

Scioto Township Board of Trustees
April 11, 2007
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Richard Moxley called the April 11, 2007 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: Richard Moxley, Sandra Stults and Theodore Luke.

Others in attendance: Calvin Finks, Bill Cox, Kim Cellar, Jason Hutchisson, Mike Knapp, Laurie Bevins, Bruce Stayner, Gwen Stayner, Sheree and Bill Swaney, Eldon Johnson, Ben Collins, and Rodger C. Finks.

Sandra Stults made a motion to accept the minutes of the March 14, 2007 meeting as presented by the Fiscal Officer. Richard Moxley seconded the motion. Vote: unanimous.

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

Calvin Finks asked how we could pay the February 2007 bill when we had no meeting. There needs to be a meeting and a resolution to pay bills.

Mr. Moxley stated we did pay the bills. Sandra Stults stated we were under a level 3 emergency so the February meeting was cancelled.

Bill Swaney from 1033 Warren Road spoke on a drainage problem on his property. Water comes down his driveway and backs up at the ditch on Warren Road. He is not sure if there is a drainage tile under his driveway. Mr. Moxley stated he needs a tile under his driveway. The maintenance crew will come out and look at the situation to get the water to flow towards the river.

Eldon Johnson asks about the amount of tile that was needed for Fry Road. 340 feet of 8 inch perforated tile and the county is to bill the township. Calvin Finks stated it would not help the ditch on Fry Road.

Bill Cox asked about the reportable items of last month and progress of using interest money for defraying cost of repairs and replacements of the community center. Mr. Moxley stated he would cover those items under old business.

Fiscal Officer Report: Susan Beckley

Receivables for March 2007	\$279,750.57
Payables for March 2007	\$ 78,933.53

Zoning Report: Thomas R. Brown

There was no BZA activity for the month of March. The Zoning Commission meeting was held March 12, 2007. I had two (2) zoning applications, and I issued 2 zoning certificates: 9044 Marysville Road. in ground pool, FR-1
3624 Stults Lane in ground pool, FR-1

I had a lot split plat reviewed and approved, 7949 Calhoun Road, 5 acres to 2.011 acres and 2.989 acres.

February zoning report correction: February 21, 2007 (not the 28th) DCRPC did not have a quorum.

March 29, 2007 DCRPC meeting approved a variance for a 4 lot CAD in Scioto Township. Heather Meadows Subdivision on Warrensburg Road., FR-1. Continued discussion on CAD subdivision regulations. Staff to move forward with language and recommended text changes for future discussion. No adoption of language or public meeting scheduled.

A short discussion on the Heather Meadows Subdivision which is largely in Scioto Township and a small portion in Radnor Township.

Radnor Township uses Delaware County Zoning and this property is a large 23.82 acre parcel with limited 120 foot frontage and Delaware County Zoning does not allow side-by-side flag lots. The common access driveway crosses through Radnor Township, but all four building sites are located in Scioto Township, which does allow side-by-side flag lots.

The granting of this variance will not vary the provisions of the application of the applicable zoning regulations, comprehensive plans, or other exiting development guidelines and regulations, nor shall it otherwise impair the intent and purpose of these regulations, or the desirable development of the neighborhood and community. This subdivision will meet all other Township and County regulations. The proposal achieves the goal of reducing multiple curb cuts in close proximity, which is the reason for the county regulation prohibiting side-by-side flag lots.

The staff is moving on the CADS and probable April meeting the changes will be ready for review, after the publishing of the recommendations, a Public Meeting and we are probably looking at June for the hearing of the CAD Rules.

Bill Cox asked Mr. Brown about the large lots 5-20 acres if they have the same regulations as CAD driveways. Mr. Brown stated, yes. The committee is still working on CAD regulations. There is nothing proposed now, a lot of work to be done on large lots.

Fire Report: Chief Marvin McIntire

There has been a new State Fire Marshall appointed and he will take office April 30, 2007, Chief Bell.

I have a two-fold Purchase Order tonight. It is for 3 air-hose reels installed at \$700.00 each and exhaust work on heater and dryer. Package total is \$3,000.00

Theodore Luke made the motion to issue a Purchase Order to Don Piatt Plumbing for \$3,000.00. Richard Moxley seconded the motion. Vote: unanimous.

P. O. # 16-2007	Don Piatt Plumbing	\$3000.00
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Chief McIntire sent notice to the Insurance Company for driver's license check on all firefighters.

Chief McIntire also announce that on April 21, 2007 that Danny Wilson would be having his Eagle Scout Award ceremony, Danny put together the hazmat program last year at Carr and Ostrander Roads. This was a countywide exercise. Danny did an excellent job putting this exercise together; a lot of thought process went into this program. We will have firefighters in attendance and we are putting something special together for Danny.

Theodore Luke stated to Marvin that Mr. Easterday did an excellent job cleaning the carpet.

Old Business:

Ben Collins, Assistant Prosecutor, had received another letter from Mr. Burkam, attorney for the Blaney's. Mr. Burkam stated that the downspout on the building in question continues to drain onto the Blaney's property, and there is an additional water outlet of some sort, which is partially underground, which we believe drains further water from

the building to the Blaney's lot. A guardrail or similar barrier has not been installed.

Mr. Moxley replied that they would check into the drainage problem again but thought it had been taken care of at this time.

As for the guardrail, we could do it, according to Village zoning, but it would not look good. The problem is the neighbor children coming across our property and jumping their 4-wheelers and bicycles onto the Blaney property.

Mr. Collins also spoke on obstruction of watercourse, flooding that was brought to the trustee's attention at the March meeting by the Converse family.

Please keep in mind that a township is a creature of statute and is empowered only with that authority expressly provided to it by the Ohio Revised Code, or necessarily implied there from. Accordingly, the township only has as much authority and power as it provided by the Ohio Revised Code or necessarily implied there from.

It was unclear from the information provided at the previous board meeting were exactly the obstruction in the watercourse is located and what its proximity to Burnt Pond Road is. Depending on the location of the obstruction, one or both of the following remedies may be available.

Ohio Revised Code # 5589.06 states: "No person shall wrongfully obstruct any ditch, drain, or watercourse along, upon, or across a public highway, or divert water from adjacent lands to or upon a public highway." It further provides: "Whenever the township highway superintendent learns of any obstruction of any ditch, drain, or watercourse along, upon or across a public highway, or diversion of any water from adjacent lands to or upon a public highway, he shall notify the board of township trustees, which shall cause written notice thereof to be personally served upon the person, firm, or corporation, or upon any agent in charge of the property of the person, firm, or corporation causing such obstruction or diversion. Notice may be served by a constable of the proper township or any person authorized and deputed therefore by the board of township trustees, and shall describe and locate said obstruction or diversion and direct its immediate removal.

No one may obstruct a ditch, drain or watercourse, including a creek, along a township road. If the township roads superintendent learns of such an obstruction, he shall notify the board of trustees. The board of trustees should then cause written notice of the obstruction to be personally served upon the property owner.

The ORC # 5589.06 then provides: “If the person, company, or corporation does not within five days from receipt of written notice proceed to remove such obstruction and complete the removal within a reasonable time, the township highway superintendent, upon the order of the board of township trustees, shall remove the obstruction.”

The expense of removing the debris shall be paid out of the township highway fund. Then the costs can be collected from the property owner by civil action, and the proceeds paid into the township highway fund. Violation of ORC 5589.06 is a minor misdemeanor; the offense is punishable by fines.

The board of trustees could request the county commissioners to notify the offending property owner and then remove the obstruction from the watercourse. The county commissioners may then remove the cost of removing the obstruction from the property owner. ORC # 615114 provides “The expenses of the removal shall be paid out of the county general fund, and the amount so paid together with fifty per cent penalty shall be placed upon the tax duplicate by the county auditor against the person to be collected as other taxes.”

The county commissioners may also remove debris from a single location that results from a natural accumulation. ORC # 6151.14 provides: “the board of county commissioners may remove from a river, watercourse, of creek, within the county, drift, timber, piling, or other obstruction deposited by nature at a single location that obstructs to any extent the free flow of the water or endangers a county or township road.

If it would be up to the commissioners’ discretion whether action is warranted and whether resources are available to remove the obstruction. If the obstruction endangered a county road, it might prompt more immediate action from the commissioners. The township board of trustees has separate authority under ORC # 5543.12 provides in pertinent part: “The county engineer or anyone acting under his authority, when authorized by the board of county commissioners or board of township trustees, may enter immediately: ... Upon the lands adjoining a highway, which during the spring freshets or at a time of high water, are subject to overflow from such rivers, streams, or creeks, to remove or change the position of a fence or other obstruction preventing the free flow of water under or through a highway, bridge, or culvert, whenever the engineer deems it necessary for the protection of such highway, bridge, or culvert.”

Discussion followed.

Mr. Moxley answered Mr. Cox’s questions on the 2003/2004 financial report. The overpayment of \$983.00 overpayment of clerk’s salary was do to Mr. Finks resigning and he was asked to stay for 30 days during the transition of the new clerk.

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The funds or the tractor was a wrong classified expense. It was re-classified from Permissive to General Fund.

Calvin Finks spoke up stating the manuals were handed out at last meeting but it was never voted on to accept the manual and make them retro-active to January 1, 2007. Mr. Moxley stated it would be taken care of soon.

Kim Cellar stated that the Fiscal Officer receives notifications from the Auditor's Office monthly and there are many changes; it is very difficult to keep up on all the changes.

Bill Cox asked if anything was found out about using interest money to set aside for cleaning, repairs and replacements to cover the community rooms' expense. Mr. Moxley stated he has looked into this and if we could identify what money came out of the General Fund Account we could set aside for this project. It becomes one fund and hard to identify how much comes from General Fund.

Bill Cox stated it was instituted about a year ago for recycle dumpster's places at the township location. He stated Mrs. Stults would check about getting the dumpsters. Mr. Cox would like to have the larger dumpsters for many recycle items.

Mrs. Stults did get the dumpsters for the township, and they arrive the fourth (4) Tuesday of each month and are on the property for one (1) week. The only dumpsters available are the dumpsters with two (2) dividers; one side for paper/cardboard and the other is for glass/plastic.

Mr. Cox feels it should be advertised. Mrs. Stults stated it has been in the newsletters and she will place the information in the next newsletter.

Mr. Cox asked about permanent signs. Mr. Moxley and Mrs. Stults were not in favor of permanent signs on the property; we would also be getting into zoning regulations. We have used the firemen's sign in front of the building.

Mr. Luke stated the best advertisement if word of mouth.

Mr. Cox brought up the idea of using a scout troop a 4-H club or Senior Citizens group to clean the building every two weeks and have a party for the club at the expense of the township.

Mr. Moxley stated there are ideas, and now we will have to come up with a solution.

New Business:

Mr. Moxley made the motion to adopt a resolution to accept the Scioto Township Personal Policies and Procedures Manuel as written and as presented, retro active January 1, 2007. Sandra Stults seconded the motion. Vote: unanimous.

Mr. Moxley stated they are looking to purchase a new mower for the cemeteries. The Kubota is on its last leg, it is 11 years old. Looking at different mowers. Sandra Stults asked if they were looking at a mower that trims around the markers. The answer was yes and they would have a mower or two (2) to demo.

Mr. Cox states that Dublin purchases John Deere tractors and turns them in yearly. Suggested that the trustees talk to Dublin and how this plans works.

Mr. Moxley stated the mower would be on a state bid.

Thomas Brown suggested we contract Concord Township about the attachment they use for the mulching mower. They use 48-54 inch cut.

Ted Luke suggested we have John Deere bring out their tractor for demonstration.

Richard Moxley stated we are preparing to repair the ditch coming down Fry Road at St. Rt # 257. We will need 340 foot of 8 inch perforated pipe and covered with # 2 stones to run into the culvert at St. Rt # 257 so water can run on into the river.

Mr. Cox is making a formal request to the Board of Trustees to do whatever is necessary, by law, to remove all obstruction which is blocking the surface waterways within the township. Which has a connection to a township road be it located in the right of way or private property. I further request this to be in the minutes, and I also request that we have a monthly report from the board on their progress. Remember, you each as trustees, are responsible for your inactions as well as your actions. Mr. Moxley said we will remove obstructions from the right of way, but not on private property. I will remove anything blocking a culvert, ditch and water on the roadway.

Mr. Cox stated as you as trustees are responsible to the land owners as well as you actions.

Sandra Stults stated earlier that the trustees write letters to the land owners and let them know about obstruction on their property that the obstruction needs to be taken care of in a set time or we could proceed with other actions.

Bill Cox said the state law states you have the power and authority to go in on private property that connects to the roadway.

Mr. Collins stated it is the primary owner to keep the water running smoothly and the drainage ditches clear on their property. The township is secondary.

Mr. Cox stated the ORC states the township trustees can go in on private property if it obstructed to a connecting ditch on the township road.

Mr. Moxley stated if it is a connecting and existing ditch.

Mr. Collins stated before anything can be done you have to know where the problem is located before the trustees can to onto property. You can not cut a new ditch without reimbursing the property owner

Sandra Stults announced The Great American Clean-up will be May 12th. The dumpsters will be located at 182 N. Second St. from 8:00 a.m. till noon. The county health department gave us waivers to dispose of the debris. Please no tires.

Richard Moxley stated to Rodger C. Finks that he has spoken to Mr. Roberts on the zoning regulations on mobile homes. Mr. Roberts wants this is writing. With a trailer on a permanent foundation it is legal under our current zoning and it meets the square footage.

Discussion followed.

Sandra Stults made a motion to pay bills. Theodore Luke seconded the motion. Vote: Unanimous.

Sandra Stults made the motion to adjourn. Theodore Luke seconded the motion. Vote: unanimous.

Meeting adjourned at 8:40 p.m.

Susan Beckley, Fiscal Officer

