

Scioto Township Board of Trustees  
October 12, 2005  
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Sandra Stults called the October 12, 2005 meeting of the Scioto Township Board of Trustees to order at 7:00 p.m.

All in attendance joined in the Pledge of Allegiance.

Roll call was answered by, Thomas R. Brown, Richard Moxley and Sandra Stults.

Others in attendance: Stanley Brechtel, Jason Hutchisson, Bill Cox, Dave & Kathy Estep, Theodore Luke, John & Molly Myers, Pat Foor, Clint McQuade, Bruce Stayner, Ed & Jan Samsel and Gary Beckley,

Richard Moxley made a motion to accept the minutes of the September 14, 2005 meeting as presented by the Fiscal Officer. Sandra Stults seconded the motion. Vote: Sandra Stults, yes, Thomas R. Brown, abstain, Richard Moxley, yes. Mr. Brown abstained due to the fact he was not at the September meeting.

Guest were acknowledged and asked to limit their comments to three (3) minutes. Please direct your questions and comments to the board.

The floor was turned over to Patricia Foor, Superintendent of The Delaware Area Career Center. Ms Foor gave us a review of the Career Center established 31 years ago, which now has two (2) campuses, with a total of thirty two (32) programs for high school sophomores thru senior students, with over 700 high school students enrolled. There are also adult programs, plus free senior citizen classes for 65 and older.

We have an 1.7 mill renewal levy for 10 years on the ballot in November. No increase in taxes, this is a renewal levy.

We also have a continuing levy from 1972 that was voted in at 1.5 mills currently collecting .960646 on residential property.

For more information you can go to the web site at [iChooseStudents.com](http://iChooseStudents.com)

Sandra Stults asked about the 1.5 continuing levy and the new levy of 1.7 renewal levy being on the ballot. Ms. Foor stated they are not, only the renewal is on the ballot.

Bill Cox asked about the 1.7 mill and collecting at 1.409513 mills through 2006. Ms. Foor stated she has received her mills from the Auditors Office.

Richard Moxley reiterated if it is a renewal levy the wording must be identical to the previous levy.

Township Fiscal Officer's Report

Receivables for September 2005	\$16,065.27
Payables for September 2005	\$38,266.09

Susan Beckley, Fiscal Officer asked the trustees to adopt a resolution to transfer funds from Star Ohio in the amount of \$110,000.00 into the Road and Bridge fund to pay for the road improvements that have been completed.

Sandra Stults made a motion to adopt the resolution to transfer \$110,000.00 from Star Ohio to the Road and Bridge fund. Richard Moxley seconded the motion. Vote: unanimous.

Resolution # 06-2005

Zoning Inspector's Report

Bill Berry reported for the month of September 2005 he had issued five (5) activities Two (2) residential permits, one (1) conditional use application, two (2) accessory building permits. We are up fifty (50) activities to date.

Fire Chief's Report

Marvin McIntire stated the new fire engine is on schedule and did have pictures. The engine will come off line October 26<sup>th</sup>. On Oct 29<sup>th</sup> Lt Bill Bivens and Chief Marvin McIntire will fly to Florida to inspect the truck on October 31<sup>st</sup>. On November 1<sup>st</sup> they will take a pump class and November 2 and 3 will drive the new truck back to the station. Marvin's intent is to have the new engine here for the Fish Fry on November 5<sup>th</sup>.

After the Fish Fry it will be sent to Finley Fire Equipment Company, Inc. to be completed with chains, air pumps, install loose equipment. This is the largest piece of equipment we will have in service. It will be at least six (6) months before this vehicle goes into service. I am setting our target date for July 4<sup>th</sup> 2006.

Marvin McIntire asked the trustees to cover the out of pocket expenses for him and Bill Bivens, which would be lodging, meals and fuel, and also their time.

Thomas R. Brown made a motion that Lt Bivens and Chief McIntire's expenses be reimbursed. Richard Moxley seconded the motion. Vote: Unanimous.

Marvin McIntire ordered the plaque for the new engine to be dedicated to Robert G. "Bobby" Lowe.

Marvin McIntire asked for two (2) purchase orders – Pierce Manufacturing Inc. for \$3,000.00 for any additional items that are needed during delivery of the new engine and Dotson’s Garage for \$3,500.00 for the service of all vehicles.

Thomas R. Brown made a motion to issue the two (2) purchase orders Pierce Manufacturing Inc. for \$3,000.00 and Dotson’s for \$3,500.00 for service to all vehicle. Sandra Stults seconded the motion. Vote: Unanimous.

P. O. 26-05	Pierce Manufacturing Inc.	\$3,000.00
P. O. 27-05	Dotson’s Garage	\$3,500.00

All firemen will be spending several hours with officers to get their driving time and proper instructions before the engine goes into service.

Dick Moxley asked if there would be an instructor from Pierce to work with the fireman. Marvin said there will be a representative to explain the ins and outs but will not be instructing the driving.

Also announced was October 31 <sup>st</sup>	Open House	6:00 p.m. to 8:00 p.m.
November 5 <sup>th</sup>	Fish Fry	5:00 p.m. to 8:00 p.m.

There was a discussion on tables and chairs being set up in the bay area. Marvin McIntire also asked the trustees and clerk if they would be available to sell dinner and raffle tickets on November 5<sup>th</sup> for the Fish Fry.

Sandra Stults asked if the replacement truck could set along side the new truck, to let people understand why we needed to purchase this new engine.

The generator will be used November 5<sup>th</sup> to help keep our electric expenses at a minimum for this event.

Sandra Stults spoke on the Fire Safety Program for the Buckeye Valley West kindergarten classes. Sandra commended John Sanieel-Banrey, Jason Hutchisson and Sig Pugerud for a job well done: Thank guys!!

#### New Business

Sandra Stults stated we need a resolution to appoint Richard Moxley to submit a grant request to Preservation Parks. Sandra Stults made the motion and it was seconded by Thomas R. Brown.

Discussion as to what would the grant be used for, the extension of the walking trails into

the woods, seal the trails and outfield fence for the ball field. The walking trails to be blacktopped, which seems to be the way to go for all persons involved.

The first priority being the walking trails, followed by outfield fence for the ball field and the sealing of the trails.

Sandra Stults said there were boy scouts that would be willing to clear the area for the walking trails.

Vote: Unanimous.

Sandra Stults stated she was approached by one of the firemen about needing bowls for the kitchen. After a short discussion Marvin asked that the fireman be referred to him.

#### Old Business

Thomas R. Brown stated Mr. Cox had presented the trustees with questions on township drainage, which I was not familiar with along with an article from the Morrow County Farm News concerning the drainage.

In doing some research on this subject I found an article from the Howland Township bulletin which reads: Under the Ohio Revised code, opinions issued by the Ohio Attorney General and Case decisions of the Ohio Supreme Court, TOWNSHIP TRUSTEES are PROHIBITED BY LAW and have NO AUTHORITY to enter private property to expend township funds to clean or maintain existing drainage ditches and natural watercourses or to install or construct new drainage ditches or watercourses for the purpose of alleviating drainage problems on private property.

The ONLY LEGAL AUTHORITY GRANTED is to clean and maintain roadside ditches in order to prevent erosion of township roads.

Quotes from the Ohio Township Handbook:

Question: Is the board of township trustees suppose to keep in repair all field tiles inside road fences either crossing under the road or along the road?

Answer: Township trustees are authorized to expend township money for drainage only to the extent that such drainage is necessary to keep the roads in good repair. If water drains naturally into a township road, the township trustees should provide a method to conduct the water off the road so that the road will not be a condition reasonably safe for the traveling public.

Question: Are township trustees authorized to construct a township ditch?

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Answer: No, Chapters 6139 and 6141 of the Ohio Revised Code will be repealed, effective April 9, 1981.

Question: May township equipment be used to repair drainage or private ditches?

Answer: No.

Question: Do the trustees have authority to clean out and repair privately constructed underground ditches?

Answer: No.

Question: Who has the responsibility of cleaning and repairing township ditches?

Answer: The county commissioners have the sole authority as to both township and county ditches., but the commissioners are authorized to delegate this duty to the county engineer, who may execute the necessary work or employ a ditch supervisor to perform the job.

Mr. Brown thanked Mr. Cox for his information of the Ohio Township Handbook, from State Auditor's Office Betty Montgomery. This is a book we will order for our use in the township.

Mr. Cox asked Thomas Brown if he had talked to the County Prosecutor.

Mr. Brown stated he had not talked to the Prosecutor, but does have a list of items he wants to ask about the drainage.

There was much discussion with Mr. Cox and the trustees on this subject.

Mr. Cox has a ditch hearing on October 31, 2005 at 7:30 p.m. to be held in the commissioners meeting room. Mr. Brown feels we should have a representative attending this hearing. We are not exempt; we will have to pay our fair share of monies. The money would come out of the road and bridge maintenance fund.

Ed Samsel asked Sandra Stults if she has any information on the noise ordinance: Sandra Stults informed Mr. Samsel she was trying to contact the assistant prosecutor's office for clarification on this ordinance.

Sandra Stults made the motion to pay bills. Thomas R. Brown seconded the motion.  
Vote: Unanimous.

Thomas R. Brown made the motion to adjourn. Richard Moxley seconded the motion.

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Vote: Unanimous

Meeting adjourned at 8:15 p.m.

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Susan Beckley, Fiscal Officer