

RUSHCREEK TOWNSHIP TRUSTEES  
MEETING MINUTES

July 17, 2024

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

**Pledge to American Flag**

**Roll Call of the Board:** Chad: Present Rick: Present Jim: Present

Lisa (fiscal): Present Will (fire): Present Richard (roads): Present

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

**VISITORS**

Sherry Pymmer- representing Fairfield Fair Fields, presented information of planned solar projects in Fairfield County. Expressed great concern over the Eastern Cottontail project in Walnut Township. Stated they are in the preapplication process to the Ohio Power Siting Board and have requested several waivers. She also stated their organization has raised funds to acquire legal counsel. After sharing a great deal of information about various stages and projects around the County; point of order was called and asked to state what was being requested of the Board. Sherry provided information on the Eastern Cottontail project and a copy of a letter from Greenfield Township Trustees. She requested the Board to write a similar letter directed to the Ohio Power Siting Board standing in opposition of the project in Walnut Township. The Board accepted her copies (attached) and will consider what if any steps they wish to take.

**MINUTES**

The Minutes from the July 3, 2024 regular meeting have been distributed for review prior to the meeting, and are being presented for approval. **Motion to accept:** Trustee Downard **Second:** Trustee Ashbaugh

**Roll Call: Chad: Aye Rick: Aye Jim: Aye**

Chad reminded everyone that the minutes are available upon request at the Fiscal Officer's office and the website.

**FINANCIAL SECTION**

Warrants # 43597 through 43608 and EFT's 312-2024 through 333-2024 in the amount of \$39,722.86  
Purchase order 18-2024 to FireCatt for Hose testing

\$15.00. **Motion to approve and pay :** Trustee Moyer **Second:** Trustee Downard

**Roll Call: Chad: Aye Rick: Aye Jim: Aye**

**Fiscal Office**

2025 Budget Estimates submitted to County Auditor on July 10<sup>th</sup>.

ARPA fund 2272, approximately 12,500.00 needs to be spent or committed by September 1<sup>st</sup> discussions have been regarding a ditching head for the ARM mower. Will need a decision to issue purchase order prior to 9-1-2024.

Submitted final request for OHIO EMA ARPA reimbursement for mental health reimbursement. We will be approximately \$200.00 short of amount advanced on Fire Department Behalf.

Received guidance from PA Office regarding the Auditor of State Rule regarding Fraud training for all current and any future new hire employees beginning 7/1/2024. Please make sure to complete by September 1<sup>st</sup> if you have not already done so. Copy of all certificate to FO Office to add to employee files.

OTA meeting at Hocking Township July 29<sup>th</sup>. Discussion of upcoming meeting. No Board members are able to attend. Will need an address and person to direct check for dues.

**Fire**

Participated in July 4<sup>th</sup> parade with 3 trucks

Fire Catt completed 6900 feet of hose testing on 7-11-2024 . Five sections failed test. 10 sections of damaged hose to Stuart Burial Vault. Need an outlet to dispose of remaining hose, 1.5" to 4" State of Ohio Dept of Commerce Grant for new attack line was denied  
 Difficulty in locating a replacement air bag for Medic 541.  
 Working with Village Utilities for hydrant flushing

<b>EMS</b>	<b>15</b>	<b>RUNS</b>	<b>TRANSPORTS</b>	<b>13</b>
<b>FIRE</b>	<b>1</b>			
<b>MVA</b>	<b>2</b>			
<b>MUTUAL AID</b>	<b>1</b>	<b>GIVEN</b>	<b>2</b>	<b>RECEIVED</b>

	given	received
Berne Township	<b>1</b>	<u><b>0</b></u>
Junction City	<b>0</b>	<u><b>0</b></u>
Marion	<b>0</b>	<u><b>0</b></u>
Lancaster	<b>0</b>	<u><b>0</b></u>
Pleasant	<b>0</b>	<u><b>1</b></u>
Richland	<b>0</b>	<u><b>1</b></u>
Misc. (Somerset, Hopewell, Straitsville, New Lex	<b>0</b>	<u><b>0</b></u>

#### **Zoning**

**Wickline** – inquired about a pole barn on vacant property. Referred her to website

**Hacker** – Permit application, new construction requesting address, referred to County Engineer

**Dale-** purchased a property on Pumpkinvine and creating short term rental. Reviewed new short-term rental language from zoning resolution and responded

**Nadavich-** questions regarding property on Zion Road

**Chapman** – Geneva School- more questions regarding blue prints, left message stating he needs to supply blueprints showing square footage, etc. We have fielded several calls regarding this property.

#### **Road Department**

Letters sent to residents of HEYD Road and posted on website, email and revised email sent to Perry County Engineer regarding close dates. Trustee Ashbaugh and Road Crew met with Mount Carmel Stabilization on Heyd Road and set date of August 20<sup>th</sup> for work to begin.

Road Mowing complete.

Removed several down trees from Graffis, Young, Ireland Marietta and other roads.

A sail boat was abandoned on Avalon Road. Contacted Sherriff to make a report.

Applied stone to several roads due to extended heat.

#### **Administration**

Rushcreek Feed agreement- no update received from PA office at this time.



**Cemetery zoning language – Advised by Counsel:** *The Township can only become obligated to accept ownership of or maintain public cemeteries. The Township does not have to accept or maintain private cemeteries, including family cemeteries. See, 1953 Op. Att’y Gen. No. 53-2978 (a township is never obligated to take over maintenance of an abandoned private cemetery); Auditor of State’s Ohio Township Handbook (Mach 2019), at G-3 (“any expenditures for the maintenance of a private cemetery [by a township] would be unauthorized”). Thus, the only cemeteries the Township can become obligated to maintain are public cemeteries which are already regulated under the township’s zoning as conditional uses.*

*The township’s proposed zoning changes, including the creation of a cemetery zoning district, are motivated by a desire to separate the portion of the land being used as a private cemetery from the rest of the parcel. This is so that in the event the township would have to take over maintenance of the cemetery, under R.C. 517.27, the cemetery portion of the parcel and any graves would be identified. As the Township can never be obligated to take over these private cemeteries, it seems the need for these zoning changes are no longer there.*

*The guidance is to follow RPC’s recommendation to continue regulating cemeteries through the conditional use process. The conditional use process will give the township more control over the operational aspects of the cemeteries while avoiding the potential for legal challenges claiming the proposed practice constitutes “contract zoning.” Contract zoning can result when a township requires specific conditions on the use of land before granting a rezone. While not prohibited in Ohio, this practice is illegal in many other states and poses a potential for legal challenges. The conditional use process allows the Township to place conditions on landowners as a condition of using land in a certain manner – including for cemeteries – without the same risk of litigation as attempting to place conditions on landowners through the rezoning process. R.C. 519.15; Rushcreek Zoning Resolution Section 7.3(E). Thus, the conditional use process is a better process if the township is wanting to place restrictions or conditions on the use of land as cemeteries. Trustee Downard will recommend to Zoning Commission to simply use the ORC language regarding private cemeteries to simply the policy.*

**VanHorn complaint Marietta Road issues.** *Advised by Counsel to the building issue is that township zoning does not apply to this building under R.C. 519.21 because the building has an agricultural purpose. On older satellite images it looks like the building was originally used to shelter livestock from an adjacent pasture. So, a building permit was not required at the time, and the township does not have the legal authority to enforce any zoning requirements. Under R.C. 519.21, townships cannot use zoning to prohibit or regulate the use of land or buildings for agricultural purposes if the property is over 5 acres, or more than 1 but less than 5 acres and not in a platted subdivision. Here, the property is just under 2 acres, and it is not in a platted subdivision. So, a building permit was never required for the building and the township does not have the authority to enforce any zoning requirements as the building has an agricultural purpose.*

*Second, the township has discretion in choosing when and how to enforce its zoning resolution as long as it applies that discretion equally to all residents and landowners. Even if this posed a zoning violation, if the township would not regularly enforce this violation in similar situations, then there would be no requirement that the township **strictly** enforce zoning in this case.*

*Lastly, the only way to know for certain if a building encroaches a property line is to have a survey completed. The complaining property owner could pay to have a survey completed, but if the survey reveals the building is on the property line, **that is a private dispute between the neighbors and would not involve the township.***

Trustee Downard sought direction from the PA office regarding vacating McCullough Road dead end section. Jim did speak with Jeff Kamechis from the Engineers office. They are on board with vacating that section. However, it should be noted if Mr. Coblenz would protest the vacating that may create an issue. We will work with the PA office and County Engineer to begin the process. However, vacating process may take some time.

Trustee Downard reviewed the Culvert Grant that Richard Campbell had provided information on. We would not meet the criteria to apply for the grant.

Trustee Downard, Lisa Burnworth and Amanda Truax have determined the updates regarding short term rental have not been updated or published since the resolution and new language was adopted. Lisa will make the updates to the electronic version and ask the updates to be published on the website. Provide Amanda with updated copy. We will wait to print new zoning books until the Cemetery language is settled and updated language and Resolution passed regarding solar under 50 megawatts is addressed.

**Motion to enter into Executive Session under ORC 121.22 G(1):** To discuss employee compensation and benefits

**Motion:** Trustee Ashbaugh **Second:** Trustee Moyer TIME: 7:44 p.m.

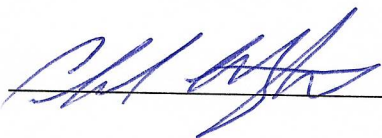
**Return to regular session: TIME: 8:11 p.m.**

**Further Business:**


**Trustee Ashbaugh hearing no further business**

**Motion to Adjourn:** Trustee Ashbaugh

Adjournment time: 8:11 p.m.



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## Payment Listing

UAN v2024.2

7/18/2024 to 8/7/2024

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
334-2024	08/02/2024	08/01/2024	EP	CHAD M ASHBAUGH	\$555.83	O
335-2024	08/02/2024	08/01/2024	EP	LISA A BURNWORTH	\$818.03	O
336-2024	08/02/2024	08/01/2024	EP	DAVID G CAMPBELL	\$1,342.33	O
337-2024	08/02/2024	08/01/2024	EP	RICHARD CURTLENN CAMPBELL	\$1,578.13	O
338-2024	08/02/2024	08/01/2024	EP	JAMES S DOWNARD	\$633.38	O
339-2024	08/02/2024	08/01/2024	EP	WILLIAM M. DUVALL	\$952.21	O
340-2024	08/02/2024	08/01/2024	EP	AMBER LEE-ANNE FLINT	\$1,805.87	O
341-2024	08/02/2024	08/01/2024	EP	RYAN S. GARD	\$184.60	O
342-2024	08/02/2024	08/01/2024	EP	MATTHEW GRAHAM	\$651.89	O
343-2024	08/02/2024	08/01/2024	EP	ERIKA N HEDGES	\$202.74	O
344-2024	08/02/2024	08/01/2024	EP	JEREMI W HEDGES	\$1,753.40	O
345-2024	08/02/2024	08/01/2024	EP	JORDAN P IRWIN	\$282.25	O
346-2024	08/02/2024	08/01/2024	EP	ANTHONY M. KERR	\$1,385.60	O
347-2024	08/02/2024	08/01/2024	EP	STEVEN PHILLIP KILBARGER	\$1,341.20	O
348-2024	08/02/2024	08/01/2024	EP	RICHARD E MOYER	\$624.32	O
349-2024	08/02/2024	08/01/2024	EP	BRADEN L SHULL	\$1,744.27	O
350-2024	08/02/2024	08/01/2024	EP	RYAN M SMITH	\$1,488.17	O
351-2024	08/02/2024	08/01/2024	EP	AMANDA TRUAX	\$184.51	O
352-2024	08/02/2024	08/01/2024	EP	KENNETH JOE WALTON	\$27.33	O
354-2024	08/02/2024	08/01/2024	EW	DEP'T OF TREASURY - IRS	\$3,665.29	O
355-2024	08/02/2024	08/01/2024	EW	PUBLIC EMPLOYEES RETIREMENT SYSTE	\$2,866.95	O
356-2024	08/02/2024	08/01/2024	EW	Ohio Police & Fire Pension Fund	\$10,200.15	O
43609	08/07/2024	08/06/2024	AW	TELEFLEX LLC	\$677.50	O
43610	08/07/2024	08/06/2024	AW	BOUND TREE MEDICAL	\$767.39	O
43611	08/07/2024	08/06/2024	AW	VILLAGE OF BREMEN	\$201.71	O
43612	08/07/2024	08/06/2024	AW	SUNOCO CORPORATIION	\$65.62	O
43613	08/07/2024	08/06/2024	AW	CARTER LUMBER DBA: HOLMES LUMBER	\$1,073.76	O
43614	08/07/2024	08/06/2024	AW	OHIO DEP'T. OF AGRICULTURE	\$35.00	O
43615	08/07/2024	08/06/2024	AW	RECERTIFICATION SPECIALISTS	\$80.00	O
43616	08/07/2024	08/06/2024	AW	MEDICOUNT MANAGEMENT, INC.	\$375.24	O
43617	08/07/2024	08/06/2024	AW	R.D. HOLDER OIL COMPANY	\$1,003.88	O
43618	08/07/2024	08/06/2024	AW	COMPANION LIFE INSURANCE COMPANY	\$408.14	O
43619	08/07/2024	08/07/2024	AW	HORTON EMERGENCY VEHICLES/HALCOF	\$122.73	O
Total Payments:					\$39,099.42	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$39,099.42	

Trustee

Trustee

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

We hereby certify that the amount required to meet the contract, agreement, obligation, payment, or expenditure for the outstanding, is fully appropriated for such purpose and was in the treasury or in the process of collection to the credit of the appropriate fund(s) from any previous encumbrances or obligation.

\* Asterisked amounts are not included in these transactions occurred outside the reported date range but are listed for reference.

**Bank Reconciliation**

UAN v2024.2

Reconciled Date 7/31/2024

Posted 8/5/2024 10:48:58 AM

Prior UAN Balance:		\$5,136,708.91
Receipts:	+	\$35,431.08
Payments:	-	\$75,607.24
Adjustments:	+	\$15.00
Current UAN Balance as of 07/31/2024:		\$5,096,547.75
Other Adjusting Factors:	+	\$0.00
Adjusted UAN Balance as of 07/31/2024:		\$5,096,547.75
Entered Bank Balances as of 07/31/2024:		\$5,096,045.93
Deposits in Transit:	+	\$780.82
Outstanding Payments:	-	\$294.00
Outstanding Adjustments:	+	\$15.00
Other Adjusting Factors:	+	\$0.00
Adjusted Bank Balances as of 07/31/2024:		\$5,096,547.75

Balances Reconciled

Governing Board Signatures