

Sand Beach Conservancy District

January 19, 2023

The meeting was called to order by President Tim Clapp at 7:00 p.m. at Porky's restaurant.

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

Motion to approve the December 15, 2022, meeting minutes by Ted Behnken and seconded by Thomas Schank. Approved.

Motion to approve the treasurer's report by Ted Behnken and seconded by Thomas Schank. Approved.

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

The President signed all the 2022 PO's

Committee Reports:

Breakwaters and Off Shore Protection: There is no change in the status of the District's Request.

Litigation Update: **Morgillo case:** The parties' cross motions for partial summary judgment were both denied. The court magistrate held a scheduling conference with counsel to determine additional discovery and possible trial dates. Further notice will be provided by the court.

Walter case: The Court of Appeals granted the District's Motion to Dismiss the appeal. The case is now returned to the Judge here for further proceedings on the open issues in the case. New court dates will be scheduled.

Unsolved projects:

1. 13th Street flood protection: tabled till April meeting
2. 12th Street steps: tabled till April meeting

New Business:

1. Nomination of officers: **Motion** by Thomas Schank to nominate Tim Clapp for President and seconded by Ted Behnken. Approved. **Motion** by Thomas Schank to nominate Ted Behnken for Vice President and seconded by Tim Clapp. Approved.
2. **Motion** by Ted Behnken and seconded by Thomas Schank to rehire S J Hanselman Consulting for Secretary/Treasurer for the year of 2023. Approved.
3. **Motion** by Ted Behnken and seconded by Thomas Schank to request \$60,000 for 2022 assessments. Approved.
4. The 2023 appropriations were approved (see attached) **Motion** by Thomas Schank and seconded by Ted Behnken. Approved.
5. **Motion** by Ted Behnken and seconded by Thomas Schank to approve legal counsel of Maloney, McHugh and Kolodgy for year of 2023. Approved.
6. **Motion** by Ted Behnken and seconded by Thomas Schank to approve the inventory list presented with minor changes. Approved.
7. Approval of Engineering Firm to be tabled till next meeting
8. **Motion** by Ted Behnken and second by Thomas Schank to approve the contract for Michael Heintz for mowing 3 times once prior to Memorial Day, Independence Day and Labor Day for \$900 each if paid within 10 days of mowing using the flail head. Approved
9. Treasurer reported the state will contact the conservancy when ready to do the audit.

Next meeting will be April 20, 2023, at Carroll Township Hall

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 Schank –Board

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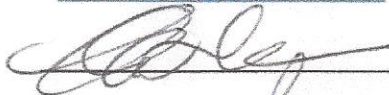
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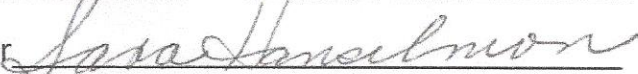
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Sara Hanselman –Secretary-Treasurer



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Sand Beach Conservancy District

April 20, 2023

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

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

Motion to approve the January 20, 2023, meeting minutes by Thomas Schank and seconded by Ted Behnken. Approved.

Motion to approve the treasurer's report by Ted Behnken and seconded by Thomas Schank with the correction of Shortridge invoice paying half of \$621.69. Approved.

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

Committee Reports:

Breakwaters and Off Shore Protection: A video conference was held with Congresswoman Marcy Kaptur and three members of her staff on April 10 to discuss her support of the District's request to the Army Corps of Engineering. The Congresswoman was very supportive of our project, offering ideas to improve the possibility of selection by the Corps that include finding some form of "public interest" that would meet the Corps requirements. She suggested a possible project with one the nearby state and/or federal parks. She also encouraged investigating state programs that may provide adequate public interest.

Following that call, the Army Corps contacted the Board to schedule a site review by one of its project investigators as part of preparing a project evaluation report for the Corps internal selection process. The entire Board met with that representative later in April and toured the entire beach with her, providing relevant input and data for that review. We are awaiting further response from the investigator when the report is complete. It will likely be several weeks or more for completion. The Board will follow up with the Corps to encourage and support the review process and investigate suggested alternatives.

Litigation Update: **Morgillo case:** The Morgillo case has been assigned to a visiting judge for further proceedings. Judge William Finnegan, a retired judge from Marion County, will handle the case. A pre-trial has been scheduled to inform the Judge and the parties on status, issues, trial status and preparation. Trial is currently set for May 16.

Walter case: The Walter case has been dismissed by the Court of Appeals as requested by the District and the case is now closed in the Court of Appeals. The underlying case in chief remains pending in the Court of Common Pleas where it was initially filed but is inactive at this time. It is expected that the judge will order a status conference to determine how to proceed at this time

Unsolved projects:

1. 12th Street steps: Board to get an estimate of new steps.

New Business:

1. Approval of Engineering Firm at next meeting
2. Place concrete blocks in area along Dyke Road. Will use blocks in inventory.
3. **Motion** by Thomas Schank and seconded by Ted Behnken to approve invoice for Beck insurance with a saving of \$750 from last year. Approved.

Discussion: The president of the Sand Beach Association brought up the 7th Street Dirt spoils. The Board explained the legal part of the dredging permit as to the spoils that need to be stored for a determined time frame.

Next meeting will be June 15, 2023, at Carroll Township Hall

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 Schank –Board

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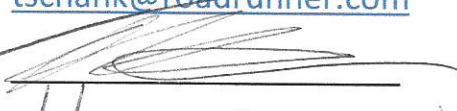
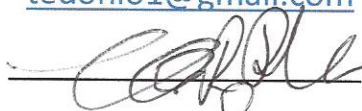
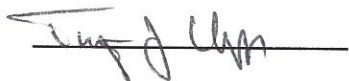
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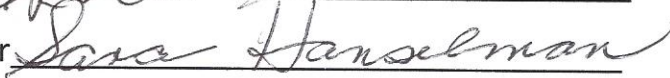
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Sara Hanselman –Secretary-Treasurer



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Sand Beach Conservancy District

Special Board Meeting

May 30, 2023

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

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

MOTION: Motion by Thomas Schank and seconded by Ted Behnken to accept the conditions printed below. Approved.

1. The parties agree that the break wall erected by Defendants on Lots 242 and 243 ("Morgillos' Wall") will be improved in accordance with the estimate received from St. Clair Excavating (the "Contractor") and the permit previously obtained by the Defendants. The parties will cooperate in good faith in an effort to see that this project is completed promptly, at reasonable cost, and in accordance with the reasonable expectations of the parties. The Contractor's charges to complete the work shall not exceed \$5,000, unless both Plaintiff and Defendants agree otherwise.
2. In settlement of the Lawsuit, Plaintiff agrees that (a) the top two rows of blocks currently situated along the roadway shall be removed from their current location and incorporated by the Contractor into the improvement of the Morgillos' Wall; (b) Plaintiff will contribute additional blocks from its inventory of blocks, if and as necessary, to complete the improvement in accordance with the Contractor's estimate; and (c) Plaintiff will pay to Defendant ½ of the cost charged by the Contractor to do this work (not to exceed \$2,500 without its consent).
3. The lawsuit will be dismissed with prejudice and the parties will execute comprehensive mutual releases within 7 days after the Contractor completes work on this project.
4. Plaintiff's obligations under this agreement are subject to compliance with legal requirements for approval by its Board of Directors at a Special Meeting. Plaintiff will promptly schedule a Special Meeting for the purpose.

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

Respectfully Submitted: Board of Directors

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

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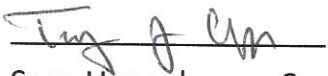
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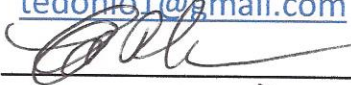
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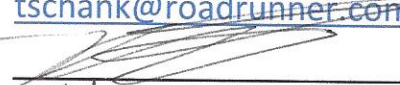
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Sara Hanselman –Secretary-Treasurer



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Sand Beach Conservancy District

June 15, 2023

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

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

Motion to approve the April 20, 2023, May 30, 2023, meeting minutes by Thomas Schank and seconded by Ted Behnken. Approved.

Motion to approve the treasurer's report by Ted Behnken and seconded by Thomas Schank Approved.

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

Committee Reports:

Breakwaters and Off Shore Protection: No further report at this time. There is money by the State of Ohio for projects but with public access. Thomas Schank will continue to research that.

Litigation Update: Morgillo case: After approval of the settlement at the Special Meeting on May 30, 2023, work commenced on completion of the wall. Upon completion of the wall and necessary payments, the case will be completed and closed by the Court.

Walter case: A settlement proposal was submitted to Walter's lawyer by the District's lawyer. No response has been received. The case is open but no court date# have been set by the Judge.

Unsolved projects:

1. 12th Street steps: Board to get an estimate of new steps.

New Business:

1. Gillespie Engineering Firm was approved as the Engineering firm

2. Place concrete blocks in area along Dyke Road: Wait to see what is left
3. Filing in holes around marsh...near 7th to end. Director Ted Behnken will research price of loads of clay dirt.
4. Willow tree near pump needs to be looked at so it does not fall on the pump.

Next meeting will be August 17, 2023, at Carroll Township Hall

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 Schank –Board

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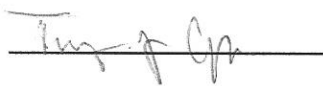
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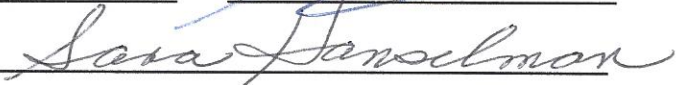
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Sand Beach Conservancy District

August 17, 2023

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

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

Motion to approve the June 15, 2023, meeting minutes by Thomas Schank and seconded by Ted Behnken. Approved.

Motion to approve the treasurer's report by Ted Behnken and seconded by Thomas Schank Approved.

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

Committee Reports:

Breakwaters and Off Shore Protection: Nothing to update.

The ODNR Soil and Water Conservation Program which is available to Conservancy Districts in Ohio was reviewed by the Directors. President Clapp shared a draft Application with Directors that still requires a Project description. The Program would reimburse Conservancy Districts fifty (50) percent for the actual cost of projects approved by ODNR up to a maximum of \$500,000.00 upon approved completion and payment in full by the Conservancy District. The minimum reimbursement is \$5,000.00.

Like the Army Corp Section 205 request of the District, ODNR requires a "public benefit" for any project to be considered for the Program.

Without a specific project and a public benefit, further consideration will be required to proceed with any application.

Litigation Update: Morgillo case: Closing payment sent. Dismissed by Court.

Walter case: Judge has not set date for next hearing.

Unsolved projects:

1. 12th Street steps: A proposal for concrete steps was presented. A Director will get pricing for wood steps.

2. Fill holes with clay around marsh: Director to get pricing per load (dumped).

New Business:

1. 9th Street access: **Motion:** Director to contact Rod Gillespie for a plan for 9th street not to exceed \$2000 made by Ted Behnken seconded by Thomas Schank. Approved.
2. Blocks along Dike Road and two block on 2nd St: **Motion** by Ted Behnken and seconded by Thomas Schank to allow \$1000 for 2 blocks and riffraff on 2nd Street and the Dike Road blocks. Approved.
3. Brush pile on 7th: Director getting quotes for this issue.
4. Toledo Ed Dredging property: Further discussion with Toledo Ed and property owners.
5. **Motion** by Tim Clapp and seconded by Ted Behnken to hire Lake Erie Tree Service to remove trees on either side of pumps and all resulting bush and wood debris on Harris Harbor Road at the quote of \$2000. Approved. Thomas Schank abstained from voting.
6. Long Beach owners did not attend the meeting. A Director will contact and attend their next meeting.

Next meeting will be October 19, 2023, at Carroll Township Hall

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

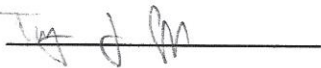
Respectfully Submitted: Board of Directors

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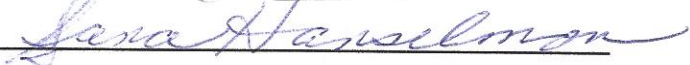
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Sara Hanselman –Secretary-Treasurer



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Sand Beach Conservancy District

October 19, 2023

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

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

Motion to approve the August 17, 2023, meeting minutes by Ted Behnken and seconded by Thomas Schank. Approved.

Motion to approve the treasurer's report by Ted Behnken and seconded by Thomas Schank Approved.

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

Committee Reports:

Breakwaters and Off Shore Protection: No change in status.

Litigation Update: **Walter case: Motion** by Thomas Schank and seconded by Ted Behnken to approve the settlement of \$5000 with no assessed court costs to be paid by Walters and Sand Beach Conservancy District will pay any unpaid court costs. Approved

Unsolved projects:

1. 12th Street steps: A drawing of the proposed steps with modifications was presented by Ted Behnken. **Motion** by Tim Clapp and seconded by Thomas Schank to allocate \$15,000 to build steps at 12th street. Approved
2. Fill holes with clay around marsh tabled

New Business:

1. 9th street access tabled
2. Place concrete blocks in area along Dyke Road tabled
3. Set two blocks on 2nd street tabled
4. Toledo Edison dredging of property tabled
5. Brush pile on 7th street disposal not resolved

6. **Motion** made by Ted Behnken for Director Thomas Schank to write a letter to the Sand Beach Association regarding the drainage ditch on SBCD property near Paul Straus's property. Approved
7. Thomas Schank informed the board that two candidates submitted resumes to Judge Winters. Thomas Schank was appointed to fill the position for 5 years ending Oct 23, 2028.

Next meeting will be December 21, 2023, at Carroll Township Hall

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

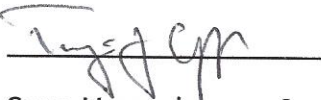
Respectfully Submitted: Board of Directors

Tim Clapp – President	Ted Behnken –Vice President	Thomas Schank –Board
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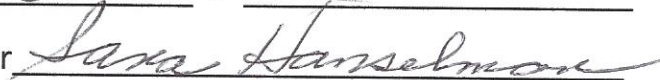
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Sara Hanselman –Secretary-Treasurer



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Sand Beach Conservancy District

December 21, 2023

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

Board Members present: President Tim Clapp, Vice President Ted Behnken and Sara Hanselman Secretary/Treasurer. Director Thomas Schank was not present.

Motion to approve the October 19, 2023, meeting minutes by Ted Behnken and seconded by Tim Clapp. Approved.

Motion to approve the treasurer's report by Ted Behnken and seconded by Tim Clap. Approved.

Motion to approve all invoices presented by the treasurer by Ted Behnken and seconded by Tim Clapp. Approved.

Committee Reports:

Breakwaters and Off Shore Protection: No change in status.

Unsolved projects:

1. 12th Street steps tabled till Jan.
2. Good Clay to fill in holes around marsh tabled till Jan.

New Business:

1. 9th street access tabled till Jan
2. Place concrete blocks in area along Dyke Road tabled till Jan
3. Set two blocks on 2nd street tabled till Jan
4. Toledo Edison dredging of property tabled till Jan
5. **Motion** by Ted Behnken and seconded by Tim Clapp set the meeting dates for 2024: Jan 18, April 18, June 20, Aug 15, Oct 17 and Dec 19. Approved.
6. Motion by Ted Behnken and seconded by Tim Clapp to approve letter on 4th/Sand Beach Road fill removal. Approved. Letter can be found in 2023 correspondence.

Motion by Tim Clapp and seconded by Ted Behnken to adjourn the meeting. Approved. Next meeting will be January 18, 2024.

Respectfully Submitted: Board of Directors

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

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