

## Fall Creek Township Board Meeting Minutes: January 31, 2019 – Community Room

### Attendance:

Brian Baehl, Secretary                      Doug Allman, Trustee                      Jason Meyer, President  
Rachna Greulach, Board Member      Jeff Hern, County Council              Jeff Bellamy, Township Counsel

Meeting called to order at 7:00 p.m. by Jason Meyer with Pledge of Allegiance.

### Meeting Minutes:

Brian motions to approve the January 8th, 2019 Meeting Minutes. Rachna seconds it. Approved.

### New Business:

#### Luxhaven:

- Lots donated by Ms. Vance Nelson, encroachments from a surrounding property with stone and fence. Doug had a preliminary survey done, has asked to have an exterior survey done of all the lots that were donated. Bellamy and Doug have sent letters, made phone calls to owner with no response. Owner had it for sale at one time, realtor responded harshly to the possibility of encroachment by her client. Home was taken off the market and is possibly being leased again. After several attempts to locate (some letters were returned undeliverable) and discuss with owner, legal action seems to our only recourse. Mr. Bellamy would file a court order to have them correct their encroachment. Brian, Jeff and Rachna agreed to actions and cost needed to move forward with this.

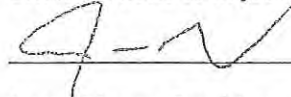
#### Fall Creek Woods:

- Easement: Initial paperwork (2015), while the language is open ended, it is indicated that Republic would provide an easement. Late fall/early spring (2017-2018) talks were started again with Mr. Wagoner with Republic. He indicated that FCT would soon receive platting information on their easement suggestions. FCT would prefer the easement to be at Lots 90 & 91, Republic is suggesting lots # 201 & 202. Mr. Bellamy stated the wording in original documents stated that we can't "unjustly deny" their easement suggestion(s). In other words, in a court of law, they would suggest that both parties play nice. Doug spoke with Mr. Wagoner again in October of 2018 to no avail, as well as having asked the county for assistance with this matter. There are also concerns with the 1909 plat which indicates the county purchased an easement. According to Doug, it does not seem as though the county is interested in helping FCT with this matter.
- Jeff Hern (Hamilton County Council, FCT Resident) has agreed to discuss, on our behalf, with members of county government to see if he can persuade them to help. The board agreed to wait for an update of Hern's meeting before proceeding with legal action, however, Jason and Brian recommended that we do what is necessary to proceed. If not, it could take several years to get this issue resolved.
- Planting of the grasses has been done, should see some results in the spring. We extended our deal with Cardno to include maintenance for up to a year.
- Do we proceed with letters/offers to the two homeowners who have acknowledged their encroachments?

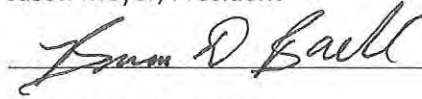
#### Review of 2018 SBOA Audit:

- ~~Nothing was found~~ *Nothing was found* during Doug's tenure of the years audited (2014 – 2017). *A No issues were found*
- Two write ups that were made public on January 28<sup>th</sup> involved previous administration and they included paying employees with a W2 and a 1099 for work being done, as well as major contributions to the ITA.

Brian motions to adjourn the meeting 8:12 p.m., Rachna seconds. Meeting Adjourned.

  
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Jason Meyer, President

  
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Brian Baehl, Secretary

  
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Rachna Greulach, Member