

The Township Board of Trustees March 10, 2010

Pledge of Allegiance

Roll call: Sandra Stults, Rodger Finks, Chas Kaiser

Rodger Finks: Motion to approve the minutes of the regular meeting February 10

Sandra Stults: second

Motion approved

Sandra Stults: Motion to approve minutes special meeting February 20

Rodger Finks: second

Motion approved

Guest Comments

Andy Zairns:

5546 Marysville Rd. I am here in regards to the Lake Hill private hunt club that was brought up at the last meeting and I sent a letter to the wildlife division of the ODNR I have not gotten a response back from them. I think there are a couple of issues, the noise they do want to have a standard rifle shooting range. Hunting rifles usually have a range of 1 to 3 miles that's not shot level back shot about 45°. Several days ago walking along my property line which would be the southern property line close to Rt #257 it appears they have an earth mound structure built since last fall. It is about 100 feet from my property line. And they have cut a swath through the trees and they said they would be shooting in a North East direction. Farther west it appears there is the beginning of a second mound 6 feet high. And it appears that shooting would be in a Northeast direction. To me it is not acceptable that they would be shooting across my property. Their idea is a 6 foot mound and everyone would be protected but the problem is if they are shooting 6 1/2 feet it would be on my property. If you are shooting I would guess around 8 feet it would target the second or third house south on route 36 along route 257.

Sandra Stults:

There are formulas including the height of mounds and the trajectory. The mounds could be graded against those to see if they are safe or not. So instead of being subjective, it would be here is the formula.

Andy Zairns:

First of all in that location you are shooting in a downhill direction. And if you are shooting downhill you could go as far as route 36 if you clear the mound and I think that whole concept is entirely absurd.

Sandra Stults: I think that is subjective.

Andy Zairns:

I don't think that's subjective. I am opposed to any kind of rifle shooting range. If there is going to be a rifle shooting range I think it should be designed properly. They would need a professional designer for that, and about the only place you could put a rifle shooting range on the property that I can see and not endanger other neighbors is if they had it right off route 257 shooting directly westward into the natural embankment that's there. Probably they would have to excavate and put in a retaining wall and I would say in addition to that they would have to put in a noise wall above the retaining wall and surrounding the shooting area and further if you're going to do it you're going to need a ceiling to prevent erratic shooting like some sort of bullet absorbing ceiling and maybe noise absorbing. Also it would be quite a project to do that. There is no getting around that the other problem is the skeet shooting really making the noise. But looking on some

information about skeet shooting apparently the city of Dayton had some pretty big controversy over it. I don't know what the details are, but they determined the range that shot gun pellets would be and they allowed it based on that. But looking at some of the literature I think the number two shot gun would have a range of 330 yards and some publications say double ought could have a range of 1000 yards and a shotgun slug could go as far as 1500 yards. So you're talking about quite a range there. And my experience has been you have a bunch of hunters there pretty much running wherever they want to, doing whatever they want. The management doesn't even seem to know who's there or what they are doing or when they are there and those types of things. So my letter to ODNR one of the things I said, I had several points.

Sandra Stults: We've read it.

Andy Zairns:

But anyway I'd like to give a response from ODNR if you are going to permit anything like this I think it should be professionally designed by people who are into ballistics and know what they are doing but I think the Township's role should be basically pursue the noise part of it.

Sandra Stults: Could you copy us if you get a reply from ODNR?

Andy Zairns:

If I don't get a reply I will probably send another letter and copy you also. So that's probably about all I have to say on this subject. I think the neighborhood in general is suffering. I think there are people on Klondike Road that are pretty upset, they have actually indicated that they have problems with dogs barking. I personally haven't seen too much of that other than when somebody seems to show up and the dogs will bark for it while. That is more in the daylight hours. Then I know there are some people on Penn Road they are pretty upset with the trespassing and people getting on their property.

Sandra Stults: They will have to come and tell us about it.

Andy Zairns:

And I was surprised actually that, uh, I talked to a lady today and she lives quite a bit west of me and she was pretty upset about their operation okay. I stop.

Rodger Finks:

Andy, I have a question here. Our zoning inspector supplied us with a GIS map here. Will you note on here approximately where you saw the mounds? I'm trying to make sense of this so I can figure out, is this the skeet range where is the skeet range?

Andy Zairns:

I don't really know where it is, but I think one of the old skeet shooting towers is right about over in here (points to map) but I don't think that's being used and I think at one time all there was one security light and one skeet shooting range which was used on Saturday afternoon or Sunday afternoons. This whole area is lit up at night sometimes. It's like half of the football stadium at night.

Rodger Finks:

I did not see Mr. Dutey out here is there anyone else out here for the gun, uh, Lake Hill?

Craig Conie: Yes

Rodger Finks:

Can you uh, I guess you uh, help me here, on the map, figure out where everything is located? I'm trying to, you say there is a mound here, can you show me on here where the skeet range and the rifle range are? (Points to map) Skeet range would be right about

here? And do you know anything about a rifle range? (Points to map) is it at the same spot? It is right here; okay this is the rifle, okay, okay. It gives me a sense of where everything is we are talking about. That's all the questions I have.

Chas Kaiser: Is there anyone else for the hunt club issue?

Bob Dixon:

My name is Bob Dixon I live on Klondike Road across the river from the hunt club. I have found the noise from the dogs and the shooting to be irritating where I live when I go outside. I read Mr. Zairns letter and I'm here to support him. I think he has had to put up with terrible neighbors in the terms of the hunt club. They encourage trespassing on his land by creating ladders across his fence. I think this is a completely indefensible type of thing. I have many friends who are hunters and they are very good people and I have nothing against them but there's always a few that will cause a lot trouble. We have had trouble in the Township Park with hunters there doing damage hunting in the Park or nearby and trespassing across the Park tracking animals. I think that is just a reflection of that same attitude that some hunters have, a small number of them, and I think that attitude is something that is reflected in the management of the park and the way they are encouraging people to trespass on Mr. Zairns land. I think it is very unfortunate and it should stop.

Chas Kaiser: Thank you

Mark Martin:

My name is Mark Martin and I live at 2678 state Route 257 S. My wife and I live on the eastern side of the hunt club. I don't personally have any objections to hunting or anything like that. Our house has been shot a few times from the pheasant hunting and things like that. Noise is a concern, the dogs are a concern, but I think for me and my wife one thing would be the safety part. We are in a range were buckshot is physically hitting the house I have a problem with that. The rifle range, along with Andy, I have an issue with the mound height if it's not where it needs to be if we are talking about projectiles whatever, that needs to be addressed. The other thing would be on the contractor, there are regulations in the County as far as permits and things like that. For me personally, if the hunt club is following the regulations they are supposed to be and everything they are doing is legal, I am fine with that. Mine would be safety as far as stray bullets and just following regulations they should be following.

Chas Kaiser: Question, where are the dogs? Everyone keeps mentioning dogs. Personal dogs are they your own?

Sandra Stults: No, as soon as you drive-up the driveway there are kennels.

Chas Kaiser: The hunt club owns the dogs?

Sandra Stults: I don't know if they board them.

Chas Kaiser: They all are boarded dogs? Okay

Clint Reed:

2675 State Route 257 S. quarter-mile down from the entrance. My only issue that I have is the noise from the dogs and increased noise from shooting the rifles. I have handguns I do shoot them I'm okay with a little bit of noise from that. If they got a rifle range going up there and they're going to shoot like they do at Blackwing on Rt.36 I'll probably have an issue with that. Other than that that's all I have.

Mike Justice:

My name is Mike Justice at 1385 Warren Rd. The only issues I've had with the hunt club is noise from rifles and I am about half a mile away and I hear dogs barking also. When I read Andy's letter one of the things that stood out at me was zoning violations. I would like to ask you guys if you have found them in violation of the zoning code?

Tom Brown:

I have not found in any Township records they have ever been cited for violation. While I am not investigating a written complaint at this time, because of Mr. Zairns I have had an interest in this and have done some casual research. And I think it is a lawful non-conforming use. It was an activity and use before we had our Township zoning and even prior to the County having zoning the mid-1970s. The first line of any zoning ordinances is whatever new zoning we are adopting today will not make any existing conditions unlawful. It makes them non-conforming but not unlawful. There may be some issues as this goes forward about enlargement. I don't think there's an issue about it being an unlawful use and being continuous. And continuous is a condition for its still being lawful. It appears on the surface that it has been continuous and it is a lawful use. The intensity of use to me is not an issue but it is a lawful use. Enlargements of it I think are an issue to me, are an issue to zoning.

Mike Justice:

I guess my major concern with them at this point would be the expansion of any rifle range and the noise associated with high powered rifles. That's all I had.

Chas Kaiser: Anybody else?

Sandra Stults: is there anyone here from the hunt club?

Craig Conie: I am here, but not to speak.

Chas Kaiser: Can you answer the dog question? Do you board those dogs? Are they hunting dogs?

Craig Conie: They belong to the club. We do not actively board dogs.

Chas Kaiser: So what do the members do? Do they come and shoot and bring their dogs with them?

Craig Conie: Some people do.

Tom Brown: Do the dogs come and stay for the weekend; is it like a dog motel?

Craig Conie: No, we used to. But we don't let people leave their dogs there anymore. There are club dogs that are still there but we try to find homes for them.

Tom Brown: Sir, are you an officer?

Craig Conie: No.

Tom Brown: I would like to make a request that I and the fire inspector get an invitation to come tour your facility. The fire inspector said he can be aware of what buildings are back there and the access so we can have an accurate inventory of what's back there. It is a curiosity and a chance to document existing conditions, buildings, where they are and their use. So I would just like to make that request.

Andy Zairns I would like to respond to the question of the zoning violation. The zoning is clear there is to be no noise going across property lines and disrupt other property owners. As far as the operation in the last few years, there's been a major upgrade. Not that long ago there was just one security light there is a whole bunch of lights that they have put in. Now it's lit up like a football stadium like for a night game. And as far as the shooting now but there is light the shooting goes on into the night. Whereas before, it was a gentleman's hunt club. You would show up to your little pheasant hunt and go home

maybe have dinner at the club house or whatever. Now the operation has been changed it's being turned into a shooting gallery. But there's no getting around that, so there is a zoning violation. And there have been no building permits and that is another violation. There's been a whole lot of electrical lighting that's been put in. Nobody seems to know when it was put in or who did it. They probably needed a state inspector to certify it that it is okay for that kind of use. I think there's a lot of zoning issues there. We are just getting started on that.

Chas Kaiser: Tom, is there a zoning issue on disturbance across property lines?

Tom Brown: I am not aware of noise as generally a zoning issue. While noise appears in the zoning resolution is to be considered sometimes in appeals board action conditional use actions are considered sometimes with changes in zoning or a piece of property is being changed from one zoning classification to another. But in the FR- 1 is the zoning classification in which the hunt club is in FR-1. Mr. Zairns would have to show me where it's a zoning violation that you cannot hear noises across property lines. A noise ordinance the Township has is an ordinance that is not zoning. It doesn't have anything to do with zoning. Mr. Zairns would have to show me where he bases that. It very well may be. I don't think tonight's the place to look for it. No, I would generally say that noise is not a zoning issue.

Chas Kaiser: let's move on.

Gary Walters: with Reinhardt insurance and I'm here to talk to you about the renewal of your property and casualty insurance. It includes coverage for obviously the property liability and the fire truck your public official's liability. I'll try to not to take up a lot of time. Premium is really close to what we had last year, it was \$17 higher. Though we did make some increases in coverage last year, we did increase the fire truck replacement values and we added 2009 Pierce. We did delete the International. We also had a 4% increase in our property values. There are not any changes that have been negative to the program. I'll just hit the highlights if that's okay. We write all of our liability coverage's on an occurrence form basis. And what that means is peace of mind for all of you knowing that anything that may happen and get reported years later even if you're not in our program anymore we have a duty to defend that claim and also to defend you. There may be a day when you are no longer a public official. This is important to know because if something comes back from a decision that you made and you get called in to court we have a duty to defend you. You did receive \$300 for safety allowance this year; we expanded it from last year. Last year it was only seminar education when you are spending dollars, we reimburse you a check. We knew you were spending dollars in other areas that were important because it goes along with the safety of the Township and we wanted to reward you for that. So now that acts as a credit and is applied to your renewal. So now there is a credit of \$300 on your renewal for your safety allowance and you can get back every year assuming that you are spending dollars in that area.

Sandra Stults: does that include our drug testing?

Gary Walters: yes it is expanded beyond CDL testing over and above what you would do over the CDL. Personal protective equipment you guys scored in this area and the drug area. But, conference attendance fees are another one. Like the OTA convention, so that's another area you could use that for. When it comes to the education and training part we need a certificate and a copy of the invoice. That is all we need. In the summary of

coverage there is no change in that at all. Our program we have an ability to do a \$6 million occurrence with a million-dollar aggregate. We have handled more than 34,000 liability claims, the largest one today is \$2 1/2 million and that was on a law enforcement claim. I think you are in pretty good shape but one never knows what enough is. We do cover the Township members of the governing body, members of any boards or commissions that are appointed or elected or employees or volunteers. You do have cemetery professional liability coverage. Employee's benefits liability if you make an error in the administration of an employee benefit. On the next page is the auto, there has been no change in that insurance. The emergency vehicles are covered on a repair or replacement cost basis. We do not depreciate those vehicles. The non-emergency vehicles are written on a cash value basis like your own standard auto policy. There is coverage for each of you using your own vehicle on Township business if you get involved in an accident. We are not the primary liability in that situation. If there is damage to your personal car we will pay up to \$1500 for your out of pocket and your deductible so there's some coverage there for that. On you're emergency vehicles we like to cover them where they are ready to roll out the door. It's not just truck chassis that its other things that are attached, that is fixed on the bracket or was in a compartment. We like to cover all that gear. We do provide bonds for each of the trustees. Fiscal officer has a special bond. We also have a bond for zoning inspectors. You scored well on the loss ratio.

Rodger Finks: I make a motion to renew our risk management through Ohio plan, to approve the renewal.

Chas Kaiser: I second

Vote unanimous

Chas Kaiser: any other guests? Let's move on to fiscal officer's report.

Susan Beckley: revenues for February was \$36, 406.59 the payables were \$39,777.29

Sandra Stults: resolution 93-2010 “any employee or elected official decision on health benefits” (see resolution). Any employee or elected official may elect to opt out of any health benefit package and all other benefits provided by the Township of Scioto at the same time reserving the right to opt back into provided benefit packages each person opting out may ask for reimbursement no more than a nominal amount equaling to the average of all employees and officials premium amounts effective March 10, 2010.

Rodger Finks: I'll second

Vote unanimous

Rodger Finks: I think if we are going to be in the OPEC funding plan with our health insurance we got to adopt a resolution.

Sandra Stults: we adopted that in our special meeting for insurance. It is in the special meeting minutes

Rodger Finks: okay. I guess based on that I will be opting out of the Township health insurance I would like to ask the board to reimburse me for my personal health insurance which costs \$174.97 a month.

Chas Kaiser: it is fine with me.

Susan Beckley: and I will opt out and right now. Mine is \$49 a month.

Chas Kaiser: do we need a motion on that?

Sandra Stults: I think this resolution covers it. It says we'll cover it if we opt out.

Chas Kaiser: so grant reimbursement for Rodger and Susan. I have a few things. Have we gotten any policy information back from Jim Organ?

Susan Beckley: I haven't gotten anything.

Chas Kaiser: I think we need a timeline on that, at least policy numbers. There is the possibility of a Boss V blade for sale for the F250.

Rodger Finks: do you want to do that under business?

Chas Kaiser: okay

Tom Brown: February 2010 there were no BZA activities there is no February meeting of the Scioto Township zoning commission. I received one zoning application in that same certificate was issued for 3224 Russell Rd. new-home reconstruction in the FR-1 district I struggled; I almost did not issue a permit. That was the fire total loss but after talking to the Township resident there is going to be a slight enlargement. If you go back and look at different places in the zoning resolution it refers to that the sometimes 50%- 60% destruction or deterioration of the fair market value it triggers some kinds of actions. This was certainly more than 50% or 60%. I did charge them a permit fee. The RPC meeting February 20 there was no Scioto Township activity. I volunteered to sit on the executive nominating committee. There are no written complaints. My office received a copy of Mr. Zairns paper. And that's February.

Sandra Stults: down in Columbus the legislature has been busy, there have been some changes on the nuisance laws and expansion of what the townships can do. That is the paper I just gave you tonight. I just wanted everyone to know that our powers are expanding.

Tom Brown: I will read those and let the zoning commission know to see if it's trustee powers or zoning powers.

Chas Kaiser: Fire Chief's report

Marvin McIntire: our annual bench test on our air packs was completed on February 24. There were 19 units that were checked and all passed. No repairs were needed. Thanks to Chas and a lot of his work we got tanker 377 back in service on February 21. We will be participating at the open house and carnival this Saturday. Engine 374 made it down to the spring shop today. On the way down the throttle stuck on route 33. I got it stopped. I got it down to the spring shop and repaired. I brought it home tonight and it ran good, it seemed to drive much better. It is still marked down as out of service and tagged now.

Chas has a key. I'm going to keep it out of service until the tester checks it for me. We are waiting for a quote for the auto charge unit, we still haven't got that. The only other thing I've got is the annual pump test. I went to switch it up this year, cost wise Fire Safety and Finley Fire are very similar in cost. We will try Finley this year and switch it up. Maybe go back and forth. I've got annual pump test times three at \$1500. I believe they'll come on site to do that. If not we'll go over to the park to do it.

Rodger Finks: I make a motion to get the annual pump servicing testing done by Finley Fire for no more than \$1500.

Sandra Stults: I second.

Vote: unanimous

Susan Beckley: your PO number is 06-03-2010.

Rodger Finks: Marvin, did you check on your heaters.

Marvin McIntire: no, too many other things going on.

Rodger Finks: my son Lieut. Scott Finks sent you a patch from Iraqi Freedom fire department. They do not want a patch in return but you can send him a thank you card. I'll give you his address they're over in Iraq right now.

Chas Kaiser: we need to officially thank Mike Grandaminico for pulling Jim Bennett out of Mitchell Lane ditch on one of those snowy plow days. We used his four-wheel drive tractor to assist the Township. He saved us a tow bill. What old business do we need to address?

Sandra Stults: we received a letter from the baseball league telling us what they were going to be doing; they haven't done anything yet because it's under snow. They are looking at a field day on March 20 and they have formally requested Chas Kaiser's assistance.

Rodger Finks: they asked for drainage pipe, I believe there is quite a bit of four-inch in the barn. It was left over from last year.

Sandra Stults: I'll e-mail him and let him know that.

Chas Kaiser: I was at the Park this week. I noticed we really needed gravel for the parking lots. Have we had any help in the past from national lime and stone on that?

Rodger Finks: that I do not know. To the best of my knowledge we have not. That's before my time I cannot speak to that.

Chas Kaiser: is there a contact person?

Sandra Stults: there's a former township trustee Dick Moxley. He has offered to help us in the past on gravel prices.

Chas Kaiser: I'll check with Dick. I suggested 574's because that's the crushed stone and it'll last longer. The base is very soft, that's to be expected with all of the moisture we have in the ground right now.

Sandra Stults: since they donated the land for the Park, they been very helpful about donations of stone. This is really nice for the Township.

Chas Kaiser: any other old business?

Rodger Finks: we need to get our information back from the County for the chip seal quotes. After seeing the cost of the Fry road reclamation, we do not have the money for that right now. But just doing chip sealing on the roads we have not done for the past two years is going to cost us \$57,200. That would be the cost for Taylor, Larcom, Carr, Shipley, Tyler, Brown, Fry and Morey. Unfortunately we cannot do any work on the base of Fry road this year, possibly next year. So at this point **I would like to make a motion to submit that list of roads to the County engineer's office for chip sealing for the 2010 road season.**

Chas Kaiser: I'll second that.

Vote: unanimous.

Sandra Stults: we are doing what we can on roads so maybe putting a levy on the ballot this election will help.

Rodger Finks: I talked to John Link and he said we used 508 tons of salt so far this year the 2010 season. We allocated 450. I requested 450 ton of salt for the next season.

Sandra Stults: the snow plow drivers are done; they don't want any more salt. But they have done a wonderful job this season. I have received quite a few calls thanking us for keeping the roads clear. I let our workers know what had been said and Jim Bennett went above and beyond the call of duty by taking the backhoe on Newhouse road and clearing off the snow on the curves with the bucket.

Rodger Finks: now we go back to the mower issue. After doing some research the only one I can find with a direct PTO drive is Tiger all the others are boom arm mower's and no one else make some and Tiger through Dexter would be \$9675. That would not attach **to a tractor we already have. I did go through some numbers on the budget and figured up that for equipment purchases this year we have a little over \$40,000 available. And if we were to go with a tractor and that mower you of???? the \$32,175. That is with trading in the you on him and TN65 and purchasing a John Deere 6100D from Parrotts and the RBF2C Tiger mower from Dexter.** At this point I couldn't get anyone to give us a trade-in on that mower. I think all they're looking at are scrap prices. I'm going to ask the board now whether **or** not we should pursue that.

Sandra Stults: I don't think we can afford to pursue it at this time. I think we should use the mowers that we have.

Chas Kaiser: I guess I asked to be a little more affiliated with what we have, what we're using, what shape it is in and I need to get down there with somebody and go through all that because I'm unfamiliar with that right now to get a better judgment on my end.

Rodger Finks: okay

Chas Kaiser: is there any new business?

Sandra Stults: I would like to recognize Gary Beckley for showing initiative and creating maintenance logs for use by his department. They now have a log book with a maintenance sheet on each piece of equipment such as trucks, tractors, mowers, etc. I am very proud of him.

Chas Kaiser: good, that is something I mentioned I would like to see when I first came into office. That is good.

Rodger Finks: I got a quote for weed and feed for the cemeteries from the Seed Center. This year the price per bag is \$20.25 that would be \$850.50 for each time we use it.

Sandra Stults: how many times a year do we use weed and feed?

Rodger finks: at least two possibly three. This quote here is only for the spring application. And at this point **I would like to make a motion that we purchase weed and feed 16-09 42 bags at a cost of \$850.50.**

Chas Kaiser: I second.

Vote: unanimous

Rodger finks: the other new business I have, I'd like to schedule a meeting for summer help. Open interviews, I would like to suggest March 27 8 a.m. to noon.

Chas Kaiser: that is fine with me. Susan please put that in the newspaper.

Chas Kaiser: the only other new business I have is possibly buying a Boss V blade to put on the township's 4X4 F250. A used one for \$3250 uninstalled. I don't know what the village is going to do this year we have not spoken to them yet. Rodger and I have found and Sandra too, that all of us could be out and still not keep up with the drifts. The snow that came down this year was quite overwhelming. If the board feels it might be a good option I've got a contact on one.

Rodger Finks: based on the price of a new one and what we paid for the straight blade for the fire department, I'd say it would be a very good purchase.

Sandra Stults: I like the idea of having the capability of getting another truck on the road.

Chas Kaiser: it's not a salt truck but it's one all three of us can jump in and help out if we need to. **I make a motion that we purchase the Boss V blade for \$3250.**

Rodger finks: I second.

Vote: unanimous purchase order would be 07-03-2010.

Chas Kaiser: we need to get a response for Vaughn DeWitt's easement so we can get the job on the books and the tile work done.

Rodger Finks: I think we'll have to call Chris Bauserman and tell him that the only thing that is holding this up is his department. I dealt with them all last year trying to get them out there to mark that tree.

Chas Kaiser: if nothing happens with the County before the end of the month I suggest we get together with the DeWitt's and get it on the roll. I did not put it on the agenda but if we see any kind of snow fence available for purchase I would like to purchase some for a couple of bad roads.

Sandra Stults: I'll check the state's surplus sales.

Chas Kaiser: does anyone have anything else?

Chas Kaiser: I move to pay bills.

Rodger finks: I second

Vote: unanimous

Sandra Stults: I move to adjourn.

Rodger finks: I second that.

Vote: unanimous