

Scioto Township Meeting  
July 14, 2010

Chas Kaiser called the July 14, 2010 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: Chas Kaiser, Sandra Stults and Rodger C. Finks.

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

Chas: We have Chris Betts, Delaware County Prosecutor, Peter Ruffing, Delaware City Prosecutor and Deputy Carter with us this evening to discuss the Noise Ordinance.

Rodger: Our residents are asking for procedures and your feelings on the Ordinance. What goes on from that point?

Chris Betts: I am from the County's Prosecuting Office. As you mentioned, Mr. Ruffing from the City Prosecutor's Office is here also. The story kind of begins with our office in terms of the actual Resolution itself. Then in terms of enforcement it goes on to the City Prosecutor's Office, then presented in Delaware Municipal Court. In any event Scioto Township has a Noise Resolution and I believe it was approved in 2000.

Rodger: Approved in 2003.

Chris: There is a, I've seen the 2000 version but I haven't seen the 2003 version. This 2003 looks like a version I drafted and follows the Ohio Revised Code 505.172. It was amended slightly in 2006. I brought with me an amendment that would amend the 2003 version. The substance as far as the effectiveness it does not change. It's the penalty. It goes from a misdemeanor to a second degree misdemeanor. This particular version is a copy of the new version and I'll give a copy to the Trustees in a second. Basically says that the offense is the lower of the three offenses as spelled out in the Ohio Revised Code. That way if it gets changed again in the Ohio Revised Code if they up the degree or lower the degree you don't have to attach an amendment to it. This resolution is capped to that. In saying that the statute that pertains to this allows for limited enforcement as far as noise is concerned. Basically two different places that noise violations can be enforced. One area that is Zoned Residential area and the other is property that has been issued a D permit by the Ohio Department of Liquor Control., a special privilege permit. At those two places you can enforce the Noise Ordinance. The particular way this resolution is set up is the noise has to be audible to the Officer without the aid of hearing aid or some other device of a distance of 100 feet. Mr. Ruffing and I back in 2003 when this Ordinance was drafted got together and talked about it and shared these certain back and forth and that is what we came up with. As I said the amendment doesn't change

anything that we drafted other than the penalty. A lot of this comes down to the Officer actually coming out and hearing the noise and if the Officer thinks it meets the elements of the violations he can write a ticket. As I say it is limited as far as ways it can be enforced. There are some exceptions to the code such as industrial type things, mining, well drilling. These are not terms of violations of the Noise Ordinance in Scioto Township.

Sandra: So the Deputy could write a ticket walk up to the homeowner and give it to them?

Chris: The property owner.

Sandra: Oh, the property owner. At that time during the arrest?

Chris: Yes, and probably the Officer would want to take a statement from the individual who complained. The one who called and stated about all the loud noise. So the Prosecution could know if that individual would be available or had submitted a statement where they could be subpoenaed into court to testify what they heard and what was bothering them. Not just the Officers report.

Sandra: He is just not driving down the road in a convertible and hearing the noise.

Chris: Right, but if the Officer was driving down the road and heard some obnoxious noise at someone's home, it would be an unusual circumstance, but they too could act upon that too. Alternatively one option someone could bring their own private action. This resolution doesn't prevent someone being able to bring on your own private action.

Chas: Can you give an example of a private action that could be in acted?

Chris: You could bring an injunction or a declaratory judgment action. A judgment asking for a court order to make something stop or something to happen. A declaratory judgment could be asking for us to declare whether what loud noise, I'm not real sure why you would want to bring that type of action. It's one of the statues that are mentioned. Having said that, I will give you copies of this. As you can see it's almost identical other than the back, it's only a matter of amending rather than a matter of adopting. The only provision under there that should look different to you would be "L." Everything else should basically look the same. If this is something you are inclined to consider to improve this would basically suffice for what you have as your current 2003-2002-2002, superseded by your 2003. To do that you would want to provide a copy of that to the law enforcement agency, mainly the Sheriff that would be enforcing this resolution that in the non-incorporated areas of Scioto Township. Then you also want a copy in Mr. Ruffing's Office and a copy to our Office as well. So we know what you have done and what you have in place so if there are questions later on. So with that and there are no other questions I'll turn it over to Mr. Ruffing and he can explain the story from here on as to what happens when there is violations. Then Deputy Carter may want to say something too.

Chris: Thank, Chris.

Sandra: Thank you so much.

Peter Ruffing: Delaware City Prosecutor, you people are probably wondering why the City Prosecutor has anything to do with Scioto Township or any unincorporated area. Reason is the State law says that the City Prosecutor for the municipality in which court exists has to prosecute all criminal charges brought from any unincorporated area brought to him. So Scioto Township is an unincorporated area of Delaware County. So if misdemeanors occur here, regardless of the charges, the charges are the Deputy Sheriff's enforcement and the City Prosecutor is responsible for prosecuting. So far Noise Ordinances have only been misdemeanors. Anytime you have questions, stop me, I guess I only came to explain the nuts and bolts of how the violation might occur. So far I haven't had any from the township for several years. What I would expect around be a typical noise violation would be a neighbor frustrated with another neighbor. That neighbor, hopefully will comply to interact when the neighbor explains why the yelling, shooting, barking or whatever it might be obnoxious noise and when that happens they get frustrated and call the Delaware County Sheriff's Department. Delaware County Sherriff Department Deputy will probably receive the call as to where the problem is happening. Whoever is reporting the violation should call at the time of the violation, not wait until the violation hasn't occurred anymore. Because one neighbor complaining about another neighbor is not a very good case for us. I come down to one story against another. So it is helpful to have the Deputy be able to go while the violation is occurring and listen. That's why it is written in that law there are several ways the Deputy doesn't have to have some special equipment to measure decibals. At the same time you are getting co-operation so the Deputy can say "yes," I'm not just a neighbor, I am also a person, an independent observer, I was clear out by the road, I was two houses down, I thought the situation would be different, but I was able to hear it and I can see why, this noise bothers me. If I was a homeowner is nearby, then the Deputy can write the ticket. Probably what I would suggest that most of these cases, since this is a misdemeanor with a second degree, which is pretty serious offense that theoretically if a person, is convicted of it can go to jail for up to 90 days and a fine up to \$750.00. My guess most of these cases, even the aggrieved neighbor doesn't think it ought to be that serious, they just think that person ought to understand that a small fine similar to a traffic ticket is what you get for being an inconsiderate neighbor. Given that I would generally ask the Deputies to not over file the Noise Ordinance loudness along with it file what is calmly called an imported disorderly conduct to go along with the noise. If they file those in hand you can make a decision down the road at the Prosecutors level as to whether we want to pursue as a higher misdemeanor potentially. Where we don't have to pay for, you as taxpayers, don't have to pay for a free lawyer because there is jail involved and also a Public Defender involved potentially, you have to pay for a jury trial. This isn't that degree of a violation it is prefers to treat a Code of Conduct. Speaking of that ----- we can make that decision later-----So that is how I would anticipate it happens. Your neighbor gets frustrated calls a Deputy; he comes out and verifies it would bother anybody. It would bother me if I were the neighbor. He writes the ticket

and makes sure all elements are met. He would also cite them for disorderly conduct and he would serve them by walking up to the door and serve them a violation of court and gives them the summons. When I say make sure the elements are met, that Mr. Betts indicated earlier, this applies only in residential areas and D permit areas. It won't apply to buildings that don't exist; the Deputy will have to verify that it really is in a residential area. He will have to know who is violating. Criminal law typically is not responsible for anyone outside his control. Even the homeowner if not there, there is no way; there is no way to prove the homeowner did it. The violation, that homeowner is not likely to be convicted. We are going to have to know who is at home while this is happening. The only way the Deputy can do that is through investigation.

Rodger: If it's not the property homeowner that is creating the problem, let's say, Mom & Dad are away for the weekend or the week. You have the kids out there, you know, causing the problem. It is called in and Deputy Carter comes out wants to issue a citation, but he has to issue it to the property owner.

Pete: No, he can issue it to the person in charge unless we can prove the homeowner permitted it, which is unlikely.

Rodger: I'm not talking about drinking. I'm talking about loud music after midnight something like that.

Pete: But whoever is in charge of the party should never permit this to happen and putting themselves in harm's way. Now if you can show the homeowner permitted it, then you can do that too.

Rodger: Is there anything to say that the Deputy comes out and issues the citation and they whoop it up again and the Deputy comes back again what recourse does Deputy Carter have at that time?

Pete: My guess is that is why they made it M2. An M2 is a jail able event statutory person can't handle arms in shooting. Now a shooting doesn't happen very often but it could happen. Actually in their own home probably going to have to get a warrant from the court first. There is one place you can't arrest without a probable cause is in a person's own home. So you'll have to call and get a warrant for that person.

Sandra: So if they just got a warrant we could do it as a disturbing the peace type thing? But it it's multiple times then we have to take it up to the second degree?

Pete: Well, when you say "we" the law does not allow for that kind of a decision to be made. Once the laws, a law the decision will probably be made at the first time regardless. So he's the one who is going to have to decide if this situation where, and I'm sure he does this every day, they are constantly, we only see the tickets. But I'm sure they are out there constantly hearing excuses. By the time Deputy Carter writes a ticket, probably writes a ticket for jail able. He probably been to that certain house several times and he is going to know if he has been cooperative or he has not. He's going to make

those decisions. They are really going to be officer discretion and he is going to decide that this is the time for the ticket, this is the time for the warning and that's all the charges of disorderly conduct that's possible or he may just say this person obviously tried to be kind to his neighbor. Those are all decisions Deputy Carter has to make. Once the law is there it can be enforced.

Sandra: He's the professional.

Pete: Then once he brings it to us we kind of do the same thing. We'll talk it over because it is the way. When Deputy Carter would generally go into a Prosecutor's Office, he is going to want to be prepared. Deputy Carter being billed by itself isn't going to be enough the court is going to want to hear the case. To, maybe we'll talk to the neighbors. Often times the neighbors by the time this has come to a case the neighbors have talked to each other again. The two biggest fears are that somebody goes to jail and they don't want to go to jail. The second fear is we can't do anything about the person-----

Chas: Now that we have this defined. Where before, we didn't know the County Officer's didn't know we had a Noise Ordinance in place.

Pete: Providing a copy is really important and probably important you send me a copy. Once I have one, what I should do is make sure the Sheriff's Department has a copy. Till now I have to admit I just kind of waited for it to be brought to me, usually I hear about it before the fact. Usually they will call me and say is this a potential for a violation? I should really put together what I would expect to be a typical case for everybody and see what happens.

Sandra: One of the things we had thought about was that the person making the noise, it's been reported by neighbors, was to take a copy of our Noise Ordinance and mail it to them. In that way they know.

Pete: Believe me as a Prosecutor, we are not looking for things to do. So any way you, the Zoning Inspector, the agreed neighbor, anyway that you can mediate this situation without going to court we'd be happy. Yes, and I generally if I were to Prosecute them, I'd try to factor that in. A lot of times I see a neighbor is afraid to approach a neighbor or just won't, I've seen cases dismissed, they don't know them well enough. What I'd like is for the neighbors to work it out first. We try to handle this informally if possible.

Chas: Very good. Thank you.

Chas: Deputy Carter do you have anything to say?

Deputy Carter: Like Mr. Ruffing mentioned earlier the Sheriff's Office responsibility takes an up and down path when it comes to these types of calls. Sometimes we have agitated callers and we got to arrive on the scene to defuse it to keep it from getting out of hand. In that position, what we normally like to do in court is to make sure that there is

no violence before our arrival and also make sure both parties have a clear understanding of what the violation is. Obviously the Resolution advises of that. But however sometimes the residents within the area don't know there is an Ordinance. My concern as a Deputy arriving on the scene also is that sometimes the residents or complainant may take matters into their own hands. What we try to do is to educate them on our role and make sure there isn't an altercation once after we leave if there is not an arrest made. In some cases where alcohol is involved be it the caller or the violator, tensions seem to rise higher when alcohol is involved. Our position is to make sure everyone is safe and to make sure everyone understands and try to defuse it. 9 out of 10 to be honest with you most of them are defused with the first initial contact. Not to say we haven't had to deal beyond that, but 9 out of 10 that is the case. The other concern is if you have violation where gun shots are involved. We don't want someone out there trying to investigate what's going on and making contact. Keep that in mind. It's a Safety Officer's concern and during hunting season we get a lot of these complaints. Communications make sure your residents and neighbors understand that too. Our job is to come in and make sure everybody is safe and to reiterate to them not to jeopardize their safety. I know it can be frustrating when we work a tough shift and you're up real early. We just want people to understand people's safety comes first. Once our role will be once we get on the scene, I know we are in 7 District. I know there are a lot of times Ostrander unit is out and they back us up. But primarily it is our responsibility and we will make sure we are on the same page as them if they arrive at the scene before us. Sometimes they will be on the scene first. With that being said I will make sure I could get back to make sure we are on the same page. Like I said earlier they are resolved on the first initial contact. If we do have to come back we'll make that decision if needs to be made. We can usually pretty much know the complaint, especially now that this is a call back.

Chas: Thank you. Before these three guests leave is there anybody in the audience that would like to direct a question?

Tom Brown: Not as the Zoning Inspector, but as a resident. Question to maybe all three. I have read the Resolution and wondered if the Prosecutor or Deputy has any kind of flexibility of enforcement because it reads to me, for example, be the recreational use of a dirt bike or a mini bike during daylight hours could or wouldn't be a violation of the Noise Ordinance. You got this lawn mower, weed eater, chain saws are excluded and combustible engines are certainly one of these. Is there some flexibility for enforcement or prosecution of the Noise Ordinance that may make it fit our rural kind of character? My second question, you mentioned Residential area in my Zoning hat makes me think it is that truly an area or if the noise appears on property that has other than residential zoning does it get some insulation? Say you have a commercial zoned property in a residential area, does it -----can't hear rest of comment.

Chris Betts: I'll address backwards that question about residential area proved specifically says that it has to be Zoned Residential area. That's where the noise has to be occurring. If that noise is occurring over on another property Commercial or something like that, probably not applicable. \_\_\_\_\_can't hear rest of comment.

Sandra: Take that backwards, what if it is a resident complaining about commercial property?

Chris: The only commercial property that might apply to is a D permit. The Ohio Revised Code says it has to be applying to a residential or a D permit. It excludes other commercial at that point. As far as your first question, -----can't hear his comments. Does that answer your questions?

Tom: Yes.

Sandra: So you can't complain about the combines?

Chris: That falls under agricultural. Obviously there are going to be some things in the country we can't do anything about.

Pete Ruffing: In the residential area, dirt bikes are a good example. People running dirt bikes 3 hours or more at one time would upset some people. The first paragraph talks about that in general terms. It's always a matter of opinion so this would always be a violation to somebody who is 100 feet off the property therefore it might be a violation and you worry about it being in court. I think the courts recognize it that you can't right or reason everything. You have to exclude reason that's what the Supreme Court of Ohio said. It's okay to use the language -----can't hear rest of comment.

Rodger: To supplement what Tom said at the beginning, a lot of our territory is farm residents and not actual close now. By farm residential, I mean ugh, this farm over here may be 20-30 acres, this one may to 50 acres and then we have a cluster of homes. You know, the flag lots and what knots. Now, if a homeowner here, let's say a quarter mile away and we have a farm owner running or someone running dirt bikes on his property. Does it still constitute an issue there for Zoning? I'm trying to rationalize this part of it here. What constitutes agricultural and what actually constitutes residential for this purpose. This will probably help Mr. Carter, Deputy Carter out too.

Chris: No, that's an issue of Zoning. Zoning ----can't hear his comments.

Rodger: What constitutes the ugh, the residential area per say, when you are looking at a cluster of houses here verses a 20 acre farm here, with the Zoning terms as farm residential, both of them are farm residential.

Chris: It goes back to the statue. The statue says to enforce this it has to be Zoned Residential. So regardless if farm of a small sub-division, as long as it is Zoned Residential, farm residential, rural residential, whatever residential, basically it has to do with residential then you can title residential district to be Zoned Residential, obviously there are some other districts, there are two \_\_\_\_\_can't hear his comments.

Rodger: So we would actually need the copy of the Zoning map to the Sheriff's office so they would have or pretty much tell them where 99% of the Township is farm residential.

Chris: That would be very helpful to include the Zoning map with it. Certainly any questions? The Zoning Inspector could be contacted and find out if this property is Zoned Residential or not. It would also be helpful for the law enforcement.

Sandra: We have a couple of areas Zoned commercial and then we have the quarry district.

Pete: Is it on the web-site?

Chris: It's under Regional Planning.

Pete: So it's Delaware County Regional Planning?

Sandra: I can ask Regional Planning to put it on our web-site.

Chris: If you go to the Delaware County Regional Web-site which is based off the Delaware County web-site, the Zoning codes and Zoning maps are on there.

Sandra: Our Zoning Code is on our web-page.

Chris: Oh, okay.

Rodger: It's also at the Regional Planning site.

Chris: At least for the Sheriff's Department and Mr. Ruffing, if they got multiple areas it's much easier if combined for your own township.

Chas: Any other guest? Mr. Zarins.

Andy: I got a question on this Resolution?

Sandra: Please step up to the microphone so you can be heard.

Andy: Since we have our guests here ugh, I guess my question is more related to this here Lake Hill Hunting Club. Which I have brought up several times. They have pheasant hunting 365 days a year, sometimes. They shoot across property lines and shot several houses, shot past several people and I, myself have been hit by pellets. Ugh, now you are talking about noise. Now this is a very loud noise about 1500 feet away. I can hear their skeet shooting over the TV. We are talking real noise there. Ugh, since this is my 3 minute time her, ugh, I sent the Township Trustees a pretty lengthy letter dated June 18<sup>th</sup> and basically I did raise the problem of Lake Hill Hunting Club and I gave you some solutions.

Sandra: I do not appreciate saying that we should be at Guantanamo at the terrorist camp.

Andy: Did I say that?

Sandra: The Trustees.

Andy: Did I say that?

Sandra: You called us terrorists and you said -----

Andy: No, I didn't.

Sandra: And yes, you did, you even gave a jail time on it.

Andy: That's for terrorist.

Sandra: No, that was for us.

Andy: Read the letter again.

Sandra: I'll be happy to get it.

Chas: ANDY, the point of you coming up here to ask these three gentlemen a question.

Andy: That was my – I thought it was all being combined here.

Sandra: No.

Andy: Okay, that's my question, I guess there are some very serious violations as far as noise and the other thing is that we numerous cases of hunters shooting across property lines trying to -----can't understand him, more lately they have expanded their skeet shooting operation to sometimes as late as 10:00 to 11:00 at night with massive lighting and the worst part is they have a rifle shooting range. Which is if they miss the trees or embankment they shoot St. Rat 257 and St. Rt 36. I think this is a pretty serious observation. Being noisy is being one of them.

Deputy Carter: You are talking about two different issues. You are talking a violation of noise and a possible criminal violation. I can tell you if we receive a call for a complaint we start at violations. That is done case by case. We can always deal with it at what we saw and heard at that certain time. We'll do an investigation to see if the law has been broken and make charges if necessary. Noise part – 2 different –

Andy: Is there a problem?

Sandra: You have used too much of this Board's time and you have been –

Chas: Basically obnoxious.

Sandra: Been very nasty, threatening, and Yes, obnoxious and threatening to the Trustees and I will not put up with that.

Andy: IN what way?

Sandra: IN YOUR LETTER!

Andy: I don't see any problem with it. Let me make one comment. If someone got shot at or cut across the property line, by the time somebody comes out there, they are gone. That's the problem.

Deputy Carter: Right, I understand your frustrations. We have to take these case by case.

Chas: Shall we wait for Sandra?

Susan: Let Owen speak.

Chas: Owen Breneman would you like to speak. Step on up.

Owen: Mine is short and sweet! Came to praise you people, which is rare at that. Last meeting I came and inquired about the barn at the Scioto Park needing painted. A week later we were coming back from Delaware and my friend with me yelled out "they're painting the barn." I couldn't believe it; I slowed down, maybe even held up traffic, anyway THANK YOU that is a great improvement in saving the barn. I understand you had a little help along the side. But you are my kind of people. You find ways.

/Sandra: We had it done with inmate labor, so it didn't cost us anything except for the paint and we are asking for a second coat.

Owen: So, that's what I said "you are my kind of people: We always figure out how to do things and keep costs down. That's what we do, Okay.

Chas: We appreciate your comment.

Owen: The house at Penn Road and St. Rt. 257, the disaster house, on the corner. I read in the local paper that the County Commissioners have a fund for condemning and removing houses. Are you familiar with that, or did you see that article?

Chas: Did not.

Owen: Wished I'd cut it out. I've lost the paper. But it was in the paper, so I just thought I would throw that out in case you don't have the funds or the authority. Maybe the way of removing that eye sore in our beautiful little White Slupher. Thank you.

Rodger: Mr. Betts do you know anything about this?

Chris: No

Harley Schisler: May I ask a few questions tonight?

Sandra: Yes, you may.

Harley: New ATV rules as of July 1<sup>st</sup> have to be licensed and registered. Can you go on a private property and ----

Deputy Carter: If there is a violation where we can prove them-----can't hear--- Yes, as far as making a complaint, we have to be called.

Harley: We have a neighbor with 4 or 5 ATV's running hours and hours at a time. It's so you can't go out of your house.

Deputy Carter: We investigate noise complaints.

Harley: Noise complaints, okay.

Deputy Carter: The noise complaint we do ahead and investigate based on your complaint.

Harley: Can you confiscate?

Deputy Carter: Not just based on noise.

Harley: Mr. Ruffing, we have neighbors who have barn parties every year. Last year we had two deputies. The cars had blocked the highway. Cars everywhere. They ignored the deputies.

Mr. Ruffing: First, I would say the Prosecutor -----can't hear-----are you saying one barn party a summer or one every week?

Harley: Two parties a year.

Mr. Ruffing: Two for the summer?

Harley: Yes, loud parties. If there was an emergency, I don't know how you'd get a fire truck down the highway. Cars are parked hap-hazardly down the road. If a car is coming one has to stop and wait for the other one to go by and then they can go through.

Mr. Ruffing: You say they violated -----cant hear----- at the home?

Harley: The first year, next year-----last year it -----

Mr. Ruffing: That's one of those things where you obviously need to call so the deputies can access the noise and see the situation. The first year the deputies could see and hear what was going on or is this going on all the time? You are allowed to park cars a certain way. Not allowed to park the cars other certain ways.

Harley: What about the sound of noise within 100 feet?

Mr. Ruffing: Well, those 100 feet is a minimum. Has to be our call. Noise is a funny thing. Surprising how low a decimal is. It spreads out and deteriorates. It's covered under the word reasonable. It's considered unreasonable to the fact finders.-----  
-----can' hear -----.

Harley: My wife's on the cell phone talking and telling the other person, I'm surprised you can't hear it.

Mr. Ruffing: I don't know what happened in those other years.

Harley: Can't hear on tape.

Mr. Ruffing: Can't hear on tape.

Harley: Can't hear on tape.

Mr. Ruffing: I can't tell you about the past. I can only tell you what we can do about the future.

Harley: Can't hear on tape.

Harley's wife: Can't hear on tape.

Mr. Ruffing: Can't hear on tape.

Deputy Carter: I can assure you even though you may not get the results you are looking for, obviously it hasn't happened. Each situation is different. We do have policies in place and we do follow. However, they are at the discretion of the Deputy as to how far it is allowed to go. Even though each case has to be dealt with at that time. Other works I can't go into last year and get the report. It has to be based on what I see as I drive upon the scene and I gave them a warning. Okay, I get down the road and now they call me back, it's still going on. That's where my decision will be based upon.

Harley: The first year that is what they did. The deputy came out told them to turn it down and keep it down. As soon as he left they turned it back up, turned it up louder.

Deputy Carter: I wasn't there, but I can tell you most likely -----can't hear him on tape.

Mrs. Schisler: Can't hear on tape.

Harley: They had bands and they played louder.

Deputy Carter: I'd have to go back to the Sheriff's Office and make sure everyone is aware of the noise ordinance.

Harley: I'm pretty sure they are.

Deputy Carter: I know it's frustrating sometimes not only for yourself but other people. But in all fairness what does happen sometimes is that we may not come in a timely fashion.

Harley: You guys are great. I've had you guys out a month ago on some other people. As more people move into Scioto Township it's going to be a problem. They think they are way out in the country and they can do exactly what they want. ATV – loud parties – stereos full blast. You've going to have to make lots of trips. Talk to the Sheriff's Department, you need to start issuing some citations.

Mr. Ruffing: The point is right now is that -----can' hear him on tape -- Some people are more sensitive than others. Can't hear him on tape.

Sandra: We have tried our best to address your issue and do something to be pro-active. I hope that's ----- can't hear tape.

Chas: Sandra, you can read your paragraph.

Sandra: Scioto Township Trustees, Sandra Stults, Rodger C. Finks and Chas Kaiser. Dear Trustees; My suggestion is that anyone shooting across a property line should be convicted as a terrorist for a 2 year prison term in a terrorist prison. When the shooter cannot be identified then all members of the commune, like the Lake Hill Private Hunting Club, receive a 2 month sentence. Likewise, government people who have jurisdiction over an organized shooting facility should be held liable on a personal basis with prison time in a terrorist prison also included. An easy way to turn would be irresponsible shooters into responsible shooters would be to chain the new shooter to a post behind a backstop for a rifle shooting range and for 10 or so shots over the head of the hunter or shooter applying for their first license. Now I took that as the government people who has jurisdiction over, I'm done.

Andy: What? Okay.

Sandy: I'm not saying anything else.

Andy: So where is the threat?

Sandra: Telling me we need to go to prison. A terrorist prison?

Andy: Why not?

Sandra: You're referring to us as terrorist.

Andy: Yes, you can't control the terrorist back there then you are commending them, then yes, you need to be liable for that. Do you have a problem with that?

Sandra: I DO! LEAVE!

Andy: What?

Sandra: LEAVE!

Andy: Why?

Sandra: I will not sit here and be threatened you.

Andy: I'm not threatening you.

Sandra: I'm serious.

Andy: Want me to leave?

Sandra: Yes.

Chas: Andy, she wants you to leave.

Andy: Can I still make my one statement I was going to make before I go?

Sandra: Nope.

Andy: No, okay.

Chas: You can come back when you've got better verbiage than what you have given us lately. That's not that way to try to resolve a problem. The way you have been discussing and writing the letters, I mean it's just; Andy, we just don't see it.

Andy: I'm sorry. It's alright if someone shoots at me, but that's not a problem is it?

Sandra: By the way, this thing he is claiming about being shot at was 20 years ago. Now I would like to ask you gentleman "did I interpret that letter correctly or am I out of order? I just want your opinion on it or I'm I out of order? Chris, we are friends.

Chris: Guess I would say interpretation is in the eye of the beholder.

Chas: He wouldn't have written it if he didn't mean it to be for us to interrupt that way. We all took it that way. So, that's not his first letter.

Sandra: You're talking like a lawyer. He does a lot of work for us.

Chas: I have a question for future correspondence with Mr. Zarins. I feel threatened in the fact he brings a brief case in every meeting. He to me would be off the wall postal guy.

Chris: Couldn't hear his comment.

Sandra: Thank you for being here tonight.

Tom: I would like to say on the record since we've mentioned the June 18<sup>th</sup> letter that no one sees. I also feel threatened in some instances.

Sandra: Would you like to hear your part?

Tom: I know my part.

Sandra: Would you like for them to hear your part?

Tom: My education on noise maybe enhanced if he would shoot past my ears.

Chris: If you are out and about and you feel threatened, call the Sheriff.

Chas: Thank you gentlemen.

Sandra: Mr. Brown had already given us his report. He thought some violations were in order at LPHPC and Mr. Zarins did not like the report stating Mr. Brown praised them. The report was written and he had done a complete investigation. I'd like to commend you.

Chas: We are going to stop for a few minute break. Recessed at 8:15 p.m.

Chas: I call this meeting back to order at 8:30 p.m.

Rodger: Made the motion to accept the minutes of the June 9, 2010 meeting.

Sandra: I second.                      Vote: unanimous

Chas: Do we want to go back and make a motion to accept the Resolution for the Noise Ordinance?

Rodger: We need some numbers and all that stuff put on the document, don't we?

Sandra: Would it be okay if we waited until next month so we could get the number off the old Resolution? If you would like too I'll read the resolution and make the motion. What would you like me to do?

Chas: For the fact of putting some of this to bed we probably ought to.

Rodger: What we can do is make a motion to amend the original Resolution.

Sandra: That's all I wanted to do.

Rodger: That's all we'd need to do.

Sandra: Yeah, that's what I am going to do.

Chas: Yeah, to accept the amended Resolution?

Sandra: In the matter of amending Resolution # 14-2003 adopting a resolution to regulate noise within the unincorporated territory of Scioto Township pursuant to Ohio Revised Code section 505.172 and the only amendment to the original is "L" Penalty. Whosoever violates division (B) or (E) of the Resolution shall be guilty of the level of offence as provided in the most current version of section 505.172 of the Ohio Revised Code for violating any regulations or orders, such as the current Resolution, adopted pursuant to section 505.172 of the Ohio Revised Code. Fines levied and collected pursuant of this Resolution shall be paid into the Township General Revenue Fund.

Rodger: I second.                      Vote: unanimous

Sandra: We didn't put down it was a second degree misdemeanor because it changes and this way we don't have to change our Resolution every time the law changes. We can put it as provided in the most current version of the Ohio Revised Code.

Chas: Okay. Thank you.

#### FISCAL OFFICERS REPORT

Payables for June 2010	\$47,429.93
Revenues for June 2010	\$19,919.91

I need your approval to transfer money form 1000-110-121 of \$462.99 to 100 410-211, and 1000-110-121 of \$34.10 to 1000-410-212. Also from 1000-610-232 of \$59.04 to 1000-610-211.

Rodger: Be it resolved.

Sandra: I second.                      Vote: unanimous.

Resolution 18-07-2010	1000-110-121 to 1000-410-211	\$462.99
Resolution 19-07-2010	1000-110-121 to 100-410-211	\$ 34.10
Resolution 20-07-2010	1000-610-232 to 1000-610-211	\$ 59.04

### ZONING REPORT

Tom: There was no BZA meeting for the month of June. The Scioto Township Zoning Commission meeting for June 14, 2010 was cancelled.

I had 4 zoning application and I issued 4 zoning certificates to the following:

- 3615 Stults Lane, in ground pool, FR-1
- 3625 Stults Farm Land, room addition FR-1
- 2157 St. Rt 257 S., deck w/roof, FR-1
- 2157 St. Rt. 257 S. detached garage, FR-1

DCPRC meeting on June 24, 2010 there was no Scioto Township activity.

The complaints in June:

- Township employee inquired about “trash” conditions at a Burnt Pond address-site visit and property has been seized by the Delaware County Sheriff’s Department. Investigation into current ownership continuing.
- Mr. Breneman’s inquiry at the June 9, 2010 Trustee’s meeting about the Henry property at St. Rt. 257 and Penn Road. Drive-by and talked to adjacent property owner’s who are not satisfied but vegetation and porches have been improved this spring and “looks better that it has.”
- Unidentified complaint about unlicensed vehicles and week-end repair shop at 4974 Ostrander Road. This may be a July call. No investigation to date other than Auditor’s web site map and ownership.

Under “b” The property use to have unlicensed vehicles and dilapidated buildings. Right now it has been mowed and weed eated and we don’t have the obnoxious weeds. Actually it’s better, almost to compliant if they would put some door on the car port. They have made much improvement. The rest of the personal property is an eyesore and dis-repair, but you don’t have a maintenance code. It is improving.

Sandra: We do have one more zoning issue to take care of in that is one of the gentleman's term is expiring for the Zoning Commission Board. It is Mr. Andrews.

Rodger: Alex Andrews?

Sandra: Mr. Andrews – Alec Andrews. I'd like to make a motion that we reappoint Mr. Andrews to a new 5 year term to the Scioto Township Zoning Commission Board. It would expire at the end of August 2015.

Rodger: Is his term up the first of August or the last of August?

Sandra: His term is up at the end of August.

Rodger: You made the motion?

Sandra: Yes.

Rodger: I'll second.                      Vote: unanimous.

Sandra: By the way Mr. Andrews has done a wonderful job on the Zoning Board. He has put a lot of time and effort into it.

Tom: I go to those meeting and his Law Firm in Columbus does a lot of free services for the Zoning Commission. His secretaries do a lot of updating and doing drafts. They do a great job.

#### FIRE CHIEF'S REPORT

Marvin: Have I got 3 minutes, Chas?

Chas: Just 1.

Marvin: Most everybody is aware of the recovery we had last night. Some of the fire fighters last night, I talked to Susan and Sandra was here today. Six of our people need tetanus shots along with a couple others who are not on our department. Bruce got that set us.

Bruce: We are trying to get that set up to be done on site.

Marvin: We'll get that set up on site. Do so as soon as possible.

Rodger: Is that Health Department or Grady?

Marvin: Ohio Health.

Rodger: Didn't know if it was Health Department or not.

Chas: Occupational Health.

Marvin: We'll get that done as soon as possible. Of course won't talk too much, but Chas was out there. I brought him out just as maybe needing help in litigation matters. He was able to see and witness what was going on, the combined effort. There will be a follow up meeting Friday night.

Chas: Where is that at?

Marvin: At the EOCC in the basement.

Chas: What is the EOCC?

Sandra: Emergency Operation Command Center.

Chas: Oh, where is that?

Sandra: It's under the Commissioner's Office and the 911 Center.

Marvin: You don't need to attend. That's for emergency responders.

Sandra: I'll get a report from Brian.

Marvin: Myself and a couple others are making arrangements to go. I've briefed you on the trucks pretty much. The only thing we have left is Engine 374 and it is the auto charge unit.

Tornado Siren briefly, I set up a meeting on June 23<sup>rd</sup> with Chief Skelton, he is in charge of the radio side at the Union County 911 Center. Sheriff Overly and Deputy Chief Morgan were there about their capability to set off our siren. The bottom line is the Sheriff has some reservations about crossing the County Line. With that in mind, Sheriff Overly was open to doing this but would take a lot of time and work.

Sandra: Rocky.

Marvin: Sheriff Rocky Nelson, I'm sorry I stand corrected. Was open to doing this. Going to take a lot of communication with Delaware County to do this. With that in mind I kind of let that drop for now. Talked to Director Greenlaw last night when he came out to bring extra radios.

Sandra: He's the EMA director.

Marvin: No, he is in charge of the 911 Center.

Sandra: Oh, okay, I'm sorry.

Marvin: He came out and brought extra radios and batteries. Talked to him briefly last night and he is going to look into this.

Chas: Do we have more than one radio equipped now?

Marvin: No.

Chas: Okay.

Marvin: Bruce is trying to get us some free radios.

Chas & Sandra: Thank you, Bruce.

Marvin: Patrick at our 911 Center and Chief Skelton, Union County are trying to get that done. Give them a week or so and we'll have answers.

Chas: If you do get a couple more radios in, let me know.

Marvin: Chief Skelton is the radio guy. I was surprised to see him when I walked in. Anyway that is where we are on that. I'll continue if you guys want to continue to pursue Union County thing. But Sheriff Overly, sorry Sheriff Rocky Nelson's responsibility. But you know we may have an emergency in the southern part of the township and the sun is shining over us here. We have some liabilities in the southern part also. Have you talked to Brian about it yet?

Sandra: No, not yet.

Marvin: It's in the Directors hands at the 911 center now. So maybe Brian will come up with a plan here soon.

I have one purchase order to Del-Co Water. Just some general information, we followed up on the purchase orders of a couple of years ago. They dropped the ball. I've talked to them recently and they think they can get 10 of them done yet this year. So with that in mind I'm asking for a purchase order for 5 new fire hydrants installed in the amount of \$12,000.00.

Rodger: While you are handing that out, can we request that they purchase the hydrants at these prices or do we actually go out and purchase the hydrants and the okay when you guys get the chance, here they are.

Marvin: How it was explained to me they buy "X" amount and sell them at that price. So its \$2400.00 today, it's going to change each time.

Rodger: Our \$12,000.00 today is buying 5 and those 5 are delegated to the township?

Marvin: Yes, absolutely. Actually we'll have 10 on the books

Sandra: I appreciate the work you guys have done in getting the fire hydrants out and making residents safer.

Marvin: Well if you don't hear, every once in a while someone will come up and pat you on the back thanking you for a job well done. That's all I got.

Rodger: Motion to purchase 5 new fire hydrants from Del-Co Water at locations to be determined by the Fire Department for \$12,000.00

Sandra: I second. Vote: unanimous.

P. O. 12-07-2010 Del-Co Water \$12,000.00

Chas: Now, let's see how quickly we can run through our business.

Rodger: Came in today at noon and got the hoses and everything made and installed on the Bob Cat and it works. Think it's going to work pretty good.

Chas: Good.

Sandra: Did we have to buy hoses?

Rodger: Yes, we did have to buy hoses and ends for it.

Chas: The Laser attachment – you two saw, right.

Sandra: Yes, I liked that.

Chas: That was a lot better price wise, so if you want to go ahead and tell him we'll take it for \$600.00 versus the one for \$1300.00.

Rodger: Do we want to ask Billy to make us a mask for it or just buy the mesh from them?

Chas: I think we need to make it pursuant to the machine.

Rodger: So do you think? I'll make the motion for the Apache Bull's-eye for \$600.00.

Chas: Yes, Apache Bulls eye. I second. Vote: unanimous.

Sandra: Barn Painting at the park. I've had people come up to me tonight and say "oh my gosh, we asked last month and a week later people are painting it." So they are thrilled. I have an E-mail into Lt. Wilson about them putting on a 2<sup>nd</sup> coat.

Chas: Sandra, they were there today.

Sandra: Yeah, they were supposed to be there today.

Chas: Oh, to finish or start the 2<sup>nd</sup> coat?

Sandra: Oh, to finish.

Rodger: The concession stand looks great too.

Sandra: I would like to bring up that the sign at the park, the letters are peeling up. It's just like a piece of plastic and peeling off. I'm not sure where we got that done originally. I can try to find out but it's something we are going to have to do or we are going to have to spray paint it and it won't look good.

Chas: We can get Linda to go look at the sign.

Rodger: Which sign, I guess I'm -----

Sandra: The sign that reads: "Scioto Township Park and Nature Area."

Rodger: Oh, the one in the flower bed.

Sandra: Yeah.

Chas: Linda is very reasonable to make up new signs.

Sandra: I happened to be up in the flower bed on Saturday.'

Chas: Junior's raise? I think it was retro-active to the 1<sup>st</sup> of last month.

Susan: Yes, it is on this pay check.

Rodger: We just gave him the raise, but didn't set a date.

Chas: She did.

Susan: I did.

Chas: She assumed it and she was right.

Susan: Yes, I assumed and I put the raise on.

Rodger: Do we need to make it official, I make the motion starting June 1, 2010 from \$11.50 to \$12.00 per hour for Junior VanBrimmer.

Chas: I second.

Vote: unanimous.

Chas: Thanks, Susan. Do we have any other old business to discuss other than the cemetery and the Dragon Speak?

Sandra: Dragon Speak, I put some information down for you guys. We had Bryce Steel here from Best Buy. He is their Business person and showed him what we had and that is why some of this stuff is marked off because we would be able to use the microphones we have. But Passport 300 Pro, that's where all the signals go into and it, has 2 speakers with it. The whole thing the speakers on either side of it and you can make it a portable unit. Just one piece and you can pick it up and take it with you. So that's kind of cool.

Chas: So our microphones will go through this Passport?

Sandra: Yep!

Chas: Okay.

Sandra: The ThinkPad would be laptop that is needs to go into. There would be a cable from the Passport going directly into the laptop for the sound. There is an extended repair service agreement for 3 years if we are interested. Also the stereo extended cables.

Chas: For a grand total?

Sandra: No, take out those two.

Chas: \$1,572.00.

Sandra: I think it is reasonable.

Chas: I think it is worth it.

Sandra: The minutes last month were 70 pages. I think for Susan's sanity, it's worth it.

Susan: We got the computer changed and it brought it down to 56 pages.

Chas: This is his expertise to basically come up with this Passport Pro.

Sandra: He also has a back ground with performing with music and bands and things like that. He is kind of cross trained on this and very familiar with the audio systems.

Chas: Can we find money for that for you, Susan?

Susan: That's what I have worried about all day if there will be funds.

Rodger: I guess I'm going to ask questions. I don't know enough about this so I'm going to ask questions. This is a whole new PA system, correct?

Sandra: Yes, because the one we have doesn't have the line in.

Rodger: Okay, I understand that part. What happened to the idea of a digital recorder rather than a new PA system? I don't know. I'm asking? We'd talked about a digital recorder.

Sandra: But instead of having a digital recorder sitting right here on the table and the voices being garbled. If you have the voices on a microphone going straight into the computer, Dragon Speak would work a lot better.

Rodger: I don't know, that's why I am asking? I know we talked about a digital recorder.

Sandra: That's a good question.

Chas: I guess my reservations on a digital recorder is how is it going to work with what we have?

Rodger: Exactly.

Chas: And it wasn't ---

Rodger: It wasn't going to work?

Chas: It wouldn't be any different than this for the most part. It would be compatible to what we have.

Rodger: Okay.

Sandra: This gentleman made a trip out here to look at everything and had a flat tire in Grove Port. He was late and he was just beside himself. We were fine.

Rodger: Next question, this is a new laptop? How long is the cable that needs to be in there? Can we run a cable from the PA system into the desk top?

Sandra: No, because the longer the cable you get more distortion.

Rodger: Okay, that's fine. I wasn't here to ask so that is my questions.

Sandra: I asked. I felt it was a normal question.

Chas: Do we know what the warranty is other than the 3 year extended service? What do we get with it 1 year?

Sandra: Yes, 1 year.

Chas: So that's 4 years, is that correct? 1 year manufacturer and 3 years extended. Is that on the laptop and the Passport?

Sandra: That's on the laptop only.

Chas: What does the Passport come with, do you know?

Bruce: What's the cost of the laptop along?

Chas: \$614.78.

Bruce: What GHZ.

Rodger: 2.1 GHZ.

Sandra: It's on 4 duo 2.1 G

Rodger: It doesn't say actual hard drive.

? Cannot hear the question.

Rodger: SL 510 I think is –

Jason: the service agreement on the laptop, you need to look at is, when the computer gets over powered on the operations warranty a few years down the road and you have a problem with the software that's all that can give you and that might not be worth your money.

Sandra: That's all we were planning on using it for. Then we were also going to transfer the information onto a flash drive.

Jason: Question was on something about the memory.

Sandra: That's why we talked about the flash drive and not keeping all the information on the computer.

Rodger: How may in puts ----

Sandra: We talked about putting it on CD but they do degrade after awhile and our records go back to 1860. So we need a way to make sure we can keep it. On a flash drive it will last longer than it would on a CD. We asked about that.

Bruce: What is the cost of CD'S to flash drives?

Sandra: Consider all it's going to be is written. All it will be is the text file.

Tom: Does the Township have capability on their computers to burn CD'S?

Sandra: We have copies of our minutes on our web-site after 2003.

Tom: So they are available.

Sandra: All they have to do is click on it to get the information.

Rodger: The tapes are available also. Now if we go into the Dragon Speak and put it into a MP3 file we will have to maintain the MP3 file somewhere.

Sandra: Yep.

Rodger: That MP3 file will take up quite a bit of room won't it? If I remember right.

Sandra: Will not, the wave file takes up more room that the MP3 file. I want to do it for her. I really do.

Chas: I agree, if we can find the funds, I'm all for it.

Susan: We are going to have to sit down and re-do all the appropriations anyway.

Chas: We get what we want; we need to get you what you want.

Rodger: I'm going to say yes at this point, but ugh, I would like to reserve this, we need to set up, you know for other reasons we need to set a meeting before the end of the month. Ugh, I would like to include that purchase in that meeting. Ugh, so we have a chance to go thru financials to see what we can do, we are going to have to become creative.

Sandra: Remember you have shipping time that we have to worry about too and I asked -

---

Rodger: I understand.

Sandra: I really want it for the next meeting.

Rodger: What's the shipping time?

Sandra & Chas: One to two - one to three weeks.

Bruce? What's the cost of the warranty?

Chas: \$108.00.

Bruce: \$108.00, not worth it.

Chas: Not worth it?

Bruch: No more than you guys will be using it, it isn't worth it.

Sandra: It's not going offsite; people should not be dropping it.

Jason: You got a 1 year warranty. If you have a problem it's going to happen within that time.

Chas: If it's going to happen, it will happen in that first year.

Sandra: By the way the price on the PassPort, the manufactured suggested retail price is \$999.99 and they are offering it to us for \$650.00.

Chas: Is this quote good for any certain time?

Rodger: Do you think we could ---

Sandra: Yeah, this is for a certain time.

Rodger: Susie, do you think we can float \$1500.00?

Sandra: It's going to be less than that.

Chas: At least say ----

Rodger: Yea, I am going to ask, I looked through it, didn't pay that much attention. I was looking for other things and didn't pay that much attention to the general funds. I know the extra there that we had we're chunked some of that up already. We are going to need some more for other things. So,---

Susan: We will sure have to squeeze for funds.

Rodger: Can we squeeze? I'm going to defer to you on this one.

Sandra: I've got \$13,945.00. My math is awful, that's not right.

Rodger: I can't answer that question tonight.

Susan: Me either, for the simple reason, this is the last time I can pay insurance.

Rodger: Excuse me?

Susan: This is the last time I've got money to pay insurance until we re-do appropriations.

Rodger: So.

Susan: We've got to do the whole scenario.

Rodger: Okay, so I'm going to have to defer till we go through everything by the next meeting. I can't answer the question.

Chas: Okay.

Susan: Got to re-do the complete set of numbers.

Sandra: \$1,306.00

Rodger: Defer until we set this other meeting up at the end of the month. Okay. I'd like to say yes, but I can't. I don't know.

Sandra: I think we should have our meeting as quick as we can instead of I waiting till ---

Rodger: I think we have to have at least two weeks.

Tom: Can the Trustees get by with an audio version of the minutes. If you have a digital recorder you can burn CD'S from the audio from the tape. Do you need tapes or is this digital audio a legitment recording of the minutes. You are working pretty hard to get it on the web-site and I understand that, get on paper, because historically that's the way it's' always been. But is an audio from digital recorder.

Sandra: The official record is the tape.

Tom: Which, you don't—

Sandra: We have to keep.

Tom: You don't have to worry about Dragon Speak, computer, or digital audio. You reproduce on a CD.

Chas: I guess for a review I would surely like to see it on paper.

Sandra: Absolutely.

Rodger: I don't have an answer to your question, Tom.

Tom: The audio can't be put on the web-site, obviously. What meets the minimum requirements?

Rodger: Like I said, I don't have an answer to your question. Unfortunately the one guy tonight we could have queried is gone. But we can definitely ask him the question. The issue becomes for us is it preferable to have that hard copy?

Tom: So you'd have something to read.

Rodger: Yes, but if each one of us could sign off on the tape, I don't know that would be a problem other than we'd have to have someone to transcribe

Chas: Do we want to set a meeting?

Rodger: Not yet.

Chas: Then go with cemetery plots then.

Rodger: Contract for cemetery to purchase cemetery plots. Mr. Betts gave us a revised version and I've since revised it a little bit with his blessing earlier tonight. I would like to adopt this contract for purchase of cemetery plots as revised; we can do it electronically after awhile. It's in a file and each one of you got a copy of it to use for selling cemetery plots on time. People will now be able to purchase cemetery plots over a year's time. We have to amend the previous motion, I don't have it with me, to take out or remove the statement that says, "If someone did not pay off within one year the Township would keep all funds." The County Prosecutor advises us that is not legal so we have to remove that. Anyone who attempts to purchase a cemetery plot and does not pay it off in one year would forfeit any actuation of a fee and they would get their funds returned.

Chas: Refunded in full?

Rodger: Yes, refunded in full. So I guess at this point, motion to amend the previous motion with that statement.

Chas: I second.                      Vote: Unanimous

Rodger: Motion to accept the contract to purchase cemetery plot as shown this evening.

Chas: I second.                      Vote: unanimous

Chas: Why don't you go ahead with the resolution for the new levies?

Sandra: Wait a minute, once more thing on old business, the FEMA mediations on St. Rt 257 S. We have met with the homeowners and the State people and the County is moving forward on requesting a grant for mediation. The one house the gentleman has for sale and he wants to get out of it. The other house the bank owns in Cincinnati and they want to work with us one this for the Government to buy those two houses. The

third person, the southernmost house, someone lives there. Brian Galligher contacted them and I'm not sure what is going on with that house yet.

Rodger: There is going to be a meeting tomorrow at 3:00 p.m. here with Brian, FEMA and the property owners. They don't need a whole lot of room and I checked on the availability of this room and I told them they could use our office if necessary.

#### NEW BUSINESS

Rodger: Resolutions: After a discussion with the Board of Elections ugh, we need to, our first step on any levy is to have a Resolution of Necessity to exceed the 10 mill limit that is already there. Second step is to get a Certification from the County Auditor as to what we would receive. Third step is to actually pass the Resolution to proceed consequently you know, what we have done in the past is step three then step two and then give it to the County Auditor. Well the State Auditor is now requiring that we do steps and step 1, step 2 steps 3 and step 4. So with that being said ---

Sandra: Are we ready to put the fire levy on?

Rodger: No, this is going to have to be, that's what I was saying earlier that we need to set another meeting for the Resolution to precede. At this time we can do the fire levy first and ugh, I'd like to make a Resolution of Necessity to ugh, a levy for Fire and EMS Protection as a replacement of the existing levy per Ohio Revised Code 5705-19I for fire protection. The levy will be set at 3.25 mills.

Chas: Is there a motion to second this resolution?

/Sandra: I'll second: Vote: unanimous

#### Resolution 16-07-2010 Fire & EMS Levy

Rodger: I'd like to make a Resolution to exceed the 10 mill limitation for a Road & Bridge Levy Necessity to construct, build, repair roads and bridges within the township per Ohio Revised Code 5705.19G at the rate of 1 mill.

Chas: I'll second.

Sandra: I'd like some discussion/

Rodger: Okay.

Sandra: Would it be wise to put a Road Levy on with a Fire Levy? I don't want to, you know, I don't want to have anything that would interfere with the Fire Levy. Do you see what I mean? I'm not making myself very clear here.

Chas: You can't combine them.

Sandra: No, no, no, I'm saying we may want to wait on the Road Levy till the next election because of the Fire Levy.

Rodger: The issue becomes, the longer we wait the worse the situation will be.

Sandra: I understand.

Rodger: We have waited too long, the township had 3 mills on and up until 2003 and it was decided at that time to let it expire.

Sandra: I know that we need it. I just wanted to make that statement.

Rodger: Having to put it on at the same time as the Fire Levy, I don't like it. I don't see a choice, in order to maintain the roads a repair and maintenance we have gotten back to where we need to funds. With no funds we won't be able to do much next year.

Sandra: Okay.

?: How many times has the Road & Bridge Levy been put on the ballot, twice?

Rodger: Once.

?: Just one time.

Chas: Just in May.

Susan: It was an Operating Levy that was on the ballot and failed a couple of years ago.

Tom: I feel Sandra's concern is a good one.

Chas: Yes, It is a concern. But we have to look at what we need to do.

Rodger: It is a concern, but we are operating out of necessity now. The lack of doing anything verses having the funds for doing things.

?: Can't hear the person.

Rodger: Yes, that is a concern. Hopefully that will alleviate that.

Chas: I vote yes.

Rodger: I vote yes.

Chas: Sandra we need your vote.

Sandra: I abstain, if that's okay. I can't vote against it because I agree with the necessity.

Chas: Couldn't understand tape.

Rodger: With that we need to set another meeting to be able to get both these levies resolved. I'm looking at 2 weeks from tonight, July 28, 2010 at 7:00 p.m. Should be a short and sweet meeting.

Sandra: Okay.

Rodger: That's to include both these levies, plus the audio system.

Chas: Sandra.

Sandra: Yes, sir.

Chas: Russell Road.

Sandra: I keep getting E-mails on Russell Road about their culverts and stuff.

Chas: Mainly ditches isn't it?

Sandra: Yeah.

Rodger: The alignment of the ditches? There isn't anything we are going to do about the alignment of the ditches. You know.

Chas: That was part of the sub-division.

Sandra: I just need to know ----

Chas: Tell them.

Sandra: Yes.

Rodger: There is no way to re-set the alignment in the ditches unless they want to go to Mr. Brown, Mr. McClanahan is there another one down there? There are only two places where that won't go down or not there right beside you and then your neighbor.

Tom: On my side of the street?

Rodger: Yeah.

Tom: There are 5 acre lots, Scott couldn't understand the two other names and my 3 acre lot and McClanahan's and I think the last two are at the railroad.

Rodger: Those are the only ones the ditches are, you know, aren't set back and ugh, is that creating a problem? No, I don't think so.

Tom: I think the driveway culverts are partially clogged for the biggest part. There is vegetation in the culverts, poison ivy and poison oak. Needs knocked down.

Rodger: That's a double edged problem. You burn it, you kill everything and then you got wash out.

Tom: Can't understand. Not using microphone

Chas: We can take care of that. That's just maintaining.

Sandra: We'll have our guys look at it.

Chas: That is just maintaining the out flow.

Rodger: I thought they went out there and cleaned that out.

Chas: We will have that addressed.

Sandra: Larcomb Road, I received a call from a resident about where they did the culvert repair. The stone is settling and they were wondering if we were coming back there and put more stone down?

Rodger: Actually, it's in the schedule tomorrow, I think. I'd have to talk to Junior again but I think it's on the list for tomorrow to be patched. Now that's weather dependant and other things.

Chas: I don't think it is settled a whole lot, I just think it just a matter of the traffic throwing the stone out.

Rodger: Down the road back toward Stover, I ask Junior to take a look at it and if he thinks we are going to have to dig out more. May have to close the road and dig it out. If that's the only alternative, until the bridge is done. It may not be very good time to close that road down even for a short period of time. I would have liked to have done both of them at the same time. Just have to wait and see what happens. We may have to wait till the bridge is done to repair that other hole.

Chas: It's getting worse. Hopefully tomorrow they can patch it.

Sandra: Also on Robinhood Lane the first house the mail carrier has complained to the owner about the road entrance right there if we could come and patch it up at least go out and look at it.

Chas: It is the road or the berm? Should be the berm.

Sandra: It is the part right in front of their house, but it's paved all the way up through there.

Rodger: I'd have to look at the specs on that, but I actually think that was paved by Mr. Sherwood years ago when he originally put that in and I think there is more pavement there than there is right-a-way.

Sandra: Could you take a look at it and give me an opinion on it, I'd appreciate it.

Chas: Street Culverts: I'd like to address those on Carr Road, Klondike Road and Houseman Road. Do we know about the one on Carr Road?

Rodger: We know about it, we don't know where it goes, actually know what it is.

Chas: I think after you and I talked, we got somewhat of a solution to hopefully put a new one in and put a breather on the tile on the backside. Lower that down and make water inflow better.

Rodger: We may get into trouble doing that.

Chas: How's that?

Rodger: Not suppose to take surface water directly into the sub-surface.

Chas: Well, it is now.

Rodger: I know it, but I don't know how we can get around it.

Chas: I think that is the way it was made.

Rodger: I think that, we looked at it.

Chas: That's the only way water can flow through there.

Rodger: I don't know if we can take it on down north or not.

Chas: Looks like it went uphill both ways.

Rodger: Ugh, we do need to fix that.

Chas: The one on Klondike is where we had the washout from National.

Rodger: Did you get a hold of National on that?

Chas: I got a hold of Dick, but nothing has been done. I haven't followed up with it yet but National hasn't. I think the size is too small anyway. Its two different sizes of pipe.

Rodger: That's nothing unusual around there.

Chas: So I think we need to look at increasing the size.

Rodger: I don't remember how big, is it 18?

Chas: What is there not, maybe no bigger than 10-12. It needs to be bigger which I think we can if we can go on the river side and lower the ditch on the east side. If you look at it, it needs done.

Now on Housman Road we know about that, we just need to get on that one.

Rodger: I need to figure that thing out. I still haven't gotten that one set in my head yet. Why that settling over there on the other side and the culvert is looks fine?

Chas: We need to get together on it.

Rodger: We'll figure out a day.

Chas: Okay. Tires for the pickup.

Sandra: Yes please, we need two front tires for the Dodger. They have to put air in them and it rides terrible.

Chas: Have one of the guys call Buckeye Tire.

Rodger: Call Buckeye, Precision and Parrott's. That ought to be sufficient. I think those are on 15. They should be cheap.

Chas: Yeah, they been treating me real well and we now have an account with Buckeye Tire. They bought fire truck tires through them.

Rodger: Anything else? Unless you want to talk about the Flail Head for the mower.

Chas: Let's look at that after we look at the budget.

Rodger: We'll do that at the end of the month. Put that on the end of month meeting. The OPWC is in, I returned the paper, I'm sorry Susie returned the paper work on Monday, after we figured out where we were suppose to sign.

Chas: I move to pay bills.

Rodger: I second.

Vote: unanimous

Sandra: I move to adjourn.

Rodger: I second.

Vote: unanimous

Meeting adjourned at 9:37 p.m.

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Susan Beckley, Fiscal Officer

