

# Sand Beach Conservancy District

January 20, 2022

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: 1 attendee was present

**Motion** to approve the December 9, 2021, meeting minutes by Ted Behnken seconded by Thomas Schank. Approved.

Officers reports...Treasurer's Report as of January 20, 2022. **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 set appropriations for 2022. Approved. See attached.

## **Break Waters and Off Shore Protection update:**

No change in status at the Army Corps. per Thomas Schank.

**Litigation Report:** Walter case: The second mediation session was held on December 15, 2021, with no progress toward settlement.

Margallo case: Date for dispositions are set.

## **Unresolved Projects:**

- 1) 13<sup>th</sup> Street flood project: No action taken.
- 2) 12<sup>th</sup> Street Steps: No action taken.
- 3) **Motion** by Thomas Schank and seconded by Ted Behnken to appropriate \$4000 for Second Street block resetting, adding riprap and adding stone on north side of Sand Beach Rd by 12th street. Approved.
- 4) **Motion** by Thomas Schank and seconded by Tim Clapp to approve the annual spring pump contract and servicing by Lakecraft Inc. Approved.
- 5) Dredging update for 2022. Restart is set for January 24, 2022.

## New Business:

- 1) Nomination of officers: **Motion** by Thomas Schank to nominate Tim Clapp for President for the 2022 year. Seconded by Ted Behnken. Approved. **Motion** by Thomas Schank to nominate Ted Behnken for Vice President for the 2022 year. Seconded by Tim Clapp. Approved.
- 2) **Motion** by Ted Behnken and seconded by Thomas Schank to approve the Levy Annual Maintenance Assessment for the year 2021 for \$60,000. Approved.
- 3) **Motion** by Ted Behnken and seconded by Thomas Schank to hire Maloney, McHugh & Kolodgy as legal counsel for calendar year 2022. Approved.
- 4) The inventory list for 2021 was approved with minor corrections. **Motion** by Ted Behnken and seconded by Thomas Schank. Approved
- 5) **Motion** by Ted Behnken and seconded Thomas Schank to hire BEC as the engineering firm till April 2022. Approved
- 6) **Motion** by Ted Behnken and seconded by Tim Clapp to rehire S J Hanselman Consulting as Treasurer for 2022 year with the same terms. Approved.

Next meeting will be April 14, 2022.

**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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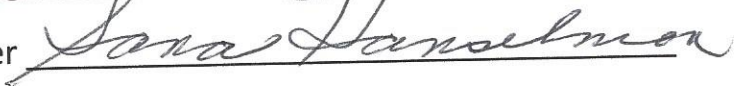
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Sara Hanselman – Secretary-Treasurer



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## **AGENDA**

## **SAND BEACH CONSERVANCY DISTRICT**

**March 24, 2022 7 PM**

### **Board Members**

**Tim Clapp – President**

**Ted Behnken – Vice- President**

**Thomas Schank – Director**

**Sara Hanselman – Secretary/Treasurer**

### **Organizational Business:**

- Call To Order
- Roll Call of Directors present

### **Public Request of Information:**

To Discuss Informational request

# Sand Beach Conservancy District

## Special Meeting Minutes

March 24, 2022

The Special 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, Vice President Ted Behnken and Director Thomas Schank, Sara Hanselman-Secretary/Treasurer

Attendees: 5 attendees were present

Director Schank explained the reason for the meeting. He read parts of the Feb. 9, 2022, letter from a Port Clinton Attorney, John Coppeler, and that the Board responded with letter dated March 8, 2022. (attached) Coppeler asked for digital copies of any and all Sand Beach Conservancy District records pursuant to Section 149.43 of the Ohio Revised Code.

The Conservancy formed in 1947 with no electronic means of copying records. In 2014 the Board had all records digitally scanned but in no order. There are approximately 500 files with an estimate of 25,000 pages with no searchable capability. The Board looked at the data and is not comfortable with the format exposing social security numbers, birthdates and other personal information. Research by Board members found that to print all pages and have an expert rescan would take hundreds of hours and possibly cost up to \$20,000.

The Board consulted with our attorney on how best to reply. After extended discussion the Board considered the following Motion.

A **Motion** was made by Director Schank that the District address the need to respond to the request submitted by John Coppeler for "any and all" digital records in its possession by engaging legal support to review as needed all such digital records to ensure reasonable care in preventing legally protected personal information, privileged communications and other forms of non-disclosable information from being inappropriately included in the District's responsive production. The Board authorized an expenditure not to exceed \$10,000.00 to comply with the request and further agreed to seek available means of recovery of such costs from the requester. The motion was seconded by Director Clapp and approved by unanimous vote of the Directors.

Attorney Coppeler was invited to attend this meeting but did not and did reply to the District's letter on the matter.

Attendees were given a chance to ask questions and responses were given by the Board.

Next Board regular meeting will be April 14, 2022

**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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Sara Hanselman – Secretary-Treasurer



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# Sand Beach Conservancy District

April 14, 2022

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 January 9, 2022, meeting minutes by Ted Behnken seconded by Thomas Schank. Approved. **Motion** to approve the March 24, 2022, minutes by Thomas Schank seconded by Ted Behnken. Approved.

Officers reports...Treasurer's Report as of April 14, 2022. **Motion** by Thomas Schank and seconded by Ted Behnken to approve Treasurer's report. Approved.

**Motion** by Ted Behnken and seconded by Thomas Schank to transfer funds in the appropriations from Engineering to Legal of \$10,000. Approved.

## **Break Waters and Off Shore Protection update:**

The Army Corps update is that annual funding provisions for projects to be approved this year are awaiting Congressional approval which is expected within the next few months. Once funding is set, the Corps will review and select projects to be considered this year. Our Request is among many nationwide and no estimation of its chances this year is possible at this time.

The Ohio shoreline protection loan program is limited to helping private property owners with breakwall repairs providing low interest loans.

**Litigation Report:** Walter case: No word since a brief was submitted.

Morgallo case: No new dates

## **Unresolved Projects:**

- 1) 13<sup>th</sup> Street flood project will be addressed at June meeting
- 2) 12<sup>th</sup> Street Steps will be addressed at June meeting
- 3) Second Street block resetting, adding riprap, adding one block on north side of Sand Beach road by 9<sup>th</sup> street was addressed. One block at 9<sup>th</sup>

street to be installed by St Clair. Tom Lang still has to complete the concrete between blocks at 9<sup>th</sup> Street.  
4) Dredging final update. Still have to do 6<sup>th</sup> street clean up.

**New Business:**

**Motion** by Ted Behnken and seconded by Thomas Schank to use Rod Gillespie as the Engineering Firm. Approved.

**Motion** by Ted Behnken and seconded by Tim Clapp to approach the Sand Beach Association to share the cost of stump grinding. Approved.

Next meeting will be June 16, 2022.

**Motion** by Ted Behnken and seconded by Tim Clapp to adjourn the meeting. Approved.

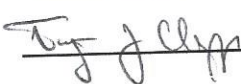
Respectfully Submitted: Board of Directors

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

June 16, 2022

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

**Motion** to approve the April 14, 2022, meeting minutes by Ted Behnken seconded by Thomas Schank. Approved.

**Motion** by Ted Behnken and seconded by Thomas Schank to approve Treasurer's report. Approved.

**Motion** by Thomas Schank and seconded by Ted Behnken to approve all invoices from Maloney for general and Walter. Approved.

**Break Waters and Off Shore Protection update:** No change.

**Litigation Report:** Walter case: Filled a brief this week and awaiting reply.

Morgillo case: We filed a summary judgement and they filed the same.

## **Unresolved Projects:**

1. 13<sup>th</sup> Street flood protection tabled for next meeting
2. 11<sup>th</sup> and 12<sup>th</sup> Streets removal of sand and install a stone base was approved but not resolved.
3. 12<sup>th</sup> Street steps...tabled till 2023 discussion.

## **New Business:**

1. Policy for retaining and destroying records was discussed.
2. Motion by Ted Behnken and seconded by Thomas Schank to pay Richard's Lawn Cutting \$125 for clean up along marsh from dredging. Approved.
3. Removal of spoils from 7<sup>th</sup> Street was an issue discussed.
4. Notice will be given to Dave Furlong regarding condition of steps.

Next meeting will be August 18, 2022.

**Motion** by Ted Behnken and seconded by Tim Clapp 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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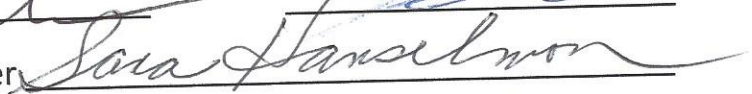
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Sara Hanselman – Secretary-Treasurer



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# Sand Beach Conservancy District

August 18, 2022

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

**Motion** to approve the June 16, 2022, meeting minutes by Thomas Schank seconded by Ted Behnken. Approved.

**Motion** by Thomas Schank and seconded by Ted Behnken to approve Treasurer's report. Approved.

**Motion** by Ted Behnken and seconded by Thomas Schank to approve all invoices presented by the Treasurer. Approved.

**Public Records Request:** The attorney replied to 2 requests. All requests have been answered. The attorney suggested destruction of records beyond retention date. Board tabled this to final resolution.

**Break Waters and off shore Protection update:** The Army Corps did not respond to the last update request from the Board. The Letter of Request was submitted 2 years ago, the length of time the Corps indicated when the Request as submitted it would take to consider the District project. Director Schank will continue follow-up with the Corps.

**Litigation Report: Walter:** The Walter appealed to the Court of Appeal from the Common Pleas Court denial of the request for an injunction to prevent the Board from moving their blocks off the District's beach easement. All legal filing have been submitted to the Court and the matter is now ready for the Court to make a decision.

Mark and Jason Walter, the Trustees who control their property, are trying to persuade the Court that the Sand Beach Assn. does not own any of the beaches, arguing instead that the beaches are the property of Ottawa County and therefore can be used without limitation by anyone any time. The Association and the District oppose the Walter argument, relying on the Association's legal ownership of all of the beaches. There is no deadline for the Court to make its decision.

**Morgillo:** The District and Morgillos have each made Court filings asking Judge Winter to determine without a trial some claims in the case. This is possible when the law is clear and there are no disputed facts that would affect the outcome. There is no deadline for Judge Winter to make these decisions.

**Unresolved Projects:**

1. 13<sup>th</sup> Street flood protection tabled for January 2023 meeting.
2. 12<sup>th</sup> Street steps tabled till January 2023 meeting.
3. 11<sup>th</sup> and 12<sup>th</sup> Streets removal of sand and install a stone base was approved but not resolved. **Motion** by Tim Clapp and seconded by Thomas Schank the project is not to exceed \$1500. Approved.

**New Business:**

1. **Motion** by Thomas Schank and seconded by Tim Clapp to accept the ACH vendors presented by the Treasurer: Toledo Ed, The Beacon, US Postmaster and the Ohio Auditor Office. Approved.
2. Discussion: BEC business has closed and the building sold. The Board will attempt to retrieve all the SBCD records.

Next meeting will be October 20, 2022.

**Motion** by Thomas Schank and seconded by Tim Clapp 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 15, 2022

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

**Motion** to approve the August 18, 2022, meeting minutes by Thomas Schank seconded by Ted Behnken. Approved.

**Motion** by Thomas Schank and seconded by Ted Behnken to approve Treasurer's report. Approved.

**Motion** by Thomas Schank and seconded by Ted Behnken to approve all invoices presented by the Treasurer. Approved. **Motion** by Ted Behnken and seconded by Thomas Schank to approve the additional \$200 on the mowing invoice.

Approved. **Motion:** Ted Behnken made a motion to move \$1500 from Contracts/Emergency to Engineering for \$1000 and to Maintenance \$500. Seconded by Thomas Schank. Approved.

**Public Records Request:** Nothing new. Everyone received what they requested.

**Break Waters and off shore Protection update:** No progress at this time. SBOD is still on the list for 2023 for consideration in April time frame.

**Litigation Report: Walter:** Awaiting Court of Appeals decision

**Morgillo:** Awaiting Judge Winter decision on Motions for Summary Judgement.

## Unresolved Projects:

1. 13<sup>th</sup> Street flood protection tabled for January 2023 meeting.
2. 12<sup>th</sup> Street steps tabled till January 2023 meeting.
3. Stone fill 12 and 13<sup>th</sup> completed with discussion. **Motion** by Tim Clapp and seconded by Ted Behnken to approve an additional \$200 for this project. Approved.
4. 2 blocks moved to 2<sup>nd</sup> street....still not completed. July 24, 2023 will be two years on dredging contract and Board may request another 5 years extension at that time.

### New Business:

1. Dates set for 2023 Board Meetings as: January 19, April 20, June 15, August 17, October 19, and December 21.
2. Owners, the Vandermaes, were in attendance asking questions about blocks etc. Thomas Schank explained the purpose of the District. **Motion:** Ted Behnken made a motion to hire Maloney to draw a document regarding the easement for their block wall. Seconded by Tim Clapp. Thomas Schank abstained. Approved.

Next meeting will be January 19, 2023.

**Motion** by Thomas Schank and seconded by Tim Clapp 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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