

RUSHCREEK TOWNSHIP TRUSTEES
MEETING MINUTES
February 17, 2021

Chad Ashbaugh, Chairman called the Rushcreek Township Trustee Board meeting to order at 7:00 p.m.

Pledge to American Flag

Roll Call: Chad: Present Lisa: Present Tim: Present
Nancy: Present Will: Present

Chad asked that all cell phones be muted except for the Chief's.

VISITORS

David Foltz and Deputy Schorr from Fairfield County Sheriff's Office

Deputy Schorr of the Fairfield County Sheriff's Office was present to see if there were any general concerns that the Trustees may have in the township. He expressed that the Sheriff's office is interested in keeping the lines of communication open should there be a need in the future. Deputy Schorr was very helpful in answering many general interest questions that the Trustees had.

BID OPENING

The following sealed bids were opened and reviewed:

<u>Stone</u>	<u>Olen</u>	<u>Hickory Farms</u>	<u>Melvin Stone</u>	<u>Shelly</u>
#57	\$23.90	\$28.42	\$25.30	\$21.05
#8	33.90	30.62	25.30	23.30
#2	20.90	28.04	24.30	20.95
#4	21.40	N/A	24.30	20.95
#304	19.90	N/A	23.85	19.30
Rip Rap B	42.90	N/A	N/A	29.10
Rip Rap C	42.40	N/A	N/A	29.10
411	N/A	N/A	24.30	19.30

After reviewing the bids, Chad made a motion to accept the bid from Shelly Materials for the 2021 Stone Hauling.

Roll Call: Chad; Yea Lisa; Yea Tim; Yea

MINUTES

The Minutes from the February 3, 2021 Regular Meeting have been printed and distributed for review prior to the meeting and are being presented for approval.

Tim made a motion to approve the minutes as presented. Chad seconded the motion.

Roll Call: Chad; Yea Lisa; Yea Tim; Yea

Chad reminded everyone that the minutes are available upon request at the Fiscal Officer’s office and the website www.rushcreektwp.org.

ADJUSTMENTS TO THE AGENDA

David Foltz – Zoning Commission meeting on February 16, 2021.

FINANCIAL SECTION

The Fiscal Officer recommends that the Board of Trustees take action on the following financial items:

EFT’s #82-2021-109-2021 and Warrants #42200-42227 in the amount of \$67,752.02 were presented for approval:

Purchase Order #11-2021	Bob Boyd Ford	2016 F350 Truck
Purchase Order #12-2021	Companion Life Insurance	Life, Dental, Vision and STD
Premiums		

Moved by Lisa, seconded by Tim to approve the Financial Section as presented.

Roll Call: Chad; Yea Lisa; Yea Tim; Yea

REPORTS

Fire Department

Bremen Rushcreek Township Fire Department. Fire and Ems Runs for the period February 1 through February 15, 2021.

24 EMS	10 Transports	2 Fire	1 MVA
Mutual Aid Received	3	Mutual Aid Given	5

Replacement truck for the grass truck has been found and purchased. Working on a list of items to outfit the truck, such as a headache rack, brush guard and light bar.

Met with a representative from ISO on February 10 to update our rating status. We are currently at a 5. They will get back to us in several weeks. Lower ratings help with homeowner’s insurance. Hope to maintain a 5.

4 members participated in ice rescue training at Pleasant Twp. Fire on 2/6 – 5 hours training.

A third person was put on duty during the 24-hour period of bad weather.

Called for assistance from the road department to assist on Monday evening to a home on Marietta Road. Rescue 541 was stuck in a residential driveway after responding to a smell of smoke at the address. No damage occurred.

Cylinder lease with DeLille expires at the end of March. Sent renewal of 5-year loan agreement back for a new 5-year period at a cost of \$240.00 - a 60% savings.

Zoning

No new zoning permits have been issued since last meeting.

Road

The road crew has checked and treated roads as needed with the help of Trustee Chad.

Still need around 2-4 loads of rip rap rock for ditch on Bethel Road when weather is fit.

In between plowing and treating roads, the crew has been keeping up on maintenance to trucks, plows and equipment.

Fiscal Officer

Received notification from OTARMA that the 2016 Ford F350 has been added to our insurance.

Received the 2nd Amended Official Certificate of Estimated Resources as a result of the adjustments made when submitting the Permanent Appropriations in the total amount of \$4,789,484.51. In addition, received notification from Fairfield County Auditor's Office certifying that the total appropriations from each fund do not exceed the 2nd Amended Official Estimate of Resources for the Fiscal Year beginning January 1, 2021.

OLD BUSINESS

2020 Allocation:	\$18,765.00	
Carryover:	<u>\$16,239.32</u>	
Grand Total	\$35,004.32	
Received a portion of allocation	<u>- 13,811.52</u>	Check #5317448
Balance Due	\$21,192.80	

Nothing to report on Forced Account Funds.

Lisa presented a quote from Brent Barrett for a possible replacement for the tractor/mower.

Chad reported that the tractor/mower is done at Southeastern.

Amish Cemetery Update:

Prosecutor's office advised the following: In reviewing the Township's questions regarding the Amish cemetery, I don't think the Township has any issues regarding the cemetery itself. Non-home rule townships lack the authority to prohibit the burial of persons in the unincorporated portion of the Township. See Ohio Attorney General Opinion 2007-005. As for any cemetery registration requirements, "family cemeteries" (defined as "a cemetery containing the human remains of persons, at least three-fourths of whom have a common ancestor or who are the spouse or adopted child of that common ancestor") are exempt \under R.C. 4767.02(D).

As the cemetery is located in the unincorporated portion of the Township, the Township lacks the authority to prohibit any burials in it. Further, based on the facts that you provided regarding the old order Amish that have used this cemetery, it sounds like the cemetery would qualify as a "family cemetery" under RC 4767.02(D) and would be exempt from Ohio's cemetery registration requirements.

You also indicated some concern regarding the proposed lot split reducing the cemetery size down to 2 acres. While I didn't find any minimum acreage requirements for cemeteries containing human remains (e.g. pet cemeteries have to be at least 3 acres RC 961.03), a burial place containing at least 6 or more human bodies constitutes a "cemetery". Shields v. Karns, 87 Ohio App. 3d 474, 622 N.E.2d 673 (3d Dist. Logan County 1993). As there are 17 bodies buried in the parcel in question, it is a "cemetery", irrespective of its size.

Additionally, Rushcreek Township Zoning Commission will review this advice against the current zoning rules and determine any necessary changes.

Tim reported that the West Point Road fence issue has been resolved and any other problems will need to be considered a civil matter.

NEW BUSINESS

During a recent snow removal, an employee hit the gate at Hide Away Hills. The gate closed on the truck as the truck was exiting after removing snow. Lisa contacted Gus at PERSO and he instructed her that a claim could be filed online with OTARMA. Wendy French of OTARMA was also contacted and she suggested that we wait until we hear back from Hide Away Hills. She would also like an accident report and any pictures that are available. The employee reported for drug testing within 8 hours of the accident as is required by our policy and OTARMA.

David Foltz from the Rushcreek Zoning Commission was present and reported that the Zoning Commission met on February 16, 2021 to review Section 11.9 of the Rushcreek Zoning Regulations. The Zoning Commission would like to come to the March 17, 2021 regularly scheduled township meeting to recommend that the Board of Trustees approve a Resolution to remove Section 11.9 from the Rushcreek Township Zoning Resolutions.

He asked that the fiscal officer post a notice in the Towne Crier and on the Township's website.

EXECUTIVE SESSION

Moved by Tim, seconded by Lisa that the Trustees move into executive session to discuss a personnel matter in accordance with Section 121.22 of the ORC, Item G.1., to consider resignation of a public official.

Roll Call: Chad; Yea Lisa; Yea Tim; Yea

Executive session began at 7:57 pm and ended at 8:08 pm with all members returning to regular session.

Moved by Tim, seconded by Lisa to accept the resignation of the Fiscal Officer for the unexpired term effective March 31, 2021.

Roll Call: Chad; Yea Lisa; Yea Tim; Yea

ADJOURNMENT

Moved by Chad, seconded by Lisa to adjourn the meeting at 8:19 pm.

Roll Call: Chad; Yea Lisa; Yea Tim; Yea
