

Minutes Special Meeting February 27, 2009

The Salem Township Board of Trustees held a special meeting at the Township Hall on February 27, 2009 for the purpose of awarding the bid for the clean-up of the property at 6025 US 22-3 and entering into a contract with Mr. Caldwell for that purpose. Chairman Kirk Ramsey called the meeting to order at 4:05 P.M. with member Dick Kilburn present. Dick Dare was out of town.

Others present were Lee Short, Donald Lynch, Mr. & Mrs. David Opperman, Mike Kassalen, Ron Stratton, Bob Glancy, John Caldwell, Bruce McGary, Matt Dolan, and Bill Harrison.

It was pointed out that the bid from Mr. Caldwell as of Monday was \$7,700.00. Since that time, Mr. Lynch has removed many of the items that were included in the bid. He has also paid for a permit for the sign so that is now in compliance.

Kirk Ramsey asked what should be done since Mr. Lynch had cleaned up so much that was included in the bid.

Bruce McGary also noted that he had built a fence and everything appeared to be behind the fence now.

Mike Kassalen stated that the trailers and boats were now licensed.

Mr. McGary stated that it appeared that the property might be in compliance now, but that Mike should keep his eye on it.

Regarding the bus, Mr. Caldwell had made arrangements for someone to come at 5:00 today to remove it. It is still not licensed.

Mr. McGary mentioned that Mr. Lynch had filed another document today. He had filed another document in December that was struck from the record. Mr. McGary will file a motion to strike the last two documents and to stay any other documents since the case is over. He explained to Mr. Lynch about the court costs assessed so far and told him that each time he files another document, there are added court costs.

In answer to some of Mr. Lynch's complaints, Mr. McGary explained that this type of work does not require a competitive bid and even in the case of competitive bidding, the law says the board has discretion to award the bids. Abuse of discretion must be proven. This is in higher competitive bidding circumstances.

Mr. McGary stated that the bid can be awarded to Mr. Caldwell for whatever now needs to be done at an agreed price.

It was stated that there is a permanent injunction placed on the property and if anything is brought onto the property that is not in compliance with the zoning, Mr. Lynch would be

considered in contempt. No complaint would need to be filed and the matter would be taken care of quickly.

Mr. Caldwell was asked to get a price for staging his equipment the first time and a price for moving the bus.

It was decided a fair price was \$500 to move the bus and \$700 for bringing his equipment and manpower on the day he showed up to do the work and could not commence.

Dick Kilburn made a motion to pass *Resolution 09-0227 to authorize the president of the board to sign the bid of \$1,200 and entering into a contract with John's Bobcat Service to remove the bus from the Lynch property and to cover the cost of the equipment and manpower before the scope of the work was changed.*

Kirk Ramsey seconded the motion.

Vote: Kilburn, yea Ramsey, yea

Mr. Lynch then discussed his problems with the bus and how they had come about. He stated he had a licensed repair facility and that he should be allowed to work on the bus even if it isn't licensed. Then he read the document he had filed at court.

As there was no more business to discuss, Dick Kilburn made a motion to adjourn the meeting at 5:12 P.M. Kirk Ramsey seconded the motion. *Vote:* Kilburn, yea Ramsey, yea