

Scioto Township Trustees
Special Meeting
September 1, 2009

Sandra Stults called the Special Meeting of the Scioto Township Trustees to order at 7:10 p.m. to discuss the issues on Burnt Pond Road.

Roll Call was answered by: Sandra Stults, Theodore Luke and Rodger C. Finks.

Others in attendance: Vicki Wise, Bonnie and James Hall, Wayne Hayes, Chris Betts, County Prosecutors Office, Chris Bauserman, County Engineer. Chuck Venable, ,Mona Reilly, Carol Conway, Mike Spangler, Dick Salsberry, Katie Barnes and Angie Venable.

Rodger: I have asked Chris Bauserman, County Engineer to explain our right-a-way and the survey in accordance to the rules, importance of drainage and maintaining the right-a-way.

Chris Bauserman: There are three (3) points, 1st - right-of-way, the Township asked us to come out and establish and place stakes to determine the road right-a-way. The right-a-way that was originally established is 40 feet, which is 20 feet on either side of the center line of the road. When lots were platted along the road way in different intervals the lots in many cases established an additional 10 feet of right-of-way, so there may be 30 feet in front of those lots. Does vary along the road as lots were split off. Our crew did stake that as the records show on file in the Recorder's Office.

2nd. Importance of drainage in respect of roads. That is the most important element of the maintenance of the roadway is the drainage. If there is not good drainage the sub-surface, the soil underneath the roadway becomes saturated and can not support the traffic on the roads. Must design good drainage, with ditches on both sides of the road that would have the flow line lower than the thickness of the roadway. This is very important.

3rd Maintenance: Help me understand what you want me to address there.

Rodger: Maintaining the ditch line, maintaining the roads themselves and maintaining the right-a-way.

Chris Bauserman: Maintenance of roadway is probably the roadway not just the roads. The surface needs to be kept in good condition, keeping it smooth to ride. At the same time keep them clear of cracks so water can not leak into the pavement and get down into that area where water gets trapped. Surface maintenance should involve being smooth, serviceable, and keeping water out of the sub-grade. Ditches need to be at a depth that will accomplish that and the roadway in general is not just the road surface, it is also that area beyond the edge of the pavement where you do not want obstactables or obstructions

up close to the pavement where someone could drop a wheel off the roadway or veer off the roadway to keep from hitting an obstruction that could cause serious damage. We do have statutory obligations to keep the roadway free of obstruction, but the law does not give us much direction on what an obstruction is. We have to use our judgment. There are no things that I am aware of that says we need to cleared of trees from the right-a-way limit to right-of-way- limit. If there are trees close enough to pavement and you would like us to look at those for a safety issue, we would be glad to do that. Does that answer your question, Rodger?

Rodger: Yes.

Chris Betts, County Prosecutor's Office: One thing that is important is to keep in mind and understand what I am going to explain is the legal duties and obligations of the Township. There is a difference between right-a-way and actually roadway. The roadway is what everybody thinks of as the right-of-way in the road. The right-of -way is actually wider than the road and extends beyond the road into the ditches and it varies as to how far that it goes out from the road. Mr. Bauserman stated the right-of-way was around 40 foot, 20 foot from center line on both sides. Understanding that the Township has the statutory obligation to maintain the right-of-way and keep it clear of obstructions. What they determine as an obstruction, the law has looked at that very broadly, it could be poles, some types of vegetation, fences and etc. The Township has a duty to maintain the road and keep the right-a-way clear of obstructions. In doing that the Township has some leed way in terms as to what they say are obstructions or a nuisance. There are two (2) options they can actually have objects moved from the right-of-way. They have a concern keeping it removed not only it is clear for travel and also a concern about liability to the Township. This is a possibility for the Board to determine the obstructions and or a nuisance.

Another option is to ask the Commissioner's to identify the obstructions. Either way, the law does not give a whole lot of guidance in terms of having hearing on that, but I would encourage the Board if there are obstructions that they feel are nuisances and need to be removed upon any given right-of-way that they identify those obstructions would be and in accordance with the law, if the Board is going to remove those obstructions or request those obstructions be removed that they provide a notice to those individuals on the adjoining properties that own the obstructions that it is in the right-a-way and give the individuals time to be heard. There is a thirty (30) day notice period built into that and after the thirty (30) days the Board would have the ability to remove the obstruction and bill that as a cost to the adjoining property owner or owners. I do not think the Board really wants to go to that extent and be necessarily that aggressive. I think they would want to work with the property owners and I certainly encourage the Board to work with the property owners. Township does have a statutory duty to keep the right-a-way maintained and free and clear of obstructions.

Rodger: Thank you.

Sandra: The whole thing, the Township decided the road was too narrow and needed widened. With that thought in mind, we went to where are the right-of-ways? That is when the County Engineer's Office came in and placed the stakes. That is when we found out in some places the right-of-way was 30 feet into peoples yards. So the question is: Do you want your road widened?

In unison: No.

Katie Barnes: No, we do not want the road widened and that is why we came to the Township. We are absolutely in agreement the ditches need to be maintained and keep the ditches cleaned.

Chuck Venable: I have driven many roads in the County since our first meeting. Not trying to single out roads, more looking for solutions. Lot of the issues on our road is wash out, because of one thing and hope not to offend a mail carrier if there is one present, every place on the road where the mail carrier pulls off it is on a slope and there is a wash out. We travel to Buckeye Valley a lot and we take many different roads and I have noticed that the roads that do not have ditches the Township has put in asphalt pads for the mail carriers. That seems to be the main issue on Burnt Pond Road is drainage. I understand how costly it is to maintain a road. I do not feel widening and turning it into a two (2) lane road from 36 to Fontanelle Road will save our road. I think there are alternatives.

Carol Conway: The big issue is drainage. I am on the other side of the road of the mail boxes, but I have an issue since the land to the north was cleared. Now it is a drainage issue, it is a hazard because with two (2) cars on the road in front of my property goes off the road there is a huge ditch where it has washed off so bad. The bottom part of my property when there is a torrential down pour all the gravel washes down to the bottom of my property and makes a swamp area. I am all for doing: A. doing something about drainage, B. seems as though in several parts in the road that there is a natural spring that is popping up through the pavement. So that is another issue, do not know if it can be piped or something like that, that is part of the problem the pavement is breaking up. In from of my house the pavement is always wet and always seeping water, "The water is coming from somewhere even in dry summers. C. The other concern is that a lot of us walk and there is no mileage signs posted so to how fast you can drive. Even if there were signs stating 35 MPH they would not be enforced due to the lack of travel. If you widen the road we will have more of a traffic speeding issue. I would like to see the culvert expanded, which is the only thing that is slowing them down. I am concerned about safety, drainage issues and the over all maintenance of the road. There are no berms on either side of the road due to wash out. Thank you.

Dick Salsberry: I live up top of Burnt Pond Road where Stults Farm is located. I agree with Carol, the wash out problem going towards 36, however, I look at the things from that perspective as well as the safety of the traffic coming up that road. They drive to fast for the conditions of the road. If you widen the road I am more concerned that there will be more accidents with more liability for the Township and County. If the only issue for

looking at widening the road for drainage, I think someone missed an opportunity also to elevate the safety of the road. I would ask you to do a study on traffic and accidents.

Carol Conway: Can we do something about the speeding? There is a mail truck that speeds down the road twice a day.

Ted: What is the speed limit?

Chris Basuerman: If it is not posted it is statutory 55 MPH. No one in the room controls the speed limit on this road. Speed on Township and County roads are controlled by ODOT. They have a set of warrants that they require to be met before speed limits can be lowered on Township and County roads. Township Trustees must make a request and then we evaluate the roadways and submit the request on to ODOT to see if it meets the warrant for speed reduction. The width of the road is not typically a consideration to ODOT. What it boils down to or not ODOT is checking the speeds of vehicles over a period to time and determining what the 85th percentile speed is. They have determined that 85% of the people will travel that speed for the roadway. They will also check if this has a high accident history on the roadway, it is compelling to them in turn to allowing the speed limit to be lowered. One cautionary note to that, if it comes back at 50 MPH, once you make the warrant for reduction you must post the speed limit sign on the road.

Sandra: What about putting a sign up, “No Thru Trucks”?

Chris Bauserman: You can do that, you have no authority, and it is not enforceable.

Ted: How do you check the speed?

Chris Bauserman: We have a set of rubber pads that have a card that go in and interfaces with a computer. It can measure the date, speed, number of axles, time of day. They are placed in different sections of the road. I do not want to give you false hope, it is very hard to get a speed reduction.

Katie Barnes: How many days are the pads on the roadway?

Chris Bauserman: Usually three (3) days or the number of vehicles needed to complete the study. On the width of safety: statistics do not show a higher speed as a safety issue. The statistics show a 5% reduction of accidents when roads are widened. That is state wide for Ohio.

Katie Barnes: We are also concerned it will increase traffic, it makes a good short cut from St Rt 37 to St. Rt 36 and that also increases speed.

Chris Bauserman: Do you know how much traffic is on your road?

Wayne Hayes. According to the time of day, early mornings and late afternoons it is steady.

Katie Barnes: In our last meeting there was a request for a speed study, so could we officially ask the Trustees for that study?

Trustees: Sure.

Chris Bauserman: Trustees need to fill out a request form, send it to us. There is about a month and a half lag time before it is completed.

Rodger: Yes, we will complete the form. Our last request to change the limit was declined.

Ted: Was that Houseman Road?

Rodger: Yes.

Chris Bauserman: To let you know curves and culverts are not considered in the speed study.

Sandra; My brother-in-law had a ditch in front of his property and it was hard to mow. He tiled the ditch and covered it with dirt and made it easy to mow. I am not sure if you know if there is tile under your driveways.

Rodger: One of the major issues with Burnt Pond is the drainage. My Criteria in considering a Grant was to move the road on the east side, there is no right-of-way. As example, Ms. Conway, there is no right-of-way to move the ditch line.

Chris Bauserman: Not enough, you are saying.

Rodger: Not to put a ditch line there. In a lot of places where the stakes are placed you will see there is no room, we have 4 to 5 feet and some places less. Over the years the road is not exactly in the center of that original 40 foot right-a-way, which is what we are facing. In order to establish a ditch line down the east side in most of these cases and also along the west side coming down the hill to the culvert is to actually move the road over in some cases. Try to establish that ditch line so we can drain it. Part of the issue With the water coming up through the road, it is water being hydraulically pumped from underneath the road and coming up through. I do not believe there is a natural spring there. Can I say that for certain, no? Yes, we have water issues and water holes mainly because of the sub-base, which is the blue clay down through there. If we were to get the road base packed and a ditch line established along the sides we could move water off the sides of the road. Right now we have sides breaking off and part of that issue there is water running right down the edge of the pavement and when people get over to pass it breaks down the edge. We have that issue on other roads also, do not get me wrong. We

try to alleviate some of that by berming the roads, but in some cases it washes right back out.

The only way to permanently fix that is to actually move the road bed over and establish a ditch line right along the side. We still need a berm there. Can I say this will be the fix all, no; there are other conditions that can arise to cause issues also. I was looking at a way to maintain the road as cheaply as possible. The only way to do that is spend the money and widen the road, establish the ditch line and do a maintenance program after that has been completed.

Angie Venable: Chris, I have a question for you. If we do the speed limit study and it comes back 50 MPH, do we have to have that established after the study?

Chris Bauserman: It would be up to the Board to decide if we forward that request on to ODOT. It does put the Board in a little precarious situation if they have information the speed limit should be reduced and they do not go ahead and do that, there may be some liability issues that they might be concerned about. There is nothing that would bind the Board to forward the request on to ODOT.

Angie Venable: If it came back at 50 MPH I suppose we have to post the speed limit at 50 MPH.

Chris Baseman: If it were indeed approved by ODOT it would have to be posted.

Ted: Right now it is 55 MPH anyway, right?

Chris Baseman: Yes, but any road in the County where there no signs posted it is by law 55 MPH.

Ted: They could get it down to 45 MPH.

Chris Baseman: Possibility.

Katie Barnes: Where the berm washes out, it is easy to see after a rain fall, there are many places in the road where the berm actually sits slightly higher than the road surface and that is why the berm washes out. So if it was properly graded and the ditching that is currently there was slightly graded I believe it would make a difference. In front of my house it is not higher and drains properly, but in other cases you can see the berm is higher which causes the wash outs. So I guess I would ask the Board to re-grade the berms where they are higher than the road and the re-grading this initial part of the ditch. If all that was graded properly I feel 99% of the drainage issue would be resolved. There are a few homes that do not have ditches and maybe they have tile and we do not know about. For the most of the home owners there is an open ditch quite visible and you can see the pipe under the driveways.

Mona Reilly: I still want to state my opposition of widening the road. I have lived on that road for 21 years. I walk that road. I feel that a lot of the drainage issues come about when they removed the foliage on the right side of the road as you are going north in from of the field. That caused a tremendous amount of drainage issues when they removed all of that. I do not know what the purpose was of removing the foliage. I feel we need to get a list of improvements the neighborhood feels needs to be done. I agree with Katie you need to look at those issues and not say the whole thing needs to be re-done, because of an issue here and an issue there. Let's look at some way we can solve some of these issues.

Dick Salsberry: Is there not an acceptable work around for maintaining the width of the road to establish some drainage? Perhaps if the property owners would agree to give up some of their right-a-way. Has anyone looked into the legal aspect to do that in order to provide drainage, maintain the width of the road? Maybe that is a possibility, I do not know if someone would sign off 10 feet of their property. Has that been investigated in terms of the area that would provide the most improvement to the road?

Rodger: We have not asked the property owners on the east side of the road, in most cases, for additional right-of-way. Mainly from 36 down to the first culvert. We are trying to work within our own or what we have as a right-a-way at the present time. On down from the top of the hill as you go towards the curve, no we have not requested that of those property owners give us any right-of-way. Can we? Yes, and move the ditch line back on that side of the road. We will get it? Township can only ask. The Township has no power for eminent domain. The County is the next entity up that has eminent domain powers.

Dick Salsberry: Knowing the road as it is I would think it could be identified as the worst parts of the road that needs to be improved. Once it has been identified then it is appropriate to go to the property owners to give up some of the property, it is going to improve their property. Personally if I had an issue like that I would entertain giving up some of my property for improvement for resale if nothing else. I think that might be a good way to look at alternatives to the problems that present itself on parts of the road.

Sandra: Your property line goes to the middle of the road. Is that were all the pins are located?

Rodger: Actually, three (3) pins, one in the middle of the road and a pin at the edge of the right-of-way, and a pin on the back of each side, or should be. That is the sub-division that most of you are part of.

Chris Bauserman: If your lot was created by a platted sub-division typically there is 30 feet of land that has been transferred and held by title for the public. Your property starts at the right-of-way line. Not every bodies, but typically. If you own land that is not platted in a sub-division, maybe a five (5) acre lot that was split off, you own to the center of Burnt Pond Road and the public entity (Scioto Township) has an easement for

right-of-way purposes across your property. There is really two (2) different ways on the roadway across your property.

Carol Conway: I agree with Dick. I would love to see a solution so we could keep the idea and width of the road the way it is. But have an opportunity to create and improve the drainage issues. Put a workable berm on both sides of the road, cause again when you have two (2) cars on the road passing there are situations where I have almost been ran off the road. But if we can maintain the integrity of the road we have now, by having a workable, usable berm on each side. Make something that was done on Stover Road. It was widened with a workable berm and then tar and chipped.

Katie Barnes: Not really Stover, it is the next Township over.

Sandra: Thompson Road, Union County.

Carol Conway. I think not totally making it a two (2) lane road and being concerned about the additional traffic and speed to keep the integrity of the road, improve the drainage and berm issues.

Mona Reilly: I agree with Carol. I think that it is the feeling we have. The other issue I realized is that you have the right-of-way to do that, but on that left side of the road, if you do take as much right-of-way you have, on a couple of those properties, basically their front doors are going to be right next to the road. That is a consideration you need to look at as well.

Sandra: Then they are in violation of zoning regulations.

Rodger: No, that is pre-zoning.

Katie Barnes; I would like to ask, are you willing to consider looking at the re-grading of the berms and re-grading the ditches where needed? Then leaving the rest as it is?

Rodger: We will look at anything. I can not guarantee we will have enough room for a ditch line. Below the surface of the road within the space we have in those sections. Ideally you would like to see a slope off the side of the road starts about 2 feet off the edge of the road and move down below 2 feet below grade.

Chris Bauserman: 2 to 2 ½ feet below grade.

Rodger: It needs the 2 to 2 ½ foot edge of pavement and slope out as you have a place for the water to go. In most cases we are talking about 15 to 20 feet.

Chris Bauserman: If you do not want the slope to be so steep that it causes a safety hazard. It should not be any more that a 2-1 slope. Ideally it should be 3-1 slope below pavement, could have 10-12 feet to construct a ditch that would be some level of safety.

Rodger: That is ideal, can we actually get that in a lot of these places without additional right-a-way, no, especially from 36, down to the first culvert. There are other places up there to get a proper ditch line, is what we are here for, trees. In some places the ditch is only a foot wide. It is sufficient in some cases, yes. At the present time is that an obstruction? What is an obstruction?

Chris Betts: An obstruction is not defined necessarily as a status. It is more what the Board would consider as a nuisance and or an obstruction. What would they have to do to keep the right-of-way free and clear and allow a safe passage of vehicles? Examples are they are all out there such as trees, poles, stakes, fences, basketball poles and vegetation.

Rodger: I was hoping Mr. Bullis would be here tonight, he has a big huge rock sitting in his yard.

Chris Betts: Rocks are also considered an obstruction.

Rodger: This is from my point of view and I am not speaking for all the Board members, is trying to form a ditch line that is manageable. That we can move water away from the road and actually get the berm to hold. Yes, we have berm material up to the side of the road that is just to try to hold that side of the road in the interim. Is it a catch all, no? But right now if we allow the berm material go down the side of the road it is just going to break off. We have that on other roads in the Township. Are we fighting that: yes? The Grant application we are not going to pursue for widening the road. With that said a lot of the work as far as the ditch line in order to run a ditch down thru there we are going to run into tree roots and that becomes more costly. We have a ditch tool to cut out ditches, but it will not cut tree roots. Investigating more right-a-way on east side, that is always a possibility.

Sandra: That is what I was wondering could we take the ditch further on the east side and then actually build up along the road on the each side?

Rodger: If the property owners are willing to give the Township right-of-way that is certainly an option. I think Mrs. Conway and I had a conversation about that last year and I don't think it was very fruitful as far as that was concerned was it?

Carol Conway: Well, my only concern, as same as people on the west side of the road is that you can have as much right-of-way as long as you do not take my trees.

Rodger: That was where we were going to get into your trees

Carol Conway: My biggest concern now is the ditch. You can put all the berm material you want, but a torrential downpour and it washes to our driveway and we are out with shovels cleaning it out. I can tell you where all your berm material is. It is in the bottom of my property. We have been there 4 ½ years, we did not have a lot of these issues until they totally cleared the property that is up for sale.

Across the road and west side where the mail boxes are they had the wash out problem before they cleared the property. Out problems really began when they cleared out that area and I am all for the ditch and the safety aspect, there is no berm. I have another concern, the culvert, are you considering any type of improvements or are we looking at it as a situation?

Rodger: At the present the culvert itself is not a major issue, is the culvert narrow, yes. Is the culvert itself still viable and need of replacement as is, no. It is not rusting out or creating a major issue other than its width. If we were to replace it, Mr. Bauserman's office will request we put in a 40 foot culvert. We could go shorter but the cost would be all Township cost. With a 40 foot culvert you need at least 50 foot of right-of-way just to get the ditch line to the side of the culvert.

Carol Conway: Right now that is the only thing slowing the traffic.

Rodger: Can I replace it with just what is there: Yes, but it gets very costly to the Township. Have we borne the cost on some others? Yes, with the help of the County.

Chuck Venable: I understand the 2-1 slopes, but until we can address what is causing the wash out, I go back to the mail carriers. Every place we have wash out it is on a slope it is because as to where they pull off on the routine basis and it is breaking down. Until that stops you are always going to shovel rocks. All I ask is please let's find out what is causing the problem before we try to fix something. Also thanks for putting up the reflective tape on the guardrail. We really do appreciate that. Did not realize the guardrail was as big as it is until you put the tape up, amazing.

Rodger: We did not go all the way to the end; we did not feel a need to go that far.

Audience: Thank you.

Rodger: To address the mail carrier issue, part of that is because of the ditch line down through there. If we had a ditch line off to the side of that for the water flow, the way it would come off the road bed not as fast and it washes the stone off where the mail carrier stops. Is it a catch all, no? I understand what you are saying, what is happening right now the mail carrier is getting off the side of the berm and pushing that stone into the ditch or what little is there obstructing the water coming on down. The actual fix for that is actually move the ditch line over a little bit and dig it deeper.

Sandra: Now the places where the mail boxes were are the roads washing out? That is not by any of your houses where you have landscaping clear to the road is it? More by the side of the road where you have a drop off, that sort of thing.

Wayne Hayes: The ones I notice are on the east side of the road, there is no ditch there and it runs into the gravel and does eat the berm.

Sandra: Do we need to move the ditch to the east and put dirt up against the road?

Rodger: No, we actually need to move the ditch off to the side and remove that dirt so that we have a slope there and have Mr. Hall go back and berm the road again.

Chuck Venable: I do a lot of driving around looking for solution. The solutions I saw were same asphalt pads next to the mail boxes. Stopped the tires from crushing and making a valley for water to move and drain off as to where it should go. There were places where there were no ditches. There was s pretty good slope.

Rodger: Will establishing a ditch totally alleviate this, no. I have a good example with my mail box. I am right here along 36 and I have a ditch line way far below the top of the pavement and every time the mail carrier gets off, the stone goes down and pushes my mail box out more. So it will not totally elevate the problem. If we had a berm that slopes enough that it goes behind the mail boxes before the ditch line comes in would it help the situation. I would hope so but I can not guarantee it. Would the pad work, probably until we could establish getting the water away from the edge of the road. I am afraid the pad would just break off.

Sandra: Move the dirt, drawing a diagram, Rodger this is what I meant here is the road - here is the ditch – taking the dirt out of there and building that area up.

Rodger: Unfortunately, I understand what you are saying but we need----

Sandra: Move the ditch over some, farther from the road and make room for the berm.

Rodger: Tear out that whole section down thru there and come back with several different courses of stone so the water has a chance to go away from the road and then build the stone to the edge of the ditch line. That would be the best way - cheapest, no.

Sandra: I am just saying we would get more dirt on that side of the road.

Rodger: No, we do not want more dirt; we want more area to move water away from the road. You want actually some, but start with 8's and come up with smaller stone. Set the top with regular berm material. What are we using now for berm material, Mr. Hall?

Jim Hall: We are using 411 for berming.

Rodger: Most of the berming we are doing right now is trying to keep the side of the roads from cracking. Can we address all the drainage issues tomorrow, no? In the next few weeks we will be back out with the ditch tool and cutting some more ditches. We can deepen some of the ditches on Burnt Pond Road. Is that a good thing? Probably not, that just makes a big hole right off the side of the road. That is why I am asking the residents here tonight, I need to move the ditch line to the side. On the east side hopefully, I can get the resident to give the Township right-of-way to move that ditch line over. In order to do that, there are a lot of trees that need to come out. Got to move the ditch and have a slope off the side of the road and maintain a berm line.

Sandra: Are you talking 30 feet of their yards?

Mike Spangler: To do what you are suggesting, how much right-a-way would you need?

Rodger: Varies according to how close the trees are to the road. I am going to say at least 10 feet, just to move over and smooth the ditch line down. I can not say it would be 10 feet all the way down the road.

Katie Barnes: is that 10 feet total or 10 feet on each side?

Rodger: 10 feet on each side, at least.

Chris Bauserman. One of the variables on this is if your property is higher than the road, it would take more to make the slope up to grade, you will have to go back farther on that property. If your property is lower than the roadway it would not take as much to get the back slope where it needs to be.

Chris Betts: It is kind of hard to re-locate trees, but there are other things to re-locate and you could make the trees the residents would like to re-locate.

Katie Barnes: Some of us respectfully disagree with that. Many of the ditches are functional as they are again it is only the places where the berm is higher than the roadway. You may not have a full 20 feet in front of my house for example, that ditch is perfectly functional. We have no grading problems doesn't need to be wider, it works just fine, there is no wash out problems there. But for some of the homes where the berm is too high there is a problem. Just repair the grading as it is. I think you would find that would be a very inexpensive solution. I think you will be amazed the difference it will make.

Rodger: I did not say 10 feet all along the road. In order to make a liable ditch, in a lot of cases the road goes down. In Mrs. Reilly's area the roadway is actually higher than the property. Is that going to require us to cut a ditch line, no. In some places, yes I will need the 10 feet to cut the ditch line so we can move water away from the road. Are there places where the berms are higher than the road: In cases there are. As I said earlier we are trying to maintain the sides of the road.

Sandra: Can you stop saying "I". We are a Board of three (3).

Katie Barnes: Mona has suggested you do the grading first and see if that will resolve the problem.

Carol Conway: Is this a Band-Aid approach and you are fixing a couple of areas where there are problems. In the long run would that be more costly because if that does not work you going to go to Plan B and re-ditch the entire road, or is there a concurrence there are just a couple of problem areas. I am not for a Band-Aid approach because

typically they become more costly in the long run. Now if it is a workable bandage approach lets go for it.

Sandra: I am thinking of personally would it be just a Band-Aid approach where you do a little bit here and a little bit there to try to make the whole thing flow better. Try to make sure the whole road is built up in such a way the road will stay where it is and there will be a berm and a ditch.

Mona Reilly: I think that is the whole thing, we fix it where it needs to be fixed.

Ted: Is there someone professionally that could go look at the road and give us some ideas.

Rodger: We could ask Mr. Bauserman to go out with his staff and bring their findings back to us.

Chris Bauserman: We would be glad to go look at the area, but we will need a representative from the Township Board with us.

Ted. I agree with Katie if we have areas where the ditches work, leave them alone. Just fix where needed.

Chris Bauserman: It is probably going to come down to what problem you are trying to solve. Wash out along the roadway can probably be handled in a much less expensive way than if you are trying to solve a safety issue related to the narrow width of the roadway. At some point you are going to have to define what problem is that you want us to evaluate. How big of a problem do you want to solve. The bigger the problem, the bigger the solution.

Chuck Venable: I guess my question is where did this all come up from, was being able to maintain the road. Is that correct? The difficulty the Township had maintaining the road. That is what you are going to try to address by have Chris and his staff evaluate the problem or problems.

Rodger: That was part of the issue. The other was a safety issue trying to pass two (2) cars on the road bed itself without getting off on the berm or into the ditch line.

Sandra: You need a berm to get off into.

Rodger: Yes, I understand the complaints; I did not like the outcome of the survey.

Chris Bauserman: But that is the facts.

Rodger: Correct, but unfortunately the road bed is not were it should be in some places. I can remember a time when that was a gravel road. It washed out constantly. The Trustees would take the grader out and grade the road from time to time. That road has

been improved over the years. There has always been a problem with the ditch line. Back when they started tar and chipping it had problems. Things were not addressed then. Can we address the issue now, hopefully? I hope it is not just a Band-Aid approach. Will it be, I can not say one way or the other?

Ted: I have a question for Chris Bauserman, those trees along 36 when you are coming south, can we trim them back or do we have to have the State do that?

Chris Bauserman: Are you talking about the intersection where you can not see?

Ted: Yes, looking east you can not see.

Chris Bauserman: Those are in ODOT'S right-a-way. You do not have the authority to do work in their right-of-way. If you are working in ODOT'S right-of-way you technically need their permission.

Ted: We can do it if we get their permission?

Chris Bauserman. Absolutely. ODOT is pretty responsive to your needs.

Chuck Venable: I E-mailed them a few weeks ago and told them the grass was high east of Burnt Pond Road and 36 and they were there in a few days to mow the weeds.

Ted: The other end of Burnt Pond Road and Fontanelle, which is the County's right? We need some work done there also, so you can see at that intersection.

Chris Bauserman: Yes, or you can tell me right now.

Ted: Fontanelle and Burnt Pond Road you have to pull way out to be able to see.

Chris Bauserman: Which direction? Both.

Ted: Fontanelle – east.

Rodger: Township issue is especially plowing snow is coming up to the Burnt Pond and 36 intersection. We can not see in either direction when plowing snow. Actually we have a better shot at seeing east than west. We are pretty much in the intersection before we can see anything.

Sandra: It is hard to stop on that hill with a full load of salt.

Mona Reilly: Not a good hill for anybody.

Sandra: That is why we salt it.

Rodger: That was one of the things we were going to address with the Grant. Township on its own can not bear the whole cost.

Ted: Trimming the trees back will help.

Sandra: What is the resolution of the problem going to be?

Ted: Get someone from Chris Bauserman's office to go with me and, or Rodger or whomever and look at the road and ditch and see what we can do.

Rodger: We can not do that. I could, you could, but we can not go together with out an advertised meeting.

Sandra: Now, just as far as information gathering would that be against the Sunshine Laws? No decision would be made, only gathering information.

Chris Betts: Gathering information, technically you can have two(2) Trustees without violating the Sunshine Law. But it is preferable to avoid that and have the appearance of one (1) Trustee.

Sandra: I understand.

??? We have this meeting tonight with three (3) Trustees in attendance.

Chris Bauserman: Actually this is a Public Meeting.

Carol Conway: What is the Sunshine Law?

Chris Betts. Ohio Open Meeting Law – a requirement that meetings have to be open and the Board can not make a decision unless they have an open advertised meeting.

Chris Bauserman. So a Board of even two (2) Trustees were together making decisions or conducting business there has to be an open meeting

Dale Salsberry: Chris, do you need a property owners input to define a problem or not. Can you look at an area and know it is a problem area?

Chris Bauserman: I think we can look at it and determine whether it is a problem area from the Township stand point in terms of the maintenance of the roadway. Whether you are having a problem back on your property that might be associated with that we may not do that. I suggest we have this meeting to do our thing, come back and present it to all of you in another meeting. I do not know if this issue comes into play or not but the reason there are ditches along the road and the reason the Township maintains those is to drain the roadways. There obligation is to provide drainage for the roadways. This is County, Township and State Roads. This is also draining the adjent property that is a benefit to you. But the Township is under no obligation to provide a drainage outlet for your property. It is there for the road way. There could be a solution they could come up

with that they choose that will address the road and make it more cost efficient to maintain but still might not solve an individual drainage on a property. It is not like a storm sewer in a sub-division

Sandra: We are going to work with the Engineer's Office. One of us will go walk the road.

Chris Bauserman: Fill out the request for us and tell us who will be representing the Board and we will co-ordinate everything.

Chuck Venable?: Can we set a date and time to go back over the findings.

Chris Bauserman. We are right in the middle of our seasonal work and trying to wrap up. All my people are in the field with construction projects and trying to wrap things up before the weather turns. Ideally we would try to address this in the fall, maybe after the leaves are off. It might be easier for us to determine the lay of the land on this kind of an issue. I'd have to get with my people before I could commit to a date. Sorry about that.

Chris Betts: At this point I guess I would recommend if there is some action the Board would like to take I would suggest you put that into a resolution and practically if there is a certain action they want Mr. Bauserman's Office to take. Appoint and liaison for that project. Another thing discussed was the speed issue. You may want to make a separate resolution.

Rodger: I make a motion for a Resolution to submit an Engineer's request to the County Engineer's Office for a speed limit study to determine the proper seep limit on Burnt Pond Road.

Ted. I second.

Chris Betts: You might want to put in the resolution Fontanelle Road to St. R 36 which is a Township Road.

Rodger: I amend the Resolution to state Burnt Pond Road between Fontanelle Road and St. Rt 36.

Ted: I second.

Vote: Unanimous.

Resolution Number 12-2009

Sandra: I move that we put in a request to the County Engineer's Office to do a study on Burnt Pond Road to check the drainage problem and road maintenance.

Ted: I second.

Rodger: I will amend that Resolution to have Sandra Stults as the contact person to be out with the County Engineer's Staff to address the drainage problem and road maintenance.

Ted: I second.

Vote Unanimous

Resolution Number 13-2009

Sandra: Now I can use all those classes I took on roads.

Mona Reilly: Sandra, after you have that completed you could contact me or Katie and we can contact the rest of the residents as to when the next meeting will be.

Carol Conway: We are getting into a weather issue before long. Maybe work can start next spring?

Chris Bauserman: I understand the Board is asking us for a study. This will basically describe the problems. The approach that could resolve the problem. We would not be doing any Engineering plans until we meet again and you would direct us on how to proceed.

Sandra: Right. If we think we have a problem per say. Yes you have a problem. This is how we recommend you solve this problem. Then we will make out a request for the Engineer's Office and they do all their engineering magic and then you start doing the work.

Chris Bauserman: If it needs anything presuming the solution is serious and complexed enough to need all of that.

Sandra: Is everyone ok with what we have done tonight?

??? Thank you.

Sandra: I can not say how much I appreciate all of you coming tonight and talking with us. It is easier this way than in a regular Township Meeting. It gives you time and attention that I felt you deserved. The experts were here to answer the questions.

Katie Barnes. I do want to thank you on behalf of the Burnt Pond Residents, even the ones that could not be here tonight. We are very very grateful for the opportunity to be able to discuss this issue.

Ted.: I make the motion to Adjourn.

Thank you Chris Bauserman and Chris Betts for coming tonight.

Sandra: I second.

Vote: Unanimous.

Meeting adjourned at 8:35 p.m.

Susan Beckley, Fiscal Officer
Scioto Township Trustees