

Held at 7:30 p.m. at the Waterville Township Hall on August 13, 2008

ROLL CALL:

Chairman A. Leslie Disher - Present
 Vice-Chairman Kyle J. Hertzfeld - Present
 Trustee Brett T. Warner - Present

OFFICIALS:

Police Chief Kathleen M. Hartle - Present
 Solicitor Walter J. Celley - Present
 Fiscal Officer Kay Ann Robertson - Present

GUESTS:

Loanna Tretter, Tretter Reporting, 917 Sunset Drive, Bowling Green, Ohio
 Beau Harvey, Harvey Law Office, 520 Madison Avenue, Toledo, Ohio
 Karen Berger, Reporter for "The Mirror", Maumee, Ohio
 Jonathan Burkett, WTPD #9, 716 Hubbel Street, Maumee, Ohio
 Sergeant Eric Varner, WTPD, 853 Cherry Lane, Waterville, Ohio
 Karen Schneider, 7035 Finzel Road, Whitehouse, Ohio
 Tamara J. Urbas, 5845 Berkey-Southern Road, Whitehouse, Ohio
 Anton J. Urbas, 5845 Berkey-Southern Road, Whitehouse, Ohio
 Marie Plotts, 128 North Sixth Street, Waterville, Ohio
 Jeanne Johnston, 25023 West River Road, Perrysburg, Ohio
 Missy Taylor, 1301 Anderson Street, Maumee, Ohio
 Amanda Crosby, 10702 Shayni Lane, Whitehouse, Ohio
 Douglas Sweet, 6539 Wayne Court, Maumee, Ohio
 Tim Krego, 338 Sheldon Street, Toledo, Ohio
 David P. Furry, Sr., 7132 Seaman Road, Oregon, Ohio
 Cathrine Krego, 5310 Amsden Avenue, Toledo, Ohio
 Buddy Johnson, 5035 Trimble, Toledo, Ohio
 Brian D. Reineke, 5038 Trimble, Toledo, Ohio

PLEDGE OF ALLEGIANCE:

Chairman A. Leslie Disher called the meeting to order at 7:30 p.m. All those who were present were asked to join Chairman Leslie Disher in reciting the Pledge of Allegiance. Roll was called and all three trustees were present.

AGENDA:

The Agenda had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman A. Leslie Disher:

Kyle J. Hertzfeld made a motion to approve The Agenda for the August 13, 2008, meeting as it had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman Leslie Disher. Seconded by **Brett T. Warner**.

PUBLIC HEARING:

Motion Carried.

A public hearing was opened by Chairman A. Leslie Disher of the Waterville Township Trustees on this date and time. Patrolman David L. Krego had been served a copy of the charges preferred by the Waterville Township Trustees on July 24, 2008, at 0800 hours. Patrolman David L. Krego was notified that the hearing would be held at the next regular meeting of the board scheduled for August 13, 2008, at 7:30 p.m. unless extended on the application of the accused. Word was received from Patrolman David Krego that he wished to have a public hearing.

Patrolman David L. Krego was charged with the following violations:

A.

1. Failure to obey the lawful orders of a superior officer given on or about the following dates:

- a. December 18, 2007.
- b. December 29, 2007.
- c. January 2, 2008.
- d. January 12, 2008.
- e. February 13, 2008.
- f. March 7, 2008.
- g. June 1, 2008.
- h. July 14, 2008.

B.

1. The conduct alleged constitutes a violation of the Rules of Conduct of the Waterville Township Police Department, Rule 107 Insubordination.

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Continued:

2. The conduct alleged constitutes a violation of the Ohio Revised Code 505.491: misfeasance, malfeasance, misconduct in office, neglect of duty and failure to obey orders given by the proper authority, all in performance of the official duty of the accused.

All of the aforesaid charges were preferred in consideration of reports and information, upon the recommendation of the Chief of Police. The charges were preferred upon Patrolman David L. Krego at the regularly scheduled meeting of the Waterville Township Trustees held July 23, 2008, at 7:30 p.m. at the Waterville Township Hall, 621 Farnsworth Road, Waterville, Ohio.

The attorneys were introduced: Solicitor Walter Celley for the Township and Beau Harvey for the accused Patrolman David L. Krego. Court Recorder Loanna Tretter was also introduced.

Solicitor Walt Celley called his first witness Chief Kathleen Hartle who was sworn in. Chief Hartle has been with the WTPD since 2000 and has been chief since October 31, 2007. The charges consisted of turning up the thermostat against chief's orders, unauthorized police pursuit, falling asleep on the job and coming to work late. Attorney Beau Harvey cross examined Chief Hartle.

Solicitor Walt Celley called his second witness Patrolman Jonathan Burkett who was sworn in. Patrolman Burkett has been with the WTPD since May 20, 2008. He was in training and in the vehicle when Officer Krego fell asleep.

Solicitor Walt Celley called his third witness Sergeant Eric Varner who was sworn in. Sergeant Varner was promoted to sergeant November 1, 2007, and began with the department six years ago. As part of his duties, Officer Krego had been asked to enter reports in the NORIS data base in a timely manner and this had not been done. Attorney Beau Harvey cross examined Sergeant Varner.

Attorney Beau Harvey called his first witness Officer David Krego who was sworn in. Officer David Krego has been with WTPD for twelve years. On numerous times at the end of his shift when he was relieved by Chief Hartle, the thermostat was set on 78° when it should have been on 70°. Officer Krego stated that in the police pursuit, he was ahead of the fleeing vehicle clearing the intersections and not chasing the vehicle. Upon cross examination by Solicitor Celley, he answered yes when asked if he was involved in the pursuit. When asked if he fell asleep while training Officer Burkett, he stated no - he just nodded off. He did admit to being late to work. He had been reprimanded before for being late and given a suspension.

Both attorneys rested their case.

The trustees were then told they could deliberate in private or public. They agreed to deliberate in private and went outside. Upon re-entering the hall, Chairman Leslie Disher announced that they would not be announcing a decision this evening. They asked both of the attorneys to write up a summation with a proposed decision and have it to them by August 22, 2008. The trustees also asked for copies of all of the exhibits that were presented by both attorneys. A decision will be delayed until the next regularly scheduled meeting on August 27, 2008. This concluded the public hearing.

MINUTES:

The minutes for the July 23rd meeting had been prepared by Fiscal Officer Kay Ann Robertson and sent to each trustee prior to the meeting:

Kyle J. Hertzfeld made a motion to dispense with the reading of the minutes of the July 23rd meeting and to approve the minutes with no additions or corrections. Seconded by Brett T. Warner.

Motion Carried.

RECEIPTS:

124-08 - Ohio Department of Liquor Control - Licensing fees	\$ 523.95
125-08 - Fifth Third Bank of NW Ohio - July autosweep interest	419.79
126-08 - Sylvania Township - Reimburse for DUI Task Force expenses	335.75
127-08 - Lucas County Auditor - August real estate advance	40,000.00
128-08 - Lucas County Auditor - July allocation	5,274.14
129-08 - Americraft Memorials - Bucher; Parlette; Jacobs foundations	404.80
130-08 - Lucas County Auditor - July allocation	5,860.11

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Continued:

131-08 - Lucas County Auditor - August real estate advance	\$ 45,000.00
132-08 - Maumee Municipal Court - July police fines	602.50
133-08 - Lucas County Juvenile Clerk - July juvenile police fines	65.00
134-08 - Peinert Funeral Homes - Jeffery Jones cremation - Whitehouse	150.00

WARRANTS:

	Total	\$ 98,636.04
#31466 - Jonathan D. Burkett - Police wages	\$	353.99
#31467 - Kathleen M. Hartle - Police wages		1,747.12
#31468 - Russell E. Heger - Police wages		90.01
#31469 - Harry R. Kellett III - Police wages		860.73
#31470 - David L. Krego - Police wages		1,096.27
#31471 - Kenneth M. Kristoff - Police wages		73.28
#31472 - Richard A. Ludwig - Supt. wages		1,070.75
#31473 - Dennis H. Meyer - Road labor		499.19
#31474 - Brian A. Petrell - Cemetery labor		292.67
#31475 - Kay Ann Robertson - Fiscal officer salary and zoning wages		860.21
#31476 - B. Eric Varner - Police wages		1,115.39
#31477 - Michelle L. Vollmar - Police wages		68.50
#31478 - Ohio Public Employees Retirement System - July retirement		6,613.94
#31479 - Celley & Sanderson LLP - July solicitor fees		2,354.00
#31480 - Fort Dearborn Insurance Company - Township insurance		133.21
#31481 - Medical Mutual of Ohio - September hospitalization		5,650.03
#31482 - Kay Ann Robertson - Mileage to treasurer's seminar		33.29
#31483 - Village of Waterville - August water/sewer payment		37.99
#31484 - Waterville Gas Company - August heat payment		33.00
#31485 - West - Zoning bulletin		168.00
#31486 - Toledo Edison - Coventry Glen August street lighting		387.48
#31487 - Toledo Edison - August township street lighting		164.56
#31488 - Tireman Auto Service Centers - Trailer tire		93.99
#31489 - General Pro Hardware - Maintenance supplies		10.60
#31490 - Diversified Road & Pipe - Repairs to township roads		7,281.30
#31491 - Anthony Wayne Board of Education - June and July fuel		5,098.57
#31492 - Mc Cabe Outdoor Power - Cemetery maintenance and repairs		467.96
#31493 - B & L Auto Service - Police vehicle repairs		163.26
#31494 - Whitehouse Auto & Hardware - Police vehicle maintenance		7.98
#31495 - Signature Graphics - Decorate new police vehicle		375.00
#31496 - Alan D. Burns - Setup new police vehicles		1,400.00
#31497 - Alltel - August mobile police phones		65.91
#31498 - Superior Uniform Sales - Uniforms and bullet-proof vest		747.50
#31499 - Galls Incorporated - Equipment for new police vehicles		985.88
	Total	\$ 40,401.56

Brett T. Warner made a motion to pay the warrants that had been prepared by the Fiscal Officer Kay Ann Robertson and presented for payment. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

PUBLIC COMMENTS:

None.

SPECIAL PRESENTATION:

None.

OLD BUSINESS:

There has been ongoing discussions concerning repairs or renovations to the Township Hall. Trustee Brett Warner had been in contact with Ron Crum of Beilharz Architects, 6418 N. River Road, Waterville, Ohio, about using his services for the project. It would be \$400.00 for schematic design services and \$2500.00 for architectural/engineering services. Upon further discussion, the trustees were not sure: 1) If they could add on since it is a historical building; and, 2) If they really wanted to put as much money as it might cost to put on an addition. If Mr. Crum had already put some work into the project, it was agreed to pay him his preliminary fee:

Brett T. Warner made a motion to pay Beilharz Architects the sum of \$400.00 if they had already begun the preliminary design work on the township Hall. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

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Continued:

8) From the Whitehouse Fire Department, the list of runs made in our township for the second quarter of 2008:

1. District "102" (Whitehouse contracted to cover) 6 EMS - 3 fire
2. District "103" (Waterville contracted to cover) 8 EMS

9) From the Ohio Public Employees Retirement System, when and how to use the Report of Retirement Contribution - Supplemental. Also from OPERS, changes to the penalty assessment schedule:

1-10 Days late	1.0%	penalty assessed	
11-30 Days late	2.5%	"	"
31 and beyond	5.0%	"	"

POLICE:

The second police vehicle that was ordered (Ford Explorer) has been delivered and Chief Hartle is getting it ready for the road.

ROAD AND CEMETERY:

Two (2) quotes were received to take down five (5) trees in Wakeman Cemetery.

1. All Seasons Tree Care, 12486 County Rd L, Wauseon, Ohio \$5,700.00
2. Aaron Tree & Lawn, P.O. Box 632, Holland, Ohio \$6,500.00

Both bids included chipping the brush and leaving the wood.

Brett T. Warner made a motion to hire All Seasons Tree Care, 12486 County Road L, Wauseon, Ohio, 43567, to drop (2) ash trees, (2) maple trees and (1) oak tree. Brush to be chipped and wood left. Cost to be approximately \$5,675.00 for the trees in Wakeman Cemetery. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

The wood will be in Wakeman Cemetery for anyone who wishes to haul it away.

ZONING:

Zoning Inspector Eric Gay attended the summer Ohio Township Association conference held in Cincinnati, Ohio. He will give a full report at the next trustees' meeting.

SOLICITOR:

1) As indicated at the last meeting, Solicitor Walt Celley had been in contact with Poggemeyers Design Group concerning the proposed contract to update the Waterville Township Land Use Plan taking into consideration the new US 24 bypass. He did not like some of the terms nor did he feel that \$15,000.00 was a fair price but rather felt it could be done for \$12,000.00. Poggemeyers are working on a new contract.

2) Solicitor Celley is working on language to more regulate livestock on parcels under five acres in heavily populated areas with residential/agricultural zoning and not in platted subdivisions. The township is trying to avoid another situation like the three horses on one acre of land on North River Road. The language has been sent to the Lucas County Plan Commission for their review.

3) With the beginning of construction of the US 24 bypass, contractors are going to be looking for dirt to be used for overpasses, etc. Currently the township does not permit surface mining nor ponds to exceed one acre. Solicitor Celley is working on language to permit "borrow pits" in the township and to regulate them in some fashion.

4) The problems with Coventry Glen were mentioned. Solicitor Celley states he has tried to contact Hafner-Shugarman and all of the phone numbers are out of service. The project seems to be dead in the water. Lucas County Plan Commission Planner Molly Maguire was checking to see if any of the money, from the bond that had to be posted at the beginning of the project with the county engineer, was left. If these funds are available, the front entrance could be completed. It was suggested that the front entrance be at least mowed. Someone would have to be hired since the township's road tractor is not reliable.

BOARD CHAIRMAN:

1) The farmer who cash rents the township property on Noward Road is working on a contract and should have it ready by next meeting.

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Continued:

2) In light of what has happened/not happened at Covertry Glen, Chairman Disher would like to recommend some kind on money up front if the township approves another subdivision in the township and the builder/developer goes belly up. The township would like to avoid this issue in the future.

3) Chairman Disher and Inspector Gay are working with the county health dept. to at least get the manure cleaned up next door to Mrs. Henry's on North River Road. Mrs. Henry just got out of the hospital with health issues that her children feel were complicated/brought on by this situation.

TRUSTEES:

Brett Warner: Trustee Warner states he is hearing loud noises coming from the high tension electric wires that are near his residence on Hertzfeld Road. He has been trying to contact the electric company but unsuccessful. It was suggested he get ahold of the county engineer's office and see if they have a name or phone number of who to contact.

EXECUTIVE SESSION:

None.

There being no further business, A. Leslie Disher made a motion to adjourn. Seconded by Brett T. Warner.

Motion Carried.

Adjourned at 10:25 p.m.

Attest: _____

Kaylene Robertson

Trustees: _____

A. Leslie Disher
Kyle J. Hertzfeld
Brett T. Warner