

Minutes of the
Board of Trustees of Troy Township
Regular meeting held November 21, 2011

The regular meeting was called to order by Chairman, Mr. Doug Price, at the Troy Township Hall, 4293 U. S. Route 23 North, Delaware, Ohio 43015, with the following officials and employees being present: Trustees' Mr. Doug Price, Mr. Earl Lehner, and Mr. Paul Price, Fiscal Officer, Pam Starling, and Zoning and Trustee Secretary, Kelly Williams.

Zoning Inspector, Charlie Cooperider was excused.

Mr. Doug Price led those in attendance in the Pledge of Allegiance to the Flag.

AGENDA

The agenda for tonight's meeting was reviewed and amended as follows:

Old Business: 1.) Center line on Troutman Road; 2.) Cutting dead trees.

New Business: 1.) New railroad signs; 2.) New building on Troy Road; 3.) Future culvert-bridge close to Red Cross building.

Mr. Earl Lehner made a motion to approve the agenda as amended. Mr. Paul Price seconded. All voting yes, the motion passed.

OPEN COMMENTS

Nothing at this time.

MINUTES

The Chairman dispensed with the reading of the minutes of the October 14, 2011 regular meeting. Copies were available.

Mr. Earl Lehner made a motion to approve the minutes of the October 14, 2011 regular meeting as written. Mr. Paul Price seconded. All voting yes, the motion passed.

ZONING REPORT BY ZONING INSPECTOR

Mr. Charlie Cooperider, Zoning Inspector, was excused and Mr. Doug Price presented his report for September, October, and November 2011. For this time period he had 2 new residence zoning permits, 2 sign permits, and 2 accessory building zoning permits. He has fielded approximately 40 zoning calls. He handled 3 complaints.

TRUSTEE REPORTS

Mr. Paul Price submitted the following report:

- | | |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10-14-11 | Called Griffin Striping to get railroad markings on Willey and Troutman Roads. They will do it. This is part of the safety grant for railroads. |
| 10-17-11 | I worked on road mower and mowed on Hills Miller east of Troy Road. 3 hours |
| 10-18-11 | Loren and I put the remainder of the #2s in washout on north side of Troutman, west of Laws. Raised and straightened reflector post on Penry Road at City water wells |

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drive. Put reflector tape on sides and rear big and small trucks. Picked up 2 trashed twenty foot pieces of flexible furnace pipe that had been tossed out on Section Line Road north of Buttermilk Hill Road. We worked on erosion control on northeast corner of Penry Road and Section Line Road. We decided it would not work right. Checked overhead heaters in township garage. They are working. 4 ½ hours

- 10-19-11 Attended the Railroad Task Force meeting. Picked up form letter from Jerry Owings, county, concerning how to proceed about getting driveway culvert pipe put in on Hills Miller Road at new home. Gave to Doug Price to be passed on to prosecutor.
- 10-20-11 Worked on hydraulic motor for salt spinner. 4 hours
- 10-21-11 Worked on hydraulic motor for salt spinner. 3 hours
- 10-26-11 I picked up 4 - 36" railroad signs at Kleem, sign company in West Chester, Ohio. Paid with township charge card.
- 10-29-11 I worked on hydraulic motor for salt spinner. 1 ½ hours
- 10-30-11 Railroad Task Force took display to Berlin Township Fire Prevention month.
- 10-31-11 I stopped at TSC to check on hydraulic motor for salt spinner for small and big trucks. Went to Willey and Troutman Roads to check on railroad markings. One on west side of railroad not completed. Three of the markings are thermal plastic and the missing one needs to be painted because of new chip and seal. Will paint later. The funds for markings come from railroad safety grant. 2 hours
- 11-1-11 Loren, Doug, and I put 3 loads of berm stone on Section Line Road north of Penry Road. Put some on Penry Road. I worked on berm chute. Doug had complaint about poor striping on Buttermilk Hill Road. Called Griffin Striping to get it put on. They will do it. It will be put on county bidding. 8 hours
- 11-3-11 I straightened up sign posts and signs in township shop. I cleaned out small truck, sprayed inside of truck bed, before picking up cold mix from county. Picked up 5960 #s of cold mix and 4 - 8' plus 4 - 6' posts from county. Will charge for 2 ½ tons of cold mix. Worked more on small truck. Posts are for railroad safety grant. 6 hours
- 11-4-11 Loren and I put some cold mix on Willey Road. Also, put mix on the north east corner of Penry Road and Section Line Road where erosion was occurring. Put salt spinner on new truck. Auger and spinner are working well. 4 ½ hours
- 11-5-11 I used the road mower to level ditch which was torn up due to farm tillage. This was on Section Line Road. Also, leveled torn up ditch on Troutman Road, south side east of Troy Road. 4 hours
- 11-7-11 Loren and I put the rest of cold mix on Hills Miller Road berm west of Troy Road. Cleaned out big truck, made sure auger and spinner are working properly. Took big truck to township shop. 6 ½ hours
- 11-16-11 Attended Railroad Task Force meeting. Picked up letters from Jerry Owings, county, concerning driveway culvert on Hills Miller Road. Will bring to meeting.
- 11-17-11 Loren and I put up four new railroad signs and posts on Willey Road and Troutman

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Road. Put up two hidden drive signs on Willey Road. Earl assisted. Put up one way bridge sign on east side of Miller Road at bridge. 4 ½ hours

I made 16 backup stiffner plates for signs. 1 hours

Total hours: 50 1/2 hours

Mr. Doug Price submitted the following report:

- 10-18-11 Met with Joe Clase to discuss the possibility of the township applying for some grants
- 10-19-11 Spoke with Jerry Ungaschick about the chip and seal on Miller Road
- 10-26-11 Attended Regional Planning meeting
- 10-28-11 Spoke with Earl Lehner about having Buttermilk Hill Road striped
- 11-01-11 Bermed Section Line Road and Penry Road with Paul Price and Loren Pool
- 11-03-11 Myself along with Zoning Inspector Charlie Cooperider met with a concerned resident on Horseshoe Road about a large barn their neighbor is planning on building
- 11/10/11 Mailed in receipts for grant application to PUCO for grant
- 11/17/11 Myself along with Larry Starling went to hall and got trucks ready for winter season
- 11/18/11 Spoke with soil and water conservation about a property on Horseshoe Road

Mr. Earl Lehner submitted the following report:

- 10/26/11 Attended Fireboard meeting
- 11/02/11 Received a call from Tammy Snedden who thought center line needed repainted on Buttermilk Hill Road
- 11/17/11 Helped install hidden drive signs on Willey Road
- Took other new signs to Township garage
- Called Health Department about recycling bin being full

CEMETERY REPORT

CEMETERY SEXTON REPORT – Marilyn “June” Ufferman

- 10-29-11 Received a call about placing a stone, Zeigler, Howison
- Placed a call to Jack Howison
- Fuller Monument called on lot, etc.
- Returned call to Fuller Monument

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- 10-31-11 Received check from Howison for stone to be placed in Spring 2012 on Ziegler grave – minimum charge stone - \$225 for above to be placed in Spring
- 11-01-11 Mailed check to Fiscal Officer
- 11-02-11 Mailed receipt to Howison for charge to install footer for a monument

FIRE DISTRICT

Mr. Earl Lehner reported that the Opticom System is still delayed by ODOT. They state that the submitted paperwork is not up to their standards. The Prosecuting Attorney prepared the paperwork and it was submitted as directed and to standard. Chief Morris is rewriting and will resubmit. It was suggested that Chief Morris contact other fire departments that have jurisdiction on Rt. 23 to ask if he can have a copy of their paperwork they submitted to review for his resubmittal.

They ordered two new chainsaws at a cost of \$501.00 for both. There was approval for two new Boss snow plows installed at a total cost of \$9,900.90.

They went into executive session regarding a personnel issue.

FISCAL OFFICER'S BUSINESS

The Fiscal Officer presented the cash journal for the month of November as of the date of this meeting and certified that the amounts required to meet the obligations has been appropriated and were in the treasury.

Mr. Earl Lehner made a motion and Mr. Paul Price seconded that funds be released to pay the pending warrants. All voting yes, the motion passed.

- Warrants - signatures
- Purchase Orders – signatures
- Cash Journal
- Fund Status
- Revenue Status
- Appropriation Status
- Cash Fund by Summary
- Grassroots Clippings – November 2011
- Correspondence: Auditor of State – Certificate of time spent on special funds compensation
- Correspondence: ED Stone – Election Results 2011
- Correspondence: Liquor Control – Liquor permits expire 2/1/12
- Correspondence: US Dept of Commerce – US Census Bureau
- Correspondence: Delta Dental – Guaranteed rates for 2012
- Correspondence: ODOT – LTAP 2011 Traffic Signal Self Assessment

Year End and Organizational Meeting: The Fiscal Officer handed out the agenda for the Trustees' to prepare for the meeting.

The Fiscal Officer and the Trustees scheduled the 2011 year end and 2012 organizational meeting for December 30, 2011 at 10:30 a.m.

The Fiscal Officer will advertise this meeting in the Delaware Gazette and have it added to the

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township website.

She will also advertise the open positions on the Zoning Boards and mention that the commission board meets quarterly and the zoning appeals meets only when necessary.

2011 Delaware County Township Officials Training: The Trustees decided to pay all Township zoning board members and employees who attended the training. Ms. Kelly Williams, Zoning and Trustee Secretary will contact all of the Board members and get a list of those attendees to the Fiscal Officer for payment in December.

***Mr. Earl Lehner made a motion to pay all Troy Township zoning board members and employees who attended the 2011 Delaware County Township Officials Training. Mr. Paul Price seconded. All voting yes, the motion passed.**

Data Bus – Request for funding support for 2012: This request for funding support was tabled until the December meeting so Mr. Doug Price can check with other townships about their participation.

DKMM Solid Waste District – Resolution of Intent to Designate: On October 25, 2011 the DKMM board of directors adopted a resolution stating the boards intention to designate one or more solid waste facilities to receive solid waste generated within the DKMM Solid Waste Management District.

There was a public hearing concerning the resolution of intent to designate on November 15, 2011. We have not been updated on the result of this public hearing at this time.

OLD BUSINESS

***Resolution 2011-3 – To Install a Proper Driveway Culvert:**

**A RESOLUTION OF
TROY TOWNSHIP TRUSTEES**

RESOLUTION NO. 2011-3

A Resolution

**IN THE MATTER OF DECLARING AN OBJECT WITHIN THE RIGHT-OF-WAY TO BE
A NUISANCE AND ORDERING REMOVAL OF THE OBJECT PURSUANT TO OHIO
REVISED CODE SECTION 5571.14(A).**

The Board of Trustees of Troy Township, Delaware County, Ohio met in regular session on November 21, 2011 at the Troy Township Hall, 4293 U. S. Route 23 North, Delaware, Ohio 43015 with the following members present:

Mr. Doug Price, Chairman
Mr. Earl Lehner, Vice Chairman
Mr. Paul Price, Trustee

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PREAMBLE

WHEREAS; according to the records of the Delaware County Auditor, Mark W. Fashian and Jennifer S. Fashian (collectively "Fashian") own the property located at 688 Hills-Miller Road, Troy Township, Delaware County, Ohio ("Property"); and,

WHEREAS; Hills-Miller Road (Township Road 192) ("Road") is a township road located in Troy Township, Delaware County, Ohio; and,

WHEREAS; the Board of Trustees of Troy Township, Delaware County, Ohio ("Board") owns and possesses either in fee or by easement the Road right-of-way ("ROW") abutting the Property; and,

WHEREAS; the Property is connected to the Road by a driveway ("Driveway"); and,

WHEREAS; at the point where the Road and Driveway connect the Driveway crosses a ditch; and,

WHEREAS; the location where the Driveway crosses the ditch is located within the Road ROW; and,

WHEREAS; no culvert pipe is installed under the Driveway where it crosses the ditch; and,

WHEREAS; the lack of a culvert pipe under the Driveway causes the Driveway to be an object or dam blocking the free flow of water in the ditch and allowing water to back-up and flood the ditch and the Road; and,

WHEREAS; such flooding obstructs or endangers the public travel of the Road; and,

WHEREAS; R.C. § 5571.14(A) authorizes a board of township trustees to:

1. Determine that an object bounding any township road and located wholly or in part on the land belonging to the road interferes with snow or ice removal from, the maintenance of, or the proper grading, draining, or dragging of the road, causes the drifting of snow on the road, or in any other manner obstructs or endangers the public travel of the road.
2. Declare the object to be a public nuisance and order the owner, agent, or occupant of the land on or bordering upon which the object is maintained to remove it within thirty (30) days.
3. If that person refuses or neglects to comply with the order, have the object removed.
4. Certify the expense incurred in that removal to the county auditor and entered on the tax duplicate against that land, to be collected in the same manner as other taxes.

WHEREAS; the Board, pursuant to R.C. § 5571.14(A), seeks to either have the Driveway

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removed or a proper culvert installed under the Driveway, such that water can freely flow through the ditch and not obstruct or endanger the public travel of the Road.

RESOLUTION

NOW THEREFORE BE IT RESOLVED:

1. In accordance with R.C. § 5571.14(B)(3) and for purposes of R.C. § 5571.14(A), the Board determines that the Driveway is an object which interferes with or obstructs the Road.
2. Absent a culvert, the Driveway is not lawfully entitled to be maintained on land belonging to a township road.
3. The Board finds that the Driveway blocks the free flow of water in the ditch allowing water to back-up and flood the ditch and the Road.
4. The Board determines that the flooding caused by the Driveway interferes with snow or ice removal from, the maintenance of, or the proper grading, draining, or dragging of the Road, causes the drifting of snow on the Road, and/or obstructs or endangers the public travel of the Road.
5. Pursuant to R.C. § 5571.14(A), the Board declares the Driveway to be a public nuisance.
6. Pursuant to R.C. § 5571.14(A), the Board hereby orders Fashion, as the owner, agent, or occupant of the land which the Driveway serves and on or bordering upon which the Driveway is maintained, to within thirty (30) days, either have the Driveway removed or a proper culvert installed under the Driveway such that water can freely flow through the ditch.
7. Any culvert installed shall be installed to all Delaware County standards and specifications.
8. If Fashion refuses or neglects to comply with this order, the Board shall have a proper culvert installed.
9. The expense incurred in that installation shall be certified to the county auditor and entered on the tax duplicate against the Property, to be collected in the same manner as other taxes.
10. The Township Fiscal Officer shall send a letter to Fashion consistent with this resolution and ordering him to comply with the orders of this resolution. A copy of this resolution shall be included with the letter.
11. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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12. This Resolution shall be in full force and effect immediately upon adoption.

Voted on and signed this 21st day of November, 2011, in Troy Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
TROY TOWNSHIP,
DELAWARE COUNTY, OHIO**

Doug Price
Trustee

Earl Lehner
Trustee

Paul Price
Trustee

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Center Line on Troutman Road: Mr. Paul Price asked why the center line was put on Troutman Road between the railroad and Miller Road. Mr. Doug Price stated that it was put on the road last year.

2012 Township Budget: There was discussion regarding the gas tax fund and roads, salt, and berming.

The Fiscal Officer is going to edit the appropriations and revenues budget for 2012 now that she has the year-to-date numbers as of November 21, 2011. She is also going to have an amended certificate of estimated resources prepared for the December 2011 meeting which will have an updated revenue budget to submit to the Delaware County Auditor's Office of the Township's revenue received year-to-date so far.

The township budget is based on the past year ending balance and the estimated revenues.

The budget will be finalized and voted on at the December 19, 2011 meeting.

Cutting dead trees: Mr. Paul Price talked with Tony Fisher about cutting down the dead trees in the cemeteries. Mr. Doug Price had already talked with Mr. Fisher and his estimate was \$1,600.00 to cut down the trees. Mr. Doug Price is in the process of getting another estimate.

Bat proofing the hall: Mr. Earl Lehner spoke with Dirk Shearer about the bat issue at the Township Hall. Mr. Shearer said it was too late this year so he will inspect, clean up, and bat proof in either April or October. He mentioned we could try to submit this claim to our insurance company.

NEW BUSINESS

Clean up little truck: Mr. Doug Price mentioned that there is cold mix in the bed of the little truck and asked Mr. Paul Price if he is going to remove it so the truck can be ready for salt and snow removal. Mr. Paul Price said he was not going to remove the cold mix and that the salt can be loaded on top of it.

New railroad signs: Mr. Paul Price reported that Norfolk Railroad Company installed new railroad signs on Willey Road and they were installed further off of the edge of the road.

New Building on Troy Road: Mr. Paul Price inquired about a new building being built at 2180 Troy Road. He asked if they acquired a building permit. He was informed that they did.

Future culvert/bridge close to Red Cross building: Mr. Paul Price discussed the issue with John Link at the county and reviewed the size and that the township would need to acquire 4 easements in 2012.

Ditch filled in by resident: Mr. Doug Price will check with the resident about a permit to fill in the ditch at his residence.

Mr. Earl Lehner made a motion to adjourn. Mr. Paul Price seconded. All voting yes, the motion passed.

The next township meeting is scheduled for Monday, December 19, 2011 at 8:00 p.m.

2011 Year-End and 2012 Organization meeting is scheduled for Friday, December 30, 2011 at 10:30 a.m.

Mr. Doug Price, Chairman _____

Mr. Earl Lehner, Vice Chairman _____

Mr. Paul Price, Trustee _____

Attest: Ms. Pam Starling, Fiscal Officer _____