



## Work Session

Monday, April 11, 2016

*(Meeting Held at the Village of Richfield Town Hall, Council Chambers)*

### WORK SESSION MEETING

#### Call to Order:

The Work Session of the RJRD Board of Trustees was "Called to Order" at 6:30 p.m. by Chairperson Mr. Cugini. All in attendance were reminded that the Board will be in work session and unless listed on the agenda, there would be no additional comments; just a listening session.

Roll Call was taken by the RJRD Administrator, Mrs. Bluso Rogers.

#### **In Attendance:**

Mr. Bob Becker  
Ms. Kelly Clark  
Mr. Dominic Cugini  
Mr. Rich Fleming  
Mr. Ralph Mc Nerney  
Mr. Pat Norris  
Mr. Bill Taylor (*Not Present*)

Mr. Keith Shy, Capital/Public Improvements Consultant/Manager

#### Discussion Topics:

**Fire Department Action Plan**

**VOR FD Assistant Chief McLean**

The Assistant Chief distribute folders to the full Board that contained fire department activity and correspondence from July 10, 2015 to March, 2016. Assistant Chief explained all of the documentation and there no additional comments from the Board.

### **RJRD Committee Modifications**

### **Dominic Cugini**

For the benefit of the Records of Proceedings and for all in attendance, Chairperson Mr. Cugini stated that there were a number of discussions at work sessions and briefing memos on the subject. Resolution 3-2016 and the RJRD Committee Policy was passed March 28, 2016 and Mr. Cugini went on to explain that he would provide a high level explanation.

Electronic distribution of those modifications were previously sent to the full Board. Hard copies were also distributed to Trustees Becker, McNerney and Norris. Chairperson Cugini noted that there were only four (4) committees and stated that the governance and capital/special projects were closely related and would have the same chairperson for the remainder of the year. Legal was part of the governance committee plus policies and procedures, communication, grant administration, partner relations with external entities [WRLC, FOCH, BTA]. The capital /special projects committee included master planning activities, assessments and renovation projects. It was further noted that the capital/special projects committee had a “lifespan” and eventually it would be integrated into the governance committee.

The chairs for each committee were announced.

- Governance: Dominic Cugini
- Park Services: Kelly Clark
- Operations: Bill Taylor
- Capital/Special Projects: Dominic Cugini and Keith Shy as advisor and consultant.

The committee chairs will prepare an agenda that will be released at least 24-hours in advance and will submit the agenda to the Administrator for public posting. Meeting minutes are to be prepared and approved by the committee members at the regular business meeting of the RJRD Board. Minutes are to be submitted to the Administrator for public posting. Meetings are to be held in a public place and information posted on the RJRD website. These requirements are part of the OMA [Open Meetings Act] and the Ohio Sunshine Laws.

**The full board was requested to select two [2] committees they would like to participate in and submit them by Friday, April 15, 2016 to the Chairperson and Administrator.** The Chairperson per policy will assign the members based on trustee’s preferences and they will be announced at the next meeting.

The committees would be comprised of three (3) trustees and would make recommendations to the full board for formal action by bringing information to the board of trustees. The committees will not take action on behalf of the RJRD Board of Trustees. Through the majority vote of the RJRD Board of Trustees [4/7], is the only way formal action is taken. Each committee will develop a plan and within those plans policies and processes will be developed.

After the committees are formed, each committee will recommend a set number of advisors to the committee which will then be approved by the full Board. Advisors should be selected by a majority vote [2/3] of the committee and then brought to the full board for approval.

Special committees can also be formed for specific tasks and lifespan and this is approved at the full board level.

In summary for the immediate future:

1. Trustees are to provide committee preference to Mr. Cugini
2. Mr. Cugini will announce at the next meeting.
3. Mr. Cugini will meet with chairpersons to establish next steps for the committee.
4. Committee chairs to schedule meetings, post agendas and provide minutes to the Administrator for full board distribution.
5. Chairs and committee to develop work plan based on the RJRD mission and bring their goals and actions to the full board to meet the overall mission.

For the foreseeable future, the Administrator will work with Park Services “offline” to determine the scout service projects.

There were no further comments or discussion by the full Board.

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Mr. Cugini stated that the next three presenters would be discussing information related to forest management. Mr. Alan Siewart, Urban Forester from the ODNR, Mr. Adam Beichler from the Wilderness Center and Pete McDonald and Sarah Kitson from the Western Reserve Land Conservancy. Mr. Shy would introduce Mr. Siewart. Briefing memo previously distributed. A briefing memo from Mr. Becker is contained in the distribution package championing proceeding with the Letter of Understanding with TWC. Mr. Cugini will introduce the WRLC property stewards.

Mr. Cugini stated that the three experts invited to present were to assist the Board in determining policy and “who we are” as the master plan unfolds and governance is established. This discussion is on managing the forest.

### **Urban Forestry**

### **Keith Shy**

Mr. Shy introduced Mr. Alan Siewart, Urban Forester from the Ohio Department of Natural Resources [ODNR], Division of Forestry. Mr. Shy stated that urban foresters provide community officials with the organizational and technical ability to effectively manage the trees on public grounds. They provide one-on-one technical and organizational assistance about forest management, tree commission formation, developing local tree laws and best management practices.

Mr. Siewart opened the discussion by stating that his chief task is to work with municipalities on forest management. Mr. Siewart is a municipality specialist and an arborist with a degree in urban forestry. The task is very challenging for the RJRD Board of Trustees because there are many owners of the property: approximately 6000 people. Mr. Siewart emphasized that when you know “where you are going” you can implement the scientific assessment to the forest and begin to manage the forest to the maximum benefit of the forest. After YOU have determined where you are going, then the experts can provide the details for the plan such as Mr. John Kehn, ODNR Timber Resource Management who was also in attendance.

Strategic planning is very important regardless of the expert opinions shared. E.g. will this property be a wilderness park with paths or will this property be more active uses with more forest management. This is the RJRD Board’s decision as representatives appointed by the two forming governments. Decisions need to be made on the best scientific approach for the mission of the property and what is economically feasible. Weak or the absence of a strategic plan leads to poor decisions with extraordinary financial consequences and detrimental effects to the forest.

The bulk of the hard work for a strategic plan needs to be done by the Board to ensure a legacy for generations to enjoy.

There were no questions or comments from the Board. Mr. Siewart stated that he would be available once the master plan is completed.

**TWC [The Wilderness Center]**

**Bob Becker**

Mr. Becker stated that there were a number of dead, dying and diseased ash trees that need to be removed and the longer there was no action the window of opportunity to receive any funds for the timber would be closed. Becker wanted to preemptively address the dangers to the structures while a Woodland Stewardship Management Plan [WSMP] was developed by the WRLC. The Wilderness Center, Adam Beichler, was hired to mark/market the trees. Per Trustee Fleming’s request to include ODNR in the process caused the review of the forest by John Kehn. Mr. Becker stated that this is a critical time and was requesting that the Board take action to proceed with Mr. Beichler’s work to remove the ash trees in conjunction with the WSMP. Becker stated that the ash trees are currently marketable.

Adam Beichler stated that the Board was “past crunch time” on the ash trees since the trees are past their marketability.

John Kehn stated that the dying ash is a catalyst for a lot of sales in the area and there is a narrow window. It was Mr. Kehn’s opinion that the longer the Board waits, the trees will be of no value. Mr. Kehn reiterated that all of the discussions with the committee and visits to the property focused on the need for a strategic plan for the property and the woodlands. The Board needs to state the overall strategy and goals.

Mr. Kehn stated that there were some trees marked and he was brought on to evaluate the marks on the trees. Based on his assessment, Mr. Kehn did not approve of the marks. There are a lot of potential problems on the property with the existing woodlands plus a lot of opportunities. In his

[Kehn] opinion, all of the ash will be lost in a few months. There are approximately 75 12-16-inch diameter ash in the northwest area and some that are precariously positioned around the park. Beichler stated that ash trees are the most dangerous trees on a property due to the way they die; become brittle and they come down rapidly. Beichler stated that this is a public hazard and liability to people, trails and the structures. Timber removal will allow to salvage some money and reinvest into the property.

There was no definitive price for the salvage and Mr. Beichler relayed his involvement with RJRD. It was to assess the trees that were marked by someone and evaluate the associated dollar value for the salvage. It was Mr. Beichler's assessment that those initial markings were incorrect as well as the market value. *"The cart was put before the horse"* and TWC was hired to facilitate the harvest to improve the growing conditions on the property and deal with the ash trees. It then became apparent that there was an easement on the property and there may be restrictions on the harvest thus the purpose of this discussion.

Mr. Cugini stated at this point of the discussion that this was a major decision impacting the ecosystem of the park. To date the full Board has not stated opinions for an overall strategy or plan. Mr. Fleming stated that before any decision be made a detailed list and location of the trees needs to be prepared. Messrs. Beichler and Kehn stated that this type of inventory was very expensive but even before an inventory is developed, Mr. Kehn emphasized that the overall goal and strategy is required; it needs to state the purpose the harvesting activity, e.g. for income or for the health of the forest.

Mr. Beichler opined that the development of an overall strategy is costly and long noting that it will extend and prolong the "window of opportunity" to market trees of any value. TWC is working in the best interest of the RJRD and there needs to be trust between RJRD and TWC.

Mr. McNerney stated the action is required due to the safety concerns for hikers, trail and existing structures. Mr. Norris stated that the issue is very simple, to maintain a health forest, RJRD needs to remove the dead, dying, diseased and dangerous trees and included in this strategy the dying ash is included and the value obtained can be used to offset the expense of removing the other trees.

Mr. Cugini questioned this proposal since heavy equipment would negatively impact the habitat. Mr. McNerney stated that this was a misrepresentation because there are many ways to deforest and the ash trees are the only species being considered. Mr. Beichler clarified by stating that it was cost prohibitive for foresters to only remove the ash which was the reason other species were selectively considered so as to improve the growing conditions of the forest. Per Mr. Beichler, *"it is the only way to make it worthwhile."*

Based on Mr. Becker's goals provided to Mr. Kehn, Kehn suggested an improvement cut with the ash trees as the catalyst and include other trees at risk. Income is the byproduct for an improvement cut and RJRD is facing the expense to manage the forest to keep the public safe. Mr. Siewart stated that there was no right or wrong answer and any strategy would need to include the concern for safety and the strategy could have a lifespan; i.e. harvesting would not have to be an annual occurrence.

Ms. Clark requested Mr. Shy to provide the Akron Summit Metro Park plan and Mr. Shy stated that the expense was 100 of thousands and the trees were only removed if the dead, dying and diseased were around structures or posed a safety issue to park visitors. The trees were never sold but were cut up for firewood and offered to residents at no charge. Ms. Clark opined that she would be in favor of removing trees near structures and trails but not in the middle of the woods.

Mr. Becker stated his support for removing trees other than the ash trees because the trees were past their life and posing issues to structures and trails. Mr. Cugini questioned the definition of a hazardous tree from Mr. Siewart and he stated that one of the best definition is "*where is the target that the tree will fall on.*" Risk assessment of a tree would include the target at risk and the consequence if the target was hit. Risk assessments include traffic patterns of trails if they were the target; e.g. intermittent traffic would have a low risk assessment. In these cases, the liability is low. High risks are targets at risk with huge consequences; e.g. permanent structures with major property damage or damage to utilities. Every tree has risk and it needs to be determined how much risk is accepted and how the risk is minimized. Mr. Fleming stated that he would be amenable to removing at risk trees.

Mr. Shy asked if there was a difference between a tree service and a logger/sawmill removal service. Mr. Beichler stated that there was a difference and stated that the logger would not remove trees around the structures; only a tree service would remove those trees. Mr. Beichler stated that TWC would only remove less than 10 trees per acre compared to a logger/sawmill service that would take out 20-30 trees per acre.

**At this point in the discussion, Pete McDonald and Sarah Kitson were included. Mr. McDonald stated that WRLC holds the conservation easement on the property. The easement states that "RJRD can cut down, dead, dying, dangerous, damaged and diseased trees." Marketable timber is not permitted under the easement.**

Mr. McDonald supported the risk assessment approach within the parameters of the conservation easement. WRLC would be interested in working with RJRD regarding a habitat restoration plan.

Mr. Beichler stated that the discussion is "*null and void*" due to the easement.

Mr. Becker requested approval from WRLC to allow the ash tree harvest to eliminate the closing marketability window at the same time as a Woodland Stewardship Management Plan is developed and Mr. McDonald stated that a WSMP is not required for the Board to make a decision regarding the easement; i.e. removal of dead, dying, down, dangerous, damaged and diseased trees. The plan for this removal would need to be reviewed and approved by WRLC. Mr. McDonald also emphasized that the Board needs to create a holistic strategic plan for the entire property and not engage in "one offs" that could potentially be detrimental financially and to the property and habitat.

Mr. Cugini stated that this could be brought forward at a regular meeting for formal action by one of the trustees. Mr. Cugini requested thoughts and input from each Trustee. Ms. Clark was only in favor of specific removal that would pose a safety issue within a strategic plan. Mr. Norris agreed but wanted the trees marketed to offset the cost of removal and opined that the trees are creating an unsafe environment and habitat for people and the buildings. Removal should be done *“sooner rather than later to get money for the ash since every day that opportunity slips away.”*

It was noted for the Board that some tree services would deduct the cost of the log and deduct it from the cost of the service. Mr. McNerney stated that “they” have not stated that RJRD could not take out some of the other trees and if the removal of these trees would improve the forest it would be fine. Mr. Cugini stated that a forest improvement plan was a subset of this discussion and the timeframe would be longer. Mr. McNerney stated that a plan for improvement could be presented to WRLC for their approval without a strategic plan. Mr. Cugini stated that WRLC recommended that the Board develop a holistic plan. Mr. Fleming agreed to removing dangerous trees and would fine to absorb those costs rather than marketing the trees. Mr. Becker stated his mission and vision when he conversed with people; i.e. to manage the forest so that it will be as beautiful or even more so for the next 50 to 100 years, be safe for visitors, preemptively address hazards to structures, fences and other assets. Mr. Becker opined that a strategic plan was not required and a plan could be submitted to WRLC for approval based on his stated vision and that it was also necessary due to the Dam Report. Trustees McNerney and Norris agreed with Mr. Becker’s assessment that a plan could just be submitted to WRLC for approval without a strategic plan. Mr. Cugini stated that after all discussion that it was his opinion that a Board approved strategy and holistic plan was needed due to the number of considerations and the lack of a united Board plan. Mr. Cugini stated that moving forward was premature prior to a forest and master plan. Mr. Becker stated that RJRD doesn’t have \$100K to deal with the trees later and in order to get the correct financials, the trees need to be marked to determine the cost for removal and revenue.

### **Western Reserve Land Conservancy**

### **Pete McDonald & Sarah Kitson**

Mr. McDonald expressed his appreciation for being on the agenda to meet with the Board. Mr. McDonald explained the WRLC process and his role as a Land Steward for the property. As a Land Steward, Mr. McDonald monitors the conservation easements and responds to questions regarding what is permitted. WRLC is a partner with RJRD in protecting and conserving the property and the easements are in perpetuity. The Land Stewards also provides referrals and resource experts when necessary.

Mr. McDonald stressed that effective communication is important and requested that direct communication be handled between the Chairperson and the Land Steward to ensure that information is consistent for all concerned. It is important that plans or major changes to the property be communicated with Mr. McDonald to avoid violations to the easements. It is not the position of WRLC to articulate a personal opinion but provide information based on the easements.

Ms. Clark asked if there was a timeframe for the restoration component of the Clean Ohio [i.e. structures, buildings] and Mr. McDonald stated that there was not a timeframe but it needs to get done soon than later. There are no reporting requirements to Clean Ohio Grant Administration. Mr. Cugini stated that the implementation of the grant guidelines is reviewed the next time a grant application is made. Mr. Cugini stated that there will be regular meetings with WRLC.

**LL Bean**

**Pat Norris**

Mr. Norris stated that a LL Bean proposal was ready for action and it was for the use of the Boat House and the Upper Lake and to pay RJRD \$1500. LL Bean would then conduct paddle boarding classes and would make small improvements to the Boat House and would utilize the property on Saturday and Sunday mornings through the summer. A use agreement was prepared and distributed. Mr. Cugini stated that the next step would be to take formal action through resolution in the Special Meeting scheduled immediately following the work session. The motion would be to accept the agreement as it stands tonight. If LL Bean has changes subsequent to the formal action, the resolution and agreement would be rescinded and replaced with another agreement. Norris stated that the issues were minor.

It was on advice from RJRD's Legal Counsel, that an agreement was more applicable than using the Special Use Application/Agreement. Mr. Fleming requested the initial date, name of the initial contact for the agreement/program and the purpose. Mr. Norris stated that contact started November, 2015 between Lynn Richardson and LL Bean employees at the Lyndhurst store. There was discussion about paddle boarding and due to the picture of James Kirby it was thought that he was paddle boarding. This generated interest and a tour of the property occurred and in December, 2015 the specifics of the program and LL Bean's interest were pursued to an agreement before the board.

Mr. Fleming opined that LL Bean was given some assurance of an agreement with RJRD since \$1500 was donated to FOCH in advance of any agreement. The circumstances surrounding the agreement is questionable and possibly suspect. Mr. Fleming stated that LL Bean should have contacted RJRD directly rather than through FOCH; a third party. Mr. Fleming opined that an agreement with LL Bean would not benefit the residents/taxpayers but rather commercialize LL Bean.

Mr. Norris responded by stating that LL Bean views RJRD and FOCH as two separate groups which is the reason for the split of the money. Norris stated that in a letter of transmittal from LL Bean to FOCH, LL Bean encouraged FCOH to apply for this money annually even if they were unable to work out an agreement with RJRD. LL Bean pursuing an agreement with RJRD had nothing to do with the \$1500 given to FOCH. It is a separate issue and none of RJRD's business. Access to the Boat House by LL Bean is only to set up their program.

Ms. Clark raised concerns regarding dam safety and Mr. Norris responded that "*LL Bean does this for a living and knows more about it than we do.*" Mr. Norris assured Ms. Clark and the Board that he was confident in LL Bean's ability to conduct safe programs and be responsible with participants in their program. There was discussion and speculation that LL Bean tends to put stores on properties similar to RJRD but it was denied by Mr. Norris. Mr. Cugini stated that

if that would be pursued it would require full board approval. Mr. Norris stated that the contract is for one year and if after one year it proves to be dangerous and deleterious to the residents, the contract could terminate. Mr. Cugini stated that there was a ninety-day clause to terminate in the agreement. No comments from Trustees McNerney and Becker.

The Administrator pointed out that the boat house would be part of the code assessment and if and when the agreement is signed, the Fire Department would be required to do a fire inspection and as long as the boat house is for storage there is no occupancy issues.

**MOTION** made by Mr. Cugini and seconded by Ms. Clark to adjourn the Work Session at 8:19 p.m. and immediately start the Special Meeting.

**DISCUSSION: NONE**

**MOTION PASSED: Mr. Becker (Yea) Ms. Clark (Yea), Mr. Cugini (Yea), Mr. Fleming (Yea), Mr. McNerney (Yea), Mr. Norris (Yea), and Mr. Taylor (Not Present)**

### SPECIAL MEETING

#### Resolution 9-2016:

Without preamble, the following action was taken.

**MOTION** made by Mr. McNerney and seconded by Mr. Norris to adopt Resolution 9-2016 A Resolution Authorizing and Directing the Chairperson and the Treasurer of the Board of Trustees to enter Into An Agreement with Charles E. Harris & Associates.

**DISCUSSION: NONE**

**MOTION PASSED: Mr. Becker (Yea) Ms. Clark (Yea), Mr. Cugini (Yea), Mr. Fleming (Yea), Mr. McNerney (Yea), Mr. Norris (Yea), and Mr. Taylor (Not Present)**

#### Resolution 10-2016:

Without preamble, the following action was taken.

**MOTION** made by Mr. Norris and seconded by Mr. McNerney to adopt Resolution 10-2016 Authorizing and Directing the Chairperson and the Treasurer of the Board of Trustees to Enter Into an Agreement with L.L. Bean Inc., Outdoor Discovery Schools.

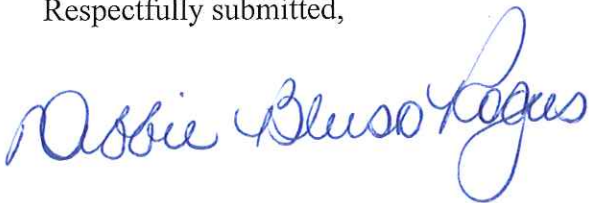
**DISCUSSION:** NONE

**MOTION PASSED:** Mr. Becker (Yea) Ms. Clark (No), Mr. Cugini (Yea), Mr. Fleming (No), Mr. McNerney (Yea), Mr. Norris (Yea), and Mr. Taylor (Not Present)

**Adjournment:**

Mr. Cugini adjourned the meeting at 8:25 p.m.

Respectfully submitted,



Debbie Bluso Rogers, Administrator to RJRD Board



Richfield Joint Recreation District,  
Chairperson



Richfield Joint Recreation District,  
Secretary