

MINUTES
CONCORD TOWNSHIP BOARD OF TRUSTEES
REGULAR SESSION
SEPTEMBER 12, 2018

The Concord Township Board of Trustees met in regular session on Wednesday, September 12, 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 Don Pence, Tom Mercer, and Bill Whidden were present. Fiscal Officer Pat Quillen was present, but Road Superintendent Neil Rhoades was absent.

Minutes: Don Pence made a motion to approve the Minutes of August 22, 2018 as distributed. Bill Whidden seconded the motion and those two Trustees signed in favor. Tom Mercer abstained since he had not been present at that meeting.

Guests:

1. Miami County Sheriff Dave Duchak distributed the Law Total Incident Report from August 12 to September 12. He also provided copies of the report from the Stalker Radar which was placed at the intersection of Maple Street and Peters Road for four days in July. The average speed of the 15,741 vehicles that passed the fixture on Peters Road was 39.5 mph in that 35 mph area. In the future, the Sheriff's Office will be sending the reports out electronically. This data helps his office determine how to deploy manpower. He also stated that data had been collected on Merrimont Drive recently and he will be preparing a report on that placement.
2. Dan Gheen of 616 Barnhart Road in Amity Acres asked the Trustees what can be done about a tree that fell down in the stream last year and is now obstructing water flow.
3. Greg Keferl of 820 Barnhart Road supported Dan Gheen's comments, said that flooding is getting a lot worse, and offered to provide the Board a video of the problems he described.
4. Mark Schoewe of 1910 Creekwood Drive thanked Bill Whidden for his recent reply to Mark Schoewe's inquiry. He then distributed copies of a petition that his neighborhood group had presented to the Miami County Commissioners last month. He noted that there had been 100% participation in Creekwood and down Swailes Road. He told the Trustees that he had read Miami County Prosecutor's Opinion 18-19 and focused on the word "nuisance". He believes that the obstructions in Boone Creek are beyond being a nuisance and said that his reading of the Ohio Revised Code provides the County with the authority to compel landowners to clean up waterways. He distributed copies of an article called Legal Obligations of Landowners for the Trustees to review. The Miami County Commission has not responded back to the neighborhood's petition. He asked the Trustees to return to the Miami County Prosecutor's Office and request research of the term "nuisance". Don Pence said that he has read documents prepared by Miami County Engineer Paul Huelskamp, P.E., P.S. and Chris Englert, Chief Civil Assistant at the Miami County Prosecutor's Office and understands that the Township Trustees are limited to addressing issues that impact Township roads.
5. Steve Wiegman of 1911 Creekwood Drive complained that Swailes Road floods due to the obstructions in Boone Creek, but the Trustees advised him that Swailes Road is a County road.

Bill Whidden told those in attendance that the Miami County Council meets this evening at 7:00 in the Miami County Garage and since it is a public meeting, they are able to come and put their issues before the Council members. Tom Mercer stated that the Township wants to help people, but that the Trustees must be cautious, follow the law, and not overstep the bounds that have been set.

Mark Schoewe stated that he had asked Neil Rhoades for a backflow regulator, but had not received a reply about it. Additionally, Mark Schoewe received permission to apply riprap to the stream bank at the corner of Creekwood Drive and Swailes Road and hopes that Neil Rhoades will be able to install it.

Fiscal Officer's Report: Pat Quillen

- Distributed copies of the August Receipt and Payment Registers and the September Receipt and Payment Registers;
- Provided the September 11, 2018 Fund Status Report;
- Circulated the reconciled Bank Statement of August 31, 2018 for Trustee signatures

Communications: The Trustees reviewed the items listed on the Agenda. The Thank-You note from the Miami County Amateur Radio Club will be file. None of the other items required action and none was retained.

Road Superintendent's Report: Neil Rhoades was out of town, but

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- Tom Mercer reported that the manholes were not level on some of the streets that were paved recently and said that the quality of the pavement seemed less this year than in the past. Don Pence stated that he and Neil Rhoades had agreed to have the streets milled to avoid having to raise the manholes. It is now disappointing that the milling did not prevent the problem it was designed to eliminate.
 - Bill Whidden reported receiving a call from 9-1-1 last Saturday evening about a tree that fell at the corner of Saxony Woods Drive and Countryside North. Bill Whidden contacted Brandt Miller who went out right away and was joined by Neil Rhoades shortly after that. The Sheriff's deputy waited until the staff arrived.

Old Business:

- A. **Flooding Issues:** In addition to those previously discussed, Don Pence went out to view the drainage project headed by Ken Schaurer and his neighbors at Myers Road. The total project cost the group about \$85,000.00 and they had requested \$5,338.00 in financial support from the Township since the cross culvert they installed was in the Township right-of-way. The Trustees agreed to cover the drainage tile and cross culvert on Myers Road and will pay \$2,938.00 to Miami Ag Drainage, but will have the staff pave the road cut, the cost estimate of which is about \$2,400.00.

New Business:

- A. **Tax Rates for 2018:** Don Pence made a motion to approve the 2018 Rates of Tax as determined by the Miami County Budget Commission. Tom Mercer seconded the motion and all members signed in favor.
- B. **Autumn Newsletter:** Earlier this month, Tom Mercer distributed a draft of the Autumn Newsletter which included the 2018 Leaf Pick-Up Calendar and some tips for dealing with winter. It is at the printer now and should be mailed in late September.

Guests:

- 1. Mark Schoewe told the Trustees that he will not need a response from them since his neighborhood petition has been submitted to the Miami County Commission.
- 2. Steve Wiegman commended the Township staff on Leaf and Brush Pick-up. He asked how Shenandoah residents had been convinced to clean out their ditch and Tom Mercer replied that he does not believe this issue has been completely resolved. Tom Mercer described the obstruction issues under the Shenandoah Drive bridge and stated that the Miami County Engineer's Office is addressing them.

Payments: Bill Whidden made a motion to approve and pay Charges 239- through 266-2018 and Warrants 24720 through 24734. Don Pence supported the motion and all three Trustees signed the warrants.

Adjournment: No further business was presented and Tom Mercer moved for adjournment at 10:50 a.m. He was supported by Don Pence. The next meeting will be held on Wednesday, September 26 2018 at 10:00 a.m.

Donald D. Pence

Thomas N. Mercer

Bill Whidden

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.