

SWANCREEK TOWNSHIP BOARD OF TRUSTEES

Regular Meeting
Monday May 6, 2013

The regular meeting of the Board of Trustees was called to order at 7:00pm

Pledge

Board members present were Chairman Pamela Moore, Vice Chair Phil Wiland, and Trustee Ron Holdeman
Employee: Matt Stout Maintenance Supervisor, Administrative Asst. Chris Lauch, Zoning Inspector Walter Hallett III

Fiscal Officer: Dawn Wheatley

Guest: Mr. Ron Bechstein, Mr. Ron Moore, Mr. Ralph Smith, Mr. Henry Smith, Mr. Dale Brunner and Mr. Christopher Van Newhouse.

97-13 Trustee Moore motioned to table 4-15-2013 regular meeting minutes until next meeting to correct the typos 2nd by Trustee Holdeman.

Roll call: Trustee Wiland – Yea, Trustee Holdeman – yea, Trustee Moore – Yes.

98 – 13 Trustee Moore motioned to approve 4-19-2013 special meeting minutes 2nd by Trustee Holdeman.

Roll call: Trustee Wiland – Yea, Trustee Holdeman – yea, Trustee Moore – Abstain.

99 – 13 Trustee Moore motioned to approve expenditures in the amount of \$37,260.15 2nd by Trustee Holdeman.

Roll call: Trustee Wiland – Yea, Trustee Holdeman – yea, Trustee Moore – Yea.

Mr. Ronald Bechstein: Asked the status of the drainage project on road 5-2 at road B. Supervisor Matt Stout stated that the Twp. was going to replace both basins on that road at the crossovers. The tile is 8 inches and what Mr. Bechstein needs is an exit tile installed to correct his problem. Trustee Wiland asked where the Township draws the line when it comes to Twp. drainage and homeowner drainage. ORC states the Twp. can only pay for Twp. drainage. Matt Stout stated that when Mr. Bechstein came in the first time he was just asking permission to cross the road with the drainage he was going to put in, but from a maintenance perspective it would benefit the Twp. as well not to have another crossover instead combine them. Mr. Scott Haselman (Twp. Legal Counsel) stated that if the property owner gets an indirect benefit that it is allowed. He is going to check into the question if the Twp. can share cost with a property owner to achieve a shared benefit if the property owner is in agreement to help pay for it. Mr. Stout will contact Mr. Bechstein when he hears from Mr. Haselman. A letter will also be sent out to adjoining property owners. Will keep on agenda
The Peaceful Valley Association: addressed the Board. Mr. Henry Smith brought a concern of Dogs barking continuously and being a nuisance. He wanted to know what could be done because he has had the Police and the Dog Warden out and they told him they couldn't help him except for one Policeman going over and speaking to the neighbor asking them to keep them controlled. Mr. Smith will submit a formal citizen concern tonight and then the Zoning Inspector can go out with the decibel reader to see if the noise violates the zoning code. Trustee Moore asked if the barking will exceed the allowed level. Walt Hallett stated that it could. He also stated that there are 2 different areas this could fall under.

1. It could be animal husbandry allowed under the AG/RE district.

2. It could be a noise nuisance

Walt stated that he can go out to do the readings and see if it violates.

Trustee Moore asked if change the type of district would help. Mr. Haselman stated it would not. What would need to be done is a new district would need to be formed with a change in wording in the Zoning Resolution on what is allowed in that district as well as possibly changing the decibel level allowed in the resolution.

Mr. Dale Brunner asked the status of violators of blight and grass height.

Mr. Hallett stated he knows they are frustrated but last year was the first year for the grass regulation. He was still working things out and that he wanted to make sure he had enough information to substantiate the violation. He delays sometimes to ensure he has enough to win the case. Mr. Haselman stated that since 2009 Walt has brought 8 cases that letters were sent out from the Prosecutors office and only 2 resulted in filing suit. Mr. Haselman asked what the Peaceful Valley Association had any rules or bylaws for that area. They stated that the Association is something the residents can pay a fee to belong to so they can have use of the pond area but the residents do not have to belong, the only thing they can do is bar the resident from using it. Mr. Haselman did state that the only way they can get a repeat offender without starting over is if they have gone to court and the Judge puts them on probation that states they cannot have any violations within a specific time, but after the probationary period any violations would then start at the beginning.

Mr. Haselman stated when using ORC. 505.87 that the Twp. should have a hearing.

Chris Lauch asked Mr. Haselman if there could be a civil suit. He stated that He did not know what could be accomplished with that. Trustee Moore stated that Mr. Haselman was only here as Twp. Legal Counsel and could not offer legal advice to the residents. Mr. Haselman restated that in order to fix some of these issues the Twp. would need to add another district to the zoned area with more restrictions. He also stated that the owners of the property at 1765 Hunters Ridge has rescheduled their pretrial to May 9th 2013 but they think they have the property sold and that the new owner will be cleaning up the problem.

Mr. Hallett stated that he is moving on one of the properties that the Peaceful Valley Assoc. has issue with.

Administrative

- Financial reports were reviewed.
- The new account can be set up now that Dawn has everyone's driver's license. Then we can set up the direct deposit.
- Check number 26073 needs voided because the person it was written to has not cashed it. When asked about it they do not have it. Reissued the check.
Trustee Wiland motioned to void check # 26073 2nd by Trustee Holdeman
Roll call: trustee Wiland – yea, trustee Holdeman – yea, trustee Moore – yea.

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Old Business

- Homewood Park: Nothing new
- Road mileage: Instead of sending us the corrected form ODOT just used the sheet from last year since there was no change in the road mileage.
- Early Tax Distribution: will look at closer to distribution date.
- Delinquent taxes: Keep on old business
- Hunters Ridge abandoned property: New hearing date is May 9th
- CPR: Trustee Moore handed out the certification cards to those who attended.
- County Road 5 – 2 and E: Waiting on County Easements
- Employee compensation will remain tabled for now.

New Business

- Water Board Seats: 2 seats will expire in June. Chris to put ad in paper to run for 1 week and send letters to set up interviews for those who expressed interest before. Interviews will start Friday 5-31-13 and Monday 6-3-13.
- Annexation: The Twp. has not been receiving notification properly when the village is annexing properties. Trustee Wiland will research the ORC to see what should be happening and in what time frame.
- Trustee Moore suggested when we send anything to Village Administrator that a courtesy copy also be sent to the Council President and Mayor.
- Signed Permit to Occupy Right of Way
- Mr. Ostrander: requested another sign on Airport Hwy. and his neighbors one on road 3. Neither road is the Townships. Chris will draft a letter for the Trustees to sign stating who he needs to contact for those roads.
- York Twp. sent a letter regarding the Johnston drainage issue. The Trustees discussed the issue with Matt Stout maintenance supervisor and they feel that the Township should do what is their responsibility and let each entity do their own area. Matt will get the Twp. cost together and will keep this on agenda.

Employee reports:

- Chris Lauch:
 - Meeting on Wed. for Zoning Map
 - BZA meeting on Thursday
 - Reviewed violations: Chovanec Junk Motor Vehicle, Trustee Wiland will drive past the property to see if complied.
 - NORTA legal opinion was reviewed. There is nothing for the Twp. to do.
 - Have not received the Triangular Processing County Report. Trustees stated that do not need because they received the County Report from the County.
- Matt Stout:
 - All maintenance employees attended OUPS Seminar
 - Matt Stout and Damon Mattimore attended Application License class
 - Working on road 1 drainage
 - Foundation will be poured in the cemeteries next week
 - Matt voiced his concern that the Village cut road 2 for the project they worked on when the plans the Twp. was given stated that they would boar under the road. He said the patch was done nicely but the point is the plans we were given did not show that, and the permit did not state that. Feels the Twp. should have been more informed.
 - The grass is growing in the cemeteries. Mowing has started. Have 2 mowings already.
 - Swanton Cemetery flower bed: Trustee Moore spoke to Keil's and they will donate flowers the Swanton Garden Club will do the planting and mulching the Twp. just has to get the hose and mulch. Just waiting to hear back from Lammon's to see if they are donating the mulch. Chris to put ad in paper thanking the involved parties. Chris will also check on pricing for a sign to post in the cemetery stating the places that donated.

Zoning

- Report reviewed
- Trustees would like the Zoning inspector to come to a regular meeting quarterly starting with the 2nd quarter. Dawn to ask Walt to attend the July 1st meeting to update the Trustees on what his activities.

Fire

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Cemetery

- Flood Plain:
- Woda/Swanton/ Paige Lynn Fence:
- Burial Notices: The Twp. is now going to have the funeral homes send a burial notice as well as a phone call to verify the information. Chris will send a letter out to the Funeral Homes that we usually deal with to inform them.
- Trustee Moore asked how the mowing was going in the cemeteries. It is taking less than 3 days to get them finished having one person continuous and a second person doing part of Swanton.

Trustee Reports:

- Trustee Moore: Passed out CPR cards
- Trustee Holdeman:
- Trustee Wiland:
 - Circle Dr. drainage issue: there is a tile going into the County sewer and they are requesting the Twp. to close it off. Trustee Holdeman asked if it is the Townships. Matt is doing research to find out.
 - NORTA: Already reviewed the legal opinion.
 - OPWC Ditch Project: Received questions from the Engineers office. Reviewed what to be done.

100-13 Trustee Wiland motioned to

- Maintenance computer is dying. Matt is to work with EK Computer and with Chris Lauch to get a new computer ordered for the maintenance department.

Public Forum

Mr. Christopher Van Newhouse of Hunters Ridge request that the adjoining property owners to the Allen property be kept informed on what is being done with the property.

He is also asking that the Township look into changing the zoning in regards to firearms discharge in congested areas. They have had stray bullets come into their yard from properties that are behind them on the next road. Chris will send him by email the information that she has and the article that Trustee Wiland has.

- Trustee Moore motioned to adjourn 2nd by Trustee Holdeman
 - Adjourn 9:55pm

Swanecreek Township Board of Trustees

Pamela Moore

Attest: Dawn Wheatley, Fiscal Officer
Entered: May 20, 2013

Ronald Holdeman

Phil Wiland