	500
Guido's Pizza Haven	500
Eastside Dog and Cat Hospital, Inc	250
Loretta Paganini School of Cooking	500
Top Gun Supply, LLC	500
Perennial Gardeners of Chesterland	500
Lions Club of Chesterland, Inc.	500
University Hospitals	500
Chesterland Auto Body & Service Inc.	500
Mrs. Wendy Weiss-Asher	500
The Legal News Publishing Company	500
Storage Park	500
Mr. Kenneth Radtke	500
DRY Center Building LLC	500
Miscellaneous Contributor	\$
The HF Group, LLC	150
The Kiwanis Club of West Geauga	250
Flag Pole Contributor	\$
West Geauga Plaza, LLC	500
Mrs. Judy Caputo-Rogaski	500
Chesterland Auto Body & Service Inc.	500
Mr. and Mrs. John D. Power	500
DRY Insurance Group	500

per 4/17/13
MTE minutes -
20 park benches
have been sold?
per 2/31/13 MTE
min. 12 park benches installed

per 2/27/13 MTE minutes
" Four Community residents
have generously donated
a Senior B \$20 each...
?? per Base Statement
NOT rec'd yet?

\$10,150

13

Recd. from Park Commission

ATTACHMENT 3

on 3/4/14 as

2/25/13

"Current agreement"

AGREEMENT

Whereas, the Board of Township Trustees of Chester Township (hereinafter "Township") has the authority and responsibility to operate and maintain parklands within Chester Township; and,

Whereas, the Board of Commissioners of the Chester Township Park District (hereinafter "Park District") has previously entered into an agreement with the township for the purpose of using, developing, improving, and protecting parklands within Chester Township; and,

Whereas, it is the desire of the Township and the Park District to continue such agreement and relationship;

Now, therefore, the Board of Township Trustees of Chester Township (Township) and the Board of Commissioners of the Chester Township Park District (Park District) agree as follows:

1. The Park District shall continue to use, develop, improve, and protect all parks and parklands owned by Chester Township and the Board of Township Trustees of Chester Township for the term of this agreement.
2. The Park District shall use, operate, maintain, develop, improve, and protect said parklands for the purpose of providing passive and active recreation facilities to the residents of Chester Township and the public.
3. Subject to the prior approval of the Township, the Park District may enter into agreements with other political subdivisions, including, but not limited to, the West Geauga Local School District, the West Geauga Recreation District, the Geauga County Park District, and Geauga County for the use and operation of the subject parks and parklands.
4. The Park District shall not construct or alter any permanent improvements on said parks or parklands without prior written approval from the Township. All plans, specifications, and drawings shall be submitted by the Park District to the Township at least sixty (60) days before commencement of any construction or alteration of permanent improvements. The Park District agrees that the Township may refer any plans, drawings, or specifications to the Chester Township Zoning Commission for advice and comment. The Park District agrees that all construction and alterations of permanent

improvements shall be so constructed or altered as to comply with and be in the spirit of the Chester Township Zoning Resolution.

5. The Park District has adopted and shall continue to adopt rules and regulations for the use of parks and parklands. Such rules shall include, but not be limited to, use of facilities, scheduling of activities, and shall prohibit the consumption of beer, wine and other alcoholic beverages on parklands or facilities.

6. The duty and authority to regulate the use of parks and parklands lies with the Park District.

7. No rangers or park police officers shall be appointed by the Park District other than police officers employed by the Chester Township Police Department. Direction and control of such rangers or peace officers shall be within the authority of the Chester Township Police Department.

8. The Park District may not contract for or incur any debts or obligations which result or could result in liens on the parks, parklands, or permanent improvements therein without prior written approval of the Township. Such approval shall be withheld by the Township until it receives certification from the fiscal officer of the Park District that the Park District is in compliance with all applicable provisions of the Ohio Revised Code, including, but not limited to, R.C. 5705.41.

9. This agreement shall be governed by the laws of the State of Ohio and may not be modified, amended, or altered unless done so in writing executed by the parties hereto.

10. The term of this agreement shall be for a period of five (5) years. Thereafter, the agreement shall renew on an annual basis unless either of the parties terminate the agreement as provided herein.

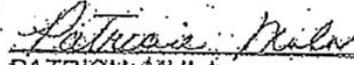
11. Either party may terminate this agreement prior to its expiration or the expiration of any renewal term by giving written notice of the intent to terminate to the chairman or clerk of the other party. Such notice shall state a specific date of termination; provided, such termination date shall be no earlier than ninety (90) days subsequent to the delivery of such notice.

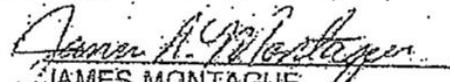
In the event that the Park District has incurred an indebtedness, the Park District may not terminate this agreement without providing sufficient proof that there are no liens on the parks, parklands, or permanent improvements and that all such indebtedness is properly secured.

12. Upon the expiration or termination of this agreement as provided herein, control of all parks and parklands shall revert to the Township. All improvements on said parks

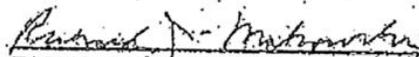
and parklands shall be and remain the property of the Township with no compensation or reimbursement due or owing to the Park District.

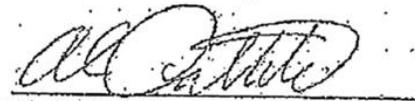
Executed this 25th day of February, 1998.


PATRICIA MULA
Chester Township Trustee


JAMES MONTAGUE
Chester Township Trustee


GLENN BATTLES
Chester Township Trustee


RICHARD J. MAKOWSKI
Park District Commissioner


AL DATTILO
Park District Commissioner


JOAN D. DI CILLO
Park District Commissioner

BY LAWS
of

CHESTER TOWNSHIP PARK DISTRICT
BOARD OF COMMISSIONERS

ARTICLE I

POWERS AND PURPOSE

Section 1. Powers. The Board of Park Commissioners of the Chester Township Park District shall possess all of the powers and shall be subject to all of the ~~responsibilities conferred on it~~ by Chapter 1545 of the Ohio Revised Code.

Section 2. Purpose. The ~~purposes and duties~~ of the Board of Park Commissioners of the Chester Township Park District shall be as follows:

- a. To ~~review and study the recreation~~ needs of the community at large.
- b. To ~~develop recreational facilities on~~ all lands under its jurisdiction and control.
- c. To ~~promulate rules and regulations pursuant~~ to Ohio Revised Code Section 1545.09 as the Board deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways and other reservations of land under its jurisdiction and control, and of property and natural life therein. The Board shall also ~~adopt~~ rules establishing a procedure for contracting for professional, technical, consulting and

other special services. The rules and regulations provided herein shall be published as provided in the case of ordinances or municipal corporations before taking effect.

- d. To review annually the recreational needs of the community, and to implement any necessary and practical changes in the use of and facilities on the lands so as to assure that the recreational needs of the community continue to be met as fully as possible.

ARTICLE VI

ORGANIZATION

Section 1. Membership. The Board of Park Commissioners for the Chester Township Park District shall consist of the three (3) members appointed by the Geauga County Probate Judge pursuant to the provisions of Ohio Revised Code Section 1545.05 and the Geauga County Auditor and Treasurer, as ex-officio members, pursuant to the provisions of Ohio Revised Code Section 1545.22.

Section 2. Term of office. The original three (3) park commissioners appointed by the Geauga County Probate Judge shall take office immediately and their respective terms shall expire one (1), two (2) and three (3) years from the first day of January, 1985.

Thereafter, the successors to each expiring term of Park Commissioner shall be appointed by the Geauga County Probate Judge for a term of three (3) years, subject to taking an oath of office and providing a bond to the Geauga County Auditor for the faithful performance of the duties of the office in the sum of \$5,000.00.

Section 3. Service without compensation. All Park Commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

Section 4. Removal and vacancy. Any Park Commissioner may be removed at the discretion of the Geauga County Probate Judge as provided in Ohio Revised Code Section 1545.06. In the case of removal or in the case of a vacancy occurring for any other reason, such vacancy shall be filled by the Geauga County Probate Judge by appointment for the unexpired term.

Section 5. Reappointment. Any member of the Board of Park Commissioners may be reappointed at the end of his term of service, if the Geauga County Probate Judge makes such reappointment.

ARTICLE III

OFFICERS

Section 1. Designation of officers. The officers of the Chester Township Park District shall be elected by members of the Board of Park Commissioners and shall be as follows:

- a. Chairman. The Chairman shall preside at all meetings, shall sign all documents authorized by the Board of Park Commissioners, shall make

all committee assignments, shall be responsible for all reports required by law, and generally perform all duties incident to such office.

b. Clerk/Secretary. ~~The Clerk/Secretary shall keep~~ an accurate record of all meetings of the Board of Park Commissioners whether regular, special or emergency. He shall give all notices

required by law and all notices required by the By Laws of the Chester Township Park District. He shall perform such duties as may be required by the Chairman or other members of the Board of Park Commissioners. At the expiration of his term of office, he shall deliver all books, papers or property of the Chester Township Park District to the Chairman, or his successor.

c. Such other officers as may be necessary for the efficient conduct of the activities of the Chester Township Park District.

Section 2. Election of officers. The election of officers shall be held at the annual meeting of the Chester Township Park District or at a special meeting called for that purpose. The election shall be by a majority vote of the members of the Board of Park Commissioners for the nominees to the respective offices. Balloting shall continue until a majority vote is obtained from the members for each office.

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Section 3. Employment of other persons and purchase of goods. The Board of Park Commissioners may employ a secretary and such other employees as are necessary in the performance of the powers conferred on the Board by Chapter 1545 of the Ohio Revised Code for the purpose of acquiring, planning, developing, protecting, maintaining and improving lands and facilities thereon under Ohio Revised Code Section 1545.11 and for other types of assistance which it finds necessary. In carrying out its duties, the Board of Park Commissioners may hire and contract for professional, technical, consulting and other special services and may purchase goods. In procuring any goods, the Board shall contract as a contracting authority under Ohio Revised Code Section 307.86 to 307.90 inclusive, to the same extent and with the same limitations as a Board of County Commissioners. In procuring services, the Board shall contract in the manner and under procedures established by the By Laws of the Board as required under Ohio Revised Code Section 1545.09.

Section 4. Police powers. The Board of Park Commissioners may designate certain employees as police officers to exercise police powers within and adjacent to the lands under the jurisdiction and control of such Board. Before exercising such power, such employees shall take an oath and give a bond to the state in such sum as the Board prescribes for the proper performance of their duties in such respect.

ARTICLE IV

MEETINGS

Section 1. Annual meeting. The annual meeting of the Chester

Township Park District shall be held at the Chester Township Town Hall on the third Thursday of January of each year at the hour designated in the written notice therefor.

Section 2. Regular meeting. The regular meeting of the Chester Township Park District shall be held at least once each month at the Chester Township Town Hall at the hour designated in the notice therefor. ~~Written notice of the regular meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the regular monthly meeting.~~

Section 3. Special or emergency meeting. A special or emergency meeting of the Board of Park Commissioners may be held at any time upon call of the Chairman or a majority of the members of the Board of Park Commissioners. Written notice of a special meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the special meeting. However, written notice is not required for an emergency meeting.

Section 4. Quorum. A minimum of two (2) members constitute a quorum for the transaction of business at any meeting of the Board of Park Commissioners, and a vote of two (2) members present at the meeting shall be sufficient for conduct of Chester Township Park District business.

- a. No contract of the Board of Park Commissioners involving the expenditure of money shall become effective until the Geauga County Auditor

certifies that there are funds for the Board of Park Commissioners in the custody of the Geauga County Treasurer and otherwise unappropriated sufficient to provide therefor. The Auditor shall issue a warrant to the Treasurer of Geauga County to disburse the funds of the Board of Park Commissioners upon order of the Board, evidenced by the certificate of the Secretary in such manner as the Bureau of Inspection and Supervision of Public Offices prescribes. The accounts of the Board shall also be kept in the manner to be prescribed by the Bureau.

- b. The Board of Park Commissioners may acquire lands either within or without the Chester Township Park District for the purposes and in the manner prescribed by Ohio Revised Code Section 1545.11. The acquisition of such land will require a majority vote of the Board. The Board may also accept donations of money or other property, or may act as trustees of land, money or other property and use and administer the same as stipulated by the donor or as provided in the trust agreement, subject to approval of each donation or trust by the Geauga County Probate Judge before acceptance by the Board of Park Commissioners.

JA

c. The Board of Park Commissioners may sell and dispose of land it has acquired and which is not necessary for the purposes for which it was acquired with the approval of the Geauga County Probate Court as provided in Ohio Revised Code Section 1545.12.

The Board may also lease or permit the use of any of its lands for purposes not inconsistent with the purposes for which such lands were acquired, and upon such terms as the Board deems advisable.

d. Any contract for the purchase of goods, employment of personnel and for services shall require a majority vote of the Board.

Section 5. Public notice of meetings. All meetings of the Chester Township Park District shall conform to the notice requirements established by Ohio Revised Code Section 121.22 (also known as the "Sunshine Law") as follows:

a. A schedule of the regular meetings of the Board, including information as to the time and place, shall be posted on a bulletin board located in an area accessible to the public at the Chester Township Town Hall. In the event of a cancelation or change of a regularly scheduled meeting date, the Board will make every reasonable effort,

including the use of newspaper notice, to notify all interested parties of such change. The newsmedia and persons requesting direct notification by the procedure established by these rules shall be notified individually of such change as soon as possible.

- b. When a special meeting of the Board has been scheduled, notice of such special meeting, including the information as to the time, place and purpose of the meeting, shall be posted on the public bulletin board in the Chester Township Town Hall. Notice of such meeting shall be mailed to all persons requesting such notification as provided by these rules. No special meeting shall be held unless at least twenty-four (24) hours advance notice has been given to the newsmedia that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency meeting, the member or members calling such a meeting, shall immediately notify the newsmedia that have requested notification of the time, place and purpose of the meeting.
- c. Any person may request reasonable advance

notification of all meetings of the Board including mailing of the agenda of the meeting, if requested. For this purpose such person shall provide the Board with a self-addressed and stamped envelope. In the case of a special or emergency meeting, the Board will make a reasonable effort to notify such persons by telephone if a mailed notice will not be timely.

- d. Any person or newsmedia desiring notification in accordance with these rules shall notify the Board in writing.
- e. The minutes of the regular, special or emergency meetings of the Board shall be promptly recorded and open to the public for inspection.

ARTICLE V

COMMITTEES

Section 1. Designation of committee members. The Chairman of the Board of Park Commissioners shall be responsible for the appointment of standing committee members, and for the creation of special committees and the appointment of their members.

Section 2. Standing committees. The Board of Park Commissioners shall act as a committee of the whole for all standing committees.

ARTICLE VI

RECORDS

Section 1. Custodian of records. The Clerk/Secretary of the Chester Township Park District shall be the custodian of all of the records of the Board of Park Commissioners excepting Board records which may properly be in the custody of the fiscal officer of the Board of Park Commissioners. The Board of Park Commissioners shall compile and publish reports and information relating to the Park District and other proceedings and functions of the Board, and shall keep an accurate and permanent public record of all of its proceedings.

Section 2. Records available to public. Any person upon written request to the Secretary or fiscal officer may examine the records of the Board of Park Commissioners if such request is made at least seventy-two (72) hours in advance of such examination.

ARTICLE VII

REPEAL AND AMENDMENT OF BY LAWS

Section 1. These By Laws may be repealed or amended by a majority vote of the Board of Park Commissioners at a meeting called for that purpose.



"Countryside Living"

Chester Township Park District

12701 CHILICOTHE ROAD, CHESTERLAND, OHIO 44026

440-729-7058

www.cheestertwp.org

February 20, 2014

TO: Chester Township Trustees

RE: CHESTER TOWNSHIP PARK FUNDING & IMPROVEMENTS for 2014

Dear Chester Township Board of Trustees,

The Park Board would like to present to the Trustees the proposed scope of project spending for 2014 at Parkside Park and request your support in the efforts identified below that we feel would serve the Park patrons and the overall appearance of our community Park.

Revenue	Chester Township Budgeted Funds	100,000	
	Tax Receipts - State Funds	<u>15,000</u>	
	Total Budgeted Revenue	<u>115,000</u>	
Expense	Concert Series Donation to Kiwanis	1,000	Same LY
	Insurance: Bonds, Liability, Building	2,000	Same LY
	Maintenance: Turney's, Freshley Plumbing	2,000	Same LY
	Memorial Day: Bag Pipe Player, Flowers	300	Same LY
	Playground Mulch Replenishment	3,500	Play Ground World
	Office Supplies, Postage, Advertising	800	Same LY
	Park Flower Baskets	1,000	Same LY
	Park Cleaning Expense-Restroom's	3,780	\$540/month x 7 months
	Park Grounds Maintenance and Repairs	18,000	LY = \$16,500
	Park Grounds Baseball Field Maintenance	2,500	LY = \$2,480
	Repairs, Electric	5,000	Replace ball field light heads
	Secretarial Expense	3,600	Same LY
	Tree Trimming / Stump Grinding	2,000	Same LY
	Electric - Illuminating Co meters	10,000	Same LY
	Rubbish	900	\$75 * 12 months
	Baseball Diamond Adaptation	15,000	Fencing to conform field to fast pitch
	Electrical Revamp Along Fence	11,000	Proposed 2 electrical upgrade stations
	Gazebo Painting	5,000	Scraping, caulking, painting 2 coats
	Horseshoe Pavilion Roof	4,000	Total tear off
	Walkway Lamppost Lighting & Outlet	15,000	Install 10 lamps, purchased with outlets
	Volleyball Boundary Netting	3,700	15 foot high boundary netting
	Total Budgeted Expense	<u>110,080</u>	
	Projected Carryover	<u>4,920</u>	

*What's the over
4/14 cost
balance of 7
\$10,000*

COMMISSIONERS: Clay Lawrence, Joseph Weiss, Jr, Lance Yandell

"A PASSION FOR OUR PARKS"

Appendix 30

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EXHIBIT B

December 16, 2010

Attendees:
Roy Podojil
Terry Ries

Melissa Palmer, recording

**Special Meeting
of the
Russell Township Park Commission**

Call to Order:

- The regular December meeting of the Park Commission was cancelled due to inclement weather. A special meeting was sunshined and held on Thursday morning, December 16, 2010. The meeting was called to order at 11:02 a.m.

Minutes:

- Melissa Palmer read the minutes from the November 8th meeting. **Motion:** Terry Ries made a motion to approve the minutes of the November 8, 2010 minutes as presented. Roy Podojil seconded the motion and it passed. The minutes were accepted and signed.

Old Business:

- **Future land acquisition:** Mr. Podojil is taking the title paperwork, the September minutes authorizing the purchase, and a check to Lawyer's Title Agency of Chardon. It is expected that the purchase of the Alford property on Sperry Road will be complete before the end of 2010. **MOTION:** Mr. Ries made the motion to authorize spending up to \$1,000.00 to cover the property tax expenses for the remainder of 2010 on the new Sperry Road property. Mr. Podojil seconded the motion and it passed.
- **Russell Uplands Preserve :** Mr. Chip Hess, of Hess Engineering, submitted a letter to the Park Commissioners indicating that he approved the payment of the invoice from Ohio Paving and Construction for the RUP driveway paving project. The commissioners indicated that the fencing looked nice and the lower gate is installed.
- **Thank You to Mr. Al Zack:** Mr. Allen Zack donated his time and labor to construct 2 wooden benches for installation at the Russell Uplands Preserve. The Commissioners appreciate his generosity and talents. A check was issued to Mr. Zack for materials for the benches.
- **Snowplowing:** Mr. Ries will look into having the RUP driveway snowplowed during the winter. The biggest need is to clear the snow from the plows at Russell Road. Previously, an estimate was received for \$100.00 per push. That estimate was deemed too expensive. **MOTION:** Mr. Podojil made the motion to authorize \$500.00 for snow plowing at the Russell Uplands Preserve. Mr. Ries seconded the motion and it passed.
- **ATV activity:** A Geauga Park District Ranger will coordinate with Chief Carroll to walk the RUP looking for ATV transgressors.

New Business:

- **Reappointment of Roy Podojil:** **MOTION:** Mr. Terry Ries made the motion to reappoint Mr. Roy Podojil to the Russell Township Park Commission. Mr. Podojil seconded the motion and it passed. Mr. Podojil will appear before Judge Henry for his official appointment. Thank you to Mr. Podojil for agreeing to serve on the Park Commission again.
- **Public Official's Bond:** The Public Official's bond for Mr. Podojil will be renewed for a three year term with \$25,000 coverage. The premium is \$250.
- **2011 Meeting Schedule:** **MOTION:** Mr. Roy Podojil made the motion to approve the 2011 meeting schedule as presented. Mr. Ries seconded the motion and it passed. The Park Commission will continue to meet on the second Monday of each month in the West Woods Nature Center. Special meetings will be held as necessary and will be properly sunshined.
- **Public Officials Liability renewal form:** The renewal form was filled out, signed, and returned to Mr. Sutton, of Sutton Insurance Agency. Mr. Sutton will be in touch with the policy after the holidays.

December 2010 minutes ord

Appendix 32

- **2011 Purchase Orders:** Temporary Purchase Orders for the beginning of 2011 were discussed. It was agreed that the Purchase Orders would remain much the same as previous years. Purchase orders for Blades Inc will be created so as to make the job scheduling and bill paying simpler.

PO 2011-1	Secretarial Services	\$2,500
PO 2011-2	Office Supplies	\$250
PO 2011-3	Mileage Reimbursement	\$200
PO 2011-4	Legal Ad's	\$1,000
PO 2011-5	Fees, Geauga County Auditor	\$4,000
PO 2011-6	Fees, State Audit	\$5,000
PO 2011-7	Public Official Bonds	\$850
PO 2011-8	Liability Insurance	\$1,800
PO 2011-9	Professional Engineering Services	\$3,000
PO 2011-10	Park improvements & trailwork	\$5,000
PO 2011-11	Hardware supplies & light equipment	\$500
PO 2011-12	RUP entrance improvements	\$10,000
PO 2011-13	Park & Hall Field maintenance & mow	\$5,000
PO 2011-14	Snowplow service	\$500
PO 2011-15	Property tax expenses for Sperry Rd	\$1,000

MOTION: Mr. Ries made the motion to approve Purchase Orders for 2011 as presented. Mr. Podojil seconded the motion and it passed.

- **2011 Temporary Appropriations:** A resolution is required to provide for the current expenses and the other expenditures of the Park Commission during the fiscal year ending December 31, 2011. MOTION: Mr. Ries made the motion to accept the Resolution for 2011 Temporary Appropriations. Mr. Podojil seconded the motion and it passed.

Monthly Financial Report & Signings:

- Mr. Ries signed the bank statements.
- Warrant & Ck 888 in the amount of \$200.00 to Melissa Palmer for October Secretarial (from PO#12)
- Warrant & Ck 889 in the amount of \$34.95 to Excel Printing for the RUP project info sign (from Blanket#2)
- Warrant & Ck 890 in the amount of \$9,975.82 to Lawyer's Title Agency of Chardon for land acquisition closing (from PO#27)
- Warrant & Ck 891 in the amount of \$250.00 to Sutton Insurance for the Podojil Public Official's bond (from PO#7)
- Warrant & Ck 892 in the amount of \$59,888.48 to Ohio Paving & Construction for the RUP driveway paving project (from PO#24)
- Purchase Order 2010-30 for \$500.00 to Custom Cut Landscape LLC for snowplow services (P30)
- Purchase Order 2010-31 for \$1,000 to Geauga County for property tax expenses for Sperry Rd (P10)

Adjournment:

- The meeting was adjourned at 11:45 a.m.

Respectfully submitted by:



Approved by:



January 10, 2011

Attendees:
Roy Podojil
Sandy Siegler

Melissa Palmer, recording

**Regular Meeting
of the
Russell Township Park Commission**

Call to Order:

- The meeting was called to order at 7:02 p.m.

Organizational Duties:

- The Russell Township Park Commission secretary called for nominations for Chairman for the year 2011. Mr. Siegler nominated Mr. Podojil for Chairman of the Russell Township Park Commission. Mr. Podojil seconded the nomination and it passed.
- Mr. Podojil nominated Mr. Siegler for Vice-Chairman of the Russell Township Park Commission for the year 2011. Mr. Siegler seconded the nomination and it passed.
- Mr. Siegler nominated Mr. Ries for Fiscal Officer of the Russell Township Park Commission for the year 2011. Mr. Podojil seconded the nomination and it passed.

Minutes:

- The reading of the minutes from the special meeting held on December 16, 2010 was waived as Mr. Ries is absent.

Old Business:

- **Snowplowing:** Mr. Podojil noted that the RUP had been plowed a couple of times. He is slightly concerned that the snow was pushed in front of the emergency gate. Mr. Siegler asked if the snow was going to be plowed every time it accumulated to two inches. He indicated that he does not want it plowed that often.
- **RUP sign & entrance design:** Mr. Siegler would like a visible wooden sign similar to the Affelder's sign on Route 306 or like the other Geauga Park District signs. They are not gaudy or ostentatious. He is also interested in placing stone pillars near the entrance gate of the RUP. Mr. Podojil is interested in adding some split rail fencing to the entrance way. The BZA will have to be consulted for sign size.
- **Sperry Road property:** The 4.89 acre Sperry Road property, formerly the Alford property, was added to the RTPC portfolio. The title transferred on December 17, 2010.

New Business:

- **Levy Committee:** Discussion was held concerning potential members of the levy committee. The exact wording is needed for the resolution and renewal levy.
- **2011 Purchase Orders:** MOTION: Mr. Siegler made the motion to approve the 2011 Purchase Orders as written below. Mr. Podojil seconded the motion and it passed.

PO 2011-1	Secretarial Services	\$2,500
PO 2011-2	Office Supplies	\$250
PO 2011-3	Mileage Reimbursement	\$200
PO 2011-4	Legal Ad's	\$1,000
PO 2011-5	Fees, Geauga County Auditor	\$4,000
PO 2011-6	Fees, State Audit	\$5,000
PO 2011-7	Public Official Bonds	\$850
PO 2011-8	Liability Insurance	\$1,800
PO 2011-9	Professional Engineering Services	\$3,000
PO 2011-10	Park Improvements & trailwork	\$5,000
PO 2011-11	Hardware supplies & equipment	\$500

January 2011 minutes ord

Appendix 34

PO 2011-12	RUP entrance improvements	\$10,000
PO 2011-13	Park & Hall Field maintenance & mow	\$5,000
PO 2011-14	Snowplow service	\$500
PO 2011-15	Property tax expenses for Sperry Rd	\$1,000

MOTION: Mr. Ries made the motion to approve Purchase Orders for 2011 as presented. Mr. Podojil seconded the motion and it passed.

Monthly Financial Report & Signings:

- The bank statements will be presented when Mr. Ries is able to review them.
- Warrant & Ck 893 in the amount of \$2,378.75 to Hess Engineering for professional engineering services (from PO#2010-24) (signed & mailed on December 23, 2010)
- Warrant & Ck 894 in the amount of \$200.00 to Melissa Palmer for January Secretarial (from PO#1)
- Warrant & Ck 895 in the amount of \$500.00 to Sutton Insurance for the General Liability Insurance (from PO#8)
- Warrant & Ck 896 in the amount of \$1,025.00.00 to Sutton Insurance for Public Officials Liability Insurance (from PO#8)

Adjournment:

- The meeting was adjourned at 7:45 p.m.

Respectfully submitted by: Melissa Palmer Approved by: Roger Podojil

EXHIBIT C

COPY

CASH BALANCES 2013

	TOTALS	HINTINGTON CK	HINTINGTON SAVING	STAR OHIO	ADJ CK ACCT BAL	ADJ CASH JOUR BAL
1/31/2013	\$876,290.85	\$731,851.64	\$136,362.04	\$8,077.27	\$250.00	\$876,040.95
02/29/2013	\$939,472.29	\$795,030.43	\$136,364.13	\$8,077.73		\$939,472.29
3/31/2013	\$963,124.63	\$818,681.21	\$136,365.29	\$8,078.13	\$250.00	\$962,874.63
4/30/2013	\$962,346.84	\$817,901.95	\$136,366.41	\$8,078.48	\$500.00	\$961,846.84
5/31/2013	\$974,473.92	\$830,027.60	\$136,367.57	\$8,078.75	\$1,235.00	\$973,238.92
6/30/2013	\$971,919.97	\$827,472.30	\$136,368.69	\$8,078.98		\$971,919.97

COPY

Park Commission Cash Journal 2013

Debit Receipt	June	Credit Expend	Bal	Date	Description	Rec#	Ck. #	P10 - Admin		P30 - Cap. Imp		P60 - Facility		Operating		Conservation Land - P40			
								D. Expend	Crd Receipt	D. Expend	Crd Receipt	D. Expend	Crd Receipt	D. Expend	Crd Receipt	D. Expend	Crd Receipt	D. Expend	Crd Receipt
			973,238.82	June	Beginning Balance														
0.00		0.00																	
0.00		250.00		6/10/2013	Melissa Palmer		1010	250.00											
0.00		480.00		6/10/2013	Blades Lawn Care		1011		480.00										
0.00		1,304.60		6/10/2013	Art Form Nurseries		1012		1,304.60										
0.00		100.00		6/10/2013	Sutton Insurance		1013	100.00											
442.56		0.00		6/12/2013	Local Gov Fund	26													
381.74		0.00		6/11/2012	Pub Lib Fund	26													
1.12		0.00		6/30/2012	Huntington Interest	27													
0.23		0.00		6/30/2012	STAR Interest	28													
0.00		0.00																	
0.00		0.00																	
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0.00		0.00																	
825.65		2,144.60	971,919.97					350.00	825.65	1,794.80	0.00	0.00	0.00	2,144.60	825.65	146,325.82	0.00	825,593.15	
825.65		2,144.60	971,919.97																
105,714.23		11,711.24	971,919.97		971,919.97			4,996.64	24,925.03	6,714.60	0.00	0.00	0.00	11,711.24	24,925.03	146,325.82	0.00	80,789.20	

EXHIBIT D

COP

STANDARD RECEIPT

Russell Township Park Commission
P.O. Box 522
Novelty, OH 44072

Receipt Number: 1 - 2013
Date: 1/15/2013

Received of: Geauga County Auditor
For: Public Lib Fund

Amount: \$373.29
Fees: _____
Net Receipt \$373.29

MCPalmer

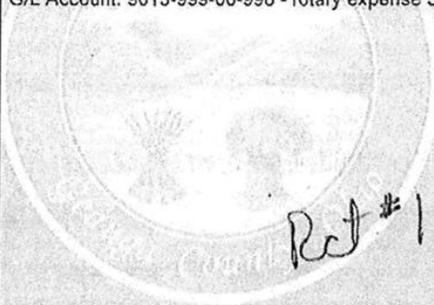
(Fiscal Officer)

Account Type	Description	Charge Type	P.O. Number	Amount
Operating	Public Lib Fund			\$373.29
Conservation				

CHECK NO. 883052

Invoice Total	(-) Retainage	(-) Discount	(+) Freight	(+) State Tax	(+) City Tax	(+) County Tax	(-) Total Payment
373.29	0.00	0.00	0.00	0.00	0.00	0.00	373.29

DATE	INVOICE NO.	DESCRIPTION	NET AMOUNT
01/14/2013	2013-00000257	Public Library Funds-Russell Twp Park statutory distributions-public library funds-russell twp park G/L Account: 9013-999-00-998 - rotary expense 373.29	373.29 1 Each 373.29



COPY

Total: \$373.29

2013 PUBLIC LIBRARY FUND
Payin Code -9013

COPY

Payin Amount \$249,527.64
 x .44% 1,097.92 allocated to Parks
 248,429.72

Date: 1/9/2013

Distribution is directly from Public Library Fund.

9013-999-000-998

	Vendor #	% Allocated	Amount
Geauga Library	1698	85.8161488%	213,192.82
Burton Library	552	14.1838512%	35,236.90
Thompson Park	4543	32.00%	351.34
Russell Park	4020	34.00%	373.29
Chester Park	763	34.00%	373.29
TOTAL			249,527.64

Prepared by Bev Sustar
 Deputy Auditor

File: PUBLIC LIBRARY FUND.xlsx

EXHIBIT E

COPY

Warrant # 989

Purchase Order

8

TO: Sutton Insurance

Qty.	Description	Price per Unit	Amount
	General Liability Insurance		\$500.00

I hereby certify that the money required for the payment of the above obligation in the sum of \$500.00 at the time of making of such contract or order, and at the time of the execution of such certificate, was lawfully appropriated for such purpose and was in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances. (Rev.Code, Sec. 5705.41)

Date: 14-Jan-13

EXHIBIT F

RESOLUTION NO.: 2013-010

LAKE METROPARKS

INTRODUCED BY: Mr. Eckart

CONCORD, OHIO

A Resolution of the Board of Park Commissioners of Lake Metroparks to approve the Board of Park Commissioners Performance Metrics, as attached.

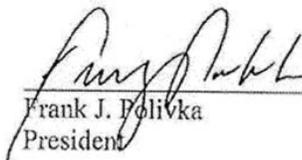
Seconded by: Mr. Polivka

Ayes: 2

Nays: 1

Passed: by majority

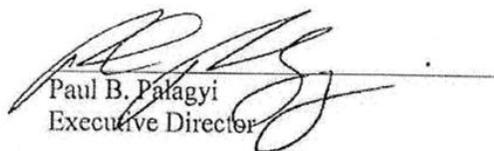
BOARD OF PARK COMMISSIONERS
LAKE METROPARKS



Frank J. Polivka
President

ATTEST:

I hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Board of Park Commissioners of Lake Metroparks of the State of Ohio on the 18th day of September 2013.



Paul B. Palagyi
Executive Director

BY RESOLUTION OF THE BOARD OF COMMISSIONERS OF LAKE METROPARKS IS
HEREBY ESTABLISHED THE FOLLOWING PERFORMANCE METRICS ARE FOR
EMPLOYEES, VOLUNTEERS, ASSOCIATES AND BOARD MEMBERS.

THE MISSION OF LAKE METROPARKS

To conserve and preserve the natural resources of Lake County while providing a variety of safe, affordable and enjoyable educational and recreational programs and activities that enhance the quality of life in Lake County now and for the generations to follow.

COOPERATION

The Lake Metroparks will provide a leadership role in cooperation with other public and private agencies and private landowners to preserve significant natural, historic, and cultural areas to enhance the quality of life within the Northeast Ohio region.

OPERATIONS

Lake Metroparks will operate the Parks in a manner that enhances the public enjoyment, awareness, and understanding of natural, historic, and cultural areas, while faithfully preserving and protecting for posterity the parks in as natural a state as possible.

GOVERNING STYLE

The Board will approach its task with a style which emphasizes strategic leadership more than administrative detail; clear distinction of Board and staff roles; an eye toward the future rather than the past or present; and be proactive rather than reactive. In this spirit, the Board will:

1. Involve itself primarily with the intended long-term goals of the organization, rather than with the administrative or programmatic means of attaining those goals.
2. Direct, control, and inspire the organization through careful deliberation and establishment of policies.
3. Enforce upon itself appropriate direction as needed to govern with excellence. Discipline will apply to attendance, policy making principles, respect for clarified roles, speaking with one voice, and self-policing of tendencies to stray from rigorous governance.

4. Ensure that no Commissioner shall participate in the consideration of, or the voting on, any contract with the Board, or on any project for which the Board may approve funding, in which a Commissioner, a member of his or her immediate family, or any of his or her business associates has a financial interest. No Commissioner shall be permitted to realize any personal financial benefit, directly or indirectly, from any project funds approved by the Board or from any contract with the Board except that this prohibition shall not apply to contracts providing for goods or services unobtainable elsewhere for the same or lower cost, and where the transaction is conducted at arm's length with full disclosure of the interest or benefit to the Board, and where the Commissioner having such interest does not participate in the deliberations or decisions of the Board.

A Commissioner shall disclose to the Board any membership or affiliation he or she may have with any agency, organization, or other entity which submits to the Board any project for funding or which proposes to contract with the Board for provision of goods or services.

The provisions of this Section shall apply to projects, grants, and contracts when the Board is a party regardless of whether the funds in question are public funds or funds received by the Board from private sources.

5. Be accountable to the general public for competent, conscientious, and effective accomplishment of its obligations as a body.
6. Monitor and regularly discuss the Board's own processes and performance. Ensure the continuity of Board actions through some systematic treatment of its own institutional memory.
7. Be an initiator of policy, not merely a reactor to staff initiatives. The Board, not the staff, will be responsible for Board performance.
8. Periodically review the Board's policy on which Board members communicate directly with the public and/or media.
9. While recognizing that vigorous debate is healthy to the governing process the Board shall be conscientious in presenting a unified vision to all community stakeholders.
10. Aggressively seek, identify, and employ as our own appropriate Best Practices found in similar Parks systems that will distinguish Lake Metroparks as one of the nation's best.
11. Be respectful to maintain the confidential nature of all Board deliberations in Executive Session.

12. Acknowledge the importance of the delegation of the Board's authority to the Executive Director. To accomplish this and to promote accountability and teamwork, individual Board members shall refrain from direct contact concerning matters of a management or executive nature with subordinate staff and shall direct their communications through the Executive Director unless otherwise agreed to.

BOARD JOB CONTRIBUTION

The "job contribution" of the organization as a whole is to achieve its mission in ethical and prudent ways. The job of the Board is to make certain contributions which lead the organization toward achieving its goals. The Board's own contributions are unique to its trusteeship role and necessary for proper governance and management. Consequently, the "products" or job contributions of the Board shall be:

1. Functioning as the link between the organization and the public.
2. Write governing policies which, at the highest levels, address:
 - A. "Results and Priorities" or organizational products, impacts, benefits, and outcomes.
 - B. Carefully defining staff authority.
 - C. Insuring appropriate governance and oversight without meddlesome intervention in operational activity.
 - D. Board-staff relationship.
3. The assurance of staff performance and proper evaluation of same.
4. Protection of all stakeholder especially taxpayer interests.
5. The naming of parks, areas, and facilities.
6. Financial support of the Park District in its various fund raising activities.

DELEGATION TO THE EXECUTIVE DIRECTOR

The Board job is generally confined to establishing topmost policies, leaving daily implementation to the Executive Director. The Board shall establish such broad policies and guidance as is necessary to direct the Executive Director to achieve certain results. The Executive Director shall act within acceptable boundaries of prudence and ethics. All Board

authority delegated to staff is delegated through the Executive Director, so that clear lines of accountability and predictability of management can be maintained.

1. The Executive Director is authorized to establish all administrative policies, make all decisions, take all actions, and develop all activities consistent with Board policy. This does not prevent the Board from obtaining information about activities in the delegated areas.
2. No individual Board member, officer, or committee has authority over the Executive Director or the staff. No individual Board Member may direct or instruct individual staff members unless otherwise discussed with the Executive Director. Information and non-management matters, of course, may be discussed or requested by such parties, but if the Executive Director determines that such a request involves an administrative, management, or policy decision it shall be referred to the Board as a whole for disposition as the Board may deem appropriate.
3. Acting within the blanket authority granted in Section #1 above, the Executive Director may not perform, allow, or cause to be performed any act which is unlawful or insufficient to meet commonly accepted business and professional ethics or the "prudent person" test, in violation of funding source requirements or regulatory bodies, or contrary to explicit Board policy.
4. Should the Executive Director violate a Board policy or have knowledge of such a violation, she or he shall inform the Board as soon as practicable. Informing the Board is simply to guarantee that no violation may intentionally be kept from the Board and does not exempt the Executive Director from subsequent Board action.
5. The Executive Director is the only employee hired, disciplined, or fired by the Board. The Executive Director is the only employee to whom the Board issues direct instructions and upon whom the Board makes a performance evaluation.

MONITORING DIRECTOR PERFORMANCE

Monitoring Executive Director performance is synonymous with monitoring organizational performance. Monitoring will be as routine as possible.

1. The purpose of monitoring is simply to determine the degree to which Board policies are being fulfilled by all employees of the District.
2. A given policy may be monitored in one of three ways:
 - A. Executive report: Disclosure to the Board of compliance information from the Executive Director.

- B. External report: Discovery of compliance information by a disinterested, external auditor, inspector, or judge who is selected by and reports directly to the Board. Comparison of actual performance as contrasted with the pursuit of previously identified Best Practices is one example of seeking the highest standards and performances for the System.
 - C. Discovery of compliance information by the Board as a whole. This is a direct inspection of organizational documents, activities, or circumstances, which allows a "prudent person" test of policy compliance.
3. The Board may monitor compliance of any policy at any time by any of the above methods. Routine monitoring, however, will occur as follows:
- A. Staff Treatment
 - B. Budgeting
 - C. Financial Condition
 - D. Communication & Counsel
 - E. Emergency Executive Succession
 - F. Asset Protection
 - G. Compensation and Benefits
 - H. Public Communications
 - I. Board Relationship with Volunteer Groups
 - J. Safety

STAFF EXPECTATIONS

With respect to treatment of paid and volunteer staff, the Executive Director may not cause or allow conditions which are illegal, inhumane, unfair, or undignified. Accordingly, the Executive Director may not:

- 1. Discriminate among employees on any basis;
- 2. Fail to establish an affirmative action program;
- 3. Subject staff to unsafe or unhealthy conditions;
- 4. Withhold from staff a grievance procedure able to be used without bias.

Every staff must be assured that should they know, discover, or have reason to believe, that there exists egregious activities of their superiors or others in position of authority within the Parks System that they may speak directly with the Board of Commissioners or the Commissioners' Legal Counsel.

BUDGETING

With respect to executing and planning fiscal operation, the Executive Director may not jeopardize either programmatic or fiscal integrity of the organization. Accordingly, he or she may not cause or allow budgeting or other financial commitments which:

1. Plans the expenditure from the general fund in any fiscal year of more funds than are conservatively projected to be available in the year from:
 - a. Tax Levies
 - b. Local Government Allocation
 - c. Grants
 - d. Interest
 - e. Operation receipts
 - f. Unencumbered prior year balances
2. Deviates materially from Board-stated and or approved priorities in the allocation of funds for competing budgetary needs.
3. Postpones needed capital improvements and major maintenance when a balance is projected for the current year-end.
4. Budgets more operations than projected for current year revenues.
5. Exceeds Board approved budgeted expenditures for capital and/or operating expenses without prior Board approval.
6. Deviates from appropriate procurement rules or guidelines established by the Board, the State of Ohio or generally accepted accounting principles.

FINANCIAL CONDITIONS

With respect to the actual ongoing condition of the organization's financial health, the Executive Director may not cause or allow the development of fiscal jeopardy or loss of allocation integrity. Accordingly, he or she may not:

1. Expend more funds than the sum of the funds received from taxes and other revenue sources in the fiscal year to date, plus unencumbered prior year balances, plus Board approved bonds or bond anticipation notes.
2. Indebt the organization in an amount beyond the accounts payable.
3. Allow cash to drop below the amount needed for payroll and debt servicing in a timely manner.
4. Allow actual allocations to deviate materially from Board-stated and or approved priorities.
5. Engage in any form of 'self-dealing' where the use of District assets, information, procurement practices, or any other activity involving the Park District may result in personal benefits or the appearance of personal benefits accruing to the Executive Director.

COMMUNICATION AND COUNSEL TO THE BOARD

With respect to providing information and counsel to the Board, the Executive Director may not cause or allow the Board to be uninformed or misinformed. Accordingly, he or she may not:

1. Let the Board be unaware of relevant trends, public events of the organization, or material external or internal changes. Such changes in particular include changes in the assumptions upon which any Board policy has been previously established or events/accidents that could lead to significant public concern and/or media attention.
2. Fail to submit appropriate or requested monitoring data in a timely, accurate, and understandable fashion, directly addressing provisions of the Board policies being monitored.
3. Fail to marshal as many staff and external points of view, issues, and options as needed for responsibly informed Board choices.

ASSET PROTECTION

With respect to proper stewardship of the district's assets, the Executive Director may not risk losses beyond those necessary in the normal course of business. Accordingly, he or she may not:

1. Fail to insure against casualty and liability losses equivalent to standards in comparable organizations.
2. Allow only bonded personnel access to material amounts of funds.
3. Subject plant and equipment to improper wear and tear or insufficient maintenance.
4. Unnecessarily expose the organization, its Board, or its staff to claims of liability.
5. Make on his or her own authority any purchase greater than the amount as defined by Article X of the By Laws.

COMPENSATION AND BENEFITS

With respect to employment, compensation and benefits to employees, consultants, contract workers, and volunteers, the Executive Director may not cause or allow jeopardy to fiscal integrity or public image. Accordingly, he or she may not:

1. Change his or her own compensation and benefits as established by the Board.
2. Establish any compensation and benefits schedule which:
 - A. Deviate materially from the geographic or professional market for the skills employed and the adopted pay scale created for valuing jobs and their ranges of compensation.
 - B. Create obligations over a longer term than revenues can be safely projected.
3. Allow personnel records associated with compensation, benefits or performance to be shared with inappropriate individuals.

PUBLIC COMMUNICATIONS

With respect to providing information to the public, the Executive Director shall utilize information resources to inform the Park District's constituency of regulations, program opportunities, or significant changes that would affect public use of Lake Metroparks.

Additionally, the Executive Director (or his designee) shall be the public spokesperson for the Park District.

RECEIPT

The undersigned hereby acknowledges receipt of the Regulations that deal with conflict of interest.

Dated: _____

Signature

Printed Name

RECEIPT

The undersigned hereby acknowledges receipt of the Regulations that deal with conflict of interest.

Dated: _____

Signature

Printed Name

DUPLICATE
Please keep this copy for your records

EXHIBIT G



Chester Township

Founded 1801

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026

(440) 729-7058

FAX (440) 729-3679

FISCAL OFFICER

Craig S. Richter

BOARD OF TRUSTEES

W.L. Bud Kinney

Michael J. Petruziello

Ken Radtke, Jr.

April 1, 2014

Park Commissioner Lance Yandell

Park Commissioner Joseph Weiss, Jr.

Park Commissioner Clay Lawrence

Park Board Administrative Assistant Peggy Vitale

Chester Township Park Board

12701 Chlllcothe Road

Chesterland, OH 44026

SUBJECT: Funding of the Chester Park Board

Dear Park Commissioners:

In no way shape or form do we, the Board of Trustees, wish to hinder the operations of the Park Board or your ability to maintain the usage of the Park for this season. In light of the fact that there is a pending investigation being done by the newly appointed Master Commissioner by Probate Judge Grendell, it is my recommendation that it would be best to proceed in the following manner for funding, should the Board of Trustees pass a motion at their April 3, 2014 meeting to adopt the procedure:

- Once you have identified a project and obtained quotes, you will need to provide to the Board of Trustees a copy of the motion that you have passed to include the project description, along with the quotes that have been received.
- At that time the Board of Trustees will make a motion for such funding and if approved by the Trustees, a distribution for the funds will be made to the Park Board for this specific project. The Park Board will pay the bills as they come in.
- For example, the Park landscaping bid that was just quoted; a bid in the amount of \$12,800 is the one that you have chosen. A motion to approve the funding will be on the Board of Trustees' agenda, and if passed by the Trustees, the funds will be appropriated. The Park Board will use these funds for that specific purchase order, and all payments will be paid by the Park Board.

April 1, 2014

SUBJECT: Funding of the Park Board

Page 2

- When a new project is ready to start, the Board of Trustees will need copies of the Park Board motion for such expenditure, and all quotes associated to the expenditure. Once these are presented to the Board of Trustees, we will make a motion to make distributions to the Park District, which means that whatever funds the Park Board needs will be distributed as needed once approved by the Board of Trustees. The Park Board will make the payments from its checking account.
- As for having any meetings concerning the relationship between the Park Board and Trustees as requested in an email from Lance Yandell, this will be put on hold and the communications between both parties will remain as we had agreed upon, with all information or communications between Mr. Joe Weiss and me.

Once the final report is completed by the Master Commissioner, the Board of Trustees will then review the findings and proceed with whatever actions are recommended.

Should you have any questions or concerns, please feel free to contact me.

Respectfully,



Michael J. Petruziello
Chester Township Board of Trustees

Cc: Honorable Probate Judge Tim Grendell
Chester Trustee Ken Radtke
Chester Trustee Ward Kinney
Fiscal Officer Craig Richter
Master Park Commissioner Mary Jane Trapp
County Prosecutor Bridey Matheny

EXHIBIT H



**COURT OF COMMON PLEAS
PROBATE / JUVENILE DIVISION
GEAUGA COUNTY**

TIMOTHY J. GRENDALL – JUDGE

Courthouse Annex, 2nd Floor
231 Main Street, Suite 200
Chardon, Ohio 44024
Voice: 440-279-1830
Fax Probation: 440-285-5025
Fax Court: 440-285-8751

RECEIVED
APR 04 2014
TOWNSHIP HALL

Via Fax and Regular Mail

April 3, 2014

Trustee Ward Kinney
Trustee Mike Petruziello
Trustee Ken Radtke
Chester Township Trustees
12701 Chillicothe Road
Chesterland OH 44026

RE: Chester Township Park District

Dear Chester Township Trustees:

It has come to my attention that you have placed an item on your agenda for tonight's meeting that would authorize the hiring of temporary help in the Road Department to, in part, provide restroom cleaning, trash receptacle emptying, and playground, park facilities, and general park maintenance. The proposed resolution states "The work will be done on an as-needed basis between the months of April and October 2014."

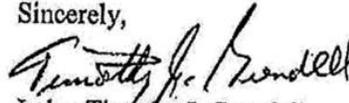
While the Township Trustees certainly have the legal authority to hire employees for the Township's Road Department, the Trustees have no legal authority over the maintenance and operation of the township park, that includes no authority over maintenance of the park facilities and playground equipment.

As you know, the township park district is a body politic and corporate. See R.C. 1545.07. The park district board, as the governing body of the park district, has exclusive authority over the maintenance and operation of the park district's properties and facilities, including, without limitation playground equipment.

With this in mind, I hope that you will reconsider and remove the ultra vires portion of your proposed resolution (i.e. the portion dealing with the township park) so that your action comports with Ohio law. Such corrective action will avoid the need for any judicial involvement to assure compliance with Ohio law and prevent unlawful interference with the authority of the park district.

Your consideration is warranted and appreciated.

Sincerely,



Handwritten signature of Timothy J. Grendell in cursive script.

Judge Timothy J. Grendell

cc: Bridey Matheney, Assistant Prosecutor
Craig Richter, Township Fiscal Officer
Chester Township Park Board

EXHIBIT I

BY LAWS

of

CHESTER TOWNSHIP PARK DISTRICT
BOARD OF COMMISSIONERS

ARTICLE I

POWERS AND PURPOSE

Section 1. Powers. The Board of Park Commissioners of the Chester Township Park District shall possess all of the powers and shall be subject to all of the responsibilities conferred on it by Chapter 1545 of the Ohio Revised Code.

Section 2. Purpose. The purposes and duties of the Board of Park Commissioners of the Chester Township Park District shall be as follows:

- a. To review and study the recreation needs of the community at large.
- b. To develop recreational facilities on all lands under its jurisdiction and control.
- c. To promulgate rules and regulations pursuant to Ohio Revised Code Section 1545.09 as the Board deems advisable for the preservation of good order within and adjacent to parks and reservations of land, and for the protection and preservation of the parks, parkways and other reservations of land under its jurisdiction and control, and of property and natural life therein. The Board shall also adopt rules establishing a procedure for contracting for professional, technical, consulting and

Appendix 66

other special services. The rules and regulations provided herein shall be published as provided in the case of ordinances or municipal corporations before taking effect.

- d. To review annually the recreational needs of the community, and to implement any necessary and practical changes in the use of and facilities on the lands so as to assure that the recreational needs of the community continue to be met as fully as possible.

ARTICLE II

ORGANIZATION

Section 1. Membership. The Board of Park Commissioners for the Chester Township Park District shall consist of the three (3) members appointed by the Geauga County Probate Judge pursuant to the provisions of Ohio Revised Code Section 1545.05 and the Geauga County Auditor and Treasurer, as ex-officio members, pursuant to the provisions of Ohio Revised Code Section 1545.22.

Section 2. Term of office. The original three (3) park commissioners appointed by the Geauga County Probate Judge shall take office immediately and their respective terms shall expire one (1), two (2) and three (3) years from the first day of January, 1985.

Thereafter, the successors to each expiring term of Park Commissioner shall be appointed by the Geauga County Probate Judge for a term of three (3) years, subject to taking an oath of office and providing a bond to the Geauga County Auditor for the faithful performance of the duties of the office in the sum of \$5,000.00.

Section 3. Service without compensation. All Park Commissioners shall serve without compensation, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

Section 4. Removal and vacancy. Any Park Commissioner may be removed at the discretion of the Geauga County Probate Judge as provided in Ohio Revised Code Section 1545.06. In the case of removal or in the case of a vacancy occurring for any other reason, such vacancy shall be filled by the Geauga County Probate Judge by appointment for the unexpired term.

Section 5. Reappointment. Any member of the Board of Park Commissioners may be reappointed at the end of his term of service, if the Geauga County Probate Judge makes such reappointment.

ARTICLE III

OFFICERS

Section 1. Designation of officers. The officers of the Chester Township Park District shall be elected by members of the Board of Park Commissioners and shall be as follows:

- a. Chairman. The Chairman shall preside at all meetings, shall sign all documents authorized by the Board of Park Commissioners, shall make

all committee assignments, shall be responsible for all reports required by law, and generally perform all duties incident to such office.

- b. Clerk/Secretary. The Clerk/Secretary shall keep an accurate record of all meetings of the Board of Park Commissioners whether regular, special or emergency. He shall give all notices required by law and all notices required by the By Laws of the Chester Township Park District. He shall perform such duties as may be required by the Chairman or other members of the Board of Park Commissioners. At the expiration of his term of office, he shall deliver all books, papers or property of the Chester Township Park District to the Chairman, or his successor.
- c. Such other officers as may be necessary for the efficient conduct of the activities of the Chester Township Park District.

Section 2. Election of officers. The election of officers shall be held at the annual meeting of the Chester Township Park District or at a special meeting called for that purpose. The election shall be by a majority vote of the members of the Board of Park Commissioners for the nominees to the respective offices. Balloting shall continue until a majority vote is obtained from the members for each office.

Section 3. Employment of other persons and purchase of goods. The Board of Park Commissioners may employ a secretary and such other employees as are necessary in the performance of the powers conferred on the Board by Chapter 1545 of the Ohio Revised Code for the purpose of acquiring, planning, developing, protecting, maintaining and improving lands and facilities thereon under Ohio Revised Code Section 1545.11 and for other types of assistance which it finds necessary. In carrying out its duties, the Board of Park Commissioners may hire and contract for professional, technical, consulting and other special services and may purchase goods. In procuring any goods, the Board shall contract as a contracting authority under Ohio Revised Code Section 307.86 to 307.90 inclusive, to the same extent and with the same limitations as a Board of County Commissioners. In procuring services, the Board shall contract in the manner and under procedures established by the By Laws of the Board as required under Ohio Revised Code Section 1545.09.

Section 4. Police powers. The Board of Park Commissioners may designate certain employees as police officers to exercise police powers within and adjacent to the lands under the jurisdiction and control of such Board. Before exercising such power, such employees shall take an oath and give a bond to the state in such sum as the Board prescribes for the proper performance of their duties in such respect.

ARTICLE IV

MEETINGS

Section 1. Annual meeting. The annual meeting of the Chester

Township Park District shall be held at the Chester Township Town Hall on the third Thursday of January of each year at the hour designated in the written notice therefor.

Section 2. Regular meeting. The regular meeting of the Chester Township Park District shall be held at least once each month at the Chester Township Town Hall at the hour designated in the notice therefor. Written notice of the regular meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the regular monthly meeting.

Section 3. Special or emergency meeting. A special or emergency meeting of the Board of Park Commissioners may be held at any time upon call of the Chairman or a majority of the members of the Board of Park Commissioners. Written notice of a special meeting shall be delivered to the Board of Park Commissioners by regular mail by the Secretary of the Board of Park Commissioners at least twenty-four (24) hours in advance of the special meeting. However, written notice is not required for an emergency meeting.

Section 4. Quorum. A minimum of two (2) members constitute a quorum for the transaction of business at any meeting of the Board of Park Commissioners, and a vote of two (2) members present at the meeting shall be sufficient for conduct of Chester Township Park District business.

- a. No contract of the Board of Park Commissioners involving the expenditure of money shall become effective until the Geauga County Auditor

certifies that there are funds for the Board of Park Commissioners in the custody of the Geauga County Treasurer and otherwise unappropriated sufficient to provide therefor. The Auditor shall issue a warrant to the Treasurer of Geauga County to disburse the funds of the Board of Park Commissioners upon order of the Board, evidenced by the certificate of the Secretary in such manner as the Bureau of Inspection and Supervision of Public Offices prescribes. The accounts of the Board shall also be kept in the manner to be prescribed by the Bureau.

- b. The Board of Park Commissioners may acquire lands either within or without the Chester Township Park District for the purposes and in the manner prescribed by Ohio Revised Code Section 1545.11. The acquisition of such land will require a majority vote of the Board. The Board may also accept donations of money or other property, or may act as trustees of land, money or other property and use and administer the same as stipulated by the donor or as provided in the trust agreement, subject to approval of each donation or trust by the Geauga County Probate Judge before acceptance by the Board of Park Commissioners.

- c. The Board of Park Commissioners may sell and dispose of land it has acquired and which is not necessary for the purposes for which it was acquired with the approval of the Geauga County Probate Court as provided in Ohio Revised Code Section 1545.12. The Board may also lease or permit the use of any of its lands for purposes not inconsistent with the purposes for which such lands were acquired, and upon such terms as the Board deems advisable.
- d. Any contract for the purchase of goods, employment of personnel and for services shall require a majority vote of the Board.

Section 5. Public notice of meetings. All meetings of the Chester Township Park District shall conform to the notice requirements established by Ohio Revised Code Section 121.22 (also known as the "Sunshine Law") as follows:

- a. A schedule of the regular meetings of the Board, including information as to the time and place, shall be posted on a bulletin board located in an area accessible to the public at the Chester Township Town Hall. In the event of a cancellation or change of a regularly scheduled meeting date, the Board will make every reasonable effort,

including the use of newspaper notice, to notify all interested parties of such change. The newsmedia and persons requesting direct notification by the procedure established by these rules shall be notified individually of such change as soon as possible.

- b. When a special meeting of the Board has been scheduled, notice of such special meeting, including the information as to the time, place and purpose of the meeting, shall be posted on the public bulletin board in the Chester Township Town Hall. Notice of such meeting shall be mailed to all persons requesting such notification as provided by these rules. No special meeting shall be held unless at least twenty-four (24) hours advance notice has been given to the newsmedia that have requested notification, except in the event of an emergency requiring immediate official action. In the event of an emergency meeting, the member or members calling such a meeting, shall immediately notify the newsmedia that have requested notification of the time, place and purpose of the meeting.

- C. Any person may request reasonable advance

notification of all meetings of the Board including mailing of the agenda of the meeting, if requested. For this purpose such person shall provide the Board with a self-addressed and stamped envelope. In the case of a special or emergency meeting, the Board will make a reasonable effort to notify such persons by telephone if a mailed notice will not be timely.

- d. Any person or newsmedia desiring notification in accordance with these rules shall notify the Board in writing.
- e. The minutes of the regular, special or emergency meetings of the Board shall be promptly recorded and open to the public for inspection.

ARTICLE V

COMMITTEES

Section 1. Designation of committee members. The Chairman of the Board of Park Commissioners shall be responsible for the appointment of standing committee members, and for the creation of special committees and the appointment of their members.

Section 2. Standing committees. The Board of Park Commissioners shall act as a committee of the whole for all standing committees.

ARTICLE VI

RECORDS

Section 1. Custodian of records. The Clerk/Secretary of the Chester Township Park District shall be the custodian of all of the records of the Board of Park Commissioners excepting Board records which may properly be in the custody of the fiscal officer of the Board of Park Commissioners. The Board of Park Commissioners shall compile and publish reports and information relating to the Park District and other proceedings and functions of the Board, and shall keep an accurate and permanent public record of all of its proceedings.

Section 2. Records available to public. Any person upon written request to the Secretary or fiscal officer may examine the records of the Board of Park Commissioners if such request is made at least seventy-two (72) hours in advance of such examination.

ARTICLE VII

REPEAL AND AMENDMENT OF BY LAWS

Section 1. These By Laws may be repealed or amended by a majority vote of the Board of Park Commissioners at a meeting called for that purpose.

EXHIBIT J

AGREEMENT

WHEREAS, the Board of Township Trustees of Chester Township have the authority and responsibility to operate and maintain park lands within Chester Township; and,

WHEREAS, the Court of Common Pleas of Geauga County, Ohio, has approved the formation of a park district known as the Chester Township Park District and the boundaries of said park district contain all park lands within Chester Township; and,

WHEREAS, Ohio Revised Code Section 1545.14 permits the Board of Park Commissioners of a park district to agree and contract with public authorities in control of parks or park lands for the purpose of assuming control of all or a part of said park lands and using, developing, improving, and protecting said park lands;

NOW, THEREFORE, the Board of Township Trustees of Chester Township (Trustees) and the Board of Commissioners of the Chester Township Park District (Commissioners) agree as follows:

1. The Commissioners shall assume control of all parks and park lands owned by Chester Township and the Board of Township Trustees of Chester Township commencing April 5, 1985, and continuing for a period of one years.
2. The Commissioners shall use, operate, maintain, develop, improve and protect said park lands for the purpose of providing passive and active recreational facilities to the residents of Chester Township and the public.
3. Subject to the prior approval of the Trustees, the Commissioners may enter into agreements with other political subdivisions including, but not limited to, the West Geauga Local School District, the West Geauga Recreation District, and Geauga County for the use and operation of the subject parks and park lands.
4. The Commissioners shall not construct or alter any permanent improvements on said parks or park lands without prior written approval from the ^{Trustees} Board. All plans, specifications and drawings shall be submitted by the Commissioners to the ^{Trustees} Board at least sixty days before commencement of any construction or alteration of permanent improvements. The Commissioners agree that the ^{Trustees} Board may refer any plans, drawings or specifications to the Chester Township Zoning Commission for advice and comment. The Commissioners agree that all construction and alterations of permanent improvements shall be so constructed or altered as to be in the spirit of the Chester Township Zoning Resolution.
5. Within 30 days of execution of this agreement, the Commissioners shall adopt rules and regulations for the use of said parks and park lands. Such rules shall include, but not be limited to, use of facilities, scheduling of activities and shall prohibit the consumption of beer, wine and other alcoholic beverages.
6. ^{Trustees} The Board acknowledges that, upon execution of this agreement, control of said parks and park lands has been transferred to the Commissioners and the duty and authority to regulate the use of said parks and park lands lies with the Commissioners.

7. The Commissioners agree that no rangers or park officers shall be appointed by the Commissioners other than police officers employed by the Chester Township Police Department and that direction and control of said rangers or peace officers shall be within the authority of the Chester Township Police Department.

8. The Commissioners may not contract for or incur any debts which result or could result in liens on the parks, park lands or permanent improvements thereon without prior written approval of the Board. Such approval, shall be withheld by the Board, until it receives certification from the fiscal officer of the Chester Township Park District that the Commissioners and the Park District are in compliance with Ohio Revised Code Section 5705.41.

9. This agreement shall be governed by the laws of the State of Ohio and may not be modified, amended, or altered unless done so in writing executed by the parties hereto.

10. Upon expiration of the term of this agreement, the agreement shall renew for a period of five years, unless either party notifies the other of its intent to not renew the agreement. Such notification shall be delivered in writing to the chairman or clerk of said board or commission no later than ninety (90) days prior to expiration of this agreement.

Either party may terminate this agreement prior to its expiration by giving written notice of the intent to terminate to the chairman or clerk of the other party. Such notice shall state a specific date of termination; provided, such termination date shall be no earlier than ninety (90) days from delivery of said notice.

In the event that the Commissioners have incurred an indebtedness, the Commissioners may not terminate this agreement without providing sufficient proof that there are no liens on the parks, park lands, or permanent improvements and that all such indebtedness is properly secured.

11. Upon expiration or termination of this agreement as provided herein, control of all parks and park lands shall revert to the Board. All improvements on said parks and park lands shall be and remain the property of the Board with no compensation or reimbursement due or owing to the Commissioners.

EXECUTED this 4th day of April, 1985.

CHESTER TOWNSHIP TRUSTEE

CHESTER TOWNSHIP TRUSTEE

CHESTER TOWNSHIP TRUSTEE

EXECUTED this 4th day of April, 1985.

CHESTER TOWNSHIP PARK
DISTRICT COMMISSION

CHESTER TOWNSHIP PARK
DISTRICT COMMISSION

CHESTER TOWNSHIP PARK
DISTRICT COMMISSION

EXHIBIT K

AGREEMENT

Whereas, the Board of Township Trustees of Chester Township (hereinafter "Township") has the authority and responsibility to operate and maintain parklands within Chester Township; and,

Whereas, the Board of Commissioners of the Chester Township Park District (hereinafter "Park District") has previously entered into an agreement with the township for the purpose of using, developing, improving, and protecting parklands within Chester Township; and,

Whereas, it is the desire of the Township and the Park District to continue such agreement and relationship;

Now, therefore, the Board of Township Trustees of Chester Township (Township) and the Board of Commissioners of the Chester Township Park District (Park District) agree as follows:

1. The Park District shall continue to use, develop, improve, and protect all parks and parklands owned by Chester Township and the Board of Township Trustees of Chester Township for the term of this agreement.
2. The Park District shall use, operate, maintain, develop, improve, and protect said parklands for the purpose of providing passive and active recreation facilities to the residents of Chester Township and the public.
3. Subject to the prior approval of the Township, the Park District may enter into agreements with other political subdivisions, including, but not limited to, the West Geauga Local School District, the West Geauga Recreation District, the Geauga County Park District, and Geauga County for the use and operation of the subject parks and parklands.
4. The Park District shall not construct or alter any permanent improvements on said parks or parklands without prior written approval from the Township. All plans, specifications, and drawings shall be submitted by the Park District to the Township at least sixty (60) days before commencement of any construction or alteration of permanent improvements. The Park District agrees that the Township may refer any plans, drawings, or specifications to the Chester Township Zoning Commission for advice and comment. The Park District agrees that all construction and alterations of permanent

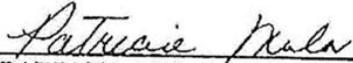
improvements shall be so constructed or altered as to comply with and be in the spirit of the Chester Township Zoning Resolution.

5. The Park District has adopted and shall continue to adopt rules and regulations for the use of parks and parklands. Such rules shall include, but not be limited to, use of facilities, scheduling of activities, and shall prohibit the consumption of beer, wine and other alcoholic beverages on parklands or facilities.
6. The duty and authority to regulate the use of parks and parklands lies with the Park District.
7. No rangers or park police officers shall be appointed by the Park District other than police officers employed by the Chester Township Police Department. Direction and control of such rangers or peace officers shall be within the authority of the Chester Township Police Department.
8. The Park District may not contract for or incur any debts or obligations which result or could result in liens on the parks, parklands, or permanent improvements therein without prior written approval of the Township. Such approval shall be withheld by the Township until it receives certification from the fiscal officer of the Park District that the Park District is in compliance with all applicable provisions of the Ohio Revised Code, including, but not limited to, R.C. 5705.41.
9. This agreement shall be governed by the laws of the State of Ohio and may not be modified, amended, or altered unless done so in writing executed by the parties hereto.
10. The term of this agreement shall be for a period of five (5) years. Thereafter, the agreement shall renew on an annual basis unless either of the parties terminate the agreement as provided herein.
11. Either party may terminate this agreement prior to its expiration or the expiration of any renewal term by giving written notice of the intent to terminate to the chairman or clerk of the other party. Such notice shall state a specific date of termination; provided, such termination date shall be no earlier than ninety (90) days subsequent to the delivery of such notice.

In the event that the Park District has incurred an indebtedness, the Park District may not terminate this agreement without providing sufficient proof that there are no liens on the parks, parklands, or permanent improvements and that all such indebtedness is properly secured.
12. Upon the expiration or termination of this agreement as provided herein, control of all parks and parklands shall revert to the Township. All improvements on said parks

and parklands shall be and remain the property of the Township with no compensation or reimbursement due or owing to the Park District.

Executed this 25th day of FEBRUARY, 1993



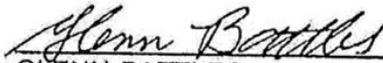
PATRICIA MULA

Chester Township Trustee



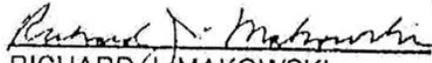
JAMES MONTAGUE

Chester Township Trustee



GLENN BATTLES

Chester Township Trustee



RICHARD J. MAKOWSKI

Park District Commissioner



AL DATTILO

Park District Commissioner



JOAN D. DI CILLO

Park District Commissioner

EXHIBIT L

EXHIBIT M



"Countryside Living"

Chester Township Park District

12701 CHILICOTHE ROAD CHESTERLAND, OHIO 44026

440-729-7058

www.chestertwp.org

DECEMBER 31, 2013

CHESTER TWP PARK DISTRICT INVENTORY	COST	PURCHASE DATE
2013 Holiday Lighting - Rotary Purchases (receipts attached) – Park Board Custodian of Assets		12/31/2013
2 Volley Ball Court Landscape Rakes @ \$55.99/ea. (Mulberry Creek Greenhouses)	\$ 111.98	11/2/2013
Chester Township Brackets – CCC memo	N/A	10/10/2013
12 Park District Banners @ \$112.00/ea. (Design Viewpoints)	\$ 1,344.00	5/6/2013
4 - Name Plates @ \$15.00/ea. (Best Trophy)	\$ 60.00	3/21/2014
10 Park Lampposts @ \$199.99/ea.(Costco)	\$ 1,999.90	1/29/2013
Chester Township Park District Stationary & Envelopes (Western Reserve Graphics) approx. 250 sheets/envelopes	\$ 257.50	1/24/2013
Commercial Grade Electrical Cords / Junction Boxes (Peerless Electric)	\$ 900.00	1/18/2013
2012 Holiday Lighting - Rotary Purchases (receipts attached) – Park Board Custodian of Assets	\$ 4,337.98	12/21/2012
6 - 2" polyfoam Volley Ball Pads (United Volleyball Supply, LLC)	\$ 1,159.10	7/13/2012
2011 Holiday Lighting – Reindeer/Sleigh (Home Depot)	\$ 313.02	12/13/2011
Volley Ball Nets (United Volley Ball Supply, LLC)	\$ 1,406.10	7/1/2011
QuickBooks 2010 Edition Software - Outdated Version (purchase price \$112.67)		10/2/2010
Canon LiDE110 Scanner (Amazon)	\$ 59.00	9/27/2010
Radio Shack 10"-75 Watt PA-Speaker	\$ 119.99	2009 Est date
Radio Shack 40-Watt PA Amplifier	\$ 39.95	2009 Est date
Radio Shack Single Channel Microphone	\$ 80.99	2009 Est date
	\$ 12,077.53	

"A PASSION FOR OUR PARKS"

Appendix 87

EXHIBIT N1

Master Commissioner Mary Jane Trapp
Thrasher, Dinsmore & Dolan
1400 W. 6th Street , Suite 400
Cleveland, Oh 44113

Dear Ms. Trapp,

I read with interest in a local newspaper that you are requesting comments or concerns on any issues regarding the Chester Township Park located at SR 322 & 306. As an over 20 yr. resident of Chester Township I have watched our park add facilities & have observed various ages of people using the park.

I am writing to you because I am perplexed as to what the problem is? When I have participated in such events at the park, such as the summer concerts, & last year the community picnic, I did notice many improvements have been made over the last few years that seem to be beneficial to all ages. I must commend the Park Board for this.

While I don't know who's responsibilities it is and I do recycle, the only criticism I have in the park area is that when I drop off my recyclables, the area seems to be a dangerous location where cars, adults, & children travel in and out from.

Sincerely,

Louis W. Gardner

440-729-0296

RECEIVED
JUN 17 11
Appendix 89

EXHIBIT N2

June 17, 2014

Linda L. Gifford
11400 Rust Drive
Chesterland OH 44026

Mary Jane Trapp, Master Commissioner
Thrasher, Dinsmore & Dolan
1400 W. Sixth St, Suite 400
Cleveland, OH 44113

Re: Chester Park Board

Dear Ms. Trapp:

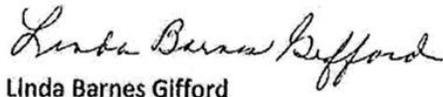
I wanted to respond to your request for comments regarding the Chester Park Board.

As background, I am a fifth generation Barnes family member and have lived in Chester Township my entire life. I served as a Chester Park Commissioner in the 1990's. Most of the "old timers" know the park land was donated back in the 1800's for use as a township park forever. It can never be sold and Chester residents are proud of their park.

The current Park Board has done a marvelous job of maintaining the park and adding new facilities for the enjoyment of the community. Most days the park is enjoyed by mothers with young children playing on the playground equipment and picnicking. During evening hours the volleyball courts are in use by teens and young adults and the lighted baseball fields are always in use for numerous games every night. During the summer months, the free concerts in the gazebo are enjoyed by all ages.

The current Park Board should be commended for their management of the funds available for park use and the Township Trustees should be thankful that those commissioners are doing such a fine job.

Very truly yours,


Linda Barnes Gifford

RECEIVED
JUN 19 2014
Appendix 9

EXHIBIT N3

20 June 2014

Mary Jane Trapp, Esq.
Thrasher, Dinsmore & Dolan
100 7th Avenue, Suite 150
Chardon, Ohio 44024-1079

Re: Chester Township Park

Dear Ms. Trapp,

Thank you for the opportunity to express my appreciation for the job that the Chester Township Park Board has done in restoring our Township Park to its current condition.

As a sixty-year resident and long-standing member of the Township Zoning Commission, I am overwhelmed at the dedicated, hands-on work that this Board has accomplished. The Park has never looked better; the facilities are have been expanded and are well maintained; and as a result the Park is in constant use.

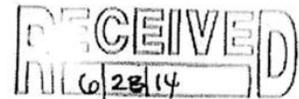
The Board has a common sense approach to its mission. They discuss, decide on a solution, execute and monitor. During periods of heavy usage, members of the Board actually check to see that the bathrooms are clean and well supplied; and that the trash is not overflowing. It is this kind of dedication and loyalty to the community that often goes unnoticed. The expenditures of the Board are commensurate with the needs of the community as they relate to Park usage.

Since the Park has become a center of Township recreation, it would be helpful (and safer) if the recycling bins could be moved out of the Park area. Also, the Park Board need storage and a meeting place. The Park Board should be permitted to examine the Henry House which is adjacent to the Park and owned by the Township, for this purpose. It needs repair, but this is a careful Board. If they examined it and found its repair was not practical, they would say so.

Thank you for this opportunity to express my thoughts.

Margaret Muehling

Margaret Muehling
8993 Sherman Road
Chesterland, Ohio 44026-2211
440-729-7879



Appendix 93

EXHIBIT N4

Mary Jane Trapp

From: Judy Caputo <jcaputochestertwp@hotmail.com>
Sent: Thursday, June 26, 2014 8:50 AM
To: Mary Jane Trapp
Subject: Chester Township Park
Attachments: Dear Honorable Judge Grendell park.doc

Dear Mary Jane,

Attached to this email is a letter concerning the Chester Township Park Board. I felt it was important to get involve and to inform you of some of the history here in Chester Township. Please feel free to forward this on to Judge Grendell and the Park Board members. If you have any questions please call me. Cell# 216-224-9300. Thank you for assisting the Park Board in this issue.

Sincerely,
Judy Caputo
Former Chester Township Trustee

Dear Honorable Judge Grendell,

First and foremost I would like to thank you and the Chester Township Park Board both current and past members for your dedication and hard work that everyone has given Chester Township's residents in the beautification and daily maintenance of our park. As a former Trustee for eight years this job has not been an easy task however the transformation has been remarkable.

I am writing this letter to hopefully give you an understanding as to the history and issues that the Park Board members have had to go through during the past years. While input and information from the residents of Chester Township is very important here again Ron and Cathy Cotman with the help of their cronies are attempting to destroy and ruin the hard work that has been done or will be done in the future. The Cotmans are extremely good at distortion and deception in their documentation of letter writing when trying to destroy something or someone in their path. This includes attending Park Board meetings where Cathy Cotman drills and intimidates the Board with repeated questions, comments and then in the following meeting uses her notes from former meetings to twist and derail the meeting so that little to nothing gets accomplished. She even went as far in one particular meeting of harassing the park board members and calling a member a liar. The member walked out of the meeting and the meeting needed to be closed.

Below are just a few examples of their attempts over the years:

Over the years as a Trustee the Cotmans have cost the Township's taxpayers thousands of dollars in lost grants, labor, time and public record requests for documentation for their mission.

In one of the past State of Ohio Audits Cathy sent a complaint to the state with nine different accusations, alleging wrongdoings in the Township, when the audit was complete there were no findings to her allegations.

I believe in the year of 2009 or 2010 the Trustees applied for grants to receive funding for the Town Hall parking lot and two grants with Ohio Department of Natural Resources. One of the grants which the township was awarded was for the new pavilion in the park along with the West Geauga High School for their wetlands project. The other grant was for the 80 acre parcel at the north end of the township to start the development of that parcel into a park. Since the Cotmans were opposed to development of that parcel into a park they went as far as to sending a letter to ODNR stating that the Township was deceiving ODNR on our application and for them to award the grant to a different community. This was then followed up by numerous phone calls to them to make sure the Township would not get the grant. I did in fact received a call from ODNR and was told that in the twenty five years of him working for ODNR he had never saw someone work so hard to make sure their community did not receive the grant.

While the Cotmans try to show that they are just concerned residents in the community their continued harassment goes much deeper, like following the Township employees while there are working, to publishing their own news letter to the residents, to spending hours cruising the Township Park and other areas of the Township that work or projects are taking place. Another example was the Marilyn Drive Project. This

project was a Townships 50 year flooding problem that I had worked on for over 2 years with the Geauga County Engineers Office to fix. During the project the Cotmans constantly tried to derail and harass the residents on the street by walking on there property trying to gain access to the project. Signs needed to be posted and they were told by a resident to leave their property or they would file charges. I could go on and on but I think the above demonstrates there creditability and character.

I would like to now address the 26 page document that was prepared by the Cotmans and it is my understanding that it was given in separate private meetings with each of the Trustees and the Fiscal Officer. I take issue with Chairman Radtke that he and the other newly appointed elected officials participated in such round robin private meetings with the Cotmans since Mr. Radtke is currently suing Chester Township, the Chester Township Board of Trustees and the Western Reserve Land Conservancy see case number 13M001076.

This document has never been presented in a public Trustee meeting, yet the Trustees and the Fiscal Officer has used it in making public decisions regarding the townships financial support to the Park Board. As you know the State of Ohio Auditors Office is currently auditing Chester Township for the year of 2013, to which the questions that have arisen as to whether the Park falls under the township audit or not. I will agree that based on this document that the State has clearly failed to even look at all the Townships in Geauga County that receive tax revenues from the Geauga County Auditors office for decades and this needs to be looked into, however the whole basis of this Cotman document was for two reasons, first to stop financial support to the park and secondly to discourage the Park Board members into resignation. Their document does not only address alleged improper accounting issues handled by the Board to outside varies vendors but also and most importantly attacks the volunteer's integrity.

Once again I thank you and your Volunteer Park Board members for continuing to do a wonderful job even under these circumstances. Please contact me for any questions, concerns or additional information.

Sincerely,

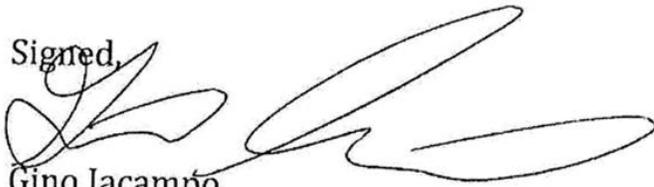
Judy Caputo
Former Chester Township Trustee

EXHIBIT N5

Dear Ms. Trapp,

There are a few points I would like to bring to your attention while making the decision. First off, most of the kids here and many more that could not attend, use the volleyball courts/softball field AT LEAST twice a week. I think I speak for everyone when I say our summer would not be the same without having this place available to us. Coming here and playing volleyball is a huge part of our summer and we all thoroughly enjoy using the courts at our leisure. Next, it is very simple to understand that coming here keeps us out of trouble. There are few safer places, if any, around Chesterland being that we are located directly next to the police station. Volleyball occupies us on weekends too. I believe you and the trustees would much rather have all of us next to the police station playing sports than being out partying and getting into trouble. Taking this opportunity away from all of us would be silly and it would ruin our summers. None of us are bad kids and we are just looking to keep the fun, safe things we do around. We would all be very, very grateful if you decided to continue to provide us with Parkside sports.

Signed,



Gino Iacampo

6-26-14

EXHIBIT N6

Mary Jane Trapp

From: venera paoletto <vtp48@hotmail.com>
Sent: Thursday, June 26, 2014 11:38 PM
To: Mary Jane Trapp
Subject: Chester Township Park District 2013 Review

In a room full of people who attended last evenings open park board meeting only 5 who were in attendance were neither: relatives (defense); friends (cronies); business acquaintances (motives).....OBJECTIVE?

Yes, I do know who they all are, Bill Marx, Basista who owns the plaza but lives in Bainbrige, former trustees Mula, Joyce, Caputo. Joe Weiss' daughter and her husband, secretary's son, Judith with the Historical Society, all those kids who thought the park was being closed, even judge stupica thought the park was being closed.....OBJECTIVE?

As I walked in with a young boy I asked him why he was attending "They're closing the park" was his answer.....OBJECTIVE ?

Have any of these people read what is being reviewed "the public record packet" which was given to the trustees by CONCERNED citizens with whom by the way many agree, so I was taken back by the fact that you named them.....why?

Please know that we were not moved by all the touchy feely and patting on the back by the board or the attendees.

This is about taxpayer monies and how it is spent. We have never seen a financial report from the park board, past or present. So many claim to have donated yet so much money is being spent?

Chester Township needs an objective review of the current park board....can the taxpayers expect it?

FYI, the trustees have their meetings every other Thursday and today was it. Their meeting began at 3 PM and lasted well after the park board was done with theirs. They requested the park board change their meeting time so they could attend but the park board never responded. Not only that but they are consistently inconsistent with their meetings and at times not at all.

Ven Paoletto
Sent from my iPad.

EXHIBIT N7

Mary Jane Trapp

From: Judy <judyjdog@aol.com>
Sent: Sunday, June 29, 2014 11:17 PM
To: mj@maryjanetrapp.com
Subject: Priorities

Hello, hello, hope all is well.

I do not support spending more money to add to the Chester Township park. If the supporters want to have a private fundraiser, that would be wonderful. Chester Township has other priorities that need addressed.

Additionally, as you may know, Clay Lawrence, Judy Caputo and Mike Joyce gave the 85 acre park away, without discussion or input from the residents who paid for this park with hard earned tax dollars. Not only did we as residents pay \$850,000 for this 85 acre park, but Lawrence, Caputo and Joyce paid the Western Reserve Land Conservancy \$20,000 to take control of this "park"? This issue is unresolved but will be addressed.

And now we are wasting more money on the Mayfield Road & 306 community park and ball field. Maintenance is fine, but the plans to spend more and more money on this project would be a huge mistake.

Thanks,

Judy K. Zamlen-Spotts

Chester Township Road Department Struggling with a \$300,000 deficit...

Something interesting happened at the Thursday, June 26, 2014, Chester Township Park Board meeting.

A typical Park Board meeting draws less than a handful of attendees, however, on this night the room was filled with residents who came to make overwhelmingly emotional and passionate statements praising the life-changing work of Chester Park Board Commissioners Clay Lawrence, Joe Weiss and Lance Yandell. Terri Stupica spoke so fervently about the park, I'm not sure, but I think I heard Kate Smith singing, "God Bless America" in the background.

Tragically, we have lost war heroes in Geauga County, men have given their lives in battle, and families have lost their loved ones in defense of our freedom, but we have not witnessed this type of emotional outpouring or heard such life changing and dramatic statements made about them at a town hall meeting. I attended the funeral of a Geauga County WWII veteran, a man who earned two purple hearts. There were no trustees, residents, or judges at his funeral. There was no meeting held to praise him and thank him for his contribution to our country.

Many residents besides me believe that this Chester Township Park meeting was concocted not only to promote Lance, Joe, and Clay but more importantly to pressure Chester Township Trustees to provide a blank check for Chester park spending. The sad truth is that Chester Township is struggling with a \$300,000 deficit left by former Trustees Mike Joyce, Judy Caputo, and Clay Lawrence. The Chester Road Department is in desperate need of more funding, and I am certain a new road levy is in the offing. Why would we spend more money on a cash-cow park project when a vital department needs funding?

I think that if Clay Lawrence, Joe Weiss, and Lance Yandell want to be recognized for their efforts, those who turned out for Thursday's meeting to praise them may be able to provide a very lovely certificate of appreciation signed by Mike Joyce, Pat Mula, Judy Caputo, Terri Stupica, and perhaps some well-meaning others. Such a certificate presented by such dignitaries must be worth its weight in gold.

Judy K. Zamlen-Spotts
11113 Chillicothe Road
Chesterland, Ohio 44026
440-729-1218

EXHIBIT N8

12870 Opalocka
Chesterland, OH 44026

June 26, 2014

Master Commissioner Mary Jane Trapp
Thrasher, Dinsmore & Dolan
1400 W. 6th Street Suite 400
Cleveland, OH 44112

Dear Master Commissioner Trapp,

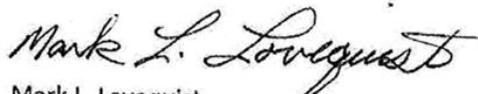
I have attending numerous Park Board meetings, and was present at the Park Board meeting on 0-6-26-2014. I had hoped this meeting, along with all Park Board meetings, would have been taped. I attended meetings this year and yet my name and questions are not found in the minutes. I look at the park notes for 2014 and see there is a selection of information from the meetings. When a meeting ends with the board stating, "we have bills to pay," but no mention to whom or how much, where is the transparency? Other commissions use the town hall and the taping system, they do not.

I heard testimony during the evening supporting the park commissioners and their efforts. Some were relatives, some were contractors and other stake holders in the community. Some in the audience even stated that they were in attendance because they heard the park would have to be closed. The review should not be based on emotions and should be focused on the examination of the bid process and how the tax payer's money is spent. The atmosphere at this meeting was not supportive for those with financial questions.

At tonight's meeting, there was dismay expressed that the Board of Trustees asked the Park Board for information and records. The members of the Board of Trustees are voted in by Chester Township residents, and one of their duties is to keep an eye on our tax dollars. They have every right to ask for information and financial records. When the Park Board spends a good amount of money on a baseball field, and then turns around a year or so later and wants to spend another good amount of money to make it into a *different* type of ball field, one has to question if there is foresight and planning. Again, the Board of Trustees has every right to question their financial records.

Thank you for considering my concerns.

Respectfully submitted,


Mark L. Lovequist

RECEIVED
6/30 Appendix 105

EXHIBIT N9

Mary Jane Trapp

From: dal lanese <lanesedal@gmail.com>
Sent: Tuesday, July 01, 2014 5:06 PM
To: Mary Jane Trapp
Subject: park board meeting.
Attachments: Mary Jane.doc

Mary Jane,

Attached is my letter regarding the June 26 meeting. Thank you.

Dal Lanese

Mary Jane,

My concerns regarding the Chester Park Board have to do with financial management.

During 2012 and 2013, the board spent nearly \$320,000 and then said it needed another \$100,000 in 2014. In my opinion, it has been too much, too fast.

I also have concerns about whether the procedures that were followed for selecting suppliers/contractors and administering payment to them were proper. Has the board complied with the requirements of the agreement that created it, as well as the applicable Ohio law? Chester Park Board is a public entity spending public funds and needs to operate by the associated rules as well as follow sound financial practices. I sincerely hope that your review will fully address this concern. For me, the end doesn't justify the means.

It was obvious to me that people attending your June 26 hearing were either misinformed about the planned future for Parkside Park, were friends/relatives of the board or had personal biases toward certain citizens or current Chester elected officials. Please be sensitive to this fact as you finalize your review findings.

Near the end of the June 26 hearing, you indicated that public input would significantly affect your review conclusions. I will again render my opinion that the input you received last Thursday totally missed the real issues.

Once again, the problem for me, and I believe most of Chester, is not whether we like the park or how it looks. Furthermore, we know people have worked hard, and we appreciate it. Our concern is about the controllership/management of tax dollars and the rate of spending on the park.

I'm hopeful that you will objectively review the facts and not be overly influenced by the emotions.

Sincerely,

Dal Lanese

(Mary Jane - I know you recognize me by face but may not know my name. I'm a member of the Chagrin Valley Woman's Club and the one you occasionally encounter at grocery stores)

EXHIBIT N10



Chester Township Park District

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026

440-729-7058

www.chestertwp.org

June 26, 2014

SIGN-IN SHEET

Print Name	Address	Signature
Judy Caputo	12982 LYNN DR	<i>Judy Caputo</i>
Pat Mula MIKE JOYCE	8545 Commercial Dr. 12195 RESERVE DR	Pat Mula <i>Mike Joyce</i>
JOHN W. RALPH	P.O. Box 468 CHARDON	<i>John W. Ralph</i>
LINDA & GAYLE GIFFORD	11400 RUST DRIVE	<i>Linda & Gayle Gifford</i>
Susie Szabo EUGENE P. DiFRANCO	7370 Martingale Dr. 7613 PEGHAM DR.	Susie Szabo <i>Eugene P. DiFranco</i>
Brianne Sexton	13397 LAKEWOOD DR.	<i>Brianne Sexton</i>
Callaway Susor	11906 Meadowridge Dr.	Callaway Susor
Frederic Anger	7690 Appleblarson Ln	<i>Frederic Anger</i>
Michael Duffy	11341 Winding Brook Ln	<i>Michael Duffy</i>
Wayne Beth Williams	12371 Valley View Dr	<i>Wayne Williams</i>
Tom Basista	West Geauga PLAZA	<i>Tom Basista</i>
ROD BASISTA	West Geauga Plaza	<i>Rod Basista</i>
Maureen Mooney	12776 Manchester Dr. Chester	<i>Maureen Mooney</i>
Abbey Bixler	13035 Caves Road	<i>Abbey Bixler</i>
DULAN LONG	13035 CAVES RD	<i>Dulan Long</i>
Terri Jampica	8143 Sherman Rd	<i>Terri Jampica</i>
Wendy Weiss Acker	8228 Mayfield Rd	<i>Wendy Weiss Acker</i>
Heidi Schwab	11259 Lake Forest	<i>Heidi Schwab</i>
<i>Karen</i>	11490 KRISTINE DR	<i>Karen</i>

"A PASSION FOR OUR PARKS"

Appendix 110

EXHIBIT O

TOWN CRIER

June 26: Chester Township Park Board Meeting

7 p.m.

The Chester Park Board will hold a regular public meeting at Fire Station No. 1 behind the town hall.

In attendance will be Mary Jane Trapp, master commissioner, appointed by Geauga County Probate/Juvenile Court Judge Tim Grendell.

The purpose of the master commissioner's attendance will be to listen to any issues or concerns about the Chester park district.

The time allotted for this part of the agenda is 30 minutes. Written submissions to the master commissioner are welcomed and may be presented at the meeting or may be mailed to her before the meeting to the following address: Master Commissioner Mary Jane Trapp, Thrasher, Dinsmore & Dolan, 1400 W. 6th St., Suite 400, Cleveland, OH 44113.

June 26-28: Most Holy Trinity Church Rummage Sale

10 a.m.-6 p.m. Thursday and Friday;
9 a.m.-3 p.m. Saturday

Join for Most Holy Trinity Church's rummage sale at 8549 Mayfield Road.

Furniture, gently used clothing, antiques, collectibles, piano, antique desk, washer/drier and much more.

Homemade stuffed cabbage dinners for take-out. Noodles with cabbage, hot dogs and baked goods.

June 27: Food Pantry

10 a.m. to noon

The Food Pantry at Chester Christian Center A/G Church, 11815 Chillicothe Road, Chester Township, is open to the public.

Open to anyone who is in need of food. Do not need to be a member of the church to attend. Call 440-729-6203 for more information.

June 27: WG Alumni Reunion

Graduates of Chester, Russell and West Geauga schools are invited to attend the 134th annual alumni reunion at the Kirtlander Party Center, 9270 Chillicothe Road, Kirtland. Social time will start at 5

years will be honored as well. The guest speaker is sure to bring back memories for each attendee by sharing experiences with teachers and fellow students.

Prepaid reservations by June 20 are a must. Call Linda, 440-729-2932, for more information.

June 28: KittyPawLooza

11 a.m.-4 p.m.

Rescue Village is currently overrun with cats and kittens. To make way for the hundreds of felines still on its waiting list, Geauga Humane Society's Rescue Village will be holding KittyPawLooza at its shelter, located at 15463 Chillicothe Road.

The shelter will be bringing in over 50 adoptable kittens for the much anticipated event. All kittens 6 months and under are only \$50 (reg. \$95). Adult cats are only \$5.

Be sure to stay for the raffle, crafts and activities, and ice cream truck.

For more information, call us at 440-338-4819 ext. 19, or email marketing@geaugahumane.org

July 5: Tent Troupe 2014

Tent Troupe, the only traveling summer tent theater in America, will make one visit to Northeast Ohio at St. Mark Lutheran Church, 11900 Chillicothe Road, Chester Township.

A special children's matinee entitled "Folktales Fables and Fun" will begin at 1:30 p.m. There will be classic animal stories and songs as well as special short stories written and adapted by "American Girl" author Valerie Tripp to capture the attention of a wide range of ages from pre-school through the elementary grades.

At 7:30 p.m., the troupe will perform Robert Fulghum's "All I Really Know I Learned in Kindergarten," adapted by Ernest Zulia. While light and entertaining, it has much to say about how people live their lives from day to day.

Both shows are free of charge. A free will offering will be taken. It will be held rain or shine. Call 440-285-0782 for more information.

July 19: Welcome New Member Night

5:30-7:30 p.m.

Appendix 114

SPECIAL

**Month
Classes**

Purchase Two Months

4

System Available at
this Class Mon-Fri

**OFFERING
OVER
6 CLASSES
WEEKLY!**

**Exercise Center
IRM**

306, Chesterland

**ute
ical**

**Federal
Grants
and Loans
Available for
Those Who
Qualify**

**Day and
Evening
Classes**

**DENTAL
ASSISTANT**

**MEDICAL
ASSISTANT**

**MEDICAL
SECRETARY**

**PHARMACY
TECHNICIAN**



EXHIBIT P



Ohio Department of Natural Resources

JOHN R. KASICH, GOVERNOR

JAMES ZEHRINGER, DIRECTOR

RECEIVED

DEC 27 2011

Division of Parks & Recreation

David Payne, Chief

2045 Morse Road - C3

Columbus, OH 43229-6693

Phone: (614) 265-6561 Fax: (614) 261-8407

December 22, 2011

TOWNSHIP HALL⁷

Mr. Michael Joyce
Chester Township
12701 Chillicothe
Chesterland, OH 44026

COPIES TO:

- BOT
- FIS
- RD
- PD
- FD
- ZI
- BZA
- ZC
- PARK
- ADM
- ASST

Re: NatureWorks Project# GEAU-021; Parkside Park

Dear Mr. Joyce:

Please find enclosed your executed copy of the above-mentioned agreement. You may begin the project, but we ask that you first review the NatureWorks Procedural Guide on our web site at: <http://ohiodnr.com/default/tabid/11089/Default.aspx>

On the site you will see our procedural guides for development and acquisition. If you have any questions after reviewing the applicable procedural guide please contact me at yvette.helm@dnr.state.oh.us or 614-265-6899.

Sincerely,

Yvette Helm, MBA, MPM
Program Administrator
Ohio Department of Natural Resources
Division of Parks

RECEIVED

DEC 27 2011

NATUREWORKS LOCAL GRANT PROGRAM
STATE/LOCAL PROJECT AGREEMENT

TOWNSHIP HALL

The State of Ohio, represented by the Ohio Department of Natural Resources (ODNR), and Chester Township (hereinafter referred to as the Local Agency, grantee, recipient) agree to provide an outdoor recreation improvement project as follows:

Parkside Park

GEAU-021

- A. The Local Agency agrees to develop a shelter/picnic area at Parkside Park.

The Local Agency signatory to this NatureWorks State/Local Project Agreement agrees to complete this project on or before December 31, 2012.

The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner in which event the project shall end on the date of completion or termination.

This agreement will terminate June 30, 2012, at which time the Ohio Department of Natural Resources may unilaterally renew this agreement by means of a letter of notification from the Ohio Department of Natural Resources subject to appropriation and renewal of the funds by the State of Ohio. This agreement shall be valid and enforceable only if in the event this agreement extends in time beyond the current biennium, funds are appropriated and the Director of the Office of Budget and Management certifies that there is a balance in the appropriation not previously obligated to pay existing obligations.

The Local Agency agrees to (1) perform in compliance with the terms, promises, conditions, construction plans, specifications, estimates, procedures, maps, and assurances set forth in the Project Proposal; and shall secure compliance with all applicable federal, state and local laws and regulations; (2) promptly submit to the State of Ohio, such reports and documents as the Ohio Department of Natural Resources may request; (3) report any and all income gained on the property or facilities during the project period; (4) operate, maintain, and keep for public recreation the property or facilities acquired or developed pursuant to this agreement, and refrain from conversion unless a proposed change is approved by the State of Ohio; (5) the Local Agency shall establish a separate special account for the funds for the acquisition and/or development of the property. The State reserves the right to audit this special account, either during or after completion of the Project; and (6) prominently display a NatureWorks acknowledgment sign at the site or facility acquired or developed with NatureWorks Local Grant Fund assistance.

The project period shall begin with the date of approval of the project agreement or the effective date of a waiver of retroactivity and shall terminate at the end of the stated or amended project period unless the project is completed or terminated sooner in which event the project shall end on the date of completion or termination.

- B. The State of Ohio hereby agrees to (1) obligate the Local Agency funding assistance not to exceed **\$15,410.00** from Ohio's fiscal allocations made available under the provisions of Amended Substitute House Bill 790, Ohio Revised Code, Section 1557.06, the NatureWorks Local Assistance Grant Program; (2) upon receipt of tangible proof of actual eligible costs paid by the Local Agency in performing this agreement, reimburse the Local Agency funds equal to no more than seventy-five percent of such eligible costs.
- C. Obligations of the State of Ohio are subject to the provisions of the Ohio Revised Code Section 126.07 which provides that the Director of Budget and Management must certify that there is a balance in the appropriation which may satisfy the contractual obligation.
- D. The State of Ohio and the Local Agency mutually agree to perform this agreement in accordance with the policies and procedures set forth by the Ohio Department of Natural Resources, and the guidelines set forth in the NatureWorks Local Assistance Grant Program Procedural Guide. Failure to comply with or show sufficient progress in complying may result in the termination of this agreement. In the event of termination all unused funds shall be retained by the State.

Appendix 117

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DEC 27 2011

TOWNSHIP HALL

- E. The project sponsor affirmatively represents and warrants to the State that neither it nor any of its contractors are subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that section. The Project Sponsor agrees that if this representation and warranty is deemed to be false, the Contract shall be void *ab initio* as between the parties to this contract, and any funds paid by State hereunder shall be immediately repaid to the State, or an action for recovery may be immediately commenced by the State for recovery of said funds.
- F. **Declaration Regarding Material Assistance/Nonassistance to a Terrorist Organization.** Pursuant to R.C. 2909.33, the Local Agency represents and warrants that: (1) Contractor has not provided material assistance to an organization listed on the Terrorist Exclusion List of the State Department of the United States; and (2) the Local Agency has obtained a current copy of the Terrorist Exclusion List; and (3) the Local Agency truthfully has answered "No" to every question on the Ohio Department of Public Safety's form "Declaration Regarding Material Assistance/Nonassistance to a Terrorist Organization". If this representation is deemed false, this Agreement is void *ab initio* and the Local Agency immediately shall repay to the State any and all funds paid under this Agreement. Information and forms concerning the Declaration may be found at: <http://www.homelandsecurity.ohio.gov/dma.asp>
- G. **Ethics.** The Local Agency by signature on this document certifies that it: (1) has reviewed and understands the Ohio ethics and conflict of interest laws as found Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. The Local Agency understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State of Ohio.
- H. Property acquired or developed with assistance from the NatureWorks Program will be retained and used for public recreation purposes. The property and/or facilities will be kept open for general public use during reasonable hours and during appropriate seasons of the year, according to the type of use occurring on the site. Use of the property and/or facilities will not be changed from that approved when NatureWorks assistance was obtained without prior written approval from ODNR.
- I. The property will be operated and maintained so as to be safe, attractive, and inviting to the public. Sanitation and sanitary facilities will be maintained to comply with applicable state and local health standards. Buildings, recreation and support facilities, and other improvements will be kept in reasonable repair throughout their estimated life expectancy to prevent undue deterioration.
- J. Any new facility constructed on an area purchased or developed with NatureWorks funds will, whenever possible, be designed to accommodate people with disabilities. The facility will be made available to all persons regardless of race, color, religion, sex, national origin, military status, handicap, age or ancestry. Any modifications to existing structures will also include handicap accessible design considerations. It is understood that this requirement is applicable to any construction occurring on a NatureWorks assisted area, regardless of the funding source for the improvement.
- K. User fees charged for facilities acquired or developed with NatureWorks funds will be reasonable for all users and will not create unfair competition with private enterprises offering similar services. Excess revenues from user fees at the project site will be returned to the public in the form of expanded facilities or services at the funded site.
- L. All new or replacement utility lines on land purchased or developed with NatureWorks assistance will be placed underground.
- M. Discrimination on the basis of residence, including preferential fees, reservations, membership systems, is prohibited, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Compliance with federal, state, and local laws pertaining to non-discrimination in employment practices, facility and area use, minimum wages, conflict of interest, solicitations for contract bids, bid awards, etc., will be met at all times. No person will be discriminated against or be excluded from participating in any program or activity on the grounds of race, color, religion, sex, national origin, military status, handicap, age or

Appendix 118

RECEIVED

DEC 27 2011

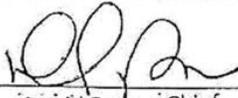
TOWNSHIP HALL

ancestry,

- N. The Local Agency will cause work on the project to be commenced within a reasonable time after receipt of notification that funds have been approved and assure that the project will be prosecuted to completion with reasonable diligence.
- O. The Local Agency will require the facility to be designed to comply with the Architectural Barriers Act of 1968 (Public Law 90-480), DOI Section 504 Regulations (43 CFR Part 17). The Local Agency will be responsible to ensure compliance with these specifications by the contractor.
- P. The Local Agency will comply with the terms of Title II and Title III, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646), 94 Stat. 1894 (1970), and O.R.C. Section 163 for all real property acquisitions, and where applicable shall assure that these requirements have been complied with for property to be developed with assistance under the project agreement.
- Q. The project sponsor affirmatively represents and warrants to the State that neither it nor any of its contractors are subject to a finding for recovery under R.C. 9.24, or that it has taken appropriate remedial steps required under R.C. 9.24 or otherwise qualifies under that section. The project sponsor agrees that if this representation and warranty is deemed to be false, the Contract shall be void *ab initio* as between the parties to this contract, and any funds paid by State hereunder shall be immediately repaid to the State, or an action for recovery may be immediately commenced by the State for recovery of said funds.
- R. The Local Agency by signature on this document, certifies that it: (i) has reviewed and understands the Ohio ethics and conflict of interest laws as found in Ohio Revised Code Chapter 102 and in Ohio Revised Code Sections 2921.42 and 2921.43, and (ii) will take no action inconsistent with those laws. The Local Agency understands that failure to comply with Ohio's ethics and conflict of interest laws is, in itself, grounds for termination of this Agreement and may result in the loss of other contracts or grants with the State of Ohio.

In witness whereof, the parties hereto have executed this agreement as of the date entered below:

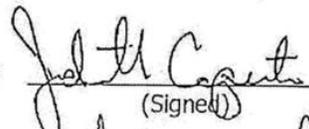
STATE OF OHIO DEPARTMENT OF
NATURAL RESOURCES:



David Payne, Chief
Division of Parks
As Designee For:
James Zehringer, Director

Date 12/20/11

Local Agency
Chester Township

By 
(Signed)
Chairman Chester Twp.
Title

2011-59. Mrs. Caputo moved to approve and sign the resolution of authorization for the Nature Works grant application for improvements to Parkside Park. Mr. Joyce seconded. Roll call vote: Mrs. Caputo, yes; Mr. Lawrence, yes; Mr. Joyce, yes. Motion passed.

2011-61. Mrs. Caputo moved to approve the Resolution of Authorization whereas the State of Ohio through the Ohio Dept. of Natural Resources, administers financial assistance for public recreation purposes through the state of Ohio NatureWorks Program, and whereas Chester Township desires financial assistance under the NatureWorks Program. Now, therefore, be it resolved by the Chester Township: 1) That the Chester Township approves filing an application for financial assistance. 2) That Michael Joyce, Chester Township Trustee is hereby authorized and directed to execute and file an application with the Ohio Dept. of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance. 3) That the Chester Township does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the NatureWorks Program. Mr. Lawrence seconded. Roll call vote: Mrs. Caputo, yes; Mr. Lawrence, yes; Mr. Joyce, yes. Motion passed.

2011-939. Mrs. Caputo moved to approve and sign the Nature Works Project Agreement GEAU-021 to accept a grant in the amount of \$15,410.00 for the development of a shelter/picnic area at Parkside Park. Mr. Lawrence seconded. Mrs. Caputo, yes; Mr. Lawrence, yes; Mr. Joyce, absent. Motion passed.



Ohio Department of Natural Resources

JOHN R. KASICH GOVERNOR

DAVID MUSTINE, DIRECTOR

NATUREWORKS 2011 APPLICATION ADJUSTMENT FORM

Applicant (Community Name/County) Chester Township, Geauga County

Contact Person and Phone Number Michael Joyce, 440.477.3509

Project Title "Parkside Park"

Will your Project Scope Need to be Reduced Due to the Change in Available Funding
Yes No

If you answered yes, please Detail what Elements will be reduced:

- Removed grading of volly ball courts \$5,200.00
- Removed material for construction of volly ball court \$11,210.00
- Removed construction of volly ball court \$3,200.00

If you answered yes, please provide the Revised Project Cost and Grant Request Amount

Original Project Cost \$42,020.00 Revised Project Cost ~~\$22,410.00~~ 27,100.00 Jmo 6/13/11

Original Grant Request \$35,020.00 Revised Grant Request \$15,410.00

The required signature from an authorized official of your agency (this is determined by you) below officially notifies our office of the adjustments to be made to your 2011 NatureWorks application that we are considering.

Michael Joyce
Authorized Official

MICHAEL JOYCE
Authorized Official (print name)

6-13-2011
Date

EXHIBIT Q

joejrlaw@roadrunner.com

From: "Michael Joyce" <mjtrustee@hotmail.com>
To: "Matt Scharver" <mscharver@crwp.org>; "Joe Wiess" <joejrlaw@roadrunner.com>
Cc: "Judy Caputo" <jcaputochestertwp@hotmail.com>; "Ken Radtke" <kradtke@chestertwp.org>; "Mary Lou F" <chesteradmin@adelphia.net>
Sent: Tuesday, April 03, 2012 9:14 AM
Subject: RE: NatureWorks Grant Info
To All:

We do have a set of plans for two (2) different size shelters that were given to Chester from a licensed architect, Mr. Beck if memory serves. The drawings were given to Chester as a way of "giving back" to the communities that his company serves. Both structures can be seen at Munson's park on US 322, I think the park is called "River View" or something like that. I may be able to get Mr. Beck to make slight changes, if you wish. I will get copies of the plans to you shortly.

I would like to see the Park Side Park moving forward as soon as possible. Please keep the BOT updated. A formal presentation and request for funds would be helpful at this junction.

Thanks,

Mike J

From: mscharver@crwp.org
To: joejrlaw@roadrunner.com
CC: mjtrustee@hotmail.com; jcaputochestertwp@hotmail.com; KRadtke@chestertwp.org; chesteradmin@adelphia.net
Subject: NatureWorks Grant Info
Date: Mon, 2 Apr 2012 16:12:28 -0400

Hi Joe,

Per our phone conversation I am attaching Chester Township's 2011 NatureWorks application for the picnic shelter and picnic tables at Parkside Park. The application contains the original budget. The budget was adjusted in June 2011 by the Trustees following a request from ODNR. I am attaching the revised budget for your reference. The NatureWorks grant only covers the picnic shelter and picnic tables (6 total).

Dameyon Shipley is the ODNR Natureworks grants administrator and he should be able to answer any of your grant administration/reporting questions. His contact information is below.

Dameyon M. Shipley
 Recreation Services Administrator
 Phone: 614-265-6646
 Fax: 614-267-4764
Dameyon.Shipley@dnr.state.oh.us

If you have any questions, please feel free to contact me.

Regards,
 Matt

EXHIBIT R



"Countryside Living"

Chester Township Park District

12701 CHILlicoTHE ROAD CHESTERLAND, OHIO 44026

440-729-7058

www.chestertwp.org

COMMISSIONERS:

Todd Bidwell

Joseph Weiss, Jr.

Lance Yandell

February 7, 2013

	Project Name	Estimated Cost
1	Playground Completion	25,000
2	Ball Field Renovation (Outfield)	25,000
3	Holiday Lighting	5,500
4	Parking Lot Expansion (labor & materials)	5,000
5	Horseshoe Driveway Gravel - New Pavilion	2,000
6	Staining / Painting (labor & materials)	17,000
7	Gutters & Downspouts - New Pavilion	300
8	Pavilion Repair - Horse Shoe Pit Area	6,000
9	Horseshoe Pit Repairs	1,000
10	Lighting Walkway Area & Park	6,000
11	Electric Relocation Expense	8,000
12	Maintenance	18,000
13	Perennial Gardeners	1,000
14	Hanging Flower Baskets	1,000
15	Park Banners	2,400
16	Barbeque Grills	1,300
17	Flag Pole	4,000
	Total Projected 2013 Project Expenditures	128,500

"A PASSION FOR OUR PARKS"

Appendix 128

EXHIBIT S

CHESTER TOWNSHIP PARK DISTRICT DONATIONS 2013

PARK BENCH DONOR LIST					
Date	Contributor	\$	Check #	Installation Date	Deposit Date
(1) 3/22/2013	Mr. Thomas Basista West Geauga Plaza, LLC 18355 Bent Tree Lane Chagrin Falls, Ohio 44023	500	43	Summer 2013	4/2/2013
(2) 3/29/2013	Mr. Joseph H. Weiss, Jr. 8228 Mayfield Road Chesterland, Ohio 44026	500	1345	Summer 2013	4/2/2013
(3) 4/4/2013	Albino Family Guido's Pizza Haven 12775 Chillicothe Road Chesterland, Ohio 44026	500	370	Summer 2013	4/27/2013
(4) 4/18/2013	Eastside Dog and Cat Hospital, Inc Dr. Mark Rutman, President 8399 Mayfield Road Chester Plaza Chesterland, Ohio 44026	250	26705	Summer 2013	4/27/2013
(5) 4/15/2013	Loretta Paganini School of Cooking c/o Emil P. Paganini, MD 8613 Mayfield Road Chesterland, Ohio 44026	500	31261	Summer 2013	4/27/2013
(6) 5/1/2031	Top Gun Supply, LLC P.O. Box 23 Chesterland, Ohio 44026	500	5065	Summer 2013	5/30/2013
(7) 5/2/2013	Perennial Gardeners of Chesterland c/o Sue Mills 11660 Caves Road Chesterland, Ohio 44026	500	0838	Summer 2013	5/30/2013
(8) 5/12/2013	Lions Club of Chesterland, Inc. P.O. Box 311 Chesterland, Ohio 44026	500	2472	Summer 2013	5/30/2031
(9) 5/28/2013	University Hospitals c/o LouAnn Marx & Stephanie DiFranco 3605 Warrensville Center Road Shaker Heights, Ohio 44122-5203	500	1342719	Summer 2013	5/30/2013
(10) 7/12/2013	Mr. Bill Marx Chesterland Auto Body & Service Inc. 8032 Mayfield Road Chesterland, Ohio 44026	500	48043	Summer 2013	8/5/2013

CHESTER TOWNSHIP PARK DISTRICT DONATIONS 2013

Date	Contributor	\$	Check #	Installation Date	Deposit Date
(11) 7/29/2013	Mrs. Wendy Weiss-Asher 8228 Mayfield Road #6B Chesterland, Ohio 44026	500	1604	Summer 2013	8/5/2013
(12) 7/19/2013	Mr. John Karlovec The Legal News Publishing Company Daily Legal News 2935 Prospect Avenue Cleveland, Ohio 44115-2688	500	72522	Summer 2013	8/5/2013
(13) 8/15/2013	Mr. Tom Shankell and Mr. Jim Lewis Storage Park 8634 Mayfield Road Chesterland, Ohio 44026	500	2527	Summer 2014	9/27/2013
(14) 11/08/2013	Mr. Kenneth Radtke 12865 Sperry Road Chesterland, Ohio 44026	500	000	Summer 2014	11/8/2013
(15) 12/26/2013	Mr. Donald Yert DRY Center Building LLC 320 Center Street, P.O. Box 980 Chardon, Ohio 44024-0980	500	3955	Summer 2014	1/21/2014
(16) 3/24/2013	Mr. Dan Smith Consolidated Investment Corp 8 North State Street Painseville, OH 44077	500	38010	Summer 2014	3/26/2014
PARK PROJECTS RENOVATION DONOR LIST					
Date	Contributor	\$	Check #	Installation Date	
9/26/2013	The HF Group, LLC c/o Mr. Jay Fairfield 8844 Mayfield Road Chesterland, OH 44026	150	110915		11/8/2013

CHESTER TOWNSHIP PARK DISTRICT DONATIONS 2013

FLAG POLE DONOR LIST					
Date	Contributor	\$	Check #	Installation Date	
3/15/2013	Mr. Thomas Basista West Geauga Plaza, LLC 18355 Bent Tree Lane Chagrin Falls, Ohio 44023	500	436	Summer 2013	4/2/2013
3/21/2013	Mrs. Judy Caputo-Rogaski 12982 Lynn Drive Chesterland, Ohio 44026	500	6602	Summer 2013	4/2/2013
3/22/2013	Mr. Bill Marx, Chesterland Auto Body & Service Inc. 8032 Mayfield Road Chesterland, Ohio 44026	500	4762	Summer 2013	4/2/2013
4/26/2013	Mr. and Mrs. John D. Powers Philiou Building #202 6189 Mayfield Road Cleveland, Ohio 44124	500	5290	Summer 2013	4/27/2013
8/16/2013	Mr. Donald Yert DRY Insurance Group 320 Center Street, P.O. Box 980 Chardon, Ohio 44024-0980	500	12393	Summer 2013	4/27/2013

EXHIBIT T



"Countryside Living"

Chester Township Park District

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026

440-729-7058

www.chestertwp.org

ANNUAL PARK DISTRICT BUDGET

CHESTER TOWNSHIP, GEauga COUNTY

From the: Board of Commissioners of the Chester Township Park District

To the Township Trustees:

The Board of Park Commissioners of said Park District hereby submits its annual Budget for the year commencing January 1, 2014 for consideration of the County Budget Commission, pursuant to Section 5705.30 of the Ohio Revised Code.

Peggy Vitale, Administrative Assistant

Date: July 9, 2013

RECEIVED

JUL 15 2013

Frank J. Gliha
Geauga County Auditor

COMPARATIVE AND ESTIMATED STATEMENT
OF RECEIPTS, EXPENDITURES, AND FUND BALANCES

PURPOSE	FOR 2011 ACTUAL	FOR 2012 ACTUAL	FOR 2013 ESTIMATED	FOR 2014 BUDGET
GENERAL FUND				
CASH BALANCE, January 1st	\$ 4,246.84	\$ 4,018.68	\$ 10,304.81	\$ 5,272.81
PRIOR YEAR ENCUMBRANCES	-	-	-	-
RECEIPTS:				
TAXES:				
Chester Twp *	44,000.00	130,410.00	150,000.00	75,000.00
State/County	14,466.47	15,515.53	15,266.00	15,500.00
DONATIONS:				
FEES:				
OTHER (SPECIFY)	300.00	325.00	400.00	500.00
Interest/Misc	2.53	1.03	2.00	-
Insurance Reimbursement	670.00	-	-	-
TOTAL RECEIPTS	\$ 59,439.00	\$ 146,251.56	\$ 165,668.00	\$ 91,000.00
TOTAL RECEIPTS & BALANCE	\$ 63,685.84	\$ 150,270.24	\$ 175,972.81	\$ 96,272.81
EXPENDITURES:				
GENERAL	\$ 15,038.26	\$ 9,600.36	\$ 18,000.00	\$ 26,395.00
PERSONAL SERVICES	2,712.05	3,357.03	4,500.00	3,600.00
CAPITAL IMPROVEMENTS	39,489.80	117,833.74	125,000.00	40,000.00
RESERVE FUND	-	-	-	-
FACILITY/PROGRAM EXPENSE	-	-	-	-
MAINTENANCE *	1,421.55	8,174.30	20,000.00	19,200.00
DONATIONS	1,000.00	1,000.00	1,000.00	1,000.00
VANDALISM	5.50	-	2,200.00	300.00
TOTAL EXPENSES	\$ 59,667.16	\$ 139,965.43	\$ 170,700.00	\$ 90,495.00
	FOR 2011 ACTUAL	FOR 2012 ACTUAL	FOR 2013 ESTIMATED	FOR 2014 BUDGET
CASH BALANCE, December 31st	\$ 4,018.68	\$ 10,304.81	\$ 5,272.81	\$ 5,777.81
RESERVE Fund Balance	\$ 2,068.49	\$ 2,070.71	\$ 2,072.00	\$ 2,075.00
LESS ENCUMBRANCES	-	-	-	-
UNENCUMBERED BALANCE, December 31st	\$ 6,087.17	\$ 12,375.52	\$ 7,344.81	\$ 7,852.81

14,429.10
21,077

1,107.17 =
6,781.81

* Chester Township pays \$10,000 for Seasonal Maintenance Staff for 2013 & 2014

Gordon Wain
Chester Township Park District Commissioners

Todd Bidwell
Joe Weiss, Jr.
Lance Yandell

"A PASSION FOR OUR PARKS"

Appendix 134

EXHIBIT U



Chester Township Park District

12701 CHILlicoTHE ROAD CHESTERLAND, OHIO 44026
440-729-7058
www.chestertwp.org

FY2014 Beginning Balances / FY2013 Chester Township Park District Actual | 12/31/13

PURPOSE	FOR 2013 ACTUAL
GENERAL FUND	
CASH BALANCE, January 1st, 2013	12,375.52
PRIOR YEAR ENCUMBRANCES	
RECEIPTS:	
TAXES: Chester Twp	150,000.00
State/County	14,678.08
FEES:	350.00
OTHER: Interest/Misc	9,652.79
TOTAL RECEIPTS	174,680.87
TOTAL RECEIPTS & BALANCE	187,056.39
EXPENDITURES:	
GENERAL	16,300.43
PERSONAL SERVICES	4,422.49
CAPITAL IMPROVEMENTS	119,876.79
RESERVE FUND	3,223.50
MAINTENANCE	30,876.38
DONATIONS	4,000.00
TOTAL EXPENSES	178,699.59
	FOR 2013 ACTUAL
CASH BALANCE, December 31, 2013	8,356.80
RESERVE FUND Balance	3,223.50
LESS ENCUMBRANCES	780.00
UNENCUMBERED BALANCE, December 31, 2013	10,800.30

RECEIVED
FEB 21 2014
Frank J. Gliha
Geauga County Auditor

To the Chester Township Trustees:
The Board of Park Commissioners of Chester Township Park District hereby submits the actual balances for the year commencing January 1, 2014 for consideration of the County Budget Commission, pursuant to Section 5705.30 of the Ohio Revised Code.

Respectfully Submitted by,
Peggy Vitale, Administrative Assistant of the Board

CHESTER TOWNSHIP PARK DISTRICT COMMISSIONERS

Clay Lawrence Clay Lawrence Date 2/20/14
Joe Weiss, Jr Joe Weiss, Jr Date 2/19/14
Lance Yandell Lance Yandell Date 2/20/14

"A PASSION FOR OUR PARKS"

EXHIBIT V

CHESTER PARK DISTRICT

REQUISITION

DATE: 9/27/2012

To the Board of Commissioners of Chester Park District, Chester Township, Ohio

The following AMOUNT is requested in PAYMENT to:

Ohio Department of Natural Resources

SPECIFICATIONS:

Nature Works sign for pavilion \$90.00

ck 1677

Signed: [Signature]

Signed: Joseph J. Warner J

Title: Park Comm.

Title: Commissioner

EXHIBIT W

MINUTES of CHESTER TOWNSHIP PARK DISTRICT
Meeting date: September 27, 2012

o Baseball Field Renovation

Mr. Eugene DiFranco has been working to revamp the infield as the weather permits over the past month. An extra drain was added behind home plate and grading along the fence lines and around the backstop to allow water to shed properly. Work involves grading of the entire infield including around bases and fences, shortening the infield by 6 inches to the proper dimensions and installing baseball infield mix and soil conditioner. Mr. DiFranco will maintain the field for the first year to ensure the proper upkeep is performed. Todd Bidwell will correspond with Mr. DiFranco on the progress of the baseball field renovation.

o Holiday Lighting / Decoration Purchases

Joe Weiss, Jr. confirmed with Rotarian representative, Mr. Larry Corbus, that the Rotary will assume the full holiday lighting/decoration project.

Joe Weiss, Jr. made a motion for the Park District to fund the Rotary their requested amount of \$3,000.00 for the purchase of holiday lighting and decorations as deemed appropriate by the Rotary for the corner of route 306 & route 322. *All approved. Motion carried.*

NEW BUSINESS:

o Park Bench Purchases

No updates on the park benches were given at this meeting.

o Park Maintenance

Proposals for the park landscape maintenance will be solicited. A copy of the work description will be emailed to Mr. Eugene DiFranco.

o Invoices Paid

Check Number	Amount	Vendor Paid
1675	\$675.00	The Pruning Co., LLC
1676	\$187.77	Margaret Vitale
1677	\$90.00	ODNR-Division of Parks

• Total paid invoices amounted to \$952.77

Motion: Moved by Ron Downs to pay invoices as voucher. *All approved. Motion carried.*

o Dumpster Removal

During the August 23rd Chester Township meeting, the Park Commissioners requested the Trustees to consider relocation of the dumpsters for safety concerns and the overall park aesthetics. Trash is often left by residents alongside the dumpsters when they are filled to capacity or when recycle items are too large to fit within the dumpster. An email was received by Mr. Gary Paoletto voicing his concern of the possibility of relocating the dumpsters to Herrick Drive and the extra traffic that would inhibit the Police Department besides making the neighborhood look worse. The second fire station, located north on 306 is being considered as the new location for the dumpsters although several issues by the Trustees need to be worked out before the dumpsters are moved.

EXHIBIT X

Zimmerman, Charlotte

From: Chester Township Park District <chestertwppark@roadrunner.com>
Sent: Wednesday, March 19, 2014 7:32 PM
To: Zimmerman, Charlotte
Cc: cl80@roadrunner.com; Joseph H.Weiss Jr.; 'Lance S Yandell CDT'
Subject: Chester Township Park District - DONATION
Attachments: Consolidated Investment Corp - Dan Smith.pdf

Hi Charlie,

I am submitting this donation paperwork received by the Chester Twp Park Board for the purchase of a park bench by Dan Smith of Consolidated Investment Corp. to Judge Grendell for his review and approval. Thank you!

Respectfully,

*Peggy Vitale, Admin. Assistant
Chester Township Park District
12701 Chillicothe Road
Chesterland, OH 44026
chestertwppark@roadrunner.com
440.382.4683*

SCANNED &
EMAILED TO
PEGGY VITALE
ON 3/29/14



"Countryside Living"

Chester Township Park District

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026

440-729-7058

www.chestertwp.org

COMMISSIONERS:

Clay Lawrence

Joseph Weiss, Jr.

Lance Yandell

January 6, 2014

Mr. Daniel D. Smith
Consolidated Investment Corporation
8 North State Street
Painesville, Ohio 44077

Dear Mr. Smith,

Thank you for requesting information on the Parkside Park Bench Donation Program. The enclosed brochure on the Park Bench Donation Program has a photo of the actual bench to be installed. The cost including a memorial plaque is \$500 and payment should be made to Chester Township Park District. I am contacting you to follow up on your request to purchase a park bench for our spring 2014 installation.

This donation will provide you the opportunity to dedicate a bench in our beautiful Township Park and a 7" x 3" plaque will be mounted on the top slat of the bench back to recognize your contribution as requested. The plaques are made of colored aluminum for elegance and durability. Enclosed is an example of a plaque design for your consideration. Please email to me your desired information or artwork for your plaque at chestertwppark@roadrunner.com or you may return the bottom portion of the following page with your plaque information details. Thank you!

With Our Sincere Gratitude,

Peggy Vitale, Admin. Assistant
Chester Township Park District

Commissioners:

• Clay Lawrence • Joseph Weiss, Jr. • Lance Yandell

*Approved
Judge Tim Yandell
3-20-14*

"A PASSION FOR OUR PARKS"

MR. DANIEL D. SMITH,

Please return this page or just the bottom portion if you are interested in purchasing a park bench and include your acknowledgement information in the enclosed envelope or you can email your information to chestertwppark@roadrunner.com. **NOTE:** Names, logos, photos, clip art can be placed on the plaque. (University Hospitals acknowledgement plaque has been included as an example). If you have any questions contact Peggy Vitale at 440-382-4683. Thank you!

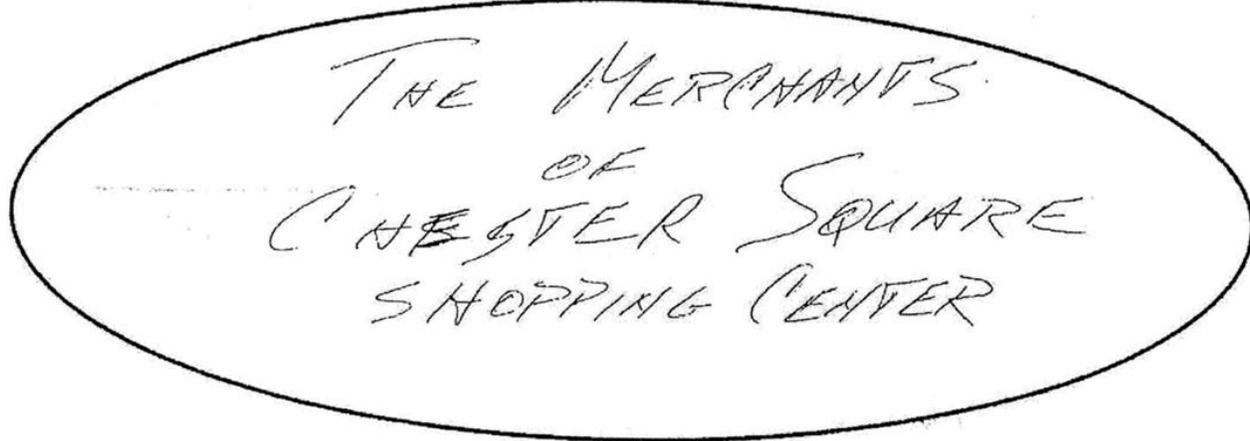


University Hospitals
Geauga Medical Center



Acknowledgement Information

Please include the following names, logos, photos, clip art on the plaque acknowledgement:



THE MERCHANTS
OF
CHESTER SQUARE
SHOPPING CENTER

OR, I wish to have my gift remain anonymous.

CONSOLIDATED INVESTMENT CORPORATION

8 NORTH-STATE STREET
PAINESVILLE, OHIO 44077

FIRST MERRIT BANK, N.A.
First Merrit Bank
56-55/412

38010

PAY
TO THE
ORDER OF

**** FIVE HUNDRED AND 00/100 DOLLARS

DATE
02/03/14

AMOUNT
\$500.00****

Chester Township Park District
12701 Chillocothe Road
Chesterland, Oh 44026

⑈038010⑈ ⑆01⑆200555⑆ ⑈572⑆0009⑆15⑈



DATE:02/03/14 CK#:38010 TOTAL:\$500.00***** BANK:fristm1 - First Merrit Bank
PAYEE:Chester Township Park District(chesterp)

Property Account
cic 6020

Invoice
01062014

Description

Amount

500.00
500.00

*Reviewed
Tanya T. Smith
3-20-14*

CONSOLIDATED INVESTMENT CORPORATION

EXHIBIT Y



Community Services Committee

Dear Chester Township Park Commissioners,

I am pleased to inform you that

The Kiwanis Club of West Geauga Board of Directors
has approved \$250.00 for the Parkside Restroom
Refurbishment Project.

Mr. Dave Puruczky

Community Service Committee Chairman

Rich A. Levine

Treasurer

A handwritten signature in dark ink, appearing to be "RAL", is written over the printed name "Rich A. Levine".

RAL

Appendix 147

CHESTER TOWNSHIP PARK DISTRICT
 10701 CHILLICOTHE RD.
 CHESTERLAND, OH 44026

DATE 8/22/2013

	DOLLARS	CENTS
CURRENCY		
COINS		
TOTAL CASH		
CHECKS		
1		
2 <u>Goats</u>		
3 <u>Crab And</u>	<u>1042</u>	<u>19</u>
4 <u># 899492</u>		
5		
6		
7		
8		
9 <u>Kiwanis</u>	<u>250</u>	<u>00</u>
10		
11 <u># 1662</u>		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
TOTAL FROM OTHER SIDE OR ATTACHED LIST		
PLEASE RE-ENTER TOTAL HERE	<u>1292</u>	<u>19</u>

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE UNIFORM COMMERCIAL CODE AND ANY APPLICABLE COLLECTION AGREEMENT.

⑆5080⑆⑆155⑆⑆139000⑆734⑆⑆

✳ Charter One

\$ 1292.19

RE-ENTER GRAND TOTAL IN SCREENED BOXES

DEPOSIT TICKET TOTAL ITEMS
 2
 DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL
 6-704/2410 875



1-866-262-4249
 Call Charter One's PhoneBank anytime for
 account information, current rates and
 answers to your questions.

Commercial Account
 Statement

PO Box 7000
 ROP-450
 Providence RI 02940



1 OF 5

Beginning August 01, 2013
 through August 31, 2013

CHESTER TOWNSHIP PARK DISTRICT
 12701 CHILLICOTHE RD
 CHESTERLAND OH 44026-2534

Commercial Checking

US759 21 1

SUMMARY

CHESTER TOWNSHIP PARK DISTRICT
 Business Green Checking
 139000-173-4

Balance Calculation

Previous Balance	40,772.75
Checks	17,012.71 -
Debits	.00 -
Deposits & Credits	1,292.19 +
Current Balance	25,052.23 =

You can waive the monthly maintenance fee of \$9.99 by maintaining an average daily balance in your account of \$2,000 or making 5 qualifying transactions.

Your average daily balance used to qualify this statement period is: \$33,460
 Your number of qualifying transactions this statement period is: 21

A Non Profit waiver is active on your account so monthly maintenance fees are not currently being assessed.

Previous Balance
 40,772.75

TRANSACTION DETAILS

Checks * There is a break in check sequence

Check #	Amount	Date	Check #	Amount	Date
1809	150.00	08/02	1820	16.00	08/30
1810	475.00	08/01	1821	2,655.74	08/27
1811	160.00	08/01	1822	1,063.20	08/26
1812	291.18	08/08	1824*	1,936.87	08/27
1813	23.10	08/07	1825	64.00	08/26
1814	24.97	08/06	1826	320.00	08/26
1815	1,936.87	08/06	1827	180.00	08/29
1816	360.00	08/05	1828	300.00	08/26
1817	3,548.45	08/12	1829	290.00	08/28
1818	437.33	08/02	1830	1,850.00	08/27
1819	930.00	08/12			

Deposits & Credits

Date	Amount	Description
08/22	1,292.19	Deposit

⊖ Total Checks
 17,012.71

⊕ Total Deposits & Credits
 1,292.19

= Current Balance
 25,052.23

EXHIBIT Z



Chester Township Park District

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026
(440) 729-7058

COMMISSIONERS:
Todd Bidwell
Ronald Downs
Joseph Weiss, Jr.

July 6, 2012

NOTIFICATION OF:

THE CHESTER TOWNSHIP PARK DISTRICT

SPECIAL MEETING – BUDGET HEARING

DATE: THURSDAY, JULY 12th, 2012

TIME: 7:00 pm

LOCATION: Geauga West Library
13455 Chillicothe Road
Chesterland, Ohio 44026

Contact the Park Administrative Assistant at 440-729-7058 with any questions.

EXHIBIT AA

VENDOR PAYMENTS

1. PLAY & PARK STRUCTURES:

Item	Invoice #	Amount	Shipped Date	Invoice Date	Check#	Check Date	Cleared
Playground Equipment	29548	\$24,126.18	9/28/12	9/30/12	1683	10/18/12	11/07/12
Playground Equipment	30515	\$35,296.65	4/20/13	4/23/13	1761	5/6/13	5/10/13
Park Benches	30974	\$2,655.74	6/21/13	6/21/13	1803	7/2/13	7/12/13
Park Benches	31726	\$2,655.74	7/29/13	7/29/13	1821	8/22/13	8/27/13
		\$64,734.31					

2. H&M LANDSCAPE:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Pavilion Construction	15597	\$10,209.50	8/7/12	1661	8/9/12	8/10/12
Pavilion Construction	15827	\$10,290.50	8/30/12	1669	9/5/12	9/21/12
Permits	15828	\$257.81	8/30/12	1672	9/20/12	10/2/12
Landscape Enhancements	16408	\$10,800.93	9/30/12	1684	10/18/12	10/23/12
Volleyball Sand Barrier	17400	\$3,920.08	9/30/12	1689	11/21/12	11/23/12
Volleyball Sand Barrier theft replacement	17903	\$1,560.00	17903	1754	5/6/13	5/7/13
Landscape Garden/Stone	21195	\$3,665	8/22/13	1832	9/12/13	9/17/13
		\$40,703.82				

3. DIFRANCO LANDSCAPING:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Baseball Infield	PS BL DIAMO	\$21,240.00	10/18/12	1668	11/21/12	11/29/12
Baseball Infield final payment	PS BL DIAMO	\$2,360.00	10/18/12	1760	5/6/13	5/9/2013
2013 Field Prep/Drag	31502	\$2,480.00	10/8/13	1846	10/21/13	11/6/13
		\$26,080.00				

ELECTRICAL VENDOR PAYMENTS

1. PEERLES ELECTRIC:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
BB Field Repairs	13663	\$1,589.00	6/27/12	1643	6/28/12	7/2/12
VB Lighting 25%	Email 7/12/12	\$6,162.50	7/12/12	1651	7/12/12	7/13/12
VB Lighting 42%	13766	\$10,353.00	8/27/12	1663	9/5/12	9/11/12
VB Lighting 33%	13815	\$8,134.50	9/18/12	1674	9/20/12	9/25/12
Electric repairs gazebo & playground	13877	\$225.00	10/16/2012	1686	10/18/12	10/23/12
Pavilion lights / electrical wiring	13892	\$925.00	11/1/12	1697	11/29/12	12/4/12
Holiday Lighting	1/18/13 memo	\$1,450.00	1/18/13	1713	2/7/13	2/13/13
Flagpole Light Repair	14047	\$720.00	12/27/12	1716	2/27/13	3/5/13
Holiday Lighting	1/18/13 memo	\$1,450.00	1/18/13	1723	3/13/13	3/19/13
Gazebo Roping	14190	\$605.00	4/1/13	1740	4/17/13	4/22/13
Holiday Electric Equipment Buyout	1/18/13 memo	\$900.00	1/18/13	1749	5/6/13	5/7/13
Inspection	14376	\$110.00	6/28/13	1807	7/2/13	7/15/13
BB Field Light Repair	14375	\$657.50	6/28/13	1807		
ChesterFest	14484	\$320.00	8/16/12	1826	8/22/13	8/26/13
BB Light Head	14520	\$1,395.00	9/17/13	1842	10/1/13	10/1/13
Holiday Lighting/ Cords	14585	\$1,500.00 \$500.00	11/25/13	1860	12/18/13	12/23/13
		\$36,996.50				

2. CHESTERLAND ELECTRIC:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Gazebo repairs / pavilion security light	2731	\$678.57	3/17/13	1725	3/21/13	3/26/13
Parking Lot Expansion	2758	\$4,500.00	5/13/13	1774	5/16/13	5/22/13
Parking Lot Expansion	2774	\$3,750.00	5/22/13	1787	6/13/13	6/24/13
Men's Room Light	2830	\$291.80	7/20/13	1812	7/31/13	8/8/13
Fluorescent Light Pop Machine	2820	\$290.00	7/2/13	1829	8/22/13	8/28/13
		\$9,510.37				

3. HI-LITE MAINTENANCE:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Flagpole Installation	53605	\$3,065.00	4/17/13	1755	5/6/13	5/9/13

4. ELECTOLITE:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Banner Installation 11	48662 48669	\$2,841.65	3/18/13 4/1/13	1737	4/17/13	4/22/13

TREE VENDOR PAYMENTS

1. INSPEYERED TREE SERVICE:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Tree trimming Full day of pruning with bucket truck that was supposed to take place in 2011, never occurred due to rain and soft ground conditions	8141	\$2,400.00	8/1/12	1657	8/9/12	8/15/12
Tree trimming removed 4 large conifers by VB courts & 8 diseased deciduous trees	8154	\$3,360.00	9/6/12	1671	9/20/12	9/27/12
		\$5,760.00				

2. APEX LAND MANAGEMENT:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Plant 10 Norway Spruce / Clear brush near PD & VB courts	1/22/2013	\$1,265.00	1/22/13	1709	1/24/13	1/25/13
Stump grinding north of new VB courts	4/15/2013	\$425.00	4/15/2013	1781	5/18/13	5/21/13
		\$1,690.00				

3. THE PRUNING COMPANY, LLC:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
Pruning / Consultation	Jan 2012	\$390.00	1/31/12	1621	2/2/12	
Pruning / Inspection	Sept 2012	\$675.00	9/20/12	1675	9/27/12	10/4/12
Pruning / Consultation	Dec 2012	\$330.00	12/26/12	1702	1/3/13	1/7/13
Bid Assistance	Mar 2013	\$1,237.50	3/20/13	1728	3/21/13	3/28/13
Pruning / Inspection	May 2013	\$1,252.50	5/12/2013	1769	5/16/13	5/24/13
Pruning / Consulting	Jul 2013	\$930.00	7/31/13	1819	7/31/13	8/12/13
		\$4,815.00				

BASEBALL FIELD MAINTENANCE

1. BART ALCORN:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date
BB Field Prep	6/1/10	\$625.00	6/1/10	1473	6/8/10
BB Field Prep	4/22/11	\$1,884.00	4/22/11	1561	5/2/11
BB Field Prep	4/30/11	\$125.00	4/30/11	1554	6/6/11
BB Field Prep	7/12/12	\$650.00	7/1/12	1646	7/12/12

THE PRUNING COMPANY - RFP

2. DAVE ALLEN:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date
RFP in Chesterland News			12/15/10		
RFP RESULTS			2/8/11		
D. ALLEN MEMO - EST			3/2/11		
Pruning / Planting/ Admin	4/4/11	\$1,350.00	4/4/11	1548	5/2/11
Pruning / Planting memorial tree	6/24/11	\$1,150.00	6/24/11	1563	6/27/11
SEE ABOVE FOR REMAINING DETAILS					

PARK GROUNDS MAINTENANCE

3. LAND & SITE:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
April Maintenance	2013-24	\$1,936.87	4/30/13	1756	5/6/13	5/8/13
Installation of shrub bed	2013-38	\$420.00	5/10/13	1776	5/16/13	5/23/13
May Maintenance	2013-64	\$1,936.87	5/30/13	1791	6/13/13	6/26/13
Fire Station Patio installation / Additional Park Maintenance	2013-73	\$2,425.00	5/31/13	1792	6/13/13	6/26/13
June Maintenance	2013-96	\$1,936.87	6/29/13	1815	7/31/13	8/6/13
July Maintenance	2013-126	\$1,936.87	7/31/13	1824	8/22/13	8/27/13
August Maintenance	2013-155	\$1,936.87	8/30/13	1834	9/12/13	9/16/13
September Maintenance	2013-188	\$1,936.87	9/30/13	1849	11/13/13	11/18/13
October Maintenance	2013-240	\$1,936.87	10/31/13			
Henry House work		\$90.00				
November Maintenance	2013-263	\$1,936.87	11/30/13	1867	1/23/14	1/27/14
		\$18,429.96				

4. PROFESSIONAL HOUSE CLEANING SERVICES:

Item	Invoice #	Amount	Invoice Date	Check#	Check Date	Cleared
4/22/13-5/13/13	Statement	\$315.00	5/16/13	1780	5/16/13	5/22/13
5/16/13-5/31/13	Statement	\$330.00	5/31/13	1794	6/12/13	6/24/13
Toilet paper holder / soap dispenser 6/3/13-6/28/13	19657	\$119.97	6/28/13	1808	7/9/13	7/10/13
6/30/13-7/29/13	Statement	\$450.00	6/30/13			
August Cleaning	Statement	\$437.33	7/29/13	1818	7/31/13	8/2/13
August Cleaning	Various	\$180.00	8/2/13-8/12/13	1827	8/22/13	8/29/13
August Cleaning	Various	\$325.00	8/16/13-8/30/13	1837	9/12/13	9/18/13
September Cleaning	Various	\$360.00	9/6/13-9/30/13	1844	10/1/13	10/2/13
October Cleaning	Various	\$180.00	10/4/13-10/25/13	1851	11/13/13	11/18/13
November Trash	21701	\$45.00	11/14/13	1861	12/18/13	12/24/13
		\$2,742.30				

5. MARGARET VITALE:

Item	Hourly Rate	Annual Hours CLAIMED	Annual Amount	# Checks Written	ANNUAL HOURS VOLUNTEERED
2011 Secretarial Fees	\$13.25	205	\$2,712.00	79	120
2012 Secretarial Fees	\$13.75	244	\$3,357.00	84	168
2013 Secretarial Fees	\$15.00	295	\$4,422.50	164	168

Work out of my home, with no set hours or set daily tasks

Year	Month	Day	Event	Location	Remarks
1957	Jan	1	...	...	...
1957	Jan	2	...	...	...
1957	Jan	3	...	...	...
1957	Jan	4	...	...	...
1957	Jan	5	...	...	...

1957	Jan	6	...	...	...
1957	Jan	7	...	...	...
1957	Jan	8	...	...	...
1957	Jan	9	...	...	...

Year	Month	Day	Event	Location	Remarks
1957	Jan	10	...	...	...
1957	Jan	11	...	...	...
1957	Jan	12	...	...	...

IN THE COURT OF COMMON PLEAS
PROBATE DIVISION
GEAUGA COUNTY, OHIO

2015 MAY 12 PM 4: 05

PROBATE-JUVENILE
DIVISION
GEAUGA COUNTY, OHIO

IN RE:)
)
CHESTER TOWNSHIP PARK)
DISTRICT)
)
)
)
)

CASE NO. 84 PC 000139

JUDGE TIMOTHY J. GRENDELL

DOCKETED

REPORT OF THE MASTER COMMISSIONER
PURSUANT TO APRIL 29, 2015 INSTRUCTIONS

Pursuant to the court's order of April 29, 2015, the Master Commission submits her report as to the status of her review and investigation of the Chester Township Park District's 2015 funding and the question of any conflict between the Agreement between the park commissioners and the Chester Township Trustees and Judge Lavrich's prior order.

2015 Funding

I spoke with counsel for the park district, Mr. Gillette, and Commissioner Weiss. They instructed Fiscal Officer Vitale to forward to me the 2015 budget documents and other information regarding the status of the district's funding. Those were sent to me and are attached hereto as Exhibit A. I asked counsel for the township trustees, Mr. Raskin, if the trustees were willing to meet with me to discuss both the funding issue and the Agreement. He respectfully declined the invitation, citing the trustees' continued objection to the court exercising jurisdiction in this matter.

The park district submitted its Annual Budget to the budget commission in July, 2014. The total receipts and balance was \$105,720.30 and total expenses of \$91,940.00. The district budgeted for \$75,000 in receipts from the township, \$14,500 from other governmental funds,

\$500 from fees, \$11,720.30 cash balance as of January 1st and \$4,000 in prior year encumbrances.

The district's Amended Certificate of the County Budget Commission dated February 17, 2015, listed a total of \$94,999.78, comprised of \$4,862.78 unencumbered balance as of January 1, 2015 and three sources of funding: \$10,500 from the local government fund, \$4,587 from the library fund, and \$500 in fees. This certification of funds was properly approved by the park commissioners at their March 18, 2015 meeting. The minutes of that meeting are attached as Exhibit B.

Out of the \$75,000 in funds expected from the township, \$47,570 has been approved and paid by the township to the park district.

The Agreement

Because the township trustees are unwilling to meet with me and the park commissioners, I am unable to report to the court whether the two boards have current conflicts regarding the terms, conditions, and implementation of the Agreement. I raised a few questions regarding this Agreement in my earlier report; however, it is prudent for me to first meet with both boards before beginning a complete review of the Agreement vis à vis Judge Lavrich's original order. If the court wants me to move forward and review the issue and make recommendations without the input of both stakeholders, I, of course, will do so.

Respectfully submitted,

Dated: May 11, 2015


MARY JANE TRAPP, Master Commissioner

ANNUAL PARK DISTRICT BUDGET

CHESTER TOWNSHIP, GEAUGA COUNTY

From the: Board of Commissioners of the Chester Township Park District

To the Township Trustees:

The Board of Park Commissioners of said Park District hereby submits its annual Budget for the year commencing January 1, 2015 for consideration of the County Budget Commission, pursuant to Section 5705.30 of the Ohio Revised Code.

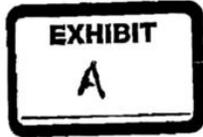
Peggy Vitale, Administrative Assistant
Date: July 9, 2014

COMPARATIVE AND ESTIMATED STATEMENT OF RECEIPTS, EXPENDITURES, AND FUND BALANCES				
PURPOSE	FOR 2012 ACTUAL	FOR 2013 ACTUAL	FOR 2014 ESTIMATED	FOR 2015 BUDGET
GENERAL FUND				
CASH BALANCE, January 1st	\$ 4,018.68	\$ 12,375.52	\$ 10,800.30	\$ 11,720.30
PRIOR YEAR ENCUMBRANCES	-	-	780.00	4,000.00
RECEIPTS:				
TAXES:				
Chester Twp	130,410.00	150,000.00	100,000.00	75,000.00
State/County	15,515.53	14,678.08	15,000.00	14,500.00
DONATIONS:				
FEEs:	325.00	350.00	-	500.00
OTHER (SPECIFY)				
Interest/Misc Flagpole & Park Bench	1.03	9,852.79	-	-
Insurance Reimbursement	-	-	-	-
TOTAL RECEIPTS	\$ 148,251.58	\$ 174,880.87	\$ 115,000.00	\$ 90,000.00
TOTAL RECEIPTS & BALANCE	\$ 150,270.24	\$ 187,066.39	\$ 125,800.30	\$ 105,720.30
EXPENDITURES:				
GENERAL	\$ 9,600.36	\$ 16,300.43	\$ 17,000.00	\$ 29,740.00
PERSONAL SERVICES	3,367.03	4,422.49	3,600.00	5,000.00
CAPITAL IMPROVEMENTS	117,833.74	119,876.79	53,700.00	12,000.00
RESERVE FUND	-	3,223.50	3,225.00	4,000.00
FACILITY/PROGRAM EXPENSE	-	-	-	-
MAINTENANCE	8,174.30	30,876.38	34,780.00	36,700.00
DONATIONS	1,000.00	4,000.00	1,000.00	4,500.00
VANDALISM	-	-	-	-
TOTAL EXPENSES	\$ 139,865.43	\$ 178,899.69	\$ 113,305.00	\$ 91,940.00
FUND BALANCE				
	FOR 2012 ACTUAL	FOR 2013 ACTUAL	FOR 2014 ESTIMATED	FOR 2015 BUDGET
CASH BALANCE, December 31st	\$ 10,304.81	\$ 8,366.80	\$ 12,495.30	\$ 13,780.30
RESERVE Fund Balance	\$ 2,070.71	\$ 3,223.50	\$ 3,225.00	\$ 4,000.00
LESS ENCUMBRANCES	-	780.00	4,000.00	5,000.00
UNENCUMBERED BALANCE, December 31st	\$ 12,375.52	\$ 10,800.30	\$ 11,720.30	\$ 12,780.30

Joseph A. Weiss Jr.
7/17/14

Clay Lawrence 7-17-14
Joe Weiss, Jr. 7-17-14
Lance Yandell 7-17-14

Chester Township Park District Commissioners
•Clay Lawrence •Al Parker
•Joe Weiss, Jr. •Ruth Philbrick
•Lance Yandell





Chester Township Park District

12701 CHILLICOTHE ROAD CHESTERLAND, OHIO 44026
440-729-7058
www.chestertwp.org

FY2015 Beginning Balances / FY2014 Chester Township Park District Actual | 12/31/14

January 21, 2015

PURPOSE	FOR 2014	ACTUAL	
GENERAL FUND			
CASH BALANCE, January 1st, 2014		11,580.30	
PRIOR YEAR ENCUMBRANCES			
RECEIPTS:			
TAXES: Chester Twp		69,260.48	
State/County		14,334.39	
FEES:		341.00	
OTHER: Interest/Donations/Misc		1,576.48	
TOTAL RECEIPTS		<u>85,512.35</u>	
TOTAL RECEIPTS & BALANCE		<u>97,092.65</u>	
EXPENDITURES:			
GENERAL		28,009.12	
PERSONAL SERVICES		3,675.00	
CAPITAL IMPROVEMENTS		25,235.00	
RESERVE FUND		2,224.98	
MAINTENANCE		30,310.75	
DONATIONS		4,000.00	
TOTAL EXPENSES		<u>93,454.85</u>	
FOR 2014 ACTUAL			
CASH BALANCE, December 31, 2014		3,637.80	Outstanding Check# 1953 for \$107.00
RESERVE Fund Balance		2,224.98	
LESS ENCUMBRANCES		<u>1,000.00</u>	Contracted Services: Litigation Fees
UNENCUMBERED BALANCE,			
December 31, 2014		<u>4,862.78</u>	

To the Chester Township Trustees:
The Board of Park Commissioners of Chester Township Park District hereby submits the actual balances for the year commencing January 1, 2015 for consideration of the County Budget Commission, pursuant to Section 5705.30 of the Ohio Revised Code.

Respectfully Submitted by,
Peggy Vitale, Secretary/Fiscal Officer of the Board

CHESTER TOWNSHIP PARK DISTRICT COMMISSIONERS

Clay Lawrence	<i>Clay Lawrence</i>	Date	1-21-2015
Albert Parker	<i>Albert Parker</i>	Date	1-21-2015
Ruth Philbrick	<i>Ruth Philbrick</i>	Date	1-21-2015
Joe Weiss, Jr	<i>Joe Weiss, Jr</i>	Date	1-21-2015
Lance Yandell	<i>Lance Yandell</i>	Date	1-21-2015

"A PASSION FOR OUR PARKS"

CERTIFICATE OF THE COUNTY BUDGET COMMISSION

AUGUST 11, 2014

The Budget Commission of Geauga County, Ohio hereby makes the following Official Certificate of Estimated Resources for the fiscal year beginning January 1, 2015

for Chester Park District

Fund	Unencumbered Balance Jan. 1, 2015	Taxes	Other Sources	Total
General Fund	\$15,720.30	\$0.00	\$90,137.00	\$105,857.30
Special Revenue Funds	\$0.00	\$0.00	\$0.00	\$0.00
Debt Service Funds	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project Funds	\$0.00	\$0.00	\$0.00	\$0.00
Spec. Assessment Funds	\$0.00	\$0.00	\$0.00	\$0.00
Enterprise Funds	\$0.00	\$0.00	\$0.00	\$0.00
Internal Service Funds	\$0.00	\$0.00	\$0.00	\$0.00
Fiduciary Funds	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$15,720.30	\$0.00	\$90,137.00	\$105,857.30

The Budget Commission further certifies that its action on the foregoing budget and the County Auditor's estimate for the rate of each tax necessary to be levied within and without the 10 mill limitation is set forth in the proper columns of the preceding pages, and the total amount approved for each fund must govern the amount of the appropriation from such fund.


Budget Commission Member


Budget Commission Member

Budget Commission Member

Fund	Unencumbered Balance Jan. 1, 2015	R T	Taxes		Other	Total
			\$0.00	HS/RB	Sources	
GENERAL FUND	\$15,720.30		\$0.00	IOEX	\$0.00	\$105,857.30
			\$0.00	SB3/SB287	\$0.00	
				UDLG	\$10,050.00	
				PLF	\$4,587.00	
				TVLR	\$0.00	
				Other	\$500.00	
				Chester Twp	\$75,000.00	
SPECIAL REVENUE FUNDS						
DEBT SERVICE FUNDS						
CAPITAL PROJECT FUNDS						
Capital Fund						
SPEC ASSESSMENT FUNDS						
ENTERPRISE FUNDS						
INTERNAL SERVICE FUNDS						
FIDUCIARY FUNDS						

Amendment #1

AMENDED
CERTIFICATE OF THE COUNTY BUDGET COMMISSION
O.R.C. 5705.35/5705.36
Office of the Budget Commission, Geauga County, Chardon, Ohio
To the Taxing Authority of

Chester Township Park District

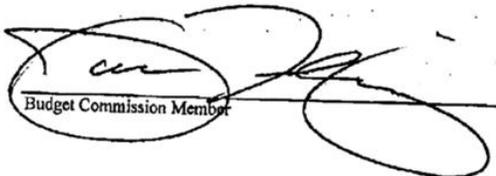
February 17, 2015

The following is the amended official certificate of estimated resources for the fiscal year beginning January 1, 2015 as revised by the Budget Commission of said County which shall govern the total of appropriations made at any time during such year.

Fund	Unencumbered	Taxes	Other	Total
	Balance Jan. 1, 2015				Sources
General Fund	\$4,862.78	\$0.00	\$90,137.00	\$94,999.78
Special Revenue Funds	\$0.00	\$0.00	\$0.00	\$0.00
Debt Service Funds	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project Funds	\$0.00	\$0.00	\$0.00	\$0.00
Spec. Assessment Funds	\$0.00	\$0.00	\$0.00	\$0.00
Enterprise Funds	\$0.00	\$0.00	\$0.00	\$0.00
Internal Service Funds	\$0.00	\$0.00	\$0.00	\$0.00
Fiduciary Funds	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$4,862.78	\$0.00	\$90,137.00	\$94,999.78


Budget Commission Member


Budget Commission Member


Budget Commission Member

Fund	Uncumbered	R	Taxes	Other	Total
	Balance Jan. 1, 2015					Sources
GENERAL FUND	\$4,862.78		\$0.00	\$0.00	\$94,999.78
			\$0.00	\$0.00	
			HS/RB	\$0.00	
			10EX	\$0.00	
			SB3/SB287	\$0.00	
			UDLG	\$10,050.00	
			PLF	\$4,587.00	
			FVLR	\$0.00	
			Other	\$500.00	
			Chester Twp	\$75,000.00	
SPECIAL REVENUE FUNDS					
TOTAL GENERAL REVENUES					
DEBT SERVICE FUNDS					
CAPITAL PROJECT FUNDS					
Capital Fund					
SPEC ASSESSMENT FUNDS					
ENTERPRISE FUNDS					
INTERNAL SERVICE FUNDS					
FIDUCIARY FUNDS					

MINUTES of CHESTER TOWNSHIP PARK DISTRICT
Meeting date: March 18, 2015

Call to order: A regular meeting of the Chester Township Park District was held at the Geauga West Library in Chesterland, OH on March 18, 2015. The meeting convened at 6:01pm. Commissioners in attendance were; Clay Lawrence, Albert Parker, Ruth Philbrick, Joe Weiss Jr. and Lance Yandell and Peg Vitale, Secretary/Fiscal Officer.

In attendance and video recording: Del Lanese.

In attendance: Ward "Bud" Kinney - Chester Township Trustee, Joe Mazzurco - H&M Landscaping, Inc., Catherine Pozzuto - West Geauga Baseball Federation President, Anthony Nastasi - Chester Resident

NEW BUSINESS:

o **Chester Township Board of Trustees to Fund the Park District**

At the March 13, 2015 Chester Township Board of Trustees meeting a motion was made to fund the Park in the sum amount of \$47,570 at the request of Bud Kinney.

o **Motion 2015-26 Park Board February Regular Meeting Minutes**

Motion 2015-26: Moved by Lance Yandell to approve the regular meeting minutes for February 18, 2015 as prepared and submitted, Clay Lawrence seconded, *All approved. Motion carried*

o **Motion 2015-27 Park Board Account Reconciliations and Financial Reports for Period Ending 2/28/2015**

Motion 2015-27: Moved by Lance Yandell to approve the Cash Account Reconciliations and Financial Reports prepared beforehand and submitted for review by the Secretary/Fiscal Officer for period ending 2/28/2015, Clay Lawrence seconded, *All approved. Motion carried*

o **Motion 2015-28 Open Purchase Order 28-2015 and Purchase of Electric Expense**

Motion 2015-28: Moved by Lance Yandell to approve the purchase and open the Purchase Order #28-2015 in the amount of \$406.53 for the Illuminating Company for the purchase of March electric supplied to the Park, Ruth Philbrick seconded, *All approved. Motion carried*

o **Motion 2015-29 Open Purchase Order 29-2015 and Purchase of Rubbish Removal Service**

Motion 2015-29: Moved by Lance Yandell to approve the purchase and open the Purchase Order #29-2015 in the amount of \$102.52 for Republic Services for the purchase of March rubbish removal services supplied to the Park referenced in Invoice # 0224-006028741, Al Parker seconded, *All approved. Motion carried*

o **Motion 2015-30 Open Purchase Order 30-2015 for Purchase of Memorial Plaque**

Motion 2015-30: Moved by Joe Weiss, Jr. to approve the purchase and open the Purchase Order #30-2015 in the amount up to \$150.00 to proceed with the purchase of a memorial plaque commemorating the donations received to fund the flowerbox purchase honoring Nick Artino as discussed last year, Clay Lawrence seconded, *All approved. Motion carried*

o **Motion 2015-31 Open Purchase Order 31-2015 for Purchase of Memorial Crabapple Tree**

Motion 2015-31: Moved by Ruth Philbrick to approve the purchase and open the Purchase Order #31-2015 in the amount up to \$350.00 to proceed with the purchase and planting costs associated with the memorial flowering crabapple tree, as discussed last year, and to be planted this spring, Joe Weiss, Jr. seconded, *All approved. Motion carried*

Thanks to Joe Mazzurco of H&M Landscaping, Inc. who has offered to donate the firm's services to plant the tree. The cost of this service will be provided to the Commissioners on the H&M letterhead for submission to the Probate Judge for approval and acceptance of the donated services.

MINUTES of CHESTER TOWNSHIP PARK DISTRICT
Meeting date: March 18, 2015

o **West Geauga Baseball Federation (WGBF) Discussion of Ball Field Use and Fee**

Catherine Pozzuto, West Geauga Baseball Federation President agreed to the Park Board plan to have DiFranco Landscaping, Inc. prepare the field and to submit the \$500 fee for two leagues that will be using the field. The ongoing lining of the field for game preparations will be completed by the WGBF. The Federation plans to have a coach vs. coach game on June 20th at Parkside to promote Chesterland and the WGBF. The schedule for games is still in process and once available will be forwarded to the Park Commissioners for input to the Park calendar. The WGBF has made a request for the baseball field lights to be repaired. The lights are original from the 1977 installation and the Park Board is looking into options on how to upgrade / replace the lighting system. The Park Board plans to get the ball field lights operational for this season if cost is permissible.

o **Motion 2015-32 Approve the Amended Certificate of the County Budget Commission**

Motion 2015-32: Moved by Clay Lawrence to approve the amended official certificate of estimated resource total of \$94,999.78, for the fiscal year beginning January 1, 2015 as revised by the Budget Commission of Geauga County dated February 17, 2015 which shall govern the total of appropriations made at any time during such year, Joe Weiss, Jr. seconded, *All approved. Motion carried*

The funding sources listed on the certificate are from two sources the State of Ohio and Chester Township.

o **Motion 2015-33 Open Purchase Order 33-2015 for Vendor Specific Purchases for the Park District**

Motion 2015-33: Moved by Clay Lawrence to approve up to the dollar amounts in sum total of \$22,370 for the Park District 2015 purchase orders as follows: Auditor State of Ohio - \$2,870, Kiwanis Of West Geauga - \$1,000, Bremec Nurseries, Inc. - \$1,000, DiFranco Landscaping Inc. - \$5,000, Professional Cleaning Services, Inc. - \$3,300, Margaret Vitale - \$4,000, Illuminating Company - \$4,000, Republic Services - \$1,200 per the approval of Park District funds at the 3/13/2015 Chester Township Board of Trustees meeting, Ruth Philbrick seconded, *All approved. Motion carried*

o **Motion 2015-34 Open Blanket Purchase Order 34-2015 for Park District Purchases**

Motion 2015-34: Moved by Clay Lawrence to approve up to the dollar amounts in sum total of \$25,200 for the Park District 2015 blanket purchase orders as follows: Perennial Gardeners Reconfigure irrigation system - \$500, Park Grounds Maintenance Expense - \$18,000, Park Flower Baskets Hanging/Removal Fee - \$500, Accounting Software Fee-UAN Training, Equipment Setup Expense - \$1,200, Insurance, Bonds Expense - \$3,000, Maintenance: Supplies and Plumbing Expense - \$1,800, Office Supplies and Postage Expense - \$200 per the approval of Park District funds at the 3/13/2015 Chester Township Board of Trustees meeting, Joe Weiss, Jr. seconded, *All approved. Motion carried*

o **Motion 2015-35 to Award Landscape Contract to H&M Landscaping, Inc.**

Motion 2015-35: Moved by Al Parker to approve the Park's Landscape Maintenance contract be awarded to H&M Landscaping, Inc., at the same fee of \$12,839.58 and scope of work as last year to include trimming of tree branches to seven foot height clearance for the period of April 1 to November 30, 2015, since Park Commissioners are pleased with the work they have performed last year, and H&M has responded to unexpected requests in a timely fashion, Lance Yandell seconded, *All approved. Motion carried*
Ruth Philbrick and Al Parker will be the Park Commissioner contacts for the landscape contract.

o **Motion 2015-36 to Award Park Cleaning Contract to the Professional House Cleaning Services, Inc.**

Motion 2015-36: Moved by Joe Weiss, Jr. to approve the Park's cleaning contract be awarded to Professional House Cleaning Services, Inc., at the same fee of \$45.00/per day at 3 days per week minimum, up to a total amount of \$3,300. Scope of work as last year for the period of May 1 to September 30 and on an as needed basis, since Park Commissioners are pleased with the work they have performed last year, and they have responded to unexpected requests in timely fashion, Clay Lawrence and Ruth Philbrick seconded, *All approved. Motion carried*

MINUTES of CHESTER TOWNSHIP PARK DISTRICT
Meeting date: March 18, 2015

- **Motion 2015-37 to Award Park Baseball Field Preparation to DiFranco Landscaping Inc.**
Motion 2015-37: Moved by Joe Weiss, Jr. to approve the Park's baseball field preparation to DiFranco Landscaping Inc. in the amount up to \$5,000 since Park Commissioners are pleased with the work they have performed last year, and they have responded to unexpected requests in timely fashion, Lance Yandell and Al Parker seconded, All approved. Motion carried
- **Motion 2015-38 to Approve Freshley and Son to Perform Park Plumbing Services**
Motion 2015-38: Moved by Al Parker to approve Freshley and Son to perform the required plumbing preparation work to open the Park restroom facility in the amount up to \$200, Clay Lawrence seconded, All approved. Motion carried
- **Motion 2015-39 to Approve Freshley and Son for Park Irrigation Upgrade**
Motion 2015-39: Moved by Ruth Philbrick to approve Freshley and Son to perform the required plumbing work to upgrade the Park irrigation system to accommodate the flowerboxes in the amount up to \$500, Clay Lawrence seconded, All approved. Motion carried
- **Motion 2015-40 to Approve Flag Purchase**
Motion 2015-40: Moved by Lance Yandell to approve the purchase of a new flag required to replace the tattered flag on the flagpole in the amount up to \$200, Clay Lawrence seconded, All approved. Motion carried
- **Motion 2015-41 to Approve Hotel, Meals, Parking, and Mileage Expenses Incurred for UAN Training**
Motion 2015-41: Moved by Clay Lawrence to approve the hotel, meals, parking and mileage expenses incurred by the Fiscal Officer to attend mandatory UAN training held in Columbus March 26-27 in the amount up to \$750, Lance Yandell seconded, All approved. Motion carried
- **Motion 2015-42 Approval of West Geauga Baseball Federation Park Reservation**
Motion 2015-42: Moved by Clay Lawrence to approve and accept the application made by the West Geauga Baseball Federation to reserve the baseball field with proper deposit fees of \$500 (\$250 fee per league) paid, Al Parker seconded, All approved. Motion carried
- **Motion 2015-43 Approval for Kiwanis Request for Concerts in the Park**
Motion 2015-43: Moved by Lance Yandell to approve the Kiwanis of West Geauga to reserve the use of the Park for the Summer Concerts to be held on Wednesday evenings in the months of July and August, 2015, Ruth Philbrick seconded, All approved. Motion carried
- **Motion 2015-44 Approval for West Geauga Recreation Council Park Reservation of Volleyball Courts**
Motion 2015-44: Moved by Joe Weiss, Jr. to approve the West Geauga Recreation Council to reserve the use of the Park volleyball courts for the Summer Program to be held on 7/9, 7/16, 7/24, 7/30, 8/6, 8/13 Thursday evenings in the months of July and August 2015, Clay Lawrence seconded, All approved. Motion carried
- **Motion 2015-45 Approve Payment of Purchase-Disbursement of Funds for March**
Motion 2015-45: Moved by Clay Lawrence to approve the disbursement of funds through payment of sequential order check #1972 to check #1973 in the sum total amount of \$509.05, Lance Yandell seconded, All approved. Motion carried
- **Memorial Day Update**
Road Department Superintendent will ensure the power is working at the cemetery beforehand and ready for the Memorial Day Service held at 10am. A sign will be made to advertise the event.

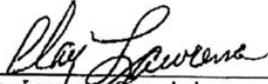
MINUTES of CHESTER TOWNSHIP PARK DISTRICT
Meeting date: March 18, 2015

o Invoices Paid

Check Number	Amount	Vendor Paid
1972	\$406.53	Illuminating Company
1973	\$102.52	Republic Services

Adjournment: The meeting was adjourned at 7:24 pm.

Minutes Submission: *Respectfully by Peg Vitale, Secretary/Fiscal Officer*


Clay Lawrence, Commissioner

4-15-15
Date of approval


Al Parker, Commissioner

4-15-15
Date of approval


Ruth Philbrick, Commissioner

4/15/15
Date of approval


Joseph Weiss, Jr., Commissioner

4/15/15
Date of approval


Lance Yandell, Commissioner

4/15/15
Date of approval

