

1 BEFORE THE ALLEN TOWNSHIP TRUSTEES
2 VAN BUREN, OHIO

3 - - -

4 TRANSCRIPT OF PROCEEDINGS

5 - - -

6 Wednesday, August 7, 2024
7:00 p.m.

7 Allen Township Center
12829 State Route 613
8 Van Buren, Ohio 45889

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 SUSAN L. COOTS, RPR
12 REGISTERED PROFESSIONAL REPORTER

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23 VERITEXT LEGAL SOLUTIONS
24 41 South High Street, Suite 1670
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APPEARANCES:

CINDY LAND, Attorney at Law
Hancock County Prosecuting Attorney's Office
514 South Main Street
Suite B
Findlay, Ohio 45840
(419) 424-7089
lmland@co.hancock.oh.us
On behalf of the Allen Township Trustees.

BOARD MEMBERS:

Melford "Joe" Smith, Chairperson
Kevin Flanagan, Township Trustee
Roger Clark, Township Trustee
Mark Schimmoeller, Township Fiscal Officer

ZONING COMMISSION MEMBERS:

John Timmerman, Chairperson
Clara Pargeon

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WEDNESDAY EVENING SESSION

August 7, 2024

7:00 p.m.

- - -

P R O C E E D I N G S

- - -

BE IT REMEMBERED THAT, on the 7th day of August, 2024, this cause came on for public hearing before the Allen Township Zoning Commission. And the parties appearing in person and/or by counsel, as hereinafter set forth, the following proceedings were had:

CHAIRPERSON SMITH: All right. We're going to call the meeting to order.

If I could have everybody's attention. Please stand and say the Pledge.

- - -

And, thereupon, the Pledge of Allegiance was recited.

- - -

CHAIRPERSON SMITH: Welcome, everybody. We'll start with reading of the minutes.

FISCAL OFFICER SCHIMMOELLER: Okay. We have four meeting minutes to read tonight. I'll read one and you can approve it or we can adjust it and then go to the next one.

1 Allen Township Trustees, June 13th, 2024.

2 The Allen Township Trustees met in special
3 session at 10:00 a.m. with all members present. Allen
4 Township Trustees' legal counsel, Cindy Land and
5 Teresa Grigsby, were also in attendance.

6 Flanagan moved to go into Executive Session
7 at 10:01 a.m. to discuss pending legal litigation.
8 Clark seconded this motion. Roll call - all yes.

9 Flanagan moved to come out of Executive
10 Session at 11:04 a.m. with no formal action being
11 taken at this time. Smith seconded the motion. Roll
12 call - all yes.

13 Flanagan moved to adjourn with Clark
14 seconding the motion. Roll call - all yes. Meeting
15 adjourned at 11:05 a.m.

16 The next regular meeting is scheduled for
17 July 2nd, 2024, at 7:00 p.m.

18 CHAIRPERSON SMITH: Any corrections or
19 additions?

20 TRUSTEE CLARK: No.

21 FISCAL OFFICER SCHIMMOELLER: I've got Kevin
22 down on that one. I think you were --

23 CHAIRPERSON SMITH: I was gone on that one.

24 FISCAL OFFICER SCHIMMOELLER: I need that.

25 The next meeting is on the back side of that.

1 July 2nd, 2024. The Allen Township Trustees
2 met in regular session at 7:00 p.m. in the Allen
3 Township Center with Flanagan and Clark in attendance.

4 Legal Counsel, Cindy Land and Teresa
5 Grigsby, were in attendance. Approximately 25
6 residents and/or interested public were in attendance
7 as well.

8 The minutes of June 4th and June 13th were
9 read and approved as corrected. The Fiscal Officer
10 presented a list of warrants and electronic payments
11 totaling \$23,705.39 for outstanding bills. Clark
12 moved to pay these bills with Flanagan seconding.
13 Roll call - all yes.

14 Fiscal Officer advised two records requests
15 have been received since the last meeting from One
16 Energy's legal counsel, Marion Little. 30 records
17 requests have been received this year from One Energy
18 or their legal counsel.

19 Flanagan moved to go into Executive Session
20 at 7:19 p.m. to discuss pending litigation. Clark
21 seconded this motion. Roll call - all yes.

22 Flanagan moved to come out of Executive
23 Session at 8:11 p.m. with no action being taken.
24 Clark seconded the motion. Roll call - all yes.

25 Township's attorneys have received

1 communications from One Energy's attorneys regarding
2 the pending litigation. Flanagan moved to direct
3 Allen Township's attorneys to respond to that
4 communication using their best judgment.

5 No final decisions from those responses or
6 discussions can or will be made until Allen Township's
7 attorneys report back to the Board of Allen Township
8 Trustees. Clark seconded the motion. Roll call - all
9 yes.

10 Fire Chief Hickman provided an update on the
11 fire department operations. He advised that the
12 lights in the back of Station No. 1 need to be
13 upgraded and it will cost around \$1,200.

14 He also advised that the fire department's
15 three AEDs need to be replaced and he will get a quote
16 together for the next meeting.

17 Tony Humphrey provided an update on road
18 maintenance and the cemetery. He has been mowing,
19 berming, and working on known drainage issues.

20 Clark advised that he has received numerous
21 calls regarding permitting and proposed zoning
22 questions.

23 Flanagan advised that there will be no
24 charge for use of the Van Buren High School Auditorium
25 for the August 6th township zoning hearing. He

1 presented a quote from Richer Productions to handle
2 the audio recording for Allen Township's Zoning
3 Commission hearing on July 5th for \$700. It was
4 discussed that the same services will be required for
5 the township's zoning hearing on August 6th. Other
6 potential service providers were discussed.

7 Clark moved to accept the quote from Richer
8 Productions to handle the Allen Township Zoning
9 Commission hearing on July 5th for \$700 and secure
10 them for the Allen Township zoning hearing on
11 August 6th. Flanagan seconded this motion. Roll
12 call - all yes.

13 Fiscal Officer read a summary of items
14 provided by Trustee Smith that he handled since the
15 last meeting.

16 Flanagan brought up the approaching
17 deadlines to apply for 2025 OPWC Funds for road
18 improvements. Clark moved to apply for OPWC funds to
19 pave Township Road 14 from County Road 140 to Township
20 Road 14, and also Township Road 281 from the county
21 line to Township Road 114. Flanagan seconded this
22 motion. Roll call - all yes.

23 Flanagan opened the floor for any public
24 comment and there was none.

25 The Fiscal Officer presented a Resolution

1 for the sale of public property no longer needed by
2 the Allen Township Board of Trustees. The fire
3 department has prepared a list of equipment that is no
4 longer useful and ready for disposition. All items
5 are valued at less than \$2,500 and would be sold
6 online for minimal amounts. Flanagan moved to adopt
7 the Resolution with Clark seconding. Roll call - all
8 yes.

9 The 2025 Tax Budget Hearing was held.

10 Flanagan moved to submit the 2025 Estimate
11 of Revenues of \$5,464,551 as presented by the Fiscal
12 Officer to the Budget Commission and to adopt the
13 estimate of revenues for the 2025 budget year. Clark
14 seconded the motion. Roll call - all yes.

15 Flanagan opened the floor for any public
16 comment. Questions regarding the loss of revenue due
17 to annexations and the proposed zoning book were
18 discussed briefly.

19 Flanagan moved to adjourn at 8:59 p.m.
20 Clark seconded. Roll call - all yes.

21 The next regular meeting will be August 4th,
22 2024, at 7:00 p.m.

23 CHAIRPERSON SMITH: Any corrections or
24 additions?

25 TRUSTEE CLARK: No.

1 CHAIRPERSON SMITH: Approved as read.

2 FISCAL OFFICER SCHIMMOELLER: August 5th,
3 2024. The Allen Township Trustees met in special
4 session at 9:00 a.m. with all members present. Legal
5 counsel, Cindy Land and Teresa Grigsby, were also in
6 attendance. Allen Township Zoning Commission members
7 Deb Stacy, Dave Evans, and John Timmerman were in
8 attendance. In addition, there were three members of
9 the public present.

10 Smith moved to go into Executive Session at
11 9:01 a.m. to discuss pending litigation. Flanagan
12 seconded the motion. Roll call - all yes.

13 Smith moved to come out of Executive Session
14 at 10:26 a.m. with no action being taken. Smith (sic)
15 seconded the motion. Roll call - all yes.

16 Smith advised that the meeting was now back
17 on the public record. Flanagan moved to recess the
18 meeting until 1:30 p.m. Smith seconded the motion.
19 Roll call - all yes.

20 Then there was a recess. Smith called the
21 meeting back to order at 1:30 p.m. Flanagan moved to
22 come out of recess at 1:30. Clark seconded the
23 motion. Roll call - all yes.

24 Smith advised that Cindy Land and Teresa
25 Grigsby are delayed and will return to the meeting as

1 soon as possible. Trustees decided to stand by for
2 their return.

3 Cindy Land joined the meeting 2:07 p.m.
4 Teresa joined the meeting at 2:10 p.m.

5 Flanagan moved to go into Executive Session
6 at 2:12 p.m. to discuss pending litigation. Clark
7 seconded the motion. Roll call - all yes.

8 Smith moved to come out of Executive Session
9 at 3:30 p.m. with no action being taken. Flanagan
10 seconded the motion. Roll call - all yes.

11 Smith advised that the meeting was now back
12 on the public record. Flanagan moved that the
13 attorneys for the township be directed to work toward
14 resolution of certain issues pending in the One Energy
15 litigation. Clark seconded the motion. Roll call -
16 all yes.

17 Smith moved to adjourn with Flanagan
18 seconding the motion. Roll call - all yes. Meeting
19 was adjourned at 3:32 p.m. Next regular meeting is
20 scheduled for August 7th at 7:00 p.m.

21 CHAIRPERSON SMITH: Any corrections or
22 additions on that?

23 TRUSTEE CLARK: No.

24 VICE CHAIRPERSON FLANAGAN: No.

25 CHAIRPERSON SMITH: Approved as read.

1 Thank you. All right. The next matter
2 is --

3 FISCAL OFFICER SCHIMMOELLER: I've got one
4 more.

5 CHAIRPERSON SMITH: Oops, I'm sorry.

6 FISCAL OFFICER SCHIMMOELLER: I've got last
7 night's.

8 CHAIRPERSON SMITH: I'm getting ahead of
9 myself.

10 FISCAL OFFICER SCHIMMOELLER: I spent a lot
11 of time working on it today.

12 August 6th, 2024. The Allen Township Zoning
13 Commission held a public hearing at 7:00 p.m. in the
14 Van Buren High School Auditorium to receive public
15 comment on a proposed Zoning Resolution and Map for
16 the Allen Township Zoning Commission. All members of
17 the Board of Allen Township Trustees, Allen Township's
18 legal counsel, Cindy Land, and the Allen Township
19 Zoning Commission were present. Approximately
20 40 residents and interested public were present.

21 The Fiscal Officer advised that the hearing
22 was properly noticed per the township's adopted rules
23 for notification of meetings to the public and news
24 media.

25 Smith opened by stating the reason for the

1 hearing is to consider the proposed Allen Township
2 Zoning Commission Comprehensive Zoning Plan and Map
3 and the recommendations in the Regional Planning
4 Commission and the Allen Township Zoning Commission
5 regarding the plan.

6 The Proposed Allen Township Comprehensive
7 Zoning Plan and Map has been available for public
8 inspection at numerous places for the past 30 days.

9 The public was then invited to speak or ask
10 questions.

11 Mark Greer was the first speaker. He raised
12 questions regarding the portion of the northeast
13 corner of the township being zoned I-1 for Industrial.
14 He felt this zoning classification in that area could
15 encourage North Baltimore annexation in that area.
16 John Timmerman explained the commission's reasoning
17 for the proposed classification.

18 Zoie Zirger asked if the proposed
19 Comprehensive Plan and Map is approved this evening
20 will it go to the Board of Elections tomorrow.
21 Flanagan advised that he could not directly answer
22 that question due to current pending litigation.

23 Tim Hunsaker asked about how the proposed
24 Comprehensive Plan deals with nuisance properties. He
25 identified a property next to him on Township

1 Road 218, across from the campground, that has
2 significant amounts of junk, lawnmowers, rats, cats,
3 garbage, disabled vehicles.

4 John Timmerman provided the reference number
5 in the Proposed Comprehensive Plan, Page 43. Cindy
6 Land also advised that the trustees could do things
7 outside of zoning to address the issue.

8 Denise Timmerman encouraged the residents to
9 read the book for themselves.

10 Steve Switzer thanked the commission for
11 preparing the Comprehensive Plan and Map and gave his
12 support.

13 Mark Fenstermaker thanked the zoning
14 commission. He questioned the necessity of
15 establishing an I-1 zone in the northeast portion of
16 the township. Other than that, he supports the
17 current Comprehensive Plan and Map.

18 Mike Stacy advised that he has property in
19 the proposed I-1 area. He has received numerous
20 offers to purchase his property for industrial uses
21 which he continues to turn down due to his commitment
22 to farming.

23 Zoie Zirger opined that Marathon and the
24 City of Findlay have big plans for the south end of
25 the Allen Township. She reminded everyone that a

1 zoning code is a living document and can be updated
2 when the need arises.

3 John Timmerman advised that he has seen the
4 Findlay Land Use Plan that reaches far north into
5 Allen Township.

6 Matt Badertscher stated that what is farm
7 today remains farm until the farmer sells the
8 property. He stated that One Energy's current
9 operation is not regulated by the OPSB due to current
10 law; microgrids under 5 megawatts. He scolded
11 One Energy for their behavior over the last eight
12 months with respect to propaganda, litigation, and
13 bullying to determine the zoning process -- to deter
14 the zoning process.

15 Public comment and questions seemed to be
16 exhausted at that time. Smith moved to take the issue
17 under advisement and consider it at the regular
18 trustees' meeting on August 7th, 2024, to render a
19 decision as to the issue of whether to adopt, deny, or
20 modify the Allen Township Comprehensive Zoning Plan
21 and Map. Flanagan seconded this motion. Roll
22 call - all yes.

23 Flanagan thanked the zoning commission and
24 Cindy Land for their time and dedication to the
25 process.

1 Deb Stacy explained how the zoning
2 commission took the least restrictive approach
3 throughout the writing of the plan. She thanked both
4 Cindy Land and Matt Cordonnier for their expertise and
5 assistance in developing the plan.

6 Flanagan moved to adjourn with Clark
7 seconding the motion. Roll call - all yes. Meeting
8 adjourned at 7:50 p.m. The next regular meeting is
9 scheduled for August 7th at 7:00 p.m.

10 CHAIRPERSON SMITH: Any corrections or
11 additions?

12 TRUSTEE CLARK: No.

13 VICE CHAIRPERSON FLANAGAN: No.

14 CHAIRPERSON SMITH: Approved as read.
15 There you go. Thank you.

16 FISCAL OFFICER SCHIMMOELLER: I'm tired of
17 reading. That's it.

18 CHAIRPERSON SMITH: What's that?

19 FISCAL OFFICER SCHIMMOELLER: I'm tired of
20 reading. That's it.

21 CHAIRPERSON SMITH: Are you? Well, you'll
22 talk some more. We'll go into the financial reports
23 then and pay the bills.

24 FISCAL OFFICER SCHIMMOELLER: All right. In
25 your packets, I gave you a summary of the bills to be

1 paid tonight. Total bills tonight of \$28,064.04.

2 Things out of the ordinary on this list
3 would be fuel purchases for the month was \$318.76.

4 There's a payment there, Elan Financial
5 Services, that's our credit card, for 623.99. Joe has
6 the list of those items that were paid on the credit
7 card this month. It was basically for public notices,
8 postage. I think Tony bought some sewer pipe and used
9 the credit card.

10 VICE CHAIRPERSON FLANAGAN: The one above
11 that to the U.S. Treasury is probably payroll taxes?

12 FISCAL OFFICER SCHIMMOELLER: Yeah. That's
13 the withholding taxes.

14 The rest of that page is all just payroll
15 items.

16 Next page, we've got the \$700 payment to
17 Richer Production for the July 5th hearing that was
18 held.

19 We got Harold Schuck on there for \$135 on
20 servicing the air conditioner here at the township
21 house.

22 Northwest Masonry. Tony bought some plastic
23 tile for some drainage projects.

24 We had a bill from Marbee Printing and
25 Graphics. That would be for that card that was sent

1 out about the hearing. That would be \$169.44.

2 Tony bought some Def and some Duraturf and
3 some weed killer at Legacy for \$107.85.

4 VICE CHAIRPERSON FLANAGAN: Is that really
5 called Tsunami? It says Tsunami Weed Killer.

6 FISCAL OFFICER SCHIMMOELLER: That's what it
7 said.

8 VICE CHAIRPERSON FLANAGAN: Tsunami Weed
9 Killer, I've never heard of that.

10 FISCAL OFFICER SCHIMMOELLER: That's what it
11 said.

12 MR. HUMPHREY: Isn't that cattail killer?

13 VICE CHAIRPERSON FLANAGAN: I don't know.

14 MR. HUMPHREY: I believe it is.

15 VICE CHAIRPERSON FLANAGAN: Interesting
16 name.

17 FISCAL OFFICER SCHIMMOELLER: That's what it
18 said on the invoice.

19 VICE CHAIRPERSON FLANAGAN: Okay.

20 FISCAL OFFICER SCHIMMOELLER: Then we've
21 got -- okay. Roger, you'll appreciate this one. You
22 noticed right away that we had an outstanding payroll
23 check from about two years ago with Russ.

24 TRUSTEE CLARK: Oh, yeah.

25 FISCAL OFFICER SCHIMMOELLER: I went ahead

1 and took care of that, so this is the check that
2 replaces the one that was lost for \$84.12.

3 Okay. We got the next-to-last bill on the
4 County Road 220 water line extension. That was where,
5 back in 2000 I think it was, when they brought the
6 water line out that the township agreed to pay \$4,000
7 a year for 25 years to help pay for that water line
8 extension. So this is payment 24 of 25 for \$4,000.

9 We have the cylinder rent -- air cylinder
10 rent for the fire department for \$50.65 to Lindy Gas
11 and Equipment.

12 We replaced a couple of truck tires for
13 \$509.98 at Hidwood (phonetic).

14 20 bucks in berm stone and some other
15 limestone from Gerken for 346.79.

16 Ohio Automotive, had to get some batteries
17 for 324.72.

18 Then we have another check here for Richer
19 Productions for last night's audio/video recording for
20 another \$700.

21 And, lastly, Legacy Farmer's Co-Op. Tony
22 had them come out and put some gasoline and diesel in
23 the tanks out in the maintenance department for
24 1,403.72.

25 Any questions on any of those? Do you want

1 to see the invoices?

2 VICE CHAIRPERSON FLANAGAN: No.

3 TRUSTEE CLARK: I move we pay the bills.

4 VICE CHAIRPERSON FLANAGAN: I second.

5 FISCAL OFFICER SCHIMMOELLER: Roger.

6 TRUSTEE CLARK: Yes.

7 FISCAL OFFICER SCHIMMOELLER: Kevin.

8 VICE CHAIRPERSON FLANAGAN: Yes.

9 FISCAL OFFICER SCHIMMOELLER: Joe.

10 CHAIRPERSON SMITH: Yes.

11 FISCAL OFFICER SCHIMMOELLER: Also I'll pass
12 around the bank reconcilment for July for you to
13 initial or sign.

14 And, then, while you're signing, I'll remind
15 you that Allen Township's hearing with the Hancock
16 County Budget Commission will be August 23rd at
17 2:30. August 23rd at 2:30.

18 TRUSTEE CLARK: Where is that?

19 FISCAL OFFICER SCHIMMOELLER: In that
20 lower-level Grand Jury room at the courthouse.

21 TRUSTEE CLARK: Okay. What was it? The
22 23rd?

23 FISCAL OFFICER SCHIMMOELLER: 23rd at 2:30.

24 TRUSTEE CLARK: I just looked at my
25 calendar. I thought I had it down at 11:00 or

1 something. But it's 2:30?

2 FISCAL OFFICER SCHIMMOELLER: 2:30. I'll
3 double check it.

4 MS. LAND: Did you get notice from the
5 auditor of the August 12th meeting? It's there --
6 it's a Local Government Funds meeting.

7 FISCAL OFFICER SCHIMMOELLER: That's the one
8 out of -- yeah, I think we talked about that.

9 TRUSTEE CLARK: Are we all supposed to go to
10 that?

11 FISCAL OFFICER SCHIMMOELLER: Which?

12 TRUSTEE CLARK: This August 12th.

13 MS. LAND: Everybody's welcome.

14 FISCAL OFFICER SCHIMMOELLER: You're all
15 welcome to. Yeah.

16 TRUSTEE CLARK: Okay.

17 MS. LAND: The question is: Do you want to?
18 He can pretty much cover it.

19 FISCAL OFFICER SCHIMMOELLER: Yeah. I'm not
20 sure I'm going to be able to make the August 23rd one.
21 I think my boss has us out of town.

22 VICE CHAIRPERSON FLANAGAN: The Budget
23 Commission, you're going to miss?

24 FISCAL OFFICER SCHIMMOELLER: My boss has me
25 out of town.

1 VICE CHAIRPERSON FLANAGAN: She's a tough
2 one.

3 FISCAL OFFICER SCHIMMOELLER: She's also
4 missed two vacations so far due to all the things
5 that's been going on, so she's a little ouchy about
6 that.

7 Also, just to advise you, we've had three
8 more records requests since the last meeting, so now
9 we're up to 33 records requests from One Energy or
10 their legal counsel.

11 MS. LAND: Plus discovery requests that are
12 different than record requests.

13 FISCAL OFFICER SCHIMMOELLER: Yeah. I
14 haven't had to deal with those. Answer a few
15 questions.

16 VICE CHAIRPERSON FLANAGAN: Is there
17 anything else you need from us on those records
18 requests or everything you --

19 FISCAL OFFICER SCHIMMOELLER: At the moment,
20 until I get home, we're caught up with them, sometimes
21 they fly in at 10:00 at night, so you never know.

22 VICE CHAIRPERSON FLANAGAN: Well, thank you.

23 FISCAL OFFICER SCHIMMOELLER: And we still
24 have that 34,000 and change yet in the American Rescue
25 Plan. I don't know if you guys -- we can talk about

1 that later, the ditch projects that I think we've kind
2 of got it earmarked for that.

3 MS. LAND: You have to have it under
4 contract and encumbered by the end of this year.

5 FISCAL OFFICER SCHIMMOELLER: Right.

6 MS. LAND: I don't know when the UAN shuts
7 down. When does that shut you out? Mid December? Or
8 can you go to the end of the year?

9 FISCAL OFFICER SCHIMMOELLER: I can go to
10 the end of the year. Yeah.

11 MS. LAND: Okay. That's good. The county
12 auditor shuts us out after the first week in December.

13 FISCAL OFFICER SCHIMMOELLER: Oh, really?
14 Yeah, they get a little more volume of stuff than I
15 have.

16 I think that's all I have for right now,
17 guys.

18 VICE CHAIRPERSON FLANAGAN: Any cemetery lot
19 sales?

20 FISCAL OFFICER SCHIMMOELLER: I think Tony
21 just handed me one.

22 VICE CHAIRPERSON FLANAGAN: Okay.

23 FISCAL OFFICER SCHIMMOELLER: We've had a
24 couple inquiries from people that have relatives that
25 are long gone that they want to transfer graves --

1 grave sites. But I gave them the information, and
2 I'm waiting to, you know, get the forms and whatnot
3 from them to be able to do so.

4 MS. LAND: Do you still sell lots of six or
5 do you sell singles?

6 FISCAL OFFICER SCHIMMOELLER: We'll sell
7 singles.

8 VICE CHAIRPERSON FLANAGAN: In the old days,
9 it was, but it's four at a time.

10 FISCAL OFFICER SCHIMMOELLER: In the real
11 old days it was 10.

12 VICE CHAIRPERSON FLANAGAN: Okay.

13 MS. LAND: You can only get four people in
14 there, then you have all these --

15 FISCAL OFFICER SCHIMMOELLER: You bought so
16 many feet back in the day.

17 VICE CHAIRPERSON FLANAGAN: I don't think
18 you were even here then.

19 FISCAL OFFICER SCHIMMOELLER: No. No.

20 MS. LAND: Even I wasn't here then.

21 FISCAL OFFICER SCHIMMOELLER: Also, I don't
22 know if you guys know, but I did get a letter that our
23 bank is being -- I think they're calling it
24 "consolidated." To me, it looks like more of a buyout
25 to me. Premier Bank's --

1 TRUSTEE CLARK: Oh.

2 FISCAL OFFICER SCHIMMOELLER: -- being
3 consolidated or bought out. I'm not sure of the
4 correct term.

5 VICE CHAIRPERSON FLANAGAN: What are they
6 going to be called?

7 FISCAL OFFICER SCHIMMOELLER: I don't
8 remember what it was.

9 VICE CHAIRPERSON FLANAGAN: It hasn't been
10 Premier.

11 CHAIRPERSON SMITH: Diane, she was telling
12 me, but I don't remember who. She said who it was,
13 but I don't remember.

14 VICE CHAIRPERSON FLANAGAN: She wasn't with
15 Premier, was she? She was back to First Federal or
16 whatever it is.

17 CHAIRPERSON SMITH: She was in --

18 VICE CHAIRPERSON FLANAGAN: She was still
19 with Premier.

20 FISCAL OFFICER SCHIMMOELLER: When they
21 switched.

22 CHAIRPERSON SMITH: She worked there on 99.

23 VICE CHAIRPERSON FLANAGAN: But I was
24 thinking when it went to Premier is when she went
25 somewhere else.

1 CHAIRPERSON SMITH: No, she worked there for
2 a while.

3 FISCAL OFFICER SCHIMMOELLER: I don't
4 remember when that exactly happened.

5 CHAIRPERSON SMITH: She was there for a
6 while.

7 VICE CHAIRPERSON FLANAGAN: Well, is she
8 still there now?

9 CHAIRPERSON SMITH: No, she's not there now.

10 VICE CHAIRPERSON FLANAGAN: She's at a
11 different bank, right?

12 FISCAL OFFICER SCHIMMOELLER: Right.

13 CHAIRPERSON SMITH: Yeah.

14 FISCAL OFFICER SCHIMMOELLER: Yeah. She's
15 called me a few times.

16 VICE CHAIRPERSON FLANAGAN: You're quicker
17 than I am, Joe.

18 FISCAL OFFICER SCHIMMOELLER: So we'll see
19 what happens with all of that changeover.

20 VICE CHAIRPERSON FLANAGAN: So you're
21 missing a picnic tonight, too?

22 MS. LAND: Yeah.

23 CHAIRPERSON SMITH: We could go on and --
24 Tony, do you want to give your report or go with that,
25 or --

1 VICE CHAIRPERSON FLANAGAN: Do you want to
2 go into Executive Session, or not, and let Cindy --

3 CHAIRPERSON SMITH: Oh, we can do that. Oh,
4 yeah. That's fine.

5 VICE CHAIRPERSON FLANAGAN: I'm just asking.

6 MS. LAND: That's up to you. I'm not --

7 VICE CHAIRPERSON FLANAGAN: You're not in a
8 hurry?

9 MS. LAND: No. I can --

10 CHAIRPERSON SMITH: Okay.

11 MR. HUMPHREY: If I can find my notes.

12 July. Okay. Somebody threw two freezers
13 out on Rock And Roll Road.

14 VICE CHAIRPERSON FLANAGAN: And you said
15 they were full of meat?

16 MR. HUMPHREY: They was clear full of food,
17 yeah, meat. They stunk. So -- but, then, I turned
18 them over for something -- so the animals could get
19 them and they come and got them.

20 VICE CHAIRPERSON FLANAGAN: Cleaned them up,
21 huh?

22 MR. HUMPHREY: But then somebody come and
23 got the freezers. I don't know who it was.

24 (Laughter.)

25 MR. HUMPHREY: I asked the trash guy and he

1 didn't do it.

2 MS. LAND: You can't make this stuff up.

3 FISCAL OFFICER SCHIMMOELLER: A lot of
4 raccoons out there.

5 MR. HUMPHREY: But, anyway, it stunk really
6 bad.

7 FISCAL OFFICER SCHIMMOELLER: I bet.

8 MR. HUMPHREY: But then I had to go get some
9 batteries for 131, so two batteries.

10 I got talked to about -- from a farmer about
11 cutting some of his corn down. I did it for safety
12 reasons for people can see down the road.

13 VICE CHAIRPERSON FLANAGAN: Is there any
14 chance in the future that you could talk to the farmer
15 before you mow it down?

16 I'm not saying you did anything wrong
17 because we are concerned with visibility. But if you
18 could just give him a heads up and say, Hey, we
19 noticed that your corn is making it hard to see on
20 that corner. Do you have any problem with me cutting
21 it down?

22 MR. HUMPHREY: Yeah. I talked to the farmer
23 about it.

24 VICE CHAIRPERSON FLANAGAN: Okay.

25 MR. HUMPHREY: I didn't mention any names,

1 but --

2 VICE CHAIRPERSON FLANAGAN: I'm just saying.
3 I'm just saying, in the future, you might, you know,
4 save a little bit of hard feelings.

5 TRUSTEE CLARK: Yeah.

6 MR. HUMPHREY: Yeah. And I had the gas
7 tanks filled, both. The diesel was empty.

8 VICE CHAIRPERSON FLANAGAN: Okay.

9 MR. HUMPHREY: And I just had him fill the
10 gas tank while I was there.

11 Fixed the hole over on 215 that the
12 groundhog dug underneath that.

13 VICE CHAIRPERSON FLANAGAN: That's what that
14 was?

15 MR. HUMPHREY: Yeah. Wasn't no drain there.
16 And then a guy called -- Ken Bell called me
17 about --

18 VICE CHAIRPERSON FLANAGAN: Kevin.

19 MR. HUMPHREY: Kevin. Okay. Well, anyhow,
20 I think you know what --

21 VICE CHAIRPERSON FLANAGAN: I do. But go
22 ahead and tell them what transpired and then I'll fill
23 in the rest.

24 MR. HUMPHREY: Well, he asked me about
25 buying some, so I said, Okay. So he come out and he

1 started talking about he moved to Findlay a couple
2 years ago, and he lived in --

3 VICE CHAIRPERSON FLANAGAN: He lived in
4 Allen Township basically all his life. Used to live
5 up next to where the Millstream Drive-In is, if you
6 know --

7 TRUSTEE CLARK: Yeah.

8 VICE CHAIRPERSON FLANAGAN: And, then, they
9 lived over on 108 -- Township Road 108. Once Lowe's
10 warehouse came and those houses had to go, they --
11 I don't know if they built new, I think.

12 TRUSTEE CLARK: Yeah.

13 VICE CHAIRPERSON FLANAGAN: On 108. So they
14 lived there for quite a few years. And I don't know
15 what year he actually moved out of the township.
16 Their son Andrew died here just in the last month.

17 TRUSTEE CLARK: Couple months.

18 VICE CHAIRPERSON FLANAGAN: Two months.
19 That's probably what -- I mean, maybe he's buried over
20 here, too. I don't know where they buried him.

21 MR. HUMPHREY: He's not buried here. He's
22 cremated.

23 VICE CHAIRPERSON FLANAGAN: Okay. So I
24 think that's probably what prompted them looking for a
25 cemetery lot.

1 MR. HUMPHREY: Yeah.

2 VICE CHAIRPERSON FLANAGAN: Because Lynn
3 called me and she said they had talked to you and they
4 wondered if there was any chance -- because we have a
5 different -- for all you people that are wondering out
6 there, we have a different rate for Allen Township
7 residents for a cemetery lot versus a nonresident of
8 Allen Township because we don't want our cemetery
9 filled up with -- if you're the cheapest lot, people
10 are going to get buried here that really have nothing
11 to do with Allen Township.

12 So, anyway, she's asking whether we would
13 consider giving them the resident rate since all the
14 years that they did live here. She said, If you can't
15 it do, it's not the end of the world, but I thought
16 I would ask. So I was going to bring it up, if Tony
17 didn't.

18 So if we want to address that right now, we
19 wouldn't have to come back here. Personally, I don't
20 have a problem with it. If somebody's lived here that
21 many years, I think we should make an exception. But
22 once you make an exception, then, of course --

23 CHAIRPERSON SMITH: I'm going to -- you
24 might be opening up a can of worms.

25 VICE CHAIRPERSON FLANAGAN: You could.

1 CHAIRPERSON SMITH: People that's lived here
2 for a while and moved out.

3 VICE CHAIRPERSON FLANAGAN: Right. Right.

4 CHAIRPERSON SMITH: That's my opinion.

5 VICE CHAIRPERSON FLANAGAN: Yeah. Well,
6 Roger, what do you feel like?

7 TRUSTEE CLARK: My opinion is that we make
8 an exception. It was a tragic event with the son and
9 they lived here in the township for 60 years.

10 VICE CHAIRPERSON FLANAGAN: Right.

11 TRUSTEE CLARK: My opinion.

12 MR. HUMPHREY: I told him I couldn't do
13 nothing till --

14 VICE CHAIRPERSON FLANAGAN: Exactly. That
15 was the right answer. That was the right answer. So
16 I guess we've got -- we can have more discussion, but
17 I would make an exception.

18 I know -- I know exactly what Joe's saying
19 because any time you make an exception to a rule, then
20 you're going to have somebody else come and say, Hey,
21 you let them do it, and I've lived here only two years
22 less than they did. You know, but for somebody that's
23 lived here 58 years, I'd probably make an exception
24 for them, too.

25 If somebody's lived here a couple years,

1 probably not an exception. But I guess that's going
2 to depend on the three people that are sitting up
3 here. So I'm not -- I do respect your opinion.

4 CHAIRPERSON SMITH: Oh, sure. Both the same
5 way.

6 VICE CHAIRPERSON FLANAGAN: So I would move
7 that we do make an exception for the Bell family to
8 buy their lots at the resident price, even though they
9 are no longer residents of Allen Township.

10 TRUSTEE CLARK: I'll second it.

11 FISCAL OFFICER SCHIMMOELLER: Okay. Kevin.

12 VICE CHAIRPERSON FLANAGAN: Yes.

13 FISCAL OFFICER SCHIMMOELLER: Roger.

14 TRUSTEE CLARK: Yes.

15 FISCAL OFFICER SCHIMMOELLER: Joe.

16 CHAIRPERSON SMITH: No.

17 FISCAL OFFICER SCHIMMOELLER: Okay.

18 VICE CHAIRPERSON FLANAGAN: So if you would
19 -- you want to let her know then, and they can go
20 forward from -- have they already picked the lots out
21 or --

22 MR. HUMPHREY: They already picked the lots
23 out. All they got to do is bring some money.

24 VICE CHAIRPERSON FLANAGAN: Sure. Okay.

25 MR. HUMPHREY: That's about all I got.

1 VICE CHAIRPERSON FLANAGAN: Okay.

2 TRUSTEE CLARK: Tony, you said you would be
3 around Friday morning for us to get in the building?

4 MR. HUMPHREY: Yeah. He knows where it's
5 at.

6 VICE CHAIRPERSON FLANAGAN: For the water
7 test.

8 MR. HUMPHREY: Yeah. He's doing -- the same
9 guy what usually does it.

10 VICE CHAIRPERSON FLANAGAN: He called me.

11 TRUSTEE CLARK: Yes. I contacted Buckeye
12 Plumbing, or whatever it is.

13 VICE CHAIRPERSON FLANAGAN: That's it.

14 FISCAL OFFICER SCHIMMOELLER: Backtrack a
15 second. Just one lot, or how many -- how much can
16 they buy at the resident rate?

17 VICE CHAIRPERSON FLANAGAN: They were
18 going to buy four.

19 MR. HUMPHREY: They was just --

20 FISCAL OFFICER SCHIMMOELLER: One lot, four
21 graves.

22 MR. HUMPHREY: Four graves.

23 VICE CHAIRPERSON FLANAGAN: Sorry. I didn't
24 include that.

25 MR. HUMPHREY: I got the paperwork all made

1 out, and then he said he don't live in Allen Township.
2 Okay. So -- but anyhow, do you want me to call him
3 then? I can call him and tell him --

4 VICE CHAIRPERSON FLANAGAN: Yeah. Why don't
5 you since you have to collect the money from them.

6 MR. HUMPHREY: I'll do that tomorrow.

7 VICE CHAIRPERSON FLANAGAN: Okay. Thanks.

8 MR. HUMPHREY: So that's all I have.

9 What do you got? I see my name on there.

10 CHAIRPERSON SMITH: No. You already talked.
11 That's it.

12 VICE CHAIRPERSON FLANAGAN: I'd probably let
13 Gary, just because we might --

14 CHAIRPERSON SMITH: Do you want to go ahead
15 and go, Gary, for the fire department?

16 FIRE CHIEF HICKMAN: Been in class for a
17 while. Here's your fraud papers.

18 VICE CHAIRPERSON FLANAGAN: I forgot to
19 bring mine. I did do it, but I -- I got it printed.
20 I'll just get that to you next time.

21 FISCAL OFFICER SCHIMMOELLER: Okay. Yes.
22 They all here?

23 FIRE CHIEF HICKMAN: No.

24 FISCAL OFFICER SCHIMMOELLER: I've got a
25 checklist so I'll find out.

1 FIRE CHIEF HICKMAN: Here's -- I sent you
2 Russ's certificate.

3 FISCAL OFFICER SCHIMMOELLER: Okay.

4 FIRE CHIEF HICKMAN: So it's on your text
5 message.

6 FISCAL OFFICER SCHIMMOELLER: All right.

7 FIRE CHIEF HICKMAN: And, then, John's
8 got -- someone's got to print this off yet. They
9 forgot to bring this. There's some certificates in
10 there.

11 FISCAL OFFICER SCHIMMOELLER: The main thing
12 is just having this thing printed out.

13 FIRE CHIEF HICKMAN: The certificate?

14 FISCAL OFFICER SCHIMMOELLER: Yeah. They
15 just print out this thing here.

16 FIRE CHIEF HICKMAN: Okay.

17 FISCAL OFFICER SCHIMMOELLER: That's all
18 they want. If you don't have that, then I think you
19 need the other.

20 FIRE CHIEF HICKMAN: Okay. So fraud
21 training has been done.

22 Busy day yesterday. I think we had seven
23 runs yesterday, four crashes, the tornado warning, and
24 two medical calls all at the same time.

25 VICE CHAIRPERSON FLANAGAN: Did the guy that

1 hit the pole -- is he okay?

2 FIRE CHIEF HICKMAN: Yeah. He's better than
3 he should have been.

4 VICE CHAIRPERSON FLANAGAN: It looked bad.

5 FIRE CHIEF HICKMAN: Yeah. Right here.
6 Yeah. He took the pole, rolled it over and climbed
7 out.

8 VICE CHAIRPERSON FLANAGAN: Rolled the
9 vehicle?

10 FIRE CHIEF HICKMAN: Oh, yeah. Lucky.
11 I mean, somehow he missed that concrete post that was
12 there, too. He took the pole out. AEP will be back
13 to fix the pole sometime.

14 VICE CHAIRPERSON FLANAGAN: Did it take the
15 lines down or just take the pole out?

16 FIRE CHIEF HICKMAN: It took the pole out.
17 We just cut the pole out and pushed it off to the
18 side. They can get it done. They will bring it back.

19 We're taking the rescue in tomorrow. It's
20 got a hub that's leaking oil, so it's going to get
21 fixed tomorrow.

22 Put some tires on the air trailer. We got
23 called down to Arlington, took the air trailer down
24 there and blew a tire, so we just replaced all four of
25 them so that don't happen again.

1 Teaching a fire extinguisher training class
2 at Lowe's next week, Thursday and Friday.

3 VICE CHAIRPERSON FLANAGAN: You are?

4 FIRE CHIEF HICKMAN: Yes. Yearly training
5 they do.

6 VICE CHAIRPERSON FLANAGAN: Okay.

7 FIRE CHIEF HICKMAN: We're having the 226,
8 219, 211, and have the -- Certified Pump sent them to
9 get pump tested. They're coming up here next week to
10 do that next Thursday.

11 We had our yearly landfill fire last week,
12 so we're good with that. We burned a couple sections
13 of hose, so there will be a bill for those getting
14 replaced. We just replaced all four sections, so
15 we're good for another year there. Luckily it was
16 2:00 on Saturday afternoon instead of 2:00 in the
17 morning, so -- and the fire wasn't too bad. So
18 Lithium batteries. Yeah. Lithium batteries. So
19 that's five fires -- four fires in three years.

20 MS. LAND: Glad they're bleeding off some of
21 that methane, huh?

22 FIRE CHIEF HICKMAN: Yeah.

23 MS. LAND: Exposing the gas line could be
24 very different.

25 FIRE CHIEF HICKMAN: Yeah. So I think

1 that's all I got, unless you guys have something for
2 me.

3 TRUSTEE CLARK: As far as we know, the new
4 firetruck is still on schedule?

5 FIRE CHIEF HICKMAN: Yeah. I did the --
6 finalized the blueprints a week ago. I got the email
7 that it's in blueprint and I would think they should
8 be getting started here in September, October.

9 TRUSTEE CLARK: Okay.

10 FIRE CHIEF HICKMAN: So it's still in for
11 January. So keep making progress. Little baby steps
12 at a time.

13 We're still filling the grant that we got
14 for the Marshall's Office. We're getting some people
15 sized next week so we are still working on processing
16 and getting that done. It has to be done before
17 October. So...

18 VICE CHAIRPERSON FLANAGAN: Good.

19 FIRE CHIEF HICKMAN: I think that's all I
20 have.

21 We're taking 226 to Casey's tomorrow for air
22 leaks.

23 VICE CHAIRPERSON FLANAGAN: Check Engine
24 light.

25 FIRE CHIEF HICKMAN: Check Engine light.

1 FISCAL OFFICER SCHIMMOELLER: Make sure
2 those invoices get filled out with all the right
3 information.

4 FIRE CHIEF HICKMAN: He's been doing better.

5 FISCAL OFFICER SCHIMMOELLER: The last one I
6 almost didn't pay.

7 FIRE CHIEF HICKMAN: For (unintelligible)?

8 FISCAL OFFICER SCHIMMOELLER: Can't
9 remember.

10 FIRE CHIEF HICKMAN: Probably.

11 FISCAL OFFICER SCHIMMOELLER: Might have
12 been Tony's. Last one I almost called them and said,
13 Hey, I'm not paying it.

14 FIRE CHIEF HICKMAN: I thought they were
15 doing pretty good there.

16 VICE CHAIRPERSON FLANAGAN: Yeah, they did
17 better.

18 FISCAL OFFICER SCHIMMOELLER: That's because
19 I think Tony was filling them out for them.

20 FIRE CHIEF HICKMAN: Really? He's -- I
21 think -- I think he always got the truck number. When
22 I look at it, it's always typed in there. So...

23 FISCAL OFFICER SCHIMMOELLER: Okay.

24 FIRE CHIEF HICKMAN: I'll check the next one
25 I get.

1 FISCAL OFFICER SCHIMMOELLER: Yeah. If you
2 pick it up, if they don't have it filled out, tell
3 them to finish filling it out. I'm a detail guy.

4 FIRE CHIEF HICKMAN: Mark will be back.
5 That's all I got unless you guys got
6 something.

7 CHAIRPERSON SMITH: I don't have anything.

8 TRUSTEE CLARK: I don't have anything.

9 CHAIRPERSON SMITH: No. Thank you.

10 FIRE CHIEF HICKMAN: Thank you.

11 VICE CHAIRPERSON FLANAGAN: Ask John if he's
12 got --

13 CHAIRPERSON SMITH: John, you guys have
14 anything to add to that?

15 UNKNOWN SPEAKER: No.

16 CHAIRPERSON SMITH: Thanks.

17 Now do we want to move to --

18 VICE CHAIRPERSON FLANAGAN: I would.

19 CHAIRPERSON SMITH: I'm going to make a
20 motion that we move into Executive Session at --

21 VICE CHAIRPERSON FLANAGAN: To discuss --

22 CHAIRPERSON SMITH: -- to discuss legal
23 litigation at 7:40.

24 VICE CHAIRPERSON FLANAGAN: I will second
25 that.

1 FISCAL OFFICER SCHIMMOELLER: Okay. Joe.

2 CHAIRPERSON SMITH: Yes.

3 FISCAL OFFICER SCHIMMOELLER: Kevin.

4 VICE CHAIRPERSON FLANAGAN: Yes.

5 FISCAL OFFICER SCHIMMOELLER: Roger.

6 TRUSTEE CLARK: Yes.

7 MS. LAND: Would you like to invite any of
8 the zoning commission members who are here in?

9 VICE CHAIRPERSON FLANAGAN: Yes.

10 MS. LAND: In doing that, you're not
11 waiving -- since I represent them as well, you're not
12 waiving any confidentiality by letting them into your
13 Executive Session.

14 CHAIRPERSON SMITH: Okay.

15 VICE CHAIRPERSON FLANAGAN: Do we need
16 another motion?

17 MS. LAND: Just ask them if they want to
18 stay.

19 VICE CHAIRPERSON FLANAGAN: I would like the
20 zoning commission to stay, if they are willing.

21 CHAIRPERSON TIMMERMAN: Yes.

22 MS. PARGEON: Yes.

23 VICE CHAIRPERSON FLANAGAN: We're going to
24 go into Executive Session. We're going to kick
25 everybody else out until we start back up in regular

1 session. Sorry to do that to you.

2 - - -

3 And, thereupon, Executive Session was held.

4 - - -

5 CHAIRPERSON SMITH: All right. Can we have
6 everybody's attention, please.

7 VICE CHAIRPERSON FLANAGAN: I would move
8 that we come out of Executive Session at 8:15 p.m.
9 with no action being taken.

10 TRUSTEE CLARK: I'll second that.

11 CHAIRPERSON SMITH: Kevin.

12 VICE CHAIRPERSON FLANAGAN: Yes.

13 FISCAL OFFICER SCHIMMOELLER: Roger.

14 TRUSTEE CLARK: Yes.

15 FISCAL OFFICER SCHIMMOELLER: Joe.

16 CHAIRPERSON SMITH: Yes.

17 All right. We have got a --

18 MS. LAND: Do you want me to --

19 CHAIRPERSON SMITH: Yeah. Go ahead.

20 MS. LAND: I have a Resolution and Agreement
21 for you guys to review. We did discuss it previously;
22 the final form, though, is here. It has to do with
23 the current litigation; it's a partial settlement of
24 the claims.

25 In agreeing to this Settlement Agreement,

1 which has already been signed by the One Energy
2 representatives so we know that they are following --
3 they are going to be doing this, there's a number of
4 things that you'll be gaining out of this. The
5 biggest thing is the claims against the individual
6 zoning commission members will go away.

7 The dereliction of duty claims which could
8 carry criminal charges with them against the zoning
9 commission will go away.

10 The public records claims which carry a
11 potential penalty of \$10,000 per page of anything that
12 got missed during this flurry of public records
13 requests, those will go away.

14 And the possibility of having to pay the
15 attorney's fees for One Energy which, at this point,
16 could be easily in the six figures, that, then, would
17 come off the table.

18 What you guys would be giving in this
19 Resolution -- or in this agreement is you agree to
20 start recording your meetings and posting the
21 recordings, which I should probably say that.

22 You would agree to allow community input
23 when you're choosing the Board of Zoning Appeals and a
24 zoning inspector, and -- which you have already
25 actually been doing with the way -- you know, asking

1 people to volunteer.

2 VICE CHAIRPERSON FLANAGAN: Uh-huh.

3 MS. LAND: That kind of stuff. That's not
4 that big of a concession.

5 The largest concession is that you chose not
6 to put it on the November ballot. It can go on the
7 next available ballot, which would be in May of '25,
8 unless the case is completed early enough that we
9 could look at trying to do a special election, and
10 that's still sort of an iffy area. But a year or so
11 ago, the legislature eliminated special elections.

12 VICE CHAIRPERSON FLANAGAN: That's what I
13 thought.

14 MS. LAND: However, in the zoning section,
15 it still says it can go on in a special election. And
16 I'm not completely sure they didn't just miss it in
17 that statute, in which case you could be opening
18 yourselves up for litigation for trying it. Face it,
19 we're a bit gun shy on that these days if it's only a
20 matter of a month or so. We'll deal with that when
21 the time comes.

22 The other thing is, you know, the November
23 concession feels huge, but with the timing on doing
24 the trial, which is the 14th, 15th, and 16th, you
25 know, we don't have any guarantee that it would have

1 been permitted to be on the ballot, even if you had
2 certified it. And in agreeing not to certify it, you
3 save the potential for a massive amount of money for
4 the township, as well as private liability on the part
5 of zoning commission people who volunteered to work
6 for the township.

7 Do you want me to read the Resolution?

8 FISCAL OFFICER SCHIMMOELLER: Yeah. Go
9 ahead.

10 CHAIRPERSON SMITH: If you would, please.

11 MS. LAND: "Resolution of the Board of
12 Township Trustees of Allen Township, Hancock County,
13 Ohio, authorizing the partial settlement of Case
14 No. 2024-CV-00038 and Case No. 2024-CV-00161."

15 I'm going to skip the preliminary sections.

16 "Whereas, the Board of Allen Township
17 Trustees, the Allen Township Zoning Commission, both
18 individually and as a commission, are Defendants in
19 two legal actions; specifically, One Energy
20 Enterprises, Inc., et al., versus the Board of Allen
21 Township Trustees of Hancock County, Ohio, et al.,"
22 and then the case number, 2024-CV-00038, and then the
23 same caption with Case No. 2024-CV-00161;

24 "Whereas, after careful consideration and
25 extensive negotiation, the board wishes to enter into

1 a Settlement Agreement which would result in a partial
2 release of the claims asserted and possible liability
3 in the above-referenced cases. The Board of Allen
4 Township Trustees wish to designate Milford Smith,
5 Chairman of the Board of Trustees, as authorized
6 representative of the Board of Allen Township
7 Trustees, and authorize him to execute the necessary
8 documents to allow for the settlement.

9 "Now, therefore, be it resolved, the Board
10 of Township Trustees of Allen Township, Hancock
11 County, Ohio, do hereby, by this Resolution, designate
12 Milford Smith, Chairman of the Board of Trustees, as
13 authorized representative of the Board of Allen
14 Township Trustees, and authorize him to execute the
15 necessary documents to allow for the settlement of the
16 referenced herein cases, numbers 2024-CV-38 and
17 2024-CV-161."

18 If you choose to move, second, and adopt
19 this, then that is adopting the Settlement Agreement
20 and authorizing Joe to just sign on behalf of the
21 board because it's set up for only the signature of
22 one person on the board. And for one trustee to be
23 able to bind the board, there has to be a Resolution
24 that you're accepting what he's signing and that he's
25 the one allowed to sign it. That's what this

1 Resolution does.

2 VICE CHAIRPERSON FLANAGAN: Question for
3 you. To be proper, is it the proper way to do it to
4 move and second and then have the discussion?

5 MS. LAND: Yes.

6 VICE CHAIRPERSON FLANAGAN: That's what I
7 thought.

8 In that case, I would so move.

9 TRUSTEE CLARK: I'll second.

10 FISCAL OFFICER SCHIMMOELLER: Okay. Kevin.

11 CHAIRPERSON SMITH: Yes.

12 MS. LAND: No. No vote yet.

13 FISCAL OFFICER SCHIMMOELLER: Oh, that's
14 right. That's right. Jumped the gun. Sorry.

15 MS. LAND: You haven't had your discussion
16 yet.

17 CHAIRPERSON SMITH: Okay. Well, anybody
18 have any discussion on it?

19 VICE CHAIRPERSON FLANAGAN: Yeah. I mean,
20 we've, obviously -- in all these -- all these times
21 we've been through have been thinking about it and
22 discussing it. It's not -- we're not all totally
23 happy with it, but in looking out for the township, it
24 seems like probably the prudent thing to do.

25 I know there's probably a lot of people out

1 there that are not happy about it. I can't say that
2 I'm happy about it. But in looking at all the things
3 that Cindy and our other lawyer told us to consider,
4 what liability the township faces if we don't come to
5 some sort of agreement, it's a lot hanging out there.
6 So I know there's probably disappointment. There's
7 disappointment on my part as well. So I'd like to
8 hear what you and Roger think.

9 CHAIRPERSON SMITH: Well, I think the same
10 way. You know, if we don't do this, there's a chance
11 that we go to court and stuff doesn't get done in
12 time, you're going to lose in November anyhow if it
13 doesn't happen in time. And, then, we're liable for
14 all the money that we give away, having to pay their
15 lawyer fees, the fines, the criminal charges against
16 the commission.

17 I just -- for the township and everybody,
18 like Kevin said, we're not happy about it, but I think
19 it's better for everyone. I mean, that's my opinion.

20 TRUSTEE CLARK: Yeah. I think you guys just
21 said about everything that I could say. But -- so
22 that's where we stand.

23 CHAIRPERSON SMITH: So that's -- I don't
24 have anything to add.

25 VICE CHAIRPERSON FLANAGAN: Okay. Me

1 either. That's my thoughts.

2 CHAIRPERSON SMITH: Yeah. So we need to
3 vote on that, or --

4 MS. LAND: You can call the question and
5 then --

6 VICE CHAIRPERSON FLANAGAN: I'll call the
7 question.

8 FISCAL OFFICER SCHIMMOELLER: Okay. Then
9 we'll vote.

10 Kevin.

11 VICE CHAIRPERSON FLANAGAN: Yes.

12 FISCAL OFFICER SCHIMMOELLER: Roger.

13 TRUSTEE CLARK: Yes.

14 FISCAL OFFICER SCHIMMOELLER: And Joe.

15 CHAIRPERSON SMITH: Yes.

16 So I need to sign this?

17 MS. LAND: It's the most disappointing
18 victory I've ever had.

19 VICE CHAIRPERSON FLANAGAN: We all have to
20 sign that. He would sign the actual agreement.

21 MS. LAND: You sign the Resolution. He
22 signs the agreement. Correct.

23 VICE CHAIRPERSON FLANAGAN: Okay. That is
24 yours right there, I believe.

25 MS. LAND: Yeah. And I think you should

1 probably initial the first and second page that you've
2 read them down in the corner.

3 CHAIRPERSON SMITH: On this?

4 MS. LAND: Yeah. Just initial the first
5 page because you signed the second. You don't have to
6 initial any more pages. That's fine.

7 CHAIRPERSON SMITH: Okay.

8 VICE CHAIRPERSON FLANAGAN: Do I give both
9 of those to him?

10 MS. LAND: Mark needs them to finish up some
11 stuff in it and to sign his part and, then, I will
12 need those back, at least the agreement back.

13 VICE CHAIRPERSON FLANAGAN: Okay.

14 MS. LAND: I have another copy he can have
15 to keep until I get all of the signatures gathered up.
16 It needs to be signed by each of the zoning commission
17 members individually and a representative from the
18 zoning commission will need to sign it.

19 VICE CHAIRPERSON FLANAGAN: Okay. We do
20 appreciate your and Teresa's work, even though it's
21 not --

22 CHAIRPERSON SMITH: Yes.

23 VICE CHAIRPERSON FLANAGAN: -- what
24 everybody would like. But we do appreciate your work.

25 CHAIRPERSON SMITH: So now we can move on to

1 the Zoning Resolution.

2 MS. LAND: You continued it from last -- or
3 you announced last night you'd consider it at this
4 meeting.

5 CHAIRPERSON SMITH: Yes.

6 MS. LAND: I did bring some stuff for you.

7 VICE CHAIRPERSON FLANAGAN: Okay. That's
8 good.

9 MS. LAND: At this meeting, if you want to
10 consider this, your responsibility is to either
11 accept, deny, or modify. Those are your options. Up
12 until this situation came about, the option to modify
13 anything was very -- was just really not there because
14 it would have messed up the whole --

15 VICE CHAIRPERSON FLANAGAN: Timing.

16 MS. LAND: -- having it on in November.
17 Since now we have that little time to breathe, if
18 there's anything that you do want to modify -- since
19 it was approved by Regional Planning, if they had
20 denied it, then it would have to go back to the zoning
21 commission. They'd have to have a 30-day noticed
22 hearing and make the changes, either decide to accept
23 Regional Planning's recommendation or not and, then,
24 it comes to you guys.

25 If you guys wish to make a change, you have

1 to send it back to the zoning commission for them to
2 review, but not with the long-noticed hearing. They
3 just have to have a meeting to determine if they want
4 to accept your modifications or not.

5 If they say, you know, Okay, those
6 modifications are fine, they send it back to you. You
7 have to set a 10-day notice and have another hearing
8 and decide what you want to do with the book.

9 If they say, No, we don't like your
10 modifications, and they send it back the way they had
11 it before, you still go through that same process.
12 You have to have a 10-day notice and then a hearing,
13 but you have to unanimously vote to keep your changes
14 and not go with what zoning --

15 VICE CHAIRPERSON FLANAGAN: We could go with
16 what we want.

17 MS. LAND: Wanted. Yeah. It has to be
18 unanimous to override them. Sort of like a super
19 veto.

20 VICE CHAIRPERSON FLANAGAN: Now, with the
21 settlement thing that we just gave Joe the authority
22 to sign, does that mean we can do -- can we approve --

23 MS. LAND: You can approve it. Yes.

24 VICE CHAIRPERSON FLANAGAN: -- even though
25 we agreed not to go to November?

1 MS. LAND: Right. If you had approved it
2 last night, then there would be no time it could be on
3 the ballot except November because the statute says,
4 once you approve it, it goes to the next available
5 general or primary or special election.

6 VICE CHAIRPERSON FLANAGAN: Okay.

7 MS. LAND: And that would have been
8 November.

9 As of today, the next primary election is
10 the next one that's regularly scheduled in May.

11 VICE CHAIRPERSON FLANAGAN: Okay.

12 MS. LAND: Like May 5th I think. And the --
13 or May 7th. It's the first week in May. And/or a
14 special election to be held, but it would have to have
15 90-days' notice, just like any other election.

16 Depending on how long this case takes, do we
17 have our 90-day window? We might be awfully close to
18 May and why invite somebody challenging your ability
19 to do it. So that's something you can talk about when
20 you get to that point. I wouldn't -- don't count it
21 out yet. But don't --

22 VICE CHAIRPERSON FLANAGAN: Can we discuss
23 this before we make a motion to do one of those
24 options?

25 MS. LAND: Oh, yeah. Yeah.

1 VICE CHAIRPERSON FLANAGAN: Okay.

2 MS. LAND: One of the things I wanted to
3 bring up is, I don't know if you guys were tracking
4 what happened at the zoning commission meeting. I was
5 at that one and I was at yours. The biggest thing
6 that there were any actual complaints about or things
7 they thought were misplaced or misguided was the issue
8 of the Industrial up in the corner.

9 TRUSTEE CLARK: Uh-huh.

10 MS. LAND: You can take that as a
11 modification on the map and turn it back to
12 Agricultural. If you do that, then it is considered a
13 modification that will have to go through the process.
14 But that part --

15 VICE CHAIRPERSON FLANAGAN: Yeah.

16 TRUSTEE CLARK: Yeah.

17 MS. LAND: The other option is to carve out
18 for Agriculture the houses that are in there. I think
19 there are three. But, then, there's still the houses
20 across the street who weren't very pleased with the
21 whole option either. So that's -- you have that
22 option now that you didn't have before.

23 TRUSTEE CLARK: So we can remove that whole
24 area?

25 MS. LAND: Yeah. Just turn it back to

1 Agricultural.

2 VICE CHAIRPERSON FLANAGAN: That is the --
3 one of the things I wanted to talk about tonight
4 because we even -- I think we each received a letter
5 regarding that.

6 CHAIRPERSON SMITH: Yes.

7 VICE CHAIRPERSON FLANAGAN: And, then, we
8 heard, you know, several people address that last
9 night at the hearing, so I understand the concern.

10 MS. LAND: Legitimate concerns.

11 VICE CHAIRPERSON FLANAGAN: Legitimate
12 concerns.

13 MS. LAND: Potential for annexation and the
14 impact on the nonconforming issues.

15 VICE CHAIRPERSON FLANAGAN: So that is one
16 advantage, if there is any, of not having it, it had
17 to be last night.

18 MS. LAND: That was a little silver lining
19 somewhere.

20 VICE CHAIRPERSON FLANAGAN: Exactly.
21 Exactly. So I would kind of like to see that go back
22 to Agricultural as well with the concerns that have
23 been addressed.

24 CHAIRPERSON SMITH: I think it's a good idea
25 to do it because -- yeah.

1 VICE CHAIRPERSON FLANAGAN: If industry
2 wants to come, they can always go for a variance, like
3 I just talked about.

4 MS. LAND: Or ask for a zoning change.

5 VICE CHAIRPERSON FLANAGAN: Oh, true. A
6 zoning change.

7 Now, how would that work, if they apply for
8 a zoning change? Do they go to the zoning board for
9 that?

10 MS. LAND: When someone wants to -- a zoning
11 change is an amendment to the map or the book. If I
12 want -- if I'm a property owner -- and I have to be
13 the owner of the property, not a prospective owner --

14 VICE CHAIRPERSON FLANAGAN: Okay.

15 MS. LAND: -- to ask for a zoning change or
16 an amendment as to the way something is zoned on the
17 map, I fill out -- there will be an application that
18 your zoning inspector has. It will be a standard form
19 so that everybody's is always the same --

20 VICE CHAIRPERSON FLANAGAN: Okay.

21 MS. LAND: -- and you get all the right
22 information from everybody.

23 Then the zoning commission has to have a
24 hearing on it. Within five days of the zoning
25 inspector receiving that application, they have to get

1 it to Regional Planning. Regional Planning has
2 14 days to act on it.

3 Then the other thing is the zoning
4 commission has to have a hearing. There has to be a
5 10-day notice before. That hearing can't be sooner
6 than 20 or longer than 40 days after the date that it
7 comes into the hands of the zoning inspector.

8 VICE CHAIRPERSON FLANAGAN: Okay.

9 MS. LAND: Once they make their
10 recommendation, they send it to the trustees, and you
11 have to have a hearing with a 10-day notice. Regional
12 Planning gives a recommendation, but it's not binding.
13 It doesn't have any teeth in it, like during the
14 process that we have now.

15 VICE CHAIRPERSON FLANAGAN: Okay.

16 MS. LAND: Generally, they do a rubber stamp
17 on anything that's a zoning change, but it's already
18 there.

19 The only quirk is, if what's being asked to
20 be rezoned is less than ten parcels, then everybody
21 who is contiguous to that parcel has to receive a
22 personal letter from the zoning inspector saying
23 there's going to be a hearing. If it's going to
24 affect more than ten parcels, then it just has to be
25 published.

1 So nobody has a right to an amendment, so
2 there's no ability to sue you if you decide, no, we're
3 not going to change something. If you do change
4 something and people don't want it changed, there is a
5 mechanism for that. It's a petition process with -- I
6 think it might be 15 percent now of those who voted in
7 the last governor's election -- for governor in the
8 last election where a governor was on the ballot.

9 If they get a petition with those valid --
10 number of valid signatures on it, then it goes on the
11 ballot and that can vote out the amendment and, then,
12 they still don't have it. I mean, there's no big
13 guarantee you can always change it to like they want
14 it done. It's up to --

15 VICE CHAIRPERSON FLANAGAN: Does the power
16 on whether it gets changed or not lay with the zoning
17 commission or with the Trustees?

18 MS. LAND: Trustees. You are the
19 legislative -- you're the elected legislative body.

20 VICE CHAIRPERSON FLANAGAN: That's what
21 I thought.

22 MS. LAND: So the bottom line always comes
23 back to you guys. The zoning commission and the Board
24 of Zoning Appeals, when they do exist, are your boots
25 on the ground and the investigators giving you the

1 recommendation because, logically, they know more
2 about what's in the book and how it's applied than you
3 guys do.

4 VICE CHAIRPERSON FLANAGAN: Okay. If we
5 would like to see that changed, how do we go about
6 that?

7 MS. LAND: I don't -- you don't have to do
8 that tonight, if you decide to do that.

9 VICE CHAIRPERSON FLANAGAN: Okay.

10 MS. LAND: You can wait until your next
11 meeting. There's still time because we still are
12 working through the court case, so it still would be
13 in limbo anyways.

14 VICE CHAIRPERSON FLANAGAN: Okay.

15 MS. LAND: We would -- you decide tonight
16 probably among yourself and give direction for how you
17 want that map changed, if you want something changed,
18 what you want it changed to. I'll get with Regional
19 Planning and get you a clean map for what it does --
20 is going to be.

21 And, then, once you adopt that, then it goes
22 back to your zoning commission. They have to have a
23 meeting and see if they agree. If they don't agree,
24 it comes back to you guys with a 10-day notice for a
25 hearing. And you -- if you still want it the way you

1 want it, as long as you all three agree, you can still
2 do that.

3 VICE CHAIRPERSON FLANAGAN: If they do
4 agree, how does it proceed from there?

5 MS. LAND: Still you have to have another
6 10-day hearing, but you just then approve -- only two
7 of you need to approve the final.

8 VICE CHAIRPERSON FLANAGAN: We would need a
9 motion tonight to make that happen or we just need
10 general agreement?

11 MS. LAND: I think just give me direction to
12 get it prepared that way for you.

13 CHAIRPERSON SMITH: So if we do this and go
14 into a motion, then we don't do the Resolution then?

15 MS. LAND: Yeah. You wouldn't need to do a
16 Resolution tonight. You don't have --

17 CHAIRPERSON SMITH: For zoning.

18 MS. LAND: -- any motion or anything for
19 zoning. You just give me direction for how you
20 might --

21 CHAIRPERSON SMITH: Change that map.

22 MS. LAND: -- want to see it changed so
23 I can prepare for the next time what it would look
24 like. Kind of like in March when you talked about the
25 fact that you wanted to go forward with zoning because

1 of the petition and all that and you gave me direction
2 to write it up for April. Same kind of thing.

3 Just give me direction for how you would
4 like it and, then, I'll give you the documentation to
5 consider it. Whether you want -- you know, you still
6 have the option to approve, deny, or modify, even if
7 I give you paperwork with what you said you wanted me
8 to get it worked up on this week -- this meeting.

9 VICE CHAIRPERSON FLANAGAN: Do we have to do
10 one of those three things tonight, though?

11 MS. LAND: No.

12 VICE CHAIRPERSON FLANAGAN: No.

13 MS. LAND: You don't have to, no.

14 VICE CHAIRPERSON FLANAGAN: If we want to
15 modify this, you would not -- we would not do anything
16 with that tonight; approve, modify, or --

17 MS. LAND: I put together Resolutions and
18 brought them tonight to approve it, to modify it, or
19 to deny it, which, the deny it one is not in really
20 good form because I just couldn't make myself do it.

21 But if you want to do modifying, doing it on
22 the fly and not having it very clean can get -- when
23 you do get the map done later, it might not -- this
24 way you'll have a chance to look at what the final
25 thing is you're modifying and see if it is what you

1 wanted.

2 VICE CHAIRPERSON FLANAGAN: If we do approve
3 it tonight, that doesn't preclude being able to modify
4 it?

5 MS. LAND: It does preclude.

6 VICE CHAIRPERSON FLANAGAN: It does
7 preclude?

8 MS. LAND: Yes. Then it's set.

9 VICE CHAIRPERSON FLANAGAN: So you're saying
10 you would not -- if you were us, you might not do any
11 of those three options tonight?

12 MS. LAND: Right.

13 CHAIRPERSON SMITH: That's what she's
14 saying.

15 FISCAL OFFICER SCHIMMOELLER: Not if you
16 make some changes.

17 MS. LAND: If you want to make changes --

18 TRUSTEE CLARK: Give the direction on what
19 we think we want.

20 MS. LAND: You've got a zoning commission
21 member waving.

22 CHAIRPERSON TIMMERMAN: I wanted to chime in
23 real quick, and I'd like Mark to chime in as well
24 because this -- he's the one that brought this.

25 I thought long and hard about that last

1 night as far as making it Agricultural. I'm not
2 against that. I'm not. The reason we made it
3 Industrial from the start was to kind of reserve it
4 for the future.

5 My curiosity. Rather than going straight to
6 Agricultural, would you consider making it like a
7 Business district, which would not allow development
8 of houses in the future, which would still reserve it
9 as open area that could be used for industrial years
10 down the road?

11 It's -- I'm throwing that to Mark a little
12 bit as well. I'm curious on your -- you were the
13 one -- you were the one that wanted conversation last
14 night, and I'm trying to give you conversation. So
15 that's -- I'm not against the Agricultural idea, but
16 the second more houses pop up, more houses are going
17 to be in the same scenario that you're in right now.
18 You get my point?

19 MR. FENSTERMAKER: Right. So in the zoning
20 book, if it is Agricultural, what's the restriction
21 for the amount of houses? Wasn't there something in
22 there?

23 MS. LAND: 2 acres to have a house.

24 MR. FENSTERMAKER: Right. So it couldn't be
25 another development, per se, but it could be a 2-acre

1 development.

2 MS. LAND: Yeah.

3 MR. FENSTERMAKER: Not like Meadow Ridge,
4 for instance.

5 CHAIRPERSON SMITH: Yes.

6 CHAIRPERSON TIMMERMAN: But one person could
7 probably come in and buy 60 acres and chunk it up and
8 put it in --

9 MR. FENSTERMAKER: Houses.

10 CHAIRPERSON SMITH: Yes.

11 MR. FENSTERMAKER: Correct. Understood.

12 CHAIRPERSON TIMMERMAN: The goal -- the goal
13 wasn't to surround you by Industrial. It was to make
14 it so no more houses was going in was our goal behind
15 that.

16 So I know you have concerns with industry
17 going in there, and I don't necessarily blame you for
18 that. So I'm trying to come up with a scenario,
19 but -- and, obviously, Cindy could probably -- she
20 might want to chime in and say, No, that's a terrible
21 idea. But I'm just throwing ideas out there right
22 now.

23 MR. FENSTERMAKER: I think -- I think our
24 biggest concerns were being in the Ag or in the
25 Industrial zone, how does it affect the value of my

1 home when I want to retire in three years and go to
2 Florida, or whatever it may be, or give it to my
3 children and have them sell it or however. Right.
4 The value of that diminishing is more of my concern
5 being in the industrial side of things. Right.

6 I think we would still prefer it all to
7 be -- remain Agricultural because I think all of the
8 farmers that own that are mostly farmers and farm the
9 farm ground.

10 TRUSTEE CLARK: Yes, we do.

11 MR. FINSTERMAKER: Right. So I'm not
12 concerned about it getting sold into being the
13 development of homes out there. But, again, the
14 houses to the south did that, right? So there's --
15 those things happen. I understand. But, personally,
16 I think we would prefer to stay on the Agricultural
17 side of things.

18 Now, one of my proposals was, if we -- if
19 you did have one small section of Business or
20 Industrial that butted up to Wood County where the
21 Ohio salt houses are -- I call them the salt houses,
22 the State garage. Right -- that's a possibility, for
23 an invitation to say, Hey, look. Allen Township is
24 willing to have some industry. Right. But,
25 personally, I'd prefer it still to stay all

1 Agricultural. That would be my end result.

2 VICE CHAIRPERSON FLANAGAN: You don't even
3 like his idea of going Business and Ag and limiting
4 the house -- number of new houses that go in there?

5 MR. FENSTERMAKER: I'd rather -- I mean --

6 VICE CHAIRPERSON FLANAGAN: I hadn't thought
7 about it. It sounds like an interesting idea.

8 MR. FENSTERMAKER: It is interesting, I
9 guess, but is there something else that can be put
10 into the zoning?

11 CHAIRPERSON SMITH: But, there again, you're
12 saying the farmers could sell it off for housing.
13 Yes. But, also, if they kept it, you know,
14 Industrial, or whatever, you're saying they're not
15 going to sell it off because they're going to keep
16 farming. That's the same way, if it's Industrial,
17 they're going to keep farming. I mean --

18 MR. FENSTERMAKER: There's nothing in
19 writing, though, right?

20 CHAIRPERSON SMITH: Yes.

21 MS. LAND: If it's made Business, it could
22 end up an outlet mall, that kind of thing.

23 VICE CHAIRPERSON FLANAGAN: Right. It
24 could.

25 MS. LAND: That would be worse than

1 industry.

2 CHAIRPERSON TIMMERMAN: It depends on what
3 business you go. It would be weird to make the whole
4 thing B-1, but you could.

5 MS. LAND: That might mess up your
6 Comprehensive Plan concept.

7 CHAIRPERSON TIMMERMAN: I knew you -- you'd
8 not like my idea, so I'm throwing ideas out.

9 MR. FENSTERMAKER: I think the Business
10 seems a little more out of place than Industrial.

11 CHAIRPERSON TIMMERMAN: I don't disagree.

12 MR. FENSTERMAKER: I'm just -- because the
13 Home Depots and the Lowe's, right, those are -- make
14 more sense.

15 VICE CHAIRPERSON FLANAGAN: Right.

16 MR. FENSTERMAKER: I mean, I think
17 personally, I'd prefer to stay the Agricultural route
18 and keep it that way.

19 VICE CHAIRPERSON FLANAGAN: And, then, this
20 is not picking on the zoning commission at all. But
21 if people really wanted to limit the number of houses,
22 which it's obvious that you did not want to do that,
23 and that's okay.

24 CHAIRPERSON TIMMERMAN: Right.

25 VICE CHAIRPERSON FLANAGAN: But then you

1 take, like, a Cass Township that did want to limit
2 houses. You not only have to have 2 acres that you
3 own, there can't be another house on that quarter,
4 quarter section. So 40 acres, there can't be another
5 house.

6 MS. LAND: I live in fear of that lawsuit.
7 Let's not go there.

8 VICE CHAIRPERSON FLANAGAN: It's a specific
9 40 acres. I'm just saying, if you wanted to limit the
10 number of houses, it would be a different plan than
11 what we have currently.

12 MS. LAND: A lot of the townships for --
13 they call them the density rules, they'll have, like,
14 for every 20 or 40 acres you own, you can have one
15 2-acre building lot. And then your zoning inspector
16 has a building map so that, you know, you get a 2-acre
17 building lot, then they mark off 40 acres where you
18 can't have -- you know, 40 acres of your property is
19 used up.

20 TRUSTEE CLARK: Don't they also have in
21 there that if you're involved in Ag you can get an
22 exception?

23 MS. LAND: Yes.

24 VICE CHAIRPERSON FLANAGAN: Yes, they do.

25 MS. LAND: Usually those are for

1 non-agricultural associated houses. But if it's an
2 Agricultural use and 2 acres in an Agricultural
3 District, you can have a house. Then you get into all
4 these --

5 VICE CHAIRPERSON FLANAGAN: I wasn't trying
6 to muddy up the waters there.

7 MS. LAND: You did.

8 VICE CHAIRPERSON FLANAGAN: I did.

9 MR. FENSTERMAKER: I think that was leading
10 to more of what I was getting to at the end was maybe
11 there's another way to zone it as opposed to Business
12 or Industrial to keep the houses out. But...

13 VICE CHAIRPERSON FLANAGAN: A lot depends on
14 who owns the property because, I mean, you can go to
15 many parts of Allen Township and there are certain
16 farmers that don't sell lots and, then, there are
17 certain farmers that sell lots every day. So it's
18 just a --

19 CHAIRPERSON SMITH: Anything can happen.

20 VICE CHAIRPERSON FLANAGAN: It's just
21 personal preference. It can. It can. So -- but,
22 okay.

23 And you're saying not to do one of those
24 three options tonight, correct? We can give you
25 direction if we want to change something.

1 MS. LAND: If you want to adopt it like it
2 is, you can do that tonight. If you want to make
3 changes, then you'd have -- you could do that tonight,
4 but you'd have to mark on there and outline somehow --
5 like, I got a highlighter. You could highlight what
6 you want changed and mark it that it goes to whatever
7 you're changing it to, and, then, we can have the map
8 made for that. So you could do that tonight if you
9 know what you want to do.

10 If you're not sure or you're not sure what
11 it's going to look like, then you just -- but that
12 could drag it out a while. Doing it tonight is no
13 problem, and I do have a Resolution to the effect of
14 either one of those things actually completed that you
15 could do.

16 VICE CHAIRPERSON FLANAGAN: For me, I would
17 like to see that entire area there that's I-1 go back
18 to Agricultural.

19 MS. LAND: Leave the purple or -- which is
20 Business.

21 CHAIRPERSON SMITH: Yeah.

22 MS. LAND: Is this -- and take --

23 CHAIRPERSON TIMMERMAN: The purpose of the
24 Business there was to protect houses from the
25 Industrial, so I'm not saying you have to take it.

1 I'm just saying --

2 MR. FENSTERMAKER: The houses on the south
3 side of the road.

4 CHAIRPERSON SMITH: Yes.

5 CHAIRPERSON TIMMERMAN: Correct.

6 MS. LAND: I think that works.

7 VICE CHAIRPERSON FLANAGAN: Are you okay
8 with that? I'm going to ask.

9 MR. FENSTERMAKER: I mean, no.

10 VICE CHAIRPERSON FLANAGAN: Would you rather
11 see it all Ag?

12 MR. FENSTERMAKER: I would rather see it all
13 straight back to Agricultural the way it was. I mean,
14 there are no houses there. My house is not there.
15 But that is across the street to the west of my house.

16 VICE CHAIRPERSON FLANAGAN: Right.

17 MR. FENSTERMAKER: Which could be a strip
18 mall, cut the woods down, all of that stuff that's --

19 VICE CHAIRPERSON FLANAGAN: Right.

20 MR. FENSTERMAKER: -- right there.

21 CHAIRPERSON TIMMERMAN: I'd like to say the
22 one -- there's a couple properties on the other side
23 of Main Street that are zoned B-3. After the meeting,
24 I heard that the house that is there was part of The
25 Underground Railroad years ago, and to protect what it

1 is, I would recommend making that back to Agricultural
2 rather than it getting surrounded by businesses and
3 getting torn down some day.

4 VICE CHAIRPERSON FLANAGAN: So that is the
5 part that's purple on here now?

6 CHAIRPERSON TIMMERMAN: Yes. I found out
7 after our hearing. It's on the west side of Main
8 Street up there. It's just a couple little --

9 CHAIRPERSON SMITH: On 114 there?

10 CHAIRPERSON TIMMERMAN: Just a couple little
11 properties with the purple up there.

12 VICE CHAIRPERSON FLANAGAN: Right here
13 (indicating)?

14 CHAIRPERSON TIMMERMAN: That triangular
15 section there on 114.

16 MS. LAND: The little square in the --

17 CHAIRPERSON SMITH: Bob Rose's (phonetic)
18 old house?

19 CHAIRPERSON TIMMERMAN: Yeah. Yeah. Right
20 here (indicating).

21 CHAIRPERSON SMITH: Where Chamberlains live
22 now?

23 CHAIRPERSON TIMMERMAN: I think so.

24 FROM THE FLOOR: It's the Frank house.

25 MS. LAND: If there's not a lot of -- it

1 doesn't make a lot of sense to have that block of
2 purple there.

3 CHAIRPERSON TIMMERMAN: That's what I heard
4 it was. At least I was told it was a historic site,
5 and I'm like, well --

6 FROM THE FLOOR: It's the -- I taught that
7 in 3rd grade. It's the original house in the
8 community.

9 CHAIRPERSON TIMMERMAN: Oh, okay.

10 CHAIRPERSON SMITH: Yes.

11 FROM THE FLOOR: Homestead.

12 CHAIRPERSON SMITH: I don't know if it was
13 ever Underground Railroad.

14 FROM THE FLOOR: I don't know about that
15 either. But it's the --

16 CHAIRPERSON TIMMERMAN: That's just what I
17 heard, and I'm like, Well, if it was anything to
18 protect, I'm okay with that. So...

19 CHAIRPERSON SMITH: As far as if you're
20 going to turn you might (unintelligible) you might
21 turn that in.

22 VICE CHAIRPERSON FLANAGAN: Including this?

23 MS. LAND: What are you looking at there?

24 CHAIRPERSON SMITH: Oh, that's where that
25 truck parking lot stuff is.

1 MS. LAND: You guys are --

2 CHAIRPERSON TIMMERMAN: That's a futures
3 map, I think.

4 MS. LAND: That's a futures map. That's the
5 wrong map. It's this one.

6 TRUSTEE CLARK: Here's copies.

7 MS. LAND: There's less purple than what you
8 had there.

9 VICE CHAIRPERSON FLANAGAN: Okay.

10 MS. LAND: That's the map.

11 CHAIRPERSON SMITH: County Road --

12 MS. LAND: This is a smaller version of the
13 one that the zoning commission signed, and that's what
14 you guys have copies of.

15 If you want to make changes, you can draw on
16 one of those and, then, we'll transfer -- once you get
17 it all figured out, you could doodle on those, figure
18 out how you want to do it and, then, we'll do this as
19 the final one. We'll send it over to Regional
20 Planning with the request to have whatever changes you
21 opt to make.

22 CHAIRPERSON SMITH: 220.

23 VICE CHAIRPERSON FLANAGAN: So that's the
24 Interstate right here.

25 CHAIRPERSON SMITH: Yes. That's where that

1 chamber trailer is and, then, that trailer is where
2 the parking lot is right here.

3 VICE CHAIRPERSON FLANAGAN: Right.

4 CHAIRPERSON SMITH: Then they got those
5 storage units back in here, right?

6 VICE CHAIRPERSON FLANAGAN: Yes.

7 CHAIRPERSON SMITH: Yes.

8 VICE CHAIRPERSON FLANAGAN: But they would
9 be grandfathered.

10 CHAIRPERSON SMITH: Yeah. There's not a lot
11 of room right in there anyhow. Right in that whole
12 section.

13 MS. LAND: John, are storage units something
14 that goes in B-3?

15 CHAIRPERSON TIMMERMAN: I don't know off the
16 top of my head if storage units go -- I would assume
17 it would be B-3 or I-1.

18 MS. LAND: It was B-3.

19 VICE CHAIRPERSON FLANAGAN: They're already
20 there.

21 MS. LAND: That's why it would make sense to
22 leave that purple.

23 CHAIRPERSON SMITH: Yeah.

24 FROM THE FLOOR: I thought they were B-3.

25 MS. LAND: It does sound right.

1 FROM THE FLOOR: I don't think they were --

2 CHAIRPERSON SMITH: And, then, this --

3 that's right on the fence.

4 VICE CHAIRPERSON FLANAGAN: Right.

5 CHAIRPERSON SMITH: That's what I --

6 VICE CHAIRPERSON FLANAGAN: So it would be a
7 block because that looks like that joins up with that,
8 so that entire part.

9 CHAIRPERSON SMITH: Uh-huh.

10 TRUSTEE CLARK: Or go back to A and then
11 leave that purple.

12 VICE CHAIRPERSON FLANAGAN: Leave that
13 purple because that's where the storage units already
14 are.

15 TRUSTEE CLARK: Right. And that lot or
16 whatever is there.

17 VICE CHAIRPERSON FLANAGAN: Right.

18 CHAIRPERSON SMITH: That lot is
19 (unintelligible) from the front.

20 VICE CHAIRPERSON FLANAGAN: Right. Right.

21 CHAIRPERSON SMITH: That's not purple.

22 VICE CHAIRPERSON FLANAGAN: No. They just
23 left it Ag, too. It's grandfathered.

24 CHAIRPERSON SMITH: Uh-huh.

25 VICE CHAIRPERSON FLANAGAN: We didn't really

1 want it anyway.

2 MS. LAND: Self-storage is in I-1.

3 CHAIRPERSON TIMMERMAN: Yeah. I'm not
4 seeing it in B-1 at a quick glance.

5 MS. LAND: Warehousing and self-storage are
6 in I-1, so it would be nonconforming even the way it
7 is; so they're probably even better off nonconforming
8 in Agricultural than in Business.

9 VICE CHAIRPERSON FLANAGAN: So that would
10 mean getting rid of the purple there and all of that
11 gray, or whatever color that is.

12 CHAIRPERSON SMITH: Yeah.

13 MS. LAND: Yeah.

14 VICE CHAIRPERSON FLANAGAN: I'm okay with
15 that.

16 CHAIRPERSON SMITH: Yeah.

17 TRUSTEE CLARK: Yeah.

18 MS. LAND: You highlighted --

19 MS. TIMMERMAN: You need to get rid of all
20 of the gray. Like, I'm just saying that
21 Mr. Fenstermaker will be -- it's him that's affected
22 right now. But the next person that builds their
23 dream home on 2-acre lots that some farmer sold them
24 is going to be the next victim. So, like, I'm just
25 trying to say that Mr. Fenstermaker is not going to be

1 the only victim that falls prey --

2 VICE CHAIRPERSON FLANAGAN: Oh, we realize
3 that.

4 MS. TIMMERMAN: If you leave it
5 Agricultural, that allows the farmer to sell off
6 another 2 acres to sell it to some couple that wants
7 to build their dream home. That, then -- that negates
8 any area out there from being developed in
9 Agricultural. Like, take three fields there, sell off
10 2 acres, and you've ruined any further industrial
11 development.

12 VICE CHAIRPERSON FLANAGAN: Right.

13 MS. TIMMERMAN: And is industrial
14 development key to bringing income into the whole
15 process? The whole part of annexation is just taking
16 funding out of Allen Township. If we're not really
17 protecting, we're replacing industry, why are we
18 allowing -- like, not setting aside a -- like, it's
19 almost basically saying, you know what? Let's just
20 still not plan for the future and make it all
21 Agricultural and not allow industry to continue to
22 come in.

23 VICE CHAIRPERSON FLANAGAN: They would
24 always be able to come to us and say, Hey, we'd like
25 to come to your community and we would like to buy

1 this portion, so will you change the zoning for us so
2 we can locate there.

3 MS. TIMMERMAN: I get it. But as someone --

4 CHAIRPERSON TIMMERMAN: It's right next to
5 their house.

6 MS. TIMMERMAN: It's right next to the house
7 (unintelligible). It just takes one farmer to sell --

8 VICE CHAIRPERSON FLANAGAN: I understand
9 what you're saying.

10 MS. TIMMERMAN: -- and then it's going to
11 be --

12 VICE CHAIRPERSON FLANAGAN: But we're
13 already next to somebody's house.

14 MS. TIMMERMAN: Exactly. Right now you have
15 a little bit of --

16 CHAIRPERSON TIMMERMAN: But you'll never be
17 next to less houses than you currently are.

18 VICE CHAIRPERSON FLANAGAN: I understand
19 what you're saying.

20 CHAIRPERSON TIMMERMAN: So it was a future
21 move. But whatever.

22 MR. FENSTERMAKER: I think the industry is
23 more suited for Township Road 99. I know -- I know
24 the annexation issues with that.

25 CHAIRPERSON TIMMERMAN: Right.

1 MR. FENSTERMAKER: But that's the logical
2 place for industry in Allen Township. 18 isn't -- it
3 isn't developed this way yet. How long -- they
4 haven't sold that corner lot in front of the State
5 House in how many years, in front of McDonald's yet.
6 Right. So I'm not sure that they're pushing to come
7 this way. I'm not sure it's prime opportunity yet.
8 But the end result is I'd rather be by 30 houses in a
9 lot than I would be by an industry.

10 MS. TIMMERMAN: Sure.

11 MR. FENSTERMAKER: Right? Because it
12 doesn't affect my overall 2-acre lot that I have.

13 CHAIRPERSON TIMMERMAN: I get it.

14 MR. FENSTERMAKER: Which is what I own and,
15 you know, my little kingdom there. Right.

16 CHAIRPERSON TIMMERMAN: Yeah.

17 MR. FENSTERMAKER: Which is what I'm trying
18 to protect for is that side of is the downside of the
19 industry affecting my property value. Not to say
20 I couldn't sell it for a high value, but I don't
21 necessarily want to sell it if an industry was moving
22 in there.

23 VICE CHAIRPERSON FLANAGAN: So that it
24 doesn't appear that we're changing it for one person,
25 there were other people that spoke last night that

1 said, Why do you have I-1 up there? You know, so it's
2 not like it's only him that's making this concern. So
3 I'd still be in favor of changing that back to Ag,
4 including those two that are in purple there. So
5 everything except where the trailer sales is.

6 CHAIRPERSON SMITH: I would as well.

7 MS. LAND: The trailer sales are the
8 triangle?

9 VICE CHAIRPERSON FLANAGAN: Yeah, the little
10 triangle.

11 MS. LAND: So then the historical house is
12 still in the --

13 VICE CHAIRPERSON FLANAGAN: I misspoke. Not
14 trailer sales.

15 MS. LAND: Self-storage.

16 CHAIRPERSON SMITH: They are included.

17 VICE CHAIRPERSON FLANAGAN: Storage units.
18 The trailer sales aren't actually in that triangle,
19 though.

20 CHAIRPERSON SMITH: Yeah, I believe they are
21 past that.

22 VICE CHAIRPERSON FLANAGAN: They are up
23 here, like, in the top of that --

24 MS. LAND: The little triangle where you
25 were talking about that house?

1 CHAIRPERSON TIMMERMAN: Yeah.

2 CHAIRPERSON SMITH: They're in there, too.

3 CHAIRPERSON TIMMERMAN: But Cindy said that
4 the storage would be better off as a nonconforming
5 use.

6 MS. LAND: It would be a nonconforming use
7 in Business.

8 VICE CHAIRPERSON FLANAGAN: But it would be
9 a better nonconforming in Ag.

10 MS. LAND: It's going to be nonconforming
11 either way.

12 CHAIRPERSON TIMMERMAN: Either way.

13 CHAIRPERSON SMITH: Right. It's not --

14 CHAIRPERSON TIMMERMAN: You didn't want to
15 have --

16 VICE CHAIRPERSON FLANAGAN: In that case,
17 let's change all of that back to Ag, if you guys are
18 okay with that. We'll just let them be nonconforming
19 Ag. It's already there.

20 CHAIRPERSON SMITH: Yeah.

21 TRUSTEE CLARK: Yeah:

22 VICE CHAIRPERSON FLANAGAN: Would that work,
23 Cindy?

24 MS. LAND: Yeah. You can do that. You can
25 always put it all to Ag. That's fine.

1 How much of that little triangle is taken up
2 by that use there?

3 VICE CHAIRPERSON FLANAGAN: Between the two
4 things that are there, I would say multiple -- there's
5 not a lot.

6 CHAIRPERSON SMITH: There's not a lot left
7 in there.

8 MS. LAND: If you kept that little triangle,
9 instead of making it Business, turn it to Industrial,
10 carve out the historic home and make it -- because it
11 still would be attached to the part over here that
12 you're turning --

13 CHAIRPERSON SMITH: Agricultural.

14 MS. LAND: -- Agricultural, it would be that
15 and then a little tab, but they wouldn't be
16 nonconforming anymore. You'd have your Light
17 Industrial up there still protecting it, so if this
18 all gets gobbled up, you'll still have some. And,
19 then, they aren't nonconforming; they're fitting where
20 they're supposed to be. They're protecting the
21 historic house, and you're keeping most of this
22 Agricultural. And, then, that little bit of
23 Industrial that you're putting there isn't really
24 enough for anything more to develop on.

25 CHAIRPERSON SMITH: Uh-huh.

1 MS. LAND: Nothing -- maybe more storage
2 units.

3 VICE CHAIRPERSON FLANAGAN: You would carve
4 out the house, you said, right?

5 MS. LAND: I would.

6 VICE CHAIRPERSON FLANAGAN: Yeah.

7 MS. LAND: Just because of the historic
8 value to protect it.

9 VICE CHAIRPERSON FLANAGAN: Right.

10 MS. LAND: But since it's right on the line,
11 it will be -- it's not going to be noncontiguous to
12 the other part that's turned into Agricultural. It
13 will just end up with an Industrial that has -- it
14 looks pretty much like Alabama.

15 VICE CHAIRPERSON FLANAGAN: Do you think the
16 zoning commission -- I mean, I know you're only one
17 member. But --

18 CHAIRPERSON TIMMERMAN: There's two members.

19 VICE CHAIRPERSON FLANAGAN: I know there
20 are.

21 MS. PARGEON: I'm here.

22 VICE CHAIRPERSON FLANAGAN: What do you guys
23 feel about this possible change?

24 CHAIRPERSON TIMMERMAN: I don't have a
25 strong objection to that.

1 MS. PARGEON: I don't either.

2 CHAIRPERSON TIMMERMAN: Again, it was to
3 protect that land for the future.

4 VICE CHAIRPERSON FLANAGAN: Yeah.

5 CHAIRPERSON TIMMERMAN: And I understand
6 where people are coming from on that completely.

7 MS. PARGEON: I do, too.

8 CHAIRPERSON SMITH: Sounds good to me.

9 VICE CHAIRPERSON FLANAGAN: I don't know how
10 to do this. Do you want me to highlight the whole
11 area or the border?

12 MS. LAND: Border is fine.

13 VICE CHAIRPERSON FLANAGAN: Border. We're
14 going into that.

15 CHAIRPERSON SMITH: All the way.

16 VICE CHAIRPERSON FLANAGAN: Yeah. Not the
17 triangle, though.

18 MS. LAND: Not the triangle, but the notch
19 goes -- go around the notch.

20 CHAIRPERSON SMITH: Around that house, you
21 mean?

22 MS. LAND: (Nodded.)

23 VICE CHAIRPERSON FLANAGAN: That's hard to
24 show.

25 MS. LAND: You can just color that in.

1 VICE CHAIRPERSON FLANAGAN: This is a pretty
2 blunt end here.

3 MS. LAND: It's been well used. It's
4 probably about dead.

5 VICE CHAIRPERSON FLANAGAN: And, then, we're
6 going -- we're leaving that?

7 CHAIRPERSON SMITH: You're going back across
8 the road and up.

9 VICE CHAIRPERSON FLANAGAN: Across the road?

10 CHAIRPERSON SMITH: Right.

11 VICE CHAIRPERSON FLANAGAN: Where the house
12 is --

13 CHAIRPERSON SMITH: Yeah.

14 VICE CHAIRPERSON FLANAGAN: -- and up. Kind
15 of like that?

16 CHAIRPERSON SMITH: Yeah. That's what I
17 would say. You're jumping across, going back up.

18 VICE CHAIRPERSON FLANAGAN: See what that --

19 MS. LAND: Okay. Yeah. So the only part
20 that you're keeping -- and you're changing the part
21 there that's the triangle with the notch out of it to
22 Light Industrial?

23 VICE CHAIRPERSON FLANAGAN: Yes.

24 CHAIRPERSON SMITH: Yes.

25 MS. LAND: And, then, the rest of this will

1 go Agricultural?

2 VICE CHAIRPERSON FLANAGAN: Yes.

3 CHAIRPERSON SMITH: Yes.

4 VICE CHAIRPERSON FLANAGAN: Do you need
5 something else drawn on there? I mean, you know what
6 we're saying?

7 MS. LAND: Yeah. Okay. I will ask Regional
8 Planning to make that change, but you can pass -- I
9 have a Resolution here that -- well, I have two of
10 them that are actually legible. This one is approving
11 it and having it placed on the next available ballot.
12 This one is modifying, which is what you --

13 CHAIRPERSON SMITH: What we're doing.

14 MS. LAND: -- plan to do, which, then, it
15 doesn't yet certify it to a ballot.

16 VICE CHAIRPERSON FLANAGAN: They have to
17 make --

18 MS. LAND: Because you have to go through
19 that round of hearings again before it could be
20 finally --

21 VICE CHAIRPERSON FLANAGAN: Okay.

22 MS. LAND: It has to end up being approved
23 before. Right now you're not approving, you're
24 modifying.

25 VICE CHAIRPERSON FLANAGAN: Okay.

1 MS. LAND: So...

2 CHAIRPERSON TIMMERMAN: One other piece of
3 property has been brought to attention throughout this
4 whole process. Would you consider making that one
5 property right next to the township a B-2, B-3 instead
6 of Expressway Services?

7 VICE CHAIRPERSON FLANAGAN: The Otto
8 property, you're talking about?

9 CHAIRPERSON TIMMERMAN: It would be eligible
10 for a reception hall at that point.

11 MS. LAND: It's -- not in I-1, it wouldn't.

12 CHAIRPERSON TIMMERMAN: No, I said make it a
13 B-2, B-3.

14 MS. LAND: He doesn't want B-2 or B-3. He
15 wants I-1, and then --

16 CHAIRPERSON TIMMERMAN: I don't disagree.

17 MS. LAND: And, then, he wouldn't be able to
18 put a reception hall there. But I think he could in
19 Expressway Service, but I can't make him understand
20 that. He keeps wanting to get me fired.

21 CHAIRPERSON TIMMERMAN: Okay.

22 MS. LAND: No one else wants to do my job,
23 so I'm not getting fired.

24 FROM THE FLOOR: I thought he said at the
25 Regional Planning Commission that he was moving to

1 215.

2 MS. LAND: He's moving to Cass Township,
3 which has a really wicked zoning ordinance. I don't
4 know what the heck he's thinking there.

5 VICE CHAIRPERSON FLANAGAN: Well, last thing
6 I seen on Facebook, he was giving up on the venue and
7 just going to rent more farm for hogs.

8 MS. LAND: I thought it was pigs.

9 VICE CHAIRPERSON FLANAGAN: Solar panels on
10 a pig farm.

11 MS. LAND: You can't put pigs under solar
12 panels. They root them out. You can put sheep under
13 them, but not pigs. No goats, they jump up on them.
14 The cows knock them over.

15 VICE CHAIRPERSON FLANAGAN: If he had them
16 on the roof he might be okay.

17 MS. LAND: Maybe.

18 VICE CHAIRPERSON FLANAGAN: Pigs can't get
19 to the roof. I don't know. I don't know what the
20 plan is.

21 CHAIRPERSON TIMMERMAN: Okay. Scratch that.
22 Keep going. Keep going.

23 VICE CHAIRPERSON FLANAGAN: Do you want me
24 to read the Resolution? Do you want Mark to read the
25 Resolution?

1 CHAIRPERSON SMITH: Go ahead.

2 MS. LAND: Any of you can. My mouth is just
3 too dry after all of that talking.

4 VICE CHAIRPERSON FLANAGAN: Mark's done a
5 lot of talking, so I'll read this.

6 This is regarding the Resolution of the
7 Board of Township Trustees of Allen Township, Hancock
8 County, Ohio, modifying the Proposed Allen Township
9 Comprehensive Zoning Plan.

10 "The Board of Allen Township Trustees,
11 Hancock County, Ohio, met in regular session on the
12 7th day of August with the following trustees
13 present:" The three of us.

14 "The Fiscal Officer advised that the board
15 filed the notice requirements of Section 121.22 of the
16 Revised Code and the implementing rules adopted by the
17 board pursuant thereto."

18 Blank, so we'll fill that in a minute here,
19 "...moved for adoption of the following Resolution:

20 "Whereas, the Allen Township Zoning
21 Commission held a public hearing on July 5th, at
22 6:30 p.m., Allen Township Center, in order to receive
23 public comment on the proposed language of the text
24 and map for the enactment of the Allen Township
25 Comprehensive Zoning Plan, and;

1 "Whereas, said hearing was held after public
2 notice in The Courier, a paper of general circulation,
3 pursuant to Ohio Revised Code Section 519.08, and;

4 "Whereas, at the conclusion of the hearing,
5 the Allen Township Zoning Commission voted to make
6 modifications to the Proposed Comprehensive Zoning
7 Plan and forwarded the modified Proposed Allen
8 Township Comprehensive Zoning Plan and Map, which is
9 attached hereto and marked as Attachment A and
10 Attachment B, to the Hancock Regional Planning
11 Commission and to the Allen Township Trustees, and;

12 "Whereas, the Board of Allen Township
13 Trustees held a public hearing on the proposed
14 modified Allen Township Comprehensive Zoning Plan and
15 Map, attached hereto and marked as Attachment A and
16 Attachment B, on the 6th day of August, 2024, at
17 7:00 p.m., and;

18 "Whereas the proposed Allen Township
19 Comprehensive Zoning Plan was delivered to the Hancock
20 Regional Planning Commission for review as per the
21 requirements of the ORC 519.07, and;

22 "Whereas..." -- they didn't learn about
23 run-on sentences, I'll tell you.

24 MS. LAND: I went to school to learn those.

25 VICE CHAIRPERSON FLANAGAN: "Whereas, the

1 Hancock Regional Planning Commission held a public
2 meeting to discuss the Proposed Allen Township
3 Comprehensive Zoning Plan on July 31st, 2022, at
4 7:00 p.m., and at such meeting voted to approve the
5 proposed plan, no written recommendation or report was
6 received by the Board of Allen Township Trustees, and;

7 "Whereas, at the conclusion of the public
8 hearing, the Board of Allen Township Trustees took the
9 issue of acting upon the Proposed Allen Township
10 Comprehensive Zoning Plan under advisement to be
11 considered at the regular meeting of the board on
12 August 7th, 2024, and;

13 "Whereas, after the public hearing required
14 by Ohio Revised Code Section 519.08 has been
15 concluded, the Trustees must vote pursuant to Ohio
16 Revised Code Section 519.10 to approve, deny, or
17 modify the language of the Proposed Allen Township
18 Comprehensive Zoning Plan and Map, and;

19 "Whereas, after consideration of the
20 Proposed Allen Township Comprehensive Zoning Plan, the
21 board wishes to modify the map as set forth in the
22 attached modified map, and;

23 "Whereas, the Allen Township Trustees
24 directed the Fiscal Officer of Allen Township to
25 forward a certified copy of this Resolution, including

1 the proposed modified map, to the Allen Township
2 Zoning Commission for further review and
3 recommendation as per the requirements of ORC 519.09.

4 "Now, therefore, be it resolved that the
5 Board of Township Trustees of Allen Township, Hancock
6 County, Ohio, do hereby, by this Resolution, approve
7 the language and modify the map of the Proposed Allen
8 Township Comprehensive Zoning Plan and Map
9 incorporated herein as if fully rewritten as
10 considered at the August 6th, 2024, public hearing.

11 "And be it further resolved that said Zoning
12 Resolution was considered at a public hearing
13 conducted by the Allen Township Trustees on
14 August 6th, 2024, and pursuant to public notice as
15 prescribed by the Ohio Revised Code Section 509.08.

16 "And be it further resolved that, after
17 considering the public comment made at the hearing and
18 in further consideration of the best interests of the
19 citizens of the unincorporated portion of Allen
20 Township, the said language of the proposed Allen
21 Township Comprehensive Zoning Plan and Map, as
22 modified at the public hearing in the Allen Township
23 Zoning Commission, be modified as set forth in the
24 attached modified map.

25 "And be it further resolved that the Allen

1 Township Trustees do hereby direct the Fiscal Officer
2 of Allen Township to forward a certified copy of this
3 Resolution, including the proposed modified map, to
4 the Allen Township Zoning Commission, for further
5 review and recommendations as per the requirements of
6 ORC 519.09."

7 And, then, we need to sign. I would so move
8 that we pass this Resolution.

9 CHAIRPERSON SMITH: Second it.

10 FISCAL OFFICER SCHIMMOELLER: Kevin.

11 VICE CHAIRPERSON FLANAGAN: Yes.

12 FISCAL OFFICER SCHIMMOELLER: Joe.

13 CHAIRPERSON SMITH: Yes.

14 FISCAL OFFICER SCHIMMOELLER: Roger.

15 TRUSTEE CLARK: Yes.

16 VICE CHAIRPERSON FLANAGAN: I'll let Mark
17 fill that in before we sign.

18 MS. LAND: Attach this map until we can get
19 a clean one to put on it that has the actual changes
20 on it. Those are identifying what you are actually
21 modifying tonight. And this also gets attached to it.

22 VICE CHAIRPERSON FLANAGAN: Okay.

23 MS. LAND: That's the original zoning book,
24 Exhibit A, with the modifications that were made by
25 the zoning commission, which aren't part of the

1 modifications that you're discussing in your
2 Resolution.

3 VICE CHAIRPERSON FLANAGAN: Okay.

4 MS. LAND: Just so you know, I cut three or
5 four paragraphs out of that.

6 VICE CHAIRPERSON FLANAGAN: I don't want to
7 volunteer to read that again.

8 Does anyone have any other questions for
9 Cindy while she's still here? We've still got some
10 other meeting stuff to get through.

11 Question for Cindy.

12 FROM THE FLOOR: Yeah. I just have one
13 quick question. And I do want to preface this, first,
14 by saying that I understand why we decided to make the
15 deal and to delay until -- delay the zoning until May,
16 that -- as somebody who is not personally on the line,
17 like, I completely understand that.

18 But I guess that leads to my follow-up
19 question of what would necessarily stop this from all
20 happening again in May, more lawsuits cropping up, and
21 having to go through the whole rigmarole again?

22 MS. LAND: There is a legal standard called
23 res judicata; that if something has already been
24 determined by a Court, it can't be refiled again.

25 FROM THE FLOOR: Okay.

1 MS. LAND: So the only issue that could make
2 it so that it can't go on in May is if, when we go
3 through the trial itself, and if we lose on any of
4 those open meetings, then the judge could put a
5 permanent injunction on this book ever going to the
6 ballot.

7 FROM THE FLOOR: Okay.

8 MS. LAND: Now, it doesn't mean you could
9 never have zoning. It's just that this book can never
10 go to the ballot.

11 FROM THE FLOOR: Okay.

12 FROM THE FLOOR: I need a little bit of
13 clarification on what this settlement takes care of
14 because I thought a settlement is before you go into
15 court and then you don't go to court; but you guys
16 keep talking about us still going to court.

17 MS. LAND: Yeah. It was only a partial
18 settlement.

19 FROM THE FLOOR: Okay. The court date still
20 stands. That's next week.

21 FROM THE FLOOR: So, again, when we give in
22 to this situation and, then, we go to court, and
23 asking the same question, are we going to get right
24 back to where we were?

25 MS. LAND: No because we'll never end up

1 with attorney's fees. We'll never end up with the
2 zoning commission being held personally liable with
3 the potential for criminal charges for dereliction of
4 duty, which are ridiculous. We had to get rid of
5 those.

6 No. What we've settled is settled. What's
7 still on the line and what's being talked about is the
8 possibility of permanently being enjoined to be able
9 to use the book based on the question of whether there
10 was any violation of the Open Meetings Act. That's
11 what the hearing and the -- I keep saying "the trial,"
12 it's a hearing -- will be about on those three days.

13 FROM THE FLOOR: Okay. Now, my other
14 question is: I thought and I -- our zoning commission
15 members and our trustees could not personally be sued
16 because here's the thing: Who in their right mind
17 would want to serve if you've got some person out
18 there picking at them and --

19 MS. LAND: That's weaponization of the
20 process. Yeah.

21 FROM THE FLOOR: Yeah. I mean, that is just
22 very wrong. You know, we can set up legislature that
23 somebody can't be sued for vaccination, can't be sued
24 for restrictions they put down, but we can sue our
25 zoning commission members, and we can sue --

1 MS. LAND: They cannot be sued individually.
2 And they are protected for anything they are doing
3 within the capacity as a zoning commission.

4 But when they are saying dereliction of
5 duty, that takes with it a criminal charge. There's a
6 criminal charge for a public servant to not perform
7 their duty in the manner that they are supposed to.
8 And if it's a criminal charge, it's never within the
9 scope of what their job is. Therefore, they can be
10 personally liable.

11 FROM THE FLOOR: So another loophole.

12 MS. LAND: Yeah.

13 MS. TIMMERMAN: I have a thought process,
14 and maybe I think that everyone in this room, minus
15 someone who probably is on the payroll for One Energy,
16 is not trusting of One Energy. I think that's
17 probably a fair assumption that I don't trust a word
18 that comes out of that mouth or the process that they
19 have shown themselves to follow with litigation
20 throughout this process. So I don't trust necessarily
21 that May will even happen, in my heart of hearts.

22 And I think that is it plausible to close
23 the chapter on this Resolution that is currently --
24 that we've worked so hard for, and the hours that have
25 been spent by the zoning commission, is it plausible

1 to start another Resolution for a 3.0 version because
2 we've tried 1. We've tried 2. And now maybe a third
3 is necessary to follow every T and I that is out
4 there.

5 MS. LAND: We did that the last time.

6 MS. TIMMERMAN: I'm just saying that there
7 is a process here that we have a window that you've
8 given us a timeline that was for November, and we --
9 everyone worked very hard in that process, and they
10 made it. But, yet, something occurs and they just
11 wave a blackmail flag in the process and then halt
12 what needs to happen, halt people from a vote.

13 I'm saying that we are all here and we want
14 to vote on something, and the fact that it could not
15 possibly make it to May, or the following November, or
16 the following May after that, or the following
17 November after that, this could get held up for years.

18 At this time, is it plausible to make
19 another Resolution for the next meeting that allows
20 another Zoning Resolution to start the process and you
21 cross as many Ts as you can and as many Is as you can
22 that allows the process to continue to move forward
23 that 3.0 could potentially make it to the ballot if
24 2.0 does not make it?

25 MS. LAND: You can't have two running at the

1 same time. They would have to reject this one and
2 have it gone before they could start another one.

3 MS. TIMMERMAN: Okay.

4 MS. LAND: If you did that, we've taken away
5 everything that we would have gained in this situation
6 with any settlement and open up the, as you put it,
7 blackmail flag again because, if they file again for
8 whatever reason they might want to file, which, you
9 know, I believe there's absolutely no basis for the
10 ones that they've filed now.

11 But, still, if something -- people are
12 human, and if somebody did talk to somebody -- I don't
13 believe anybody did -- but if they can make that case,
14 then they're back to us for their attorney fees, and
15 we're in Case No. 3. So we don't want to open the
16 door for them to have Case No. 3. Let's keep fighting
17 No. 2 and see what we can do.

18 MS. TIMMERMAN: Is it plausible that you
19 will know by the next township trustees' meeting
20 whether or not 2.0 will be able to make it?

21 MS. LAND: That depends on the judge. He
22 was -- we had a pretrial hearing in June where we went
23 through all of the planning for the dates of things,
24 and he -- his plan was to have it decided by
25 September 15th, the middle of September, so that if it

1 was decided in November that it could -- or that it
2 was put on November, then we would have time. If he
3 decided we lose, and he finds it invalid, we have time
4 to pull it off the ballot because he said he would not
5 create a situation where there was something on the
6 ballot that either got voted on and then had to be
7 taken off, or was on the ballot with a sign that says,
8 This isn't really on here anymore so any votes you
9 cast for it don't count; that he would not do
10 something that caused confusion for the residents of
11 the township if it did or didn't have zoning.

12 MS. TIMMERMAN: Okay.

13 MS. LAND: He was very clear on that.

14 MS. TIMMERMAN: But that also puts our
15 timeline back to --

16 MS. LAND: Our timeline shifted. The
17 September 15th is not a valid timeline. August 27th
18 was the date you would have to have it determined by.
19 He didn't even set our briefing dates until the end of
20 August. So our briefing dates -- the chance to be
21 able to file our briefs was after the point that it
22 would have to be decided to be able to make sure that
23 it was pulled, if it had been put on for November
24 yesterday, if they had done that. In which case, he
25 would have put on a preliminary injunction and that

1 would have pulled it off, too, and all of this other
2 stuff would still be at the table.

3 MS. TIMMERMAN: Okay.

4 MS. LAND: That was the purpose for --

5 VICE CHAIRPERSON FLANAGAN: Our next meeting
6 is set for September 3rd. I think that's extremely
7 unlikely.

8 MS. LAND: It's unlikely, yeah. And I'm not
9 going to be at that meeting.

10 CHAIRPERSON TIMMERMAN: Oh, you're not going
11 to be at that meeting. If there was --

12 MS. LAND: My daughter is getting married
13 that day.

14 CHAIRPERSON TIMMERMAN: If there was a
15 ruling that we realized that we would not be allowed
16 to move forward, is there a way to have a Resolution
17 available for the 3rd to start this process again?
18 Because that would be a similar time frame to what we
19 did this in this time.

20 We could -- if it's -- if it -- if there is
21 a hearing, and that's a big if, or if there is a
22 decision made, I should say. If there is a decision
23 made by the next trustee meeting, we would have a
24 similar time frame and we could still make May by
25 starting over. That would include you coming to every

1 meeting, Cindy.

2 MS. LAND: No, I'm not coming.

3 CHAIRPERSON TIMMERMAN: So --

4 MS. LAND: You would kill me by the end of
5 that. I would be dead.

6 CHAIRPERSON TIMMERMAN: So just throwing
7 ideas out there. Like, if it happened, that would
8 still be -- May could still be --

9 MS. LAND: I think September, probably not.
10 Let's not talk about a special meeting.

11 CHAIRPERSON SMITH: No.

12 MS. LAND: October, I suppose you could
13 start again.

14 CHAIRPERSON TIMMERMAN: Okay.

15 MS. LAND: The first week in February is
16 your timeline date again --

17 CHAIRPERSON TIMMERMAN: I know.

18 MS. LAND: -- for having it certified. Back
19 it up a month. Back it up.

20 CHAIRPERSON TIMMERMAN: I know. I've looked
21 at the days. That's why I'm saying, next month, is
22 there any way to get them --

23 MS. TIMMERMAN: I'm just saying I'll have
24 signatures to you that can be verified very quickly in
25 this time frame. Like, if we can move forward, we

1 will have 150 signatures on your desk tomorrow, if
2 that's necessary. The Allen Township residents want
3 the opportunity to vote and, yet, one person is
4 allowing the say for everybody, and that is not right.

5 MS. LAND: It's not right. Unfortunately,
6 that's how the system works. It's called lawfare.
7 It's a term coined by the press, and that's what it
8 is. The whole -- Democrats do it to the Republicans;
9 Republicans do it to the Democrats. It's lawfare.

10 VICE CHAIRPERSON FLANAGAN: We don't want to
11 keep any of us here all night. So any other quick
12 questions for Cindy?

13 If you want to leave, we're going to excuse
14 you. You can stay for the rest of the meeting if you
15 want. You don't have to because I think that part
16 is --

17 MS. TIMMERMAN: I'm going to ask, every time
18 that the trustees meet, can you bring a Resolution to
19 enact zoning again, regardless of whether it happens
20 now or in September, October, November, December? I
21 don't care. We want to do it.

22 MS. LAND: I can write a Resolution for you
23 that has the fill in the dates.

24 MS. TIMMERMAN: That's okay.

25 MS. LAND: I'll give it to Mark and if it --

1 decide that you want to initiate it again, you can.

2 MS. TIMMERMAN: I'm just saying, the moment
3 we can press the gas again, we'll press the gas again.
4 We will not put the brakes on.

5 FROM THE FLOOR: I have a question. Some of
6 the decisions and things that were made here tonight,
7 are they going to be in the newspaper or how are they
8 going to be told to the --

9 VICE CHAIRPERSON FLANAGAN: I don't see a
10 reporter here, so I don't think they'll be in the
11 newspaper.

12 FROM THE FLOOR: What about the changes on
13 the map? How is that going to get put out to our
14 township that --

15 MS. LAND: There will be a notice they're
16 going to have a hearing again because they will have a
17 hearing before they can finally approve this. So, I
18 guess, whatever you guys want to do to make sure
19 people know that it's still got changes coming. It
20 will be on the website probably, and --

21 CHAIRPERSON TIMMERMAN: When -- so they're
22 making a change to the map. It comes back to the
23 zoning commission. Does the zoning commission have
24 any rights to make any additional changes?

25 MS. LAND: No. Only approve or deny what

1 they've brought.

2 CHAIRPERSON TIMMERMAN: Okay.

3 MS. LAND: And if you deny what they put on
4 and you want to put it back to the way you had it or
5 something different than a change is not the same as
6 what they have, they can still -- when it comes back
7 to them, they have their 10-day notice hearing, they
8 can -- if all three vote on it, they can override you,
9 but it has to be unanimous.

10 CHAIRPERSON TIMMERMAN: What I heard in that
11 is we can make a change. That's different.

12 MS. LAND: Not to something completely
13 different. You can't decide, Oh, we're going to
14 change the book now, or we're going to do something --

15 CHAIRPERSON TIMMERMAN: That's what I was --

16 MS. LAND: It's just what they've put on
17 there.

18 CHAIRPERSON TIMMERMAN: Okay. We can modify
19 what they changed?

20 MS. LAND: Yes.

21 CHAIRPERSON TIMMERMAN: Okay.

22 VICE CHAIRPERSON FLANAGAN: I did have a
23 question before I let you go. The letter that I think
24 you probably helped draft from the Commissioners to
25 the State Representatives --

1 MS. LAND: Uh-huh.

2 VICE CHAIRPERSON FLANAGAN: -- is that
3 something we need to take action on tonight? I did
4 like what it says.

5 MS. LAND: Yes.

6 VICE CHAIRPERSON FLANAGAN: Is that
7 something --

8 MS. LAND: I was supposed to write one of
9 those for you, too. I forgot. I've been busy.

10 VICE CHAIRPERSON FLANAGAN: I can't imagine.

11 MS. LAND: I can -- I won't be as busy
12 tomorrow after this. I can work on that.

13 VICE CHAIRPERSON FLANAGAN: Okay.

14 MS. LAND: You can send it in September. Is
15 that okay?

16 VICE CHAIRPERSON FLANAGAN: That's okay.

17 Do you guys have any more questions for
18 Cindy? Like I said, I'm not trying to push her out.
19 I just know she's got a life to live.

20 CHAIRPERSON SMITH: I don't.

21 TRUSTEE CLARK: I can't think of anything
22 right now.

23 VICE CHAIRPERSON FLANAGAN: We do thank you.
24 Like I said, I'm not trying to push you out the door.
25 You're welcome to stay.

1 MS. LAND: I don't feel pushed.

2 FISCAL OFFICER SCHIMMOELLER: Do you need to
3 take any of those with you, Cindy?

4 MS. LAND: The agreement, yeah. The
5 Settlement Agreement I'll need to have.

6 FISCAL OFFICER SCHIMMOELLER: Can I make a
7 copy?

8 MS. LAND: I've got a copy of it for you to
9 keep.

10 FISCAL OFFICER SCHIMMOELLER: Okay.

11 FROM THE FLOOR: Really quick, with Cindy
12 being done, is that the end of the zoning topic then?

13 VICE CHAIRPERSON FLANAGAN: It should be the
14 end.

15 CHAIRPERSON SMITH: I think so. Yeah.

16 FROM THE FLOOR: Okay. I'm out.

17 FISCAL OFFICER SCHIMMOELLER: Cindy, do you
18 need this Resolution? Do you just want a copy?

19 MS. LAND: I will want a copy eventually.
20 Just scan it and send it to me.

21 FISCAL OFFICER SCHIMMOELLER: Okay.

22 MS. LAND: Keep this one with it, and I will
23 get the rest of the signatures.

24 FISCAL OFFICER SCHIMMOELLER: Okay. Thank
25 you.

1 VICE CHAIRPERSON FLANAGAN: Interesting
2 stuff. Ditches and roads.

3 FISCAL OFFICER SCHIMMOELLER: What about the
4 Resolution to make the change?

5 MS. LAND: Scan all of that and send it to
6 me, too.

7 I do need to have a copy of it, but I don't
8 need to take -- I don't want your original because I
9 don't want to be responsible for that. My overall
10 organization has been deteriorating rapidly in the
11 past six months.

12 FISCAL OFFICER SCHIMMOELLER: Mine has, too.
13 I've got stuff all over my office.

14 MS. LAND: My desk looks like a bomb went
15 off.

16 FISCAL OFFICER SCHIMMOELLER: More paper
17 (unintelligible).

18 MS. LAND: Judge Routson ordered a hearing
19 for the oral argument hearing for Washington Township
20 on September 3rd. I'm not going to be there.

21 FISCAL OFFICER SCHIMMOELLER: Yeah.

22 MS. LAND: That's it. My daughter is
23 getting married. I'm going. It's in Vegas. You can
24 do anything you want.

25 VICE CHAIRPERSON FLANAGAN: That's probably

1 Labor Day Weekend.

2 MS. LAND: It's Tuesday after Labor Day.
3 She marches to her own tune.

4 VICE CHAIRPERSON FLANAGAN: Yeah. See you
5 around.

6 MS. LAND: My husband is (unintelligible).

7 FISCAL OFFICER SCHIMMOELLER: Exactly.

8 (Ms. Land left the meeting at 9:25 p.m.)

9 CHAIRPERSON SMITH: All right.

10 VICE CHAIRPERSON FLANAGAN: Let's get back
11 to our reports.

12 CHAIRPERSON SMITH: Starting with Trustee
13 Report, if you want to go, Roger.

14 TRUSTEE CLARK: I don't have a whole lot.
15 We received a call from somebody about if
16 they needed a permit to replace the fence.

17 (Unintelligible) township trustee --

18 CHAIRPERSON SMITH: Uh-huh.

19 TRUSTEE CLARK: -- about how that was zoned
20 there north of what we were talking about tonight. He
21 said it was Ag for their township.

22 VICE CHAIRPERSON FLANAGAN: Okay.

23 TRUSTEE CLARK: So I did find that out.

24 And I thanked Kevin for handling the hoops,
25 responses while I was on vacation for three weeks.

1 VICE CHAIRPERSON FLANAGAN: I've never had
2 to do that so it was a learning experience.

3 TRUSTEE CLARK: Yeah. So -- well, the
4 backflow is supposed to be completed this Friday.

5 VICE CHAIRPERSON FLANAGAN: Backflow
6 testing?

7 TRUSTEE CLARK: Yeah. I think that's all I
8 have.

9 VICE CHAIRPERSON FLANAGAN: I have a couple
10 things. Did Tony take off?

11 FISCAL OFFICER SCHIMMOELLER: Yeah, he left.

12 VICE CHAIRPERSON FLANAGAN: That's
13 unfortunate. But, anyway, the Township Road 218
14 project, you know, where the tile needs replaced under
15 the road?

16 CHAIRPERSON SMITH: Yes.

17 VICE CHAIRPERSON FLANAGAN: Obviously, all
18 these big rains make it show up that it's still taking
19 dirt and stone. So I called Randy Boes today. We
20 finally connected with some phone tag, but he's
21 looking at next week. He thinks he can get in there
22 next week and do it. So the previous date we had set
23 up, it was Tony that had to call it off because he was
24 leaving on vacation.

25 CHAIRPERSON SMITH: Uh-huh.

1 VICE CHAIRPERSON FLANAGAN: If we got it
2 done in two days, he would have been okay, but Randy's
3 a little -- he doesn't know what all he's going to get
4 into. So I don't know if we did discuss that, you
5 know, there's two different tile that go under the
6 road now, and so Randy looked into converting it into
7 one bigger one.

8 TRUSTEE CLARK: Okay.

9 VICE CHAIRPERSON FLANAGAN: So I think it's
10 going to be a 24-inch to replace the two tile that are
11 in there. The capacity will actually be a little more
12 than what the two separate are.

13 So I did tell him about the other tile that
14 you could see when the hole was open coming in from,
15 like, the southeast side. I said I don't even know
16 what it is. I don't know if you guys saw it or not
17 when the -- before we fixed anything, you could see
18 another tile coming in, either coming in or going out
19 to the southeast direction. So he said he wasn't sure
20 what that was. So when he gets it opened up --

21 TRUSTEE CLARK: Yeah.

22 VICE CHAIRPERSON FLANAGAN: So enough about
23 that one.

24 Down here on 229, where Wood County is
25 supposed to do the maintenance on that where the bank

1 is slipping, I tried to get ahold of him, this
2 Duane Abke, and he is on vacation until next Monday.
3 He gave two other people's names that, if you needed
4 immediate attention, so I called both of their
5 voicemails and left messages.

6 One did call me back, it was Cameron. I
7 didn't get his last name. He said, I don't have all
8 of that in front of me, so I can't tell you, but I do
9 know that it's on the radar. And I said, Well, would
10 you leave a note for Duane to call me. Hopefully,
11 I'll hear next week. He did say that he thought Kenny
12 Sterns was the one going to be doing the work.

13 TRUSTEE CLARK: Okay.

14 VICE CHAIRPERSON FLANAGAN: So I thought
15 we've been looking for somebody to take a look at that
16 other ditch. Did you ever reach out to anybody?

17 CHAIRPERSON SMITH: No because I wasn't
18 sure.

19 VICE CHAIRPERSON FLANAGAN: That's what I
20 thought.

21 CHAIRPERSON SMITH: I've got a list of them.

22 VICE CHAIRPERSON FLANAGAN: I did call Kenny
23 Sterns. I don't know if he's on your list.

24 CHAIRPERSON SMITH: I did see his name in
25 there. I know Tony.

1 VICE CHAIRPERSON FLANAGAN: He does a lot of
2 ditch work. If I hear back from him, I'm going to see
3 if we can get him to come and give us an estimate, at
4 least take a look at it and see if he thinks he can do
5 the work over there on 142.

6 The OPWC stuff, I did turn in to Doug Cade.
7 I think you saw that. I think Mark forwarded that to
8 us.

9 FISCAL OFFICER SCHIMMOELLER: I've got a
10 Resolution tonight for that.

11 VICE CHAIRPERSON FLANAGAN: Okay. I already
12 asked them about the letter from the Commissioners.
13 I thought that was a pretty good letter. Did you guys
14 read it over?

15 TRUSTEE CLARK: Uh-huh.

16 VICE CHAIRPERSON FLANAGAN: Cindy said
17 she'll work on that for us.

18 We did the Bell thing at the cemetery.

19 Oh. The last one that I've got on here.
20 Township Road 215, I don't know how much you guys go
21 down there. I know we had the hole the groundhog
22 caused that Tony fixed.

23 We've also got, on the south side of the
24 road, if you remember probably two months ago, I don't
25 think it was just the last meeting, the county

1 engineer's office called me and said, We want to
2 know -- we've got an application for a temporary
3 driveway on the south side of 215 from One Energy, so
4 that they -- they told me that it was for a pond
5 because, you know, the State was looking for dirt up
6 there on their 99 project, and they sent out letters
7 to all of the landowners that, Hey, if you'll let us
8 take your dirt, we'll dig your hole or dig you a pond,
9 whatever you want.

10 CHAIRPERSON SMITH: Right.

11 VICE CHAIRPERSON FLANAGAN: Anyway, that's
12 what I figured it was related to. But, at any rate,
13 it's not a pond, so I don't know where the
14 miscommunication was. But if you've been by there,
15 it's -- I would call it a ditch or a canal. I don't
16 know.

17 TRUSTEE CLARK: Right.

18 VICE CHAIRPERSON FLANAGAN: But, at any
19 rate, there was concern on my part, so I called up the
20 county engineer and said, Are they allowed to do that?
21 And he's, like, Yes, it's your own property. You can
22 do whatever you want. I said, Well, there's some
23 concern that it's going to change the watershed or
24 direct water into this ditch on the other side of the
25 road. And he said, Well, as soon as they get in the

1 road right-of-way, then the township can have concerns
2 and address it.

3 TRUSTEE CLARK: Okay.

4 VICE CHAIRPERSON FLANAGAN: So we were gone
5 for three or four days. And when I came back, I went
6 out there and took a look. Well, guess what? The
7 channel is dug clear up to that -- I call it a catch
8 basin, but Randy Boes calls it a structure. It's on
9 the south side of 215. So take a look when you get up
10 by there.

11 CHAIRPERSON SMITH: Okay.

12 VICE CHAIRPERSON FLANAGAN: It's not -- the
13 channel's not dug. It's deep right up to the edge of
14 that structure, but it is dug clear up to it. And,
15 then, as you go south where they've got this ditch
16 dug, they've got it dammed up so it looks like their
17 intent would be not to have the water flow to that
18 structure. It looks like they want to keep the water.

19 You probably can't speak to that for us.

20 ONE ENERGY REPRESENTATIVE: I'm not allowed
21 to.

22 VICE CHAIRPERSON FLANAGAN: That's what I
23 figured.

24 ONE ENERGY REPRESENTATIVE: Sorry.

25 VICE CHAIRPERSON FLANAGAN: I thought I'd

1 ask, though.

2 So, at any rate, take a look when you're out
3 there.

4 So I called Kyle Parker because I called
5 last week about it and I said, Hey, it's dug out more
6 than it was.

7 TRUSTEE CLARK: Yeah.

8 VICE CHAIRPERSON FLANAGAN: So I called Kyle
9 today, his assistant, I think his title is assistant
10 engineer.

11 CHAIRPERSON SMITH: Yeah.

12 VICE CHAIRPERSON FLANAGAN: Anyway, I said,
13 Have you been out there to look at it? He's, like,
14 No, I haven't.

15 I said, Well, could you? He's, like, Well,
16 Doug's a little hesitant because of these ongoing
17 lawsuits that we have on other things; he didn't
18 really want to get involved.

19 And I said, Well -- he said, Doug doesn't
20 believe it's on -- that they're on the road
21 right-of-way. And I said, Well, I think it's darn
22 close. I said, Obviously, I don't know where the
23 middle of the right-of-way is because the middle of
24 the road might not be the middle of the right-of-way.

25 And he said, Well, there are some pins out

1 there in various places when farms have gotten sold,
2 which I didn't take enough time today to find any
3 pins, but I did take my measuring wheel, and it's darn
4 close because they are saying it's a 40-foot
5 right-of-way, so that would be 20 feet.

6 CHAIRPERSON SMITH: Uh-huh.

7 VICE CHAIRPERSON FLANAGAN: And the edge --
8 the south edge of that structure, basin, whatever you
9 want to call it, is, by my measurement, 19 feet. So
10 it could be 20. It could be 23. It's real hard to
11 measure with the wheel because the ditch drops off
12 pretty sharp. But it's -- it's close. It's close.

13 So -- but I don't know where that leaves us,
14 if the county engineer won't go out and mark the
15 right-of-way because that's what I asked Kyle to do.

16 I said, We would like to have you establish
17 where the right-of-way is. And he said, I don't think
18 I'm going to be able to do that.

19 FISCAL OFFICER SCHIMMOELLER: Can you get --
20 can you have a surveyor go out and do it?

21 VICE CHAIRPERSON FLANAGAN: Probably could.
22 That'll cost us some money.

23 FISCAL OFFICER SCHIMMOELLER: So what?

24 VICE CHAIRPERSON FLANAGAN: So I wanted to
25 ask Cindy that and I forgot tonight. Darn it. I will

1 call and ask her if there's any way to -- it's not the
2 right word to say make the county engineer do it.

3 But --

4 CHAIRPERSON SMITH: Yeah.

5 VICE CHAIRPERSON FLANAGAN: -- you know, can
6 we request it in some formal fashion that would make
7 them actually --

8 CHAIRPERSON SMITH: Obligated.

9 VICE CHAIRPERSON FLANAGAN: There. That's
10 the right word. -- obligated to do it? I don't know.

11 FISCAL OFFICER SCHIMMOELLER: Send him an
12 email.

13 VICE CHAIRPERSON FLANAGAN: I think that's
14 what we need to know is are they on the right-of-way
15 or not. If they're not, well, so be it.

16 FISCAL OFFICER SCHIMMOELLER: Hopefully this
17 isn't something different. But does that have
18 anything to do with the Howard Run Ditch?

19 VICE CHAIRPERSON FLANAGAN: See -- well, I
20 don't know what -- I don't know what the ditch is
21 called on the north side of 215. I don't know what
22 name it goes by.

23 FISCAL OFFICER SCHIMMOELLER: Because I was
24 going to bring this up later.

25 VICE CHAIRPERSON FLANAGAN: Howard Run is

1 probably the -- now, that's down there on 99.

2 TRUSTEE CLARK: Howard Run I think starts
3 there on the west side of 230 because we got --

4 VICE CHAIRPERSON FLANAGAN: Okay. By
5 Elder -- where Lobdale (phonetic) is.

6 TRUSTEE CLARK: Yeah. Yeah.

7 FISCAL OFFICER SCHIMMOELLER: That's what I
8 was --

9 VICE CHAIRPERSON FLANAGAN: Probably
10 something different.

11 FISCAL OFFICER SCHIMMOELLER: We got an
12 assessment too, the Township did, for the Howard Run
13 Ditch, and it was a petition by Christina Miren
14 (phonetic) --

15 VICE CHAIRPERSON FLANAGAN: Yeah.

16 TRUSTEE CLARK: Okay.

17 FISCAL OFFICER SCHIMMOELLER: -- for 4,000
18 bucks.

19 TRUSTEE CLARK: Ours is estimated about
20 4,400.

21 FISCAL OFFICER SCHIMMOELLER: Yeah.
22 So I didn't know if that was the same.

23 VICE CHAIRPERSON FLANAGAN: No, it would be
24 different.

25 FISCAL OFFICER SCHIMMOELLER: Okay. Okay.

1 I didn't mean to get you off track then.

2 VICE CHAIRPERSON FLANAGAN: Anyway, I will
3 touch base with Cindy and see if there's some --

4 TRUSTEE CLARK: Okay.

5 VICE CHAIRPERSON FLANAGAN: -- formal way to
6 request the county engineer to establish that
7 right-of-way for us.

8 FISCAL OFFICER SCHIMMOELLER: If you do
9 anything in writing, send an email to him requesting
10 it --

11 VICE CHAIRPERSON FLANAGAN: That's an idea.

12 FISCAL OFFICER SCHIMMOELLER: -- making him
13 refuse, and then you go from there. But until then,
14 it's just verbal.

15 VICE CHAIRPERSON FLANAGAN: Right. That's a
16 good idea. I'll probably send it to Kyle and Doug
17 both.

18 FISCAL OFFICER SCHIMMOELLER: Yeah. Say,
19 "I'm officially requesting."

20 VICE CHAIRPERSON FLANAGAN: That's all I've
21 got, Joe.

22 CHAIRPERSON SMITH: I don't have a lot.

23 I replied to a couple of those emails that
24 you'd mentioned the other day. The one was up there
25 on 109 where we put the four-way in and they wanted --

1 they would like to see white marks at the south line.

2 VICE CHAIRPERSON FLANAGAN: That's right.

3 CHAIRPERSON SMITH: I don't know if that's
4 going to make people stop behind them.

5 VICE CHAIRPERSON FLANAGAN: Some people,
6 probably.

7 CHAIRPERSON SMITH: Yeah.

8 FISCAL OFFICER SCHIMMOELLER: It could help.

9 TRUSTEE CLARK: Who do we have to do it?

10 CHAIRPERSON SMITH: Well, the ones -- they
11 do have them, I think, on the south side on 142,
12 whichever Bailey did, they're so faded.

13 FISCAL OFFICER SCHIMMOELLER: Those should
14 be repainted.

15 CHAIRPERSON SMITH: If we're going to do
16 that, do all four.

17 FISCAL OFFICER SCHIMMOELLER: Yeah.

18 VICE CHAIRPERSON FLANAGAN: I don't know
19 that the County would get into that at all. It would
20 probably have to be hiring that place that paints our
21 lines.

22 FISCAL OFFICER SCHIMMOELLER: Yeah.

23 VICE CHAIRPERSON FLANAGAN: They probably
24 don't have any more lines to paint for us this year.

25 CHAIRPERSON SMITH: That's the only one that

1 I --

2 VICE CHAIRPERSON FLANAGAN: Probably would
3 reach out to Mike Clark. I would say that would be
4 the place to start.

5 CHAIRPERSON SMITH: Start. That's the
6 engineers?

7 VICE CHAIRPERSON FLANAGAN: Yeah.

8 CHAIRPERSON SMITH: Mike.

9 VICE CHAIRPERSON FLANAGAN: Yeah.

10 CHAIRPERSON SMITH: I can get in contact
11 with him.

12 VICE CHAIRPERSON FLANAGAN: See what he
13 suggests because there might still be some painting to
14 do in the county and it's a lot cheaper if it's an
15 add-on.

16 We could send Tony out there with a paint
17 bucket. They use special stuff I think.

18 FISCAL OFFICER SCHIMMOELLER: Some sort of
19 quick-drying paint.

20 TRUSTEE CLARK: Quick-dry.

21 VICE CHAIRPERSON FLANAGAN: Yeah.

22 CHAIRPERSON SMITH: I'll get ahold of him.
23 I did call Habitat again today about this
24 fire alarm system.

25 VICE CHAIRPERSON FLANAGAN: Okay.

1 CHAIRPERSON SMITH: Which it's been -- I
2 don't know how many months that's been.

3 VICE CHAIRPERSON FLANAGAN: Yeah.

4 FISCAL OFFICER SCHIMMOELLER: Yeah.

5 CHAIRPERSON SMITH: Which they come and
6 installed it and couldn't get it to work. They said
7 they were going to go back and talk to his boss and
8 see what they can do.

9 VICE CHAIRPERSON FLANAGAN: That's when they
10 thought they were going to have to put a cell line in.

11 CHAIRPERSON SMITH: Well, or something.
12 And, then, it went a while and I called them again and
13 they said, Well, we'll get back, and I never heard
14 anything. So I called today and left a voicemail.
15 I think it might have been the salesman that was down
16 here called me back and he said, We thought that was
17 already taken care of. Sorry.

18 VICE CHAIRPERSON FLANAGAN: Oh.

19 CHAIRPERSON SMITH: He said, We'll get right
20 on it. We'll see.

21 VICE CHAIRPERSON FLANAGAN: Oh, good. Good.

22 CHAIRPERSON SMITH: He said something about
23 putting a relay in there to help. So I said, Okay. I
24 said, Well, it's been quite a while.

25 Other than that, I had that book with the

1 names in it, if we're going to wait on Kenny Sterns.

2 That's about all I got then.

3 VICE CHAIRPERSON FLANAGAN: Well, it's up to
4 you guys.

5 CHAIRPERSON SMITH: No, that's fine.

6 VICE CHAIRPERSON FLANAGAN: But it wouldn't
7 hurt to get several estimates --

8 CHAIRPERSON SMITH: Yeah.

9 VICE CHAIRPERSON FLANAGAN: -- if we could
10 because it's a pretty expensive process I think.

11 TRUSTEE CLARK: (Unintelligible).

12 VICE CHAIRPERSON FLANAGAN: Do you have
13 those names with you right now, Joe?

14 CHAIRPERSON SMITH: I went through that
15 book.

16 VICE CHAIRPERSON FLANAGAN: Okay.

17 CHAIRPERSON SMITH: And -- which I never
18 heard of this guy out of McComb. He had ditch
19 cleaning and maintenance. That Dennis Painting from
20 (unintelligible) Ohio, he had ditch cleaning. This
21 Jeff Hayman out of Tiffin, I don't even know if they
22 are in that book. I don't think they are.

23 VICE CHAIRPERSON FLANAGAN: I don't think
24 they are either.

25 CHAIRPERSON SMITH: I don't think they are

1 either.

2 Neff Construction, I don't know anything
3 about him.

4 VICE CHAIRPERSON FLANAGAN: I've heard that
5 name with ditch cleaning before.

6 TRUSTEE CLARK: Yeah.

7 CHAIRPERSON SMITH: Shaferly (phonetic) out
8 of Alveda. Hills from Wayne. And then --

9 VICE CHAIRPERSON FLANAGAN: I've heard of
10 Hills Excavating before.

11 CHAIRPERSON SMITH: Okay.

12 VICE CHAIRPERSON FLANAGAN: Okay.

13 CHAIRPERSON SMITH: Helms, and then J.D.R.

14 TRUSTEE CLARK: Yeah. And then Hall
15 Excavating, they do demolition and stuff.

16 VICE CHAIRPERSON FLANAGAN: Okay.

17 TRUSTEE CLARK: They are the ones that
18 cleaned up the trailer down there on 281 --

19 CHAIRPERSON SMITH: Okay.

20 TRUSTEE CLARK: -- that we had. Came in on
21 a Friday afternoon and it was cleaned up by Saturday
22 afternoon, and we were able to --

23 VICE CHAIRPERSON FLANAGAN: So you were
24 pretty happy with them?

25 TRUSTEE CLARK: Yeah. They do a nice job.

1 VICE CHAIRPERSON FLANAGAN: Do you know
2 anything about their ditch cleaning, anything from
3 that?

4 TRUSTEE CLARK: I don't know anything about
5 that. No.

6 VICE CHAIRPERSON FLANAGAN: Okay.

7 CHAIRPERSON SMITH: Yeah. I just went
8 through that book and --

9 VICE CHAIRPERSON FLANAGAN: Yeah.

10 CHAIRPERSON SMITH: -- the names that had
11 ditches or ditch cleaning, maintenance, and -- yeah.
12 Like, Karl's, he said, I don't even think --

13 VICE CHAIRPERSON FLANAGAN: I think
14 they're --

15 CHAIRPERSON SMITH: They're out of business.

16 VICE CHAIRPERSON FLANAGAN: I think they
17 all --

18 FISCAL OFFICER SCHIMMOELLER: They're all
19 too old.

20 CHAIRPERSON SMITH: Well, there's a younger
21 one that's my son's age.

22 VICE CHAIRPERSON FLANAGAN: Okay.

23 CHAIRPERSON SMITH: He works for, like,
24 Miller Brothers or --

25 VICE CHAIRPERSON FLANAGAN: I've heard of

1 Neff. Obviously, I've heard of Schaefer's. Probably
2 the same Schaefer that we've had do boring under the
3 road.

4 TRUSTEE CLARK: There is a Schaeferly that
5 lives -- that new farm they bought on Oil Center Road.
6 He built a house there. I know he's excavating. I
7 don't know if that's where his business is located and
8 he lives up there. That's somebody different.

9 CHAIRPERSON SMITH: And his equipment
10 sits -- he's got a big lot there, industrial.

11 VICE CHAIRPERSON FLANAGAN: So I guess if
12 you -- whatever you guys think, but it wouldn't hurt
13 to get somebody else to look at it, too. You know,
14 then we'd have a couple estimates to go off of.
15 Hopefully it's not enough that you have to bid it out.

16 FISCAL OFFICER SCHIMMOELLER: You've got,
17 what, \$75,000 I think.

18 VICE CHAIRPERSON FLANAGAN: I think that's
19 what it is.

20 FISCAL OFFICER SCHIMMOELLER: I wouldn't
21 think it would be that much.

22 VICE CHAIRPERSON FLANAGAN: I would hope
23 not. Okay. Do you mind calling?

24 CHAIRPERSON SMITH: Well, no. I mean, yeah.
25 You said you worked with that --

1 VICE CHAIRPERSON FLANAGAN: He did. Yeah.

2 CHAIRPERSON SMITH: I don't know any of
3 them. I've never dealt with them. So...

4 VICE CHAIRPERSON FLANAGAN: Yeah. Well,
5 I know some ditch that we pay on, I know that Hills
6 was involved because I think it was back at the --
7 through that Todd farm back where -- oh, shoot. The
8 guy that used to have -- Don Tryer (phonetic). He --
9 he -- I think he was the one that lined it up. I'm
10 sure it was -- pretty sure it was Hills. They seemed
11 to do okay. I mean, it was not very much that they
12 did. But I don't know anybody there.

13 CHAIRPERSON SMITH: Are we doing --

14 VICE CHAIRPERSON FLANAGAN: It would be a
15 blind call.

16 CHAIRPERSON SMITH: -- that whole ditch, all
17 the way up from the curb to 613?

18 VICE CHAIRPERSON FLANAGAN: Well, it needs
19 looked at and see what they think needs --

20 CHAIRPERSON SMITH: Needs done.

21 VICE CHAIRPERSON FLANAGAN: Because if you
22 drive in that east part --

23 CHAIRPERSON SMITH: Oh, yeah.

24 VICE CHAIRPERSON FLANAGAN: -- you know how
25 you've got -- so I don't know that it needs all of it,

1 but that's why I thought with Kenny Sterns was, if
2 he's actually the one that's doing the 229, he must be
3 used to firming those banks up.

4 CHAIRPERSON SMITH: Yeah.

5 VICE CHAIRPERSON FLANAGAN: That's what you
6 want is somebody that's got experience that can key
7 that out and channel that stuff in there.

8 I thought Wood County did their own work.
9 They said they don't actually do very much of their
10 own; it's all contracted out.

11 TRUSTEE CLARK: Oh.

12 VICE CHAIRPERSON FLANAGAN: So I don't know.
13 I mean, you could tell them what it's doing. Do you
14 have experience with that, because maybe some of them
15 would be like, No, we clean ditches, but we don't --

16 CHAIRPERSON SMITH: Pack.

17 VICE CHAIRPERSON FLANAGAN: -- pack up and
18 try to improve that bank. I don't know how common
19 that is.

20 TRUSTEE CLARK: I don't have any idea.

21 VICE CHAIRPERSON FLANAGAN: We didn't have
22 trouble until they changed the bottom of the ditch.
23 That's what caused the trouble. So...

24 CHAIRPERSON SMITH: Okay. Yeah, I'll call a
25 couple of them and see what they say.

1 VICE CHAIRPERSON FLANAGAN: Okay.

2 CHAIRPERSON SMITH: I guess he's got on
3 there that you talked about a little bit the American
4 Rescue Plan.

5 VICE CHAIRPERSON FLANAGAN: Well, it would
6 help if Wood County would get that --

7 CHAIRPERSON SMITH: Well, yeah.

8 VICE CHAIRPERSON FLANAGAN: -- so we'd know
9 exactly how much that was and how much we had left.

10 FISCAL OFFICER SCHIMMOELLER: Yeah.

11 VICE CHAIRPERSON FLANAGAN: So if we get
12 this other one lined up, I think, between the two of
13 them, we can get it done in time --

14 FISCAL OFFICER SCHIMMOELLER: It's a good
15 chance.

16 VICE CHAIRPERSON FLANAGAN: -- it would chew
17 it up.

18 FISCAL OFFICER SCHIMMOELLER: As long as we
19 had it on the books and we can put a PO out there,
20 I think we've got it covered. It would be nice to
21 have it paid by the end of the year.

22 VICE CHAIRPERSON FLANAGAN: If I don't hear
23 back from Wood County -- this is Wednesday. I'll give
24 them till Monday. If I don't hear anything, I'm going
25 to -- Duane is supposed to be back. I don't know if

1 I'll hear before that.

2 FISCAL OFFICER SCHIMMOELLER: Yeah. So we
3 probably just need to keep squeaking on somebody to
4 get something going.

5 VICE CHAIRPERSON FLANAGAN: Right. Okay.

6 CHAIRPERSON SMITH: Next, we got the Fireman
7 Accidental Health Policy Options.

8 FISCAL OFFICER SCHIMMOELLER: Yeah. We
9 received the annual premium for the accident and
10 health policy for the firemen that we pay. The
11 current plan we're on is \$2,117 and, then, they've got
12 some upgraded coverages it would appear.

13 I know I forwarded it to you guys. I don't
14 know if you've had a chance to look at it. I didn't
15 know if you want to keep it the same and just keep
16 rolling, or if you wanted to change the coverage or
17 what you want to do.

18 VICE CHAIRPERSON FLANAGAN: Have they --
19 has anyone ever come back to you, like, Gary come back
20 and said, Well, it would be nice if we had a little
21 better?

22 FISCAL OFFICER SCHIMMOELLER: Never heard a
23 thing.

24 TRUSTEE CLARK: Have you ever had any
25 claims?

1 FISCAL OFFICER SCHIMMOELLER: Not really.
2 Not really.

3 TRUSTEE CLARK: So we don't know how they
4 pay.

5 FISCAL OFFICER SCHIMMOELLER: Yeah. I think
6 it's probably just a matter of total exposure, they'll
7 pay.

8 VICE CHAIRPERSON FLANAGAN: Do they only pay
9 in the line of duty?

10 FISCAL OFFICER SCHIMMOELLER: Oh, yeah.

11 VICE CHAIRPERSON FLANAGAN: That's what I
12 thought.

13 FISCAL OFFICER SCHIMMOELLER: Only if you
14 have some fireman get hurt out on the job at a fire or
15 on a call.

16 In the past, I've just paid it and moved on.
17 But, this time, I don't know why, they specifically,
18 you know, sent out and said there's two other plans
19 you could go on if you wanted to.

20 The next one, as you seen, is another 300
21 bucks a year, 350 bucks a year. And, then, the next
22 plan above that was \$1,000 more than what we're paying
23 now, so that must be a real beefy one.

24 VICE CHAIRPERSON FLANAGAN: I guess it's
25 been working. I'll move that we --

1 CHAIRPERSON SMITH: Just stay the same.

2 VICE CHAIRPERSON FLANAGAN: -- just go with
3 what we've had.

4 CHAIRPERSON SMITH: Yeah.

5 FISCAL OFFICER SCHIMMOELLER: Anybody want
6 to second?

7 CHAIRPERSON SMITH: I'll second it.

8 FISCAL OFFICER SCHIMMOELLER: Okay. Kevin.

9 VICE CHAIRPERSON FLANAGAN: Yes.

10 FISCAL OFFICER SCHIMMOELLER: Joe.

11 CHAIRPERSON SMITH: Yes.

12 VICE CHAIRPERSON FLANAGAN: Roger.

13 TRUSTEE CLARK: Yes.

14 CHAIRPERSON SMITH: Let's see. Oh, you got
15 the Resolution for the OPWC.

16 FISCAL OFFICER SCHIMMOELLER: Yeah. Yeah.
17 I got the Resolution here. Doug Cade sent this. It's
18 pretty short. I'll read it.

19 "Resolution authorizing Doug Cade, Hancock
20 County Engineer, to prepare and submit an application
21 to participate in the Ohio Public Works Commission,
22 State Capital Improvement and/or Local Transportation
23 Improvement Programs, and to execute contracts as
24 required.

25 "Whereas, the State Capital Improvement

1 Program and the Local Transportation Improvement
2 Program both provide financial assistance to political
3 subdivisions for capital improvement to public
4 infrastructure, and;

5 "Whereas, the Board of Allen Township
6 Trustees are planning to make capital improvements to
7 Township Road 14 from County Road 140 to Township Road
8 14, and Township Road 281 from Township Road 14 to the
9 Wood County line by resurfacing the pavement, and;

10 "Whereas, the infrastructure improvement
11 herein described above is considered to be a priority
12 need for the community and is a qualified project
13 under the OPWC Program, and;

14 "Whereas, the townships of Allen, Amanda,
15 Cass, Orange, and Washington, the Villages of Arcadia,
16 McComb, Van Buren, and Vanlue, and Hancock County, and
17 would benefit from having the bid process and
18 contracts for road surfacing combined among the
19 townships and the villages and the county.

20 "Now, therefore, be it resolved by the Board
21 of Allen Township Trustees that Doug Cade, Hancock
22 County Engineer, is hereby authorized to apply for
23 OPWC for funds as described above and is further
24 authorized to enter into agreements as may be
25 necessary and appropriate for obtaining this financial

1 assistance."

2 And he estimated that our funding portion,
3 if we are granted this, would be \$63,021. So he's
4 asking me to certify that we have the money or will
5 have the money of \$63,021, should they get the OPWC
6 funds to pay for the rest.

7 VICE CHAIRPERSON FLANAGAN: I would move
8 that we approve that Resolution.

9 TRUSTEE CLARK: I'll second it.

10 FISCAL OFFICER SCHIMMOELLER: Kevin.

11 TRUSTEE CLARK: Yes.

12 FISCAL OFFICER SCHIMMOELLER: Roger.

13 TRUSTEE CLARK: Yes.

14 FISCAL OFFICER SCHIMMOELLER: Joe.

15 CHAIRPERSON SMITH: Yes.

16 Now we've got to sign this stuff here.

17 CHAIRPERSON SMITH: Okay. We've already
18 done the zoning plan and map.

19 I think that's about all I have.

20 FISCAL OFFICER SCHIMMOELLER: The only other
21 thing I have is we kind of touched on --

22 CHAIRPERSON SMITH: Oh, yeah.

23 FISCAL OFFICER SCHIMMOELLER: -- was this
24 Howard Run Ditch Petition. It says the estimated
25 assessment amount for the township is \$3,980.95, and

1 we have an option to pay it in full within 21 days
2 after the hearing on September 12th, which I got
3 copies for you guys here, too. There's a hearing yet
4 on this, if you guys want to go to it.

5 TRUSTEE CLARK: August 22nd.

6 FISCAL OFFICER SCHIMMOELLER: 21st, I think.
7 Oh, no. You're right. 22nd.

8 TRUSTEE CLARK: August 22.

9 VICE CHAIRPERSON FLANAGAN: Is it somewhat
10 odd that the mayor would have been the one petitioning
11 the ditch?

12 FISCAL OFFICER SCHIMMOELLER: Well, that's
13 what I find odd.

14 VICE CHAIRPERSON FLANAGAN: It is a little
15 unusual.

16 FISCAL OFFICER SCHIMMOELLER: They must have
17 some more water they want to move through there.

18 CHAIRPERSON SMITH: Is it because it starts
19 and that's where they annexed?

20 TRUSTEE CLARK: I don't know.

21 VICE CHAIRPERSON FLANAGAN: It's actually
22 not the property owner.

23 CHAIRPERSON SMITH: Yeah. Well, that's
24 true.

25 VICE CHAIRPERSON FLANAGAN: I mean, I guess

1 anybody can petition any ditch. I don't think there's
2 anything wrong with that, per se. It just seems a
3 little unusual.

4 FISCAL OFFICER SCHIMMOELLER: I know I've
5 had several residents come to me and ask me about
6 this, what they can do, why -- you know, why does this
7 come up all of a sudden. I say, Well, ask the mayor.
8 Because they want to know if they have any recourse of
9 not -- you know, not paying it.

10 VICE CHAIRPERSON FLANAGAN: Well, you go to
11 the hearing and make a bunch of noise. Dad used to go
12 to ditch hearings and then come home and discuss it
13 because --

14 FISCAL OFFICER SCHIMMOELLER: Not much you
15 can do about it.

16 VICE CHAIRPERSON FLANAGAN: That was Wood
17 County. And the way the ditch assessments usually
18 work is the further away you are from where they're
19 doing the work, you're going to get assessed more
20 because you're using the entire length of the ditch.

21 FISCAL OFFICER SCHIMMOELLER: Yeah.

22 VICE CHAIRPERSON FLANAGAN: If you actually
23 live right on the ditch, you're probably not going to
24 have near the assessment of somebody that's 20 miles
25 away because you're only using part of the ditch.

1 FISCAL OFFICER SCHIMMOELLER: Yeah. Yeah.
2 There's different ways to do that calculation in
3 there.

4 VICE CHAIRPERSON FLANAGAN: Yeah. There's
5 Kyle Parker, the Deputy Engineer.

6 FISCAL OFFICER SCHIMMOELLER: Yeah.
7 I called him on it, too. I said, Well, you know --
8 and, then, he gave me this sheet that they want me to
9 tell them -- or you know, it's called Notice of
10 Intention by Owner to Pay Assessment In Cash. They
11 want to know if you're going pay it in full or not, or
12 they're going to slap it on your taxes. I said, Do
13 you want me to put in parcel numbers? I said, Tell me
14 what parcel numbers you're talking about here. He
15 said, Well, I can't do that. There's too many.

16 VICE CHAIRPERSON FLANAGAN: Oh, that's kind
17 of odd.

18 FISCAL OFFICER SCHIMMOELLER: Well, how are
19 you going put it on our taxes?

20 VICE CHAIRPERSON FLANAGAN: Yeah.

21 TRUSTEE CLARK: Right.

22 VICE CHAIRPERSON FLANAGAN: We'll take that
23 option.

24 FISCAL OFFICER SCHIMMOELLER: Yeah. So, I
25 mean, I'm all about just paying it and be done with

1 it, but I didn't know if one of you guys want to go to
2 that meeting or not.

3 I'm just going to sit tight because, I guess
4 eventually we'll get -- after the hearing, then,
5 they'll send an official --

6 CHAIRPERSON SMITH: Bill.

7 FISCAL OFFICER SCHIMMOELLER: -- bill, I
8 guess. But it looks like it could -- well, no. It
9 shouldn't -- it's not going to happen before the next
10 meeting because we've got until December 12th to pay
11 it.

12 VICE CHAIRPERSON FLANAGAN: Okay.

13 FISCAL OFFICER SCHIMMOELLER: We could
14 probably talk about it at the next meeting.

15 That was it. I just wanted to make sure you
16 guys are aware of it --

17 CHAIRPERSON SMITH: Okay.

18 FISCAL OFFICER SCHIMMOELLER: -- and if you
19 want to go to the hearing.

20 VICE CHAIRPERSON FLANAGAN: Do you know if
21 you're going to the hearing for your personal stuff
22 for it?

23 TRUSTEE CLARK: We talked about it. I might
24 be. Yeah.

25 VICE CHAIRPERSON FLANAGAN: Let me know if

1 you're not going and maybe I'll try and go.

2 TRUSTEE CLARK: Okay. It looks -- I didn't
3 read this close enough earlier, but there's a link
4 here. See what else I can find out about it.

5 FISCAL OFFICER SCHIMMOELLER: Yeah. I
6 didn't go there and nose around either on that link.
7 I had plenty other stuff to do.

8 TRUSTEE CLARK: You had to go to this
9 meeting I think to find out how much interest they're
10 going to add on.

11 FISCAL OFFICER SCHIMMOELLER: Yeah. What's
12 the interest rate?

13 TRUSTEE CLARK: Yeah. Put it on your taxes.

14 VICE CHAIRPERSON FLANAGAN: Just put it on
15 your taxes, they're going to tag some interest.

16 TRUSTEE CLARK: If you don't pay in full by
17 the 12th.

18 FISCAL OFFICER SCHIMMOELLER: Yeah. Well,
19 that's where some of the residents were a little upset
20 because, you know, they get this out of the blue, and,
21 What do you mean? Like, in less than 30 days I've got
22 to come up with a thousand bucks or 1,500 bucks.

23 CHAIRPERSON SMITH: Yeah.

24 FISCAL OFFICER SCHIMMOELLER: And they want
25 to know if they had any recourse. I said, I don't

1 think so.

2 VICE CHAIRPERSON FLANAGAN: There's not a
3 lot.

4 FISCAL OFFICER SCHIMMOELLER: If you're in
5 the watershed you're going to have to pay. Bottom
6 line.

7 VICE CHAIRPERSON FLANAGAN: Pretty much it.
8 Yeah.

9 FISCAL OFFICER SCHIMMOELLER: About the only
10 thing you can do is argue you're not in that
11 watershed. That's going to be --

12 VICE CHAIRPERSON FLANAGAN: That's a
13 tough --

14 FISCAL OFFICER SCHIMMOELLER: That's a tough
15 one.

16 VICE CHAIRPERSON FLANAGAN: Easy for them to
17 say, Well, you're using that.

18 FISCAL OFFICER SCHIMMOELLER: It's going to
19 be tough.

20 VICE CHAIRPERSON FLANAGAN: Okay.

21 FISCAL OFFICER SCHIMMOELLER: I think that's
22 all I've got.

23 CHAIRPERSON SMITH: That's all? Okay.

24 Anybody else have anything to say? Mark
25 or -- no? Okay.

1 If not, I guess I move to adjourn.

2 TRUSTEE CLARK: I'll second that.

3 FISCAL OFFICER SCHIMMOELLER: Okay. Joe.

4 CHAIRPERSON SMITH: Yes.

5 FISCAL OFFICER SCHIMMOELLER: Roger.

6 TRUSTEE CLARK: Yes.

7 FISCAL OFFICER SCHIMMOELLER: Kevin.

8 VICE CHAIRPERSON FLANAGAN: Yes.

9 - - -

10 And, thereupon, the proceedings were
11 concluded at 9:55 p.m.

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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the

witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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