

Rushcreek Township  
Work Session  
October 6, 2016

The following notice was sent to the Lancaster Eagle Gazette and posted on our website on Tuesday, October 4, 2016. *Rushcreek Township Board of Trustees will hold a Work Session at 6pm on Thursday, October 6th at the Township Hall, 213 Marietta Street, Bremen, OH. The purpose of the meeting will be to hear and review the factors involved in the potential use of township roads for a general construction project. This is not a meeting in which the Trustees will deliberate or make any decision.*

Hart Van Horn, Chairman called the Rushcreek Township Trustees Work Session to order at 6:03pm leading with the Pledge of Allegiance. Those in attendance in addition to Hart were: Dave Myers, Trustee; Bill Myers, Trustee; Connie Moyer, Fiscal Officer; Richard Campbell, Zoning Inspector; and Robert Suer, Road Superintendent. Hart asked that all cell phones be muted along with all fire radios except the Chief's and Road Superintendent.

Visitors

Lori Smith, 3995 Durbin Run Road; Jim Betler, 3810 Durbin Run Road; Rick & Mary Clark, 3980 Durbin Run Road; Joe Lucas, 3995 Durbin Run Road; Earl Lehman, and Tracy Shahan.

Hart explained to the public that when a Work Session is called the Trustees do not deliberate or make decisions and they are there to listen to the public express their concerns in an open exchange. During a regular meeting, the open exchange is 15 minutes prior to the meeting. Also available to the public, a Trustee (on a rotation basis) is at the Township office each Saturday from 8am-10am.

In an effort to have a fair exchange, Hide-A-Way Hills management was invited to this Work Session. Mr. Lavinsky responded as special counsel on behalf of Hide-A-Way Hills stating they declined, as they felt it was late notice, however possibly be open at a later date.

Hart reviewed information, to date: At a prior Open Exchange an individual citizen raised a concern with Rushcreek Township as to whether the Hide-A-Way Hills (HAH) subdivision maintained an emergency exit or an evacuation route out of that gated community onto Durbin Run Rd. and if the township Road Department had prevented its use. Fire Chief Duvall, researched this question with HAH management and the county EMA. HAH has not filed an emergency exit or evacuation plan with the Bremen Rushcreek Fire Department or the Rushcreek Township Road Department. The Fairfield County EMA provided an evacuation plan for a HAH lake dam only and titled as, "Emergency Action Plan for the Lake of the Four Seasons Hide-A-Way Hills---Hocking County, Ohio". This plan does not include any exit or evacuation route outside of Hocking County and there is no route referenced through Rushcreek Township and Fairfield County. There is currently a gate onto Durbin Run Rd. that is in active use 24 hours daily with the means for emergency use by HAH residents and EMS as the need arises. This gate has not been interrupted in its use by Rushcreek Township as the question would allege. The HAH website refers to the field in the adjacent lot as "Area 54" or the "Organic Garden".

Hart continued that [Marion and Rushcreek Township] fire and emergency services have gate buttons for the Durbin Run gate. In 2003 Mike Conner, private landowner, not a HAH member, sold the [Area 54] land to HAH. HAH applied and received a lot split by 2011 that created an easement from Hocking County to Fairfield County which changed to an access maintained until current date. The General Construction project dredging the bottom end of the lake of approximately 800 tons, open access into HAH that is now a

road within the subdivision and not currently connected to township roads . The project was started before a permit was in place. On September 11th Mr. Jimmie Betler approached Hart and explained the above. On September 12th Hart contacted HAH, Fairfield County Soil & Water who then contacted the Ohio EPA. Since there are two counties in HAH, the EPA has two regional offices involved. A stop work order was placed until EPA could complete their investigation. There are actually two projects going on in HAH and the company Igel Construction had the proper permits for the Hocking County site, so they were able to continue working once permits were validated. EPA is processing the paperwork for the second project in Rushcreek Township, Fairfield County.

Rick Clark explained the hauling distance option in HAH, stating that if they haul through their own property it is actually much shorter distance and could save about 6 miles of driving instead of opening a new road and using a Rushcreek Township road creating a greater risk of damage over greater distances. He said that when a hauling contractor is employed, a shorter distance is a money saver. The hill around the golf course is not steep so that access would be another possibility.

Joe Lucas stated that HAH has not released any information to the property owners on Durbin Run which are directly impacted. He continued that from what he has gathered the route is 5.5 miles compared to another route being .5 miles. He could only surmise that the residents don't want the traffic in their neighborhood. He would like to know the duration of the project and the hours of operation. He was concerned that he could not get any answers and home owner(s) inside HAH had not been informed of this project. Mr. Lucas pointed out that HAH currently has a lot of heavy daily truck traffic, i.e. propane tankers, beer trucks, Cisco trucks, and trash trucks so the additional construction trucks should not be an inconvenience and HAH is already maintaining its roads for this use. Mr. Lucas offered to video tape the road prior to the project to establish the road conditions before the project starts. Hart responded that if he wished to volunteer his services it would be appreciated but to make sure the video shows date and time.

Lori Smith read some excerpts from the EPA on sludge and dredging. The materials will require a filter fencing and should be dry before dumping. The materials will be hauled in a wet condition and could have a foul odor. There are three water springs in "Area 54" which could have an adverse effect on the water table and wondered if a filtering material should be part of the project. It was also stated that a two story home was submerged into the north [Rushcreek Township end] of the lake when it was created. She was concerned of the possible lead or asbestos present that could also damage the water table. Lori requested that Hart, who agreed, contact the EPA and advise them so they are aware of this concern.

Bob Suer stated he has been looking at a different setup and will suggest a temporary gate but due to the turning radius of a two axle truck, the culvert would need moved 10' back, reroute the ditching, and expand to 40'. After the construction project is complete, everything will need returned to original state, and then seeded & mulched. The Township should not incur this cost whatsoever. It was also noted that connecting a road from within the subdivision onto a public road, would open the entire subdivision to public network.

Jim Betler gave a history on the road. Stated when HAH management [Jim Palmer] opened that gate they met with the landowners at the site and Trustee Ed Pool. They clearly advised that the gate was to be used as an evacuation gate only. He stated that if the Township allows a temporary gate to be installed for this project only, HAH will never close it.

Mary Clark thanked the Board for the opportunity to allow the residents an opportunity to share their concerns. She expressed her disappointment that a representative from HAH did not attend with an explanation of "short notice" when the residents on Durbin Run have not been given any notice about the project. Mary stated that her main concern is placing the children at risk. The school bus is on Durbin

Run and without a schedule of hours that the haulers will be utilizing the road this could place the children at risk. According to the Road Superintendent the road is no wider than 12 feet and each resident advised that it was nearly impossible to pass a school bus. A contracted dump truck and school bus would not be able to pass. Mary advised that several years ago a court ruling was made (she has documents) that the Montazuma [HAH] gate was only to be used as "emergency", but now used as regular access.

Bob reported that he put a traffic counter on Durbin Run from Monday to Monday which averaged over 60 cars per day passing this point when only six families live on the road.

The residents felt it would be far more economical for HAH to take the sludge out the main gate and deposit it in the land close to the HAH junk yard and air strip.

Dave Myers stated that he received a call from Jim Downard about the project and he referred him to the Road Superintendent. Dave continued that HAH did not have all of the plans in line prior to starting the project. Bill asked if Bob had spoken with Jim Downard. Bob responded that Jim did give him a call one work day prior, Mr. Downard's statement was a couple of loads of dirt and now it is between 80 to 200 loads.

Hart advised the taxpayers cannot be responsible to spend tax dollars to rebuild something that is already done. The Ohio Revised Code is in place to allow government entities to have contractors bond roads where construction is being done. The County Engineer recommends a Road Use & Maintenance Agreement. Although Rushcreek Township wants to be attractive to business, we also need to protect the taxpayers resources.

In summary, the residents would like the following:

- 1) Check on the environmental impact on land, air, and water.
- 2) Duration of project - schedule for school busses
- 3) Return the road to current condition or better
- 4) Access to land - make sure it is closed after project completed

Meeting adjourned: 7:49pm.