

**MINUTES**  
**CONCORD TOWNSHIP BOARD OF TRUSTEES**  
**REGULAR SESSION**  
**AUGUST 8, 2018**

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The Concord Township Board of Trustees met in regular session on Wednesday, August 8, 2018 in the Township Building. Bill Whidden called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance. The roll was called: Trustees Tom Mercer, Bill Whidden, and Don Pence were present. Road Superintendent Neil Rhoades and Fiscal Officer Pat Quillen were also present.

**Minutes:** Don Pence made a motion to approve the Minutes of July 25, 2018 as previously distributed. Tom Mercer seconded the motion and all three Trustees signed in favor.

**Guests:**

1. Miami County Sheriff's Office Lt. M. Whaley asked the Trustees for any concerns they have. He stated that he had spoken with Tom Mercer earlier today regarding two junk vehicles and he will go to check on them after the meeting. Lt. Whaley also stated that the Sheriff's Office has purchased a Stalker Data Collector and it will be deployed on Peters Road near UTC to gather information on traffic volume and speeding. He said that he has been prioritizing that area for some time and has recently issued nine citations for traffic violations.
2. Rodney Peters of 7650 Marlin Road in Covington stated that he and his brother Roland own a farm at the southwest corner of Forest Hill Road and State Route 41. They have had problems with storm water flooding for many years and contacted Miami Ag Drainage to inquire about tiling the field. There are currently two intact tiles, but they run very slowly. He submitted photographs taken in the spring of 2018 that showed standing water in their field, but none in the field across Forest Hill Road. Rod Peters requested that the Trustees consider the installation of a small tile under Forest Hill to move the surface water into a ditch on the other side. Rod Peters provided a copy of a March 9, 2018 letter from the Miami County Engineer's Office to the Township. Bill Whidden confirmed that the Township has the original in its files and said that the Trustees will have to review the letter again. He promised to get back to Rod Peters and took his contact information (477-6340). In a related issue, Rod Peters said that the Miami County Engineer's Office had outdated information on the Township's meeting time and dates. Pat Quillen will contact them and provide the correct information. Later in the meeting, Bill Whidden said that he had given the Miami County Engineer's March 9 letter a cursory review and expressed his view that a cross culvert might not solve Rod and Roland Peters' problem and might even open up the Township to civil litigation. Don Pence asked if the Peters brothers had talked about this problem and possible solutions with the owner of the land across the road and their reply was that they had not. Neil Rhoades will call George Lightner, the owner of the land to the south of the field in question.

**Fiscal Officer's Report:** Pat Quillen

- Distributed copies of the July Receipt and Payment Registers and the August Receipt and Payment Registers
- Provided the August 7, 2018 Fund Status Report
- Circulated the July 31, 2018 Reconciled Bank Statement for Trustee signatures

**Communications:** The Trustees reviewed the items listed on the Agenda. Don Pence and Bill Whidden discussed the possibility of continuing to receive real estate taxes from the ten acres on Peters Road which were annexed into the City of Troy last month. None of the other items required action and none was retained.

**Road Superintendent's Report:** Neil Rhoades

- Continues to seal cracks with the staff;
- Reported seasonal help will be here for approximately one more week;
- Has been working on a number of mowing issues, almost all of which have been resolved after he made telephone contact with the owner

**Old Business:**

- A. Boone Creek Flooding at Creekwood: The Miami County Prosecutor's Office sent an Opinion Letter and Don Pence summarized it. The Trustees can declare that the obstruction of the Creek created by fallen trees and accumulated sand and silt is a "nuisance" and compel the owners to clean it out. However, Don Pence stated that the word 'nuisance' is subjective and he believes it should be reserved for issues of safety. Anything beyond that would be a civil issue. Tom Mercer concurred and added that Swailes Road, the thoroughfare most affected by the

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flooding, is a County road. Don Pence said that he would love to go out and fix the problem, but the Township has no authority to do so. Bill Whidden agreed and expressed concerns about opening up the Township to cleaning out the whole stream. Don Pence asked that the Opinion letter be put in a file that is easily accessible in the future for similar issues. Don Pence will contact Mark Schoewe (1910 Creekwood Drive) and provide him with a copy of the Prosecutor's Opinion and let him know of the Trustees' decision.

- B. Flooding on Forest Hill Road between Fenner Road and State Route 718: Dan Baker, P.E. from the Miami County Engineer's Office prepared Force Account documents in the amount of \$5,832.71 to replace the current tile with two eighteen inch tiles under Forest Hill Road. Dan Baker reports that the new tiles will not move water to any place where it has been gone before. However, Ron Bevington's driveway tile should be replaced since it is an obstruction. Neil Rhoades will contact Ron Bevington to let him know this information. Tom Mercer made a motion to install two eighteen inch tiles across Forest Hill Road between Fenner Road and State Route 718 if Ron Bevington agrees to replace his driveway culvert to make it the proper size. Don Pence seconded the motion and the roll was called: Bill Whidden – aye; Don Pence – aye; Tom Mercer – Aye.

**New Business:**

- A. Premier Community Health – 2018 Flu Vaccinations: Bill Whidden made a motion to authorize the flu shots again this year at a cost of \$30.00 each. Don Pence supported the motion and it carried without objection. Pat Quillen will provide the names to Community Health.
- B. Truck Traffic Pleasant View Drive: A resident called to complain about construction traffic on Pleasant View Drive. Pat Quillen told her that it is a public street and the Township cannot prohibit its use for that purpose. Bill Whidden offered to call the two construction companies that are building in the area and ask them to use the construction driveway off Monroe-Concord Road.
- C. Mosquito Control: Don Pence reported that City of Troy Engineer Jillian Rhoades had called Neil Rhoades to report that a mosquito carrying the West Nile Virus was found in Waco Park. After some consultation, the Trustees agreed to share the cost of fogging a one-mile radius for approximately \$200.00. The City of Troy will do the work. Tom Mercer received a telephone call asking why only a one-mile radius would be sprayed. He contacted the Miami County Public Health and was told that mosquitoes don't fly farther than that. Don Pence requested that the testing be expanded.

**Guests:** None

**Payments:** Bill Whidden made a motion to approve and pay Charges 208- through 226-2018 and Warrants 24696 through 24709. Don Pence supported the motion and all three Trustees signed the warrants.

**Adjournment:** No further business was presented and the meeting adjourned viva voce at 10:55 a.m. The next meeting will be held on Wednesday, August 22, 2018 at 10:00 a.m.

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Donald D. Pence

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Thomas N. Mercer

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Bill Whidden

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Patricia M. Quillen, Fiscal Officer

All formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption or resolutions and/or motions passed at this meeting were adopted in a meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.