

Sand Beach Conservancy District

January 7, 2021

The meeting was called to order by President Tim Clapp at 7:00 p.m. at the Carroll Township Hall on Zoom.

Board Members present: President Tim Clapp and Vice-President Ted Behnken, Board member Thomas Schank and Sara Hanselman-Secretary/Treasurer

Attendees: 3 attendees were on line via Zoom

Motion to approve the December 17, 2020 meeting minutes by Thomas Schank seconded by Ted Behnken. Approved.

Officers reports...Treasurer's Report as of Dec 31, 2020. **Motion** by Ted Behnken and seconded by Thomas Schank to approve Treasurer's report. Approved

Committee Reports: Break Waters committee report by Thomas Schank:

Made contact with the Buffalo office of Army Corp to get acknowledgement of receiving the proposal. It was received but no action has been taken on it. There is no deadline for review and consideration by the Corps and there are ten (10) requests current under Section 205. Follow-up will be with Congressperson Marci Kaptur.

Unfinished business:

Dredging project: Russ Mylander from Unillance was on Zoom to report on the dredging project. Basically ready to go. The Sand Beach Association has reported they will not accept any spoils from the dredging project. To remove the spoils from the work sight would cost \$100,000 to \$150,000 to have it hauled off sight plus the original bid per Russ Mylander. The offer was made to anyone who wants the spoils. No one responded.

Long discussion on pumping and water flow. Pump settings and bumming was discusses.

Board asked Russ to rebid the dike road project. (3,4,7 and 9th)

1. **Nomination of Officers:** Thomas Schank moved to nominate Tim Clapp as President and Ted Behnken as Vice President for 2021. Seconded by Ted Behnken. Approved.
2. **Nomination of Treasurer:** Ted Behnken moved to rehire Sara Hanselman as independent contractor for treasurer for 2021. Seconded by Thomas Schank. Approved.
3. **2021 Assessment letter:** The Board discussed monetary needs for the next assessment request. Motion by Thomas Schank to approve \$60,000 for 2021 Assessment. Seconded by Ted Behnken. Approved.
4. **2021 Appropriations set:** see attached
5. **Approval of legal counsel:** Motion by Thomas Schank and seconded by Ted Behnken to retain Maloney, McHugh and Kolodgy for legal counsel. Approved.
6. **2021 Inventory list** was reviewed and amended to add the small laptop computer at zero value. Motion by Ton Schank seconded by Ted Behnken. Approved
7. **Motion** by Ted Behnken and seconded by Thomas Schank to approve the engineering firm of BEC for year 2021. Approved.
8. **Motion** by Ted Behnken and seconded by Thomas Schank to hire Matt Heintz for the summer mowing at the rate of \$1350 for two mowings. Approved

Correspondence / Announcements:

Next meeting: Thursday, April 22, 2021

Motion by Ted Behnken and seconded by Thomas Schank to adjourn the meeting. Approved.

Respectfully Submitted: Board of Directors

Tim Clapp – President Ted Behnken – Vice President Thomas J Schank – Board

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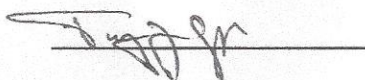
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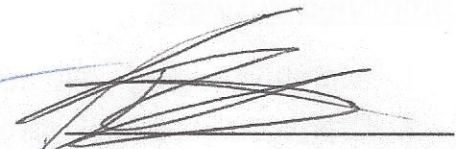
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Sara Hanselman – Secretary-Treasurer



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Sand Beach Conservancy District

April 22, 2021

The meeting was called to order by President Tim Clapp at 7:00 p.m. at the Carroll Township Hall on Zoom.

Board Members present: President Tim Clapp and Vice-President Ted Behnken, Board member Thomas Schank and Sara Hanselman-Secretary/Treasurer

Attendees: 5 attendees were on line via Zoom

Motion to approve the January 7, 2021 meeting minutes by Thomas Schank seconded by Ted Behnken. Approved.

Officers reports...Treasurer's Report as of April 22, 2021, **Motion** by Ted Behnken and seconded by Thomas Schank to approve Treasurer's report. Approved

Committee Reports:

- 1) Break Waters and Off Shore Protection Update: Director Schank reported that he contacted Congresswoman Marcy Kaptur's office about the status of the District's Letter of Request for the breakwaters. Her staff responded that they were checking with the Army Corp of Engineers to determine what was being done and to encourage support. Director Schank also requested a meeting among the District Directors and her Chief of Staff to brief them further on the need for breakwaters and encourage more active support. Her office has not respond to that request at this time. Director Schank will keep pursuing a meeting with the Congresswoman.
- 2) Director Schank also reported on a program being promoted buy the Ohio Department of Natural Resources that offers low interest long term loan support to private property owners on the Lake Erie shoreline to make improvement to their break walls and other shoreline protections. Under the program, adjacent property owners are encouraged to agree on particular solutions and if approved by ODNR, then collectively hire contractors to do installation. This program is not intended at this time for projects as large as breakwaters and strongly encourages property owners to agree to installation of public walkways on the break wall improvements.
- 3) Committee to Review all Works currently on Property in Sand Beach: Plan to have a committee to re-document SBCD Rocks/ blocks on owners'

property and have a photographic record and possibly mark them in some way.

Unfinished business:

Dredging project:

1.) Update on Completion for 2021 winter

Clean up of Banks and Reseeding; From Gate to second street and 5th still need clean up. Permit says no in water work from April 15 to June 30.

Spoils Update on 7th Street...spoils have gone down considerably

Complaint Update to the USACE on spoil fence down...fence is fixed

USACE Acknowledge by Restoring Fence we are in compliance.

Update and Review of current Invoice from Unillance....60% complete

Letter from Unillance to return in Fall 2021/Winter 2022 to Complete Project extending end date of contract to 2022.

Discussion on Other areas that could be used for Spoils Placement #2...no area was discussed until final agreement with owners of lots

2.) Litigation Update (hearings, etc.) Still pending in both cases...moving to final

NEW BUSINESS:

A) DREDGING BILLING: Motion by Thomas Schank and seconded by Ted Behnken to Pay Unillance \$29000 subject to conditions, no retainage, with certification from Engineer. Approved

B) CULVERTS: Discussion to Convey Ownership of Culverts in Sand Beach to Association. The Conservancy paid to have the drains/culverts clean out last year. President of Sand Beach Association requested directors to attend May 12th Board meeting to discuss further.

C) CLEAN UP OF RIGHT OF WAY: Motion by Ted Behnken and seconded by Thomas Schank to pay \$590 to St Clair Excavating for cleanup. Approved. Association to pay identical amount.

D) SPOIL REMOVAL PROCESS DISCUSSION:

RECOMMENDATIONS:

*Spoils cannot be removed from Sand Beach Plat

**Before removal, owner must complete a Request to SBCD and provide Letter of Fill Permission from Ottawa County. Form will be available on Sandbeachcd.com. Owners must obtain fill permit from County and submit it with application

***Availability to All Owners, but shall end once contractor levels and seeds the area.

****Residents shall be responsible for Damage to Road and Site, and clean up Road.

*****Hold Harmless from Claims for SBCD and Owner and SBA

These recommendations are on the website.

E) POLICY DISCUSSION ON PROPERTY REMOVAL ON LOTS IN SAND BEACH.

Committee to review all works currently n Property in Sand Beach

F) Record Request by Vince Morgillo. Request read, summary of responses read. Thomas Schank got a verbal agreement to send responses to Bob Morgillo, since Vince passed. Request included items that are not in the possession of the SBCD, since those requests would need to come from the USACE. Included with the response was a July, 2006 SBCD Action to Ohio EPA stating the Dredge ditch is in "Serious" need of dredging. Agreed to send by Mail. FOI Closed.

G) Record Request from Bob Morgillo. Request read, summary of responses read. Bob Morgillo request whom recommend the pumps originally, Approval of Fill, and Subsequent appraisals. Agreed to send by mail. FOI Closed.

Correspondence / Announcements:

Tim Clapp had a conversation with Beck Insurance about getting rid of some riders in the policy and keep our policy on an annual basis. **Motion** by Thomas Schank and seconded by Ted Behnken to pay the invoice of \$2432 to Beck Insurance for 2021 policy coverage. Approved

Next meeting: Thursday, June 24, 2021

Motion by Thomas and seconded by Ted Behnken to adjourn the meeting.
Approved.

Respectfully Submitted: Board of Directors

Tim Clapp – President Ted Behnken – Vice President Thomas J Schank – Board

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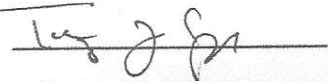
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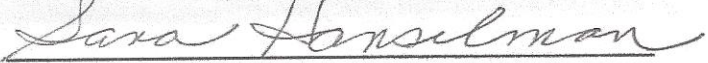
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Sara Hanselman – Secretary-Treasurer



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Sand Beach Conservancy District

June 24, 2021

The meeting was called to order by President Tim Clapp at 7:00 p.m. at the Carroll Township Hall on Zoom.

Board Members present: President Tim Clapp and Vice-President Ted Behnken, Board member Thomas Schank and Sara Hanselman-Secretary/Treasurer

Attendees: 6 attendees were on line via Zoom

Motion to approve the April 22, 2021, meeting minutes by Thomas Schank seconded by Ted Behnken. Approved.

Officers reports...Treasurer's Report as of June 24, 2021, **Motion** by Thomas Schank and seconded by Ted Behnken to approve Treasurer's report. Approved

Email for Funding for EMA by Tim Clapp for help on flood costs. Once received, we will accumulate bills and make a submission to EMA.

Committee Reports:

- 1) Break Waters and Off Shore Protection update: Director Thomas Schank reported he sent an email to Chief Planning Officer on Flood issues. A request on an update on the off-shore breakwaters. It is currently in the Project List in the Section 205. It is in the Due course of review. It could be 1 to 2 years before we hear anything. Marci Kaptur's office is also in the loop on the project. There is a request to have a meeting with Kaptur or her staff.
- 2) Current review of projects in Sand Beach requiring attention, including barrier removals. The Wood Barriers were removed on 4th and 5th Streets, and Clapp requested to SBA to inform members not to remove them without prior permission.

Litigation Update: Walter vs Sand Beach Association/ Sand Beach Conservancy: Tom Schank did an update on the Preliminary Injunction on the Walter Case. The judge expected to issue a ruling sooner than later.

Tom Schank stated no change in status of the Morgillo case.

1.) Dredging Project update:

- a) Two areas of debris in the Marsh, by Bennice and Morgillo. Spearings shoved debris into the boatway/marsh. A letter should be sent by Secretary to Spearings informing them they should not put anything into the boatway or marsh.
- b) Policy on obtaining material from 7th Street is located on Sand Beach cd.com. Owners are allowed to get fill and must follow the guidelines.
- c) Unilliance shall be leveling 7th street in July or August.
- d) Part of the culvert at 9th street washed out and needs to be put back together.

2.) Emergency Project on Sand Beach Road at 12th Street. There is a Cost of Blocks of approximately \$4000. Shortridge can haul 7 per truck, 68 (6 footers). This includes Trucking. We may need to purchase additional blocks (2x4) for bottom row.

Motion by Thomas Schank to purchase 68 blocks at Dike Road Project at 12th St. Seconded by Ted Behnken. Approved

3.) Emergency Project on 13th Street. A preliminary design and request to hire BEC to design the 13th St project. Concern is to have equipment access. The access is only 20 feet wide. Schank proposed we also talk to other contractors, like Rick Shortridge or Unilliance for their thoughts on design.

Motion by Thomas Schank to consult BEC on design. Seconded by Behnken, Approved

4.) Auditor's report given to Directors. Audit passed with no issues except executive sessions must note the specific reasons for Executive sessions.

NEW BUSINESS:

- 1) Directors Position report: Director's position held by Behnken. Action taken: 124 postcards mailed to all in the district, ad in The Beacon for 4 consecutive weeks and letter sent to Judge Winters.
- 2) Public Records Custodian form was signed by President Tim Clapp for the record.
- 3) Flood issues: Recap of May 28th Flood: Both pumps were turned on. During the storm, the marsh rose several feet. Unilliance was contacted on emergency call, to bring 25 blocks and fill holes going through to the marsh. The Association worked well with us and things went very well. Streets were being cleaned in the middle of the storm. Cleanup took approximately 3 weeks to complete, not including road damage.
- 4) Storm cleanup invoices & cost share with SBA. **Motion** by Thomas Schank and seconded by Ted Behnken to pay the bills billed to SBCD and then ask SBA for 50% of the cleanup bills. Approved
- 5) SBA paving of Dike road: SBA President reported they approved at last meeting to repave Dike Road as well as the area damaged by storm on 9th street at Morgillos.
- 6) Current status of the Dike Road Project of 1987 effectiveness. The SBA was hesitant at their meeting to pave Dike Road due to water infiltration between the blocks.
Subsequently, The Three Directors reviewed the 1987 project drawings and the current state of the Rip Rap and Blocks in person. The in person review found the wall and Rip Rap are still pretty much intact as designed. Yet, there was evidence of water spurting thru the cracks in the blocks, forming a 1 to 2 foot area of minimal washout of the stone on the south side.

Per Review, the slope is 2 to 1 and the rip rap runs about 14 to 16 feet. The Sand Beach Road (at Dike Road) was built to a 578 elevation. The last time it was paved was in The top row of blocks are set at 582 which meets the current design as recommended by the Engineer. The Slope was designed for 2 to 1 and the rip rap stone is about 14 to 16 foot. This appears to be the intact from the 1987 installation. There are small cracks between the blocks that could have concrete grouted in to stop the spurts.

The SBCD per Tim Clapp paved the road in 1995.

The SBCD District has prioritized adding and resetting blocks on Dike Road at 12th St first, Second on 13th , and last to repairing the spurting on Dike Rd.

7) Tim Clapp maintenance: **Motion** by Ted Behnken and seconded by Thomas Schank to approve Tim Clapp's bill for repairs of steps in the amount of \$209.63 Approved.

8) Rework of 9th Street Sand Projection: **Motion** by Ted Behnken and seconded by Thomas Schank to put 6 foot blocks in front of the steel. Move the 4 blocks there already and add more blocks to make it two high. Motion to install blocks approximately 10. Motion passed.

Correspondence / Announcements:

Letter was read dated May 17, 2021, from Judge Bruce Winters thanking the Board for the update on the Dredging Project.

Questions: Issue at Morgillos. Mary Breymer asked what we can do at Morgillos. Tim Clapp responded that due to litigation, we are holding on doing anything.

Motion by Thomas Schank and seconded by Ted Behnken to adjourn the meeting. Approved.

Respectfully Submitted: Board of Directors

Tim Clapp – President Ted Behnken – Vice President Thomas J Schank – Board

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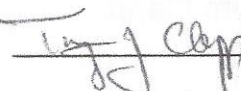
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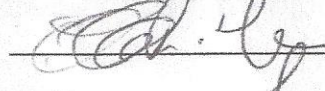
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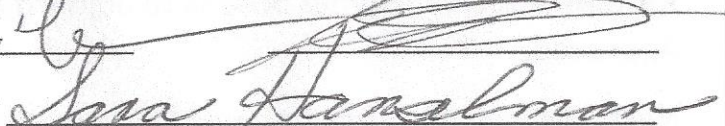
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Sara Hanselman – Secretary-Treasurer



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Sand Beach Conservancy District

August 26, 2021

The meeting was called to order by President Tim Clapp at 7:00 p.m. at the Carroll Township Hall.

Board Members present: President Tim Clapp and Vice-President Ted Behnken, Board member Thomas Schank and Sara Hanselman-Secretary/Treasurer

Attendees: 4 attendees were present

Motion to approve the June 24, 2021, meeting minutes by Ted Behnken seconded by Thomas Schank. Approved.

Officers reports...Treasurer's Report as of August 26, 2021, **Motion** by Ted Behnken and seconded by Thomas Schank to approve Treasurer's report. Approved

Motion by Ted Behnken and seconded by Thomas Schank to adjust the appropriations of \$5,000 from Engineering to Legal.

Attached is the answer by Ted Behnken to Jason Walter's request for recordings of the zoom meetings. See attached.

Committee Reports:

Break Waters and Off Shore Protection update: Thomas Schank

There is no update from the Army Corp since June but this is expected as their process is very deliberative. I am continuing to stay in contact with them and Congressperson Kaptur's office. The State of Ohio through recent legislation has established an ODNR grant program for shoreline erosion prevention that evaluates proposed projects for funding. The District can and will apply for funds in the 2022-2023 period for breakwater support. Unfortunately, the total funding for all approved projects for this year is only \$5 million and the program does not specifically identify breakwaters as typical projects. This is likely due to the cost of breakwaters. As the project moves through Army Corp review, we will contact professional services to support possible solicitations for grants to support the breakwater costs when approval is achieved.

Unfinished Business:

- 1) Block purchase follow up. **Motion** by Thomas Schank to allocate \$15,000 for the purchase of 78 blocks (\$50 per block, 6 truck loads, delivery and unload) from Nissen. Seconded by Ted Behnken. Approved.
- 2) **Motion** by Ted Behnken to move \$11,000 from Maintenance to Contracts/Emergency. Seconded by Thomas Schank. Approved

New Business:

- 1) Director's appointment: Ted Behnken was reappointed to 5 year term expiring 8 24 2026.
- 2) Tim Clapp announced there will be no public assistance for the damage of the July 4th storm.
- 3) Beach access on 9th street: Blocks will be moved closer to steel (lakeside)
- 4) Access on 8th street – delayed till Spring

Correspondence / Announcements:

Letter from President of the Sand Beach Association was read by Ted Behnken and his answer was also read about the condition of Dike road. See attached.

Discussion: 4th street complaint of sand on the street.

Discussion: Sand Beach Association wants policing of golf carts

Motion by Tim Clapp and seconded by Thomas Schank to adjourn the meeting. Approved.

Respectfully Submitted: Board of Directors

Tim Clapp – President Ted Behnken – Vice President Thomas J Schank – Board

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Sara Hanselman – Secretary-Treasurer

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Sand Beach Conservancy District

October 28, 2021

The meeting was called to order by President Tim Clapp at 7:00 p.m. at the Carroll Township Hall.

Board Members present: President Tim Clapp and Vice-President Ted Behnken, Board member Thomas Schank and Sara Hanselman-Secretary/Treasurer

Attendees: 8 attendees were present

Motion to approve the August 26, 2021, meeting minutes by Thomas Schank seconded by Tim Clapp. Approved.

Officers reports...Treasurer's Report as of October 28, 2021. **Motion** by Ted Behnken and seconded by Thomas Schank to approve Treasurer's report. Approved

Advisory Board appointees: Jason Walter, Terry Breymaier, Tim Ellenberger

Litigation Report: Walter case: Judge Winters denied the Walter's request for a preliminary injunction and gave Walter 30 days to remove the block from the beach right of way at his expense and failing that, the Conservancy could move them and charge Walter. Instead Walter waited until the 28th day, then filed an appeal. As part of that action Walter asked Judge Winters to stay his order which the Judge denied. The Conservancy arranged for Uniliance to remove the blocks on the 32nd and 33rd days following the judgment. Walter consented to the removal of the blocks by Conservancy prior to their removal. The appeal is still pending but is likely mooted by the Walter consent to the move.

Morgello: no change

Break Waters and Off Shore Protection update: Thomas Schank

The Board received a report from Director Schank on the status of the Breakwaters Project submitted to the Army Corp of Engineers. The Corp informed Director Schank recently that I will begin the review process of submitted projects after the first of the year to select those to be considered in the next funding cycle. All submissions nationwide are considered and selections are made on a nationwide basis. Notwithstanding this approach, it is likely that

some projects from each Corp region will be selected for evaluation. There will be no action or additional information from the Corp until these processes are completed, probably in the second quarter of 2022.

Unfinished Business:

- 1) Completion and recap of re-setting blocks on Sand Beach Road Project between 11 and 12th. See attached report. All bills approved.
- 2) Dredging Project continuation report. Thomas Schank made the **Motion** to extend the dredging project into 2023 due to the wet spoils. Seconded by Tim Clapp. Approved.
- 3) **Motion** by Thomas Schank and seconded by Tim Clapp to pay Tom Lang \$325 for labor and materials at 9th Street gap wall. Approved.
- 4) It was previously approved to convey the culverts to the Sand Beach Association for \$1. A letter will be sent for confirmation from the Sand Beach Association accepting the offer.

New Business:

- 1) **Motion** by Ted Behnken and seconded by Thomas Schank to allow \$1500 for the 2nd street project of setting of blocks and push up of blocks and riprap. Approved.
- 2) The treasurer will invoice Mark Sanders for 2 blocks at the cost of \$106.00.
- 3) **Motion** by Thomas Schank and seconded by Tim Clapp to spend \$1000 to remove sand and replace with stone on north side of road to new wall. Approved.
- 4) **Motion** by Ted Behnken and seconded by Thomas Schank to allocate \$1500 to BEC for a review of 4th Street. Approved.

Correspondence / Announcements:

Next meeting will be December 9th.

Motion by Tim Clapp and seconded by Thomas Schank to adjourn the meeting. Approved.

Respectfully Submitted: Board of Directors

Tim Clapp – President Ted Behnken – Vice President Thomas J Schank – Board

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Sara Hanselman – Secretary-Treasurer



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Sand Beach Conservancy District

December 9, 2021

The meeting was called to order by President Tim Clapp at 7:00 p.m. at the Carroll Township Hall.

Board Members present: President Tim Clapp and Vice-President Ted Behnken,
Board member Thomas Schank and Sara Hanselman-Secretary/Treasurer

Attendees: 2 attendees were present

Motion to approve the October 28, 2021, meeting minutes by Ted Behnken seconded by Thomas Schank. Approved.

Officers reports...Treasurer's Report as of December 9, 2021. **Motion** by Tim Clapp and seconded by Ted Behnken to move appropriated funds from Contracts/Emergency to Legal of \$2000. Approved. **Motion** by Tom Schank and seconded by Ted Behnken to approve Treasurer's report. Approved

Break Waters and Off Shore Protection update: Thomas Schank

No update at this time.

Litigation Report: Walter case: Further mediation coming Dec. 19, 2021.

Unfinished Business:

- 1) ODNR to review the right of way and gather input. Board members met with Jason Trap from the ODNR and had conversation about the process. He suggested to get Permits; Work with an engineer; Meet with ODNR before it is submitted. He suggested to not push sand down and to add more sand on 4th Street. He liked second and third streets with sand. He will send a list of approved engineers.
- 2) Pour concrete on 9th Street.
- 3) Stone on Dike Road: no action taken

New Business:

- 1) Set Meeting Dates for 2022: Jan 20, April 14, June 16, August 18, Oct 20 and Dec 15.
- 2) **Motion** by Tim Clap and seconded by Thomas Schank to pay Sand Beach Association \$175 for half of the bill for Vinary Shortridge for the stacking of concrete blocks on Dike Road. Approved.

- 3) **Motion** by Thomas Schank and seconded by Ted Behnken to approved Bond Insurance on the Treasurer in the amount of \$138. Approved.
- 4) Discussion as to future meeting being in person or on Zoom. Board members will research Google Meets as a format. **Motion** by Ted Behnken and seconded by Thomas Schank to look into having ~~Google Meets~~ on the districts computer and advertise future meetings will be held on ~~Google Meets~~. Meetings will not be recorded on ~~Google Meets~~. Approved.
- * Microsoft Teams etc

Next meeting will be January 20, 2022.

Pursuant to Ohio Rev. Code 121.2(G)(3) the Board will go into executive session regarding pending litigation involving the District.

Motion by Tim Clapp and seconded by Thomas Schank to adjourn the meeting. Approved.

Respectfully Submitted: Board of Directors

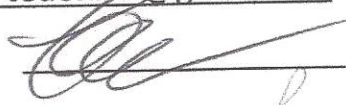
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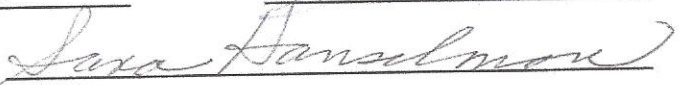
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