

Held at 7:30 p.m. at the Waterville Township Hall on July 23, 2008

ROLL CALL:

Chairman A. Leslie Disher - Present
 Vice-Chairman Kyle J. Hertzfeld - Present
 Trustee Brett T. Warner - Absent - Excused absence for work

OFFICIALS:

Assistant Road and Cemetery Supt. Dennis H. Meyer - Present
 Police Chief Kathleen M. Hartle - Present
 Zoning Inspector Eric H. Gay - Present
 Solicitor Walter J. Celley - Present
 Fiscal Officer Kay Ann Robertson - Present

GUESTS:

Karen Berger & sons - Reporter for "The Mirror"

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 Trustees Disher and Hertzfeld were present. Trustee Brett T. Warner was excused absent due to working security at the Lucas County Fair.

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 July 23rd meeting as it had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman Leslie Disher. Seconded by **A. Leslie Disher**.

Motion Carried.

MINUTES:

The minutes for the July 9th 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 9th meeting and to approve the minutes with no additions or corrections. Seconded by **A. Leslie Disher**.

Motion Carried.

RECEIPTS:

116-08 - Sylvania Community Action Team - D.A.R.E. grant	\$ 1,017.50
117-08 - Wesson Builders/Debbie Hoskinson - Permit #2008-24 - Porch	50.00
118-08 - Larry D. Myers - Permit #2008-25 - Garage	100.00
119-08 - Peinert Funeral Homes - Norman Jacobs cremation - Wakeman	150.00
120-08 - Design Memorial Stone - Walton foundation - Whitehouse	78.40
121-08 - John and Bernadette Wielinski - Lot 19 NE 1/4 - Whitehouse	400.00
122-08 - Public Entity Risk Services - Reimburse for police console, etc.	710.00
123-08 - Lucas County Juvenile Clerk - June juvenile police fines	10.00

WARRANTS:

Total \$ 2,515.90

#31426 - Jonathan D. Burkett - Police wages	\$ 138.20
#31427 - A. Leslie Disher - July trustee salary	799.14
#31428 - Eric H. Gay - July zoning inspector salary	812.75
#31429 - Kathleen M. Hartle - Police and D.A.R.E. wages	1,648.97
#31430 - Russell E. Heger - Police wages	90.01
#31431 - Kyle J. Hertzfeld - July trustee salary	764.70
#31432 - Harry R. Kellett III - Police wages	719.69
#31433 - David L. Krego - Police wages	1,342.87
#31434 - Kenneth M. Kristoff - Police wages	73.28
#31435 - Richard A. Ludwig - Supt. wages	1,012.58
#31436 - Dennis H. Meyer - Road wages	284.55
#31437 - Brian A. Petrell - Road labor	415.53
#31438 - Kay Ann Robertson - Fiscal officer salary and zoning wages	887.54
#31439 - B. Eric Varner - Police wages	1,139.32
#31440 - Michelle L. Vollmar - Police wages	286.50
#31441 - Brett T. Warner - July trustee salary	750.19
#31442 - Fifth Third Bank of NW Ohio - July withholding payment	2,836.79
#31443 - Treasurer of State of Ohio - July state payroll tax	604.96
#31444 - Delta Dental Plan of Ohio - August dental insurance	254.80
#31445 - Kay Ann Robertson - Reimburse July medicare premium	96.40

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#31446 - Russell L. Robertson - Reimburse July medicare premium	\$	96.40
#31447 - Time Warner Cable - July highspeed internet		51.95
#31448 - Kay Ann Robertson - Mileage and parking		41.78
#31449 - Tomahawk Printing - Print envelopes and zoning forms		85.95
#31450 - Lucas County Improvement Corporation - Membership dues		300.08
#31451 - Lisa L. Cole - July clean hall and police station		40.00
#31452 - Embarq - July phone		76.23
#31453 - Toledo Edison - July electric		181.36
#31454 - Toledo-Lucas County Plan Commission - Print zoning books		60.00
#31455 - Eric H. Gay - Misc. zoning expense		63.89
#31456 - Saundra L. Ludwig - Reimburse July medicare premium		96.40
#31457 - Mc Cabe Power Equipment - Equipment maintenance		123.19
#31458 - Fondessy Enterprises - July trash collection	3,767.50	
#31459 - Hanifan-Obenauf-Robinson, Inc. - August police station rent		925.00
#31460 - B & L Auto Service - Repairs to Car 95		163.26
#31461 - Embarq - July police phone		167.22
#31462 - Alltel - July police mobile phones		65.91
#31463 - Dollar General Corp - Misc. police office supplies		9.65
#31464 - Treasurer of State of Ohio - Coop administrative fee		100.00
#31465 - Valley National Gases - D.A.R.E. misc. expenses		82.00
	Total	\$ 21,456.54

A. Leslie Disher 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.

PUBLIC HEARING:

None.

SPECIAL PRESENTATION:

None.

OLD BUSINESS:

Trustee Brett T. Warner was going to see about getting an architect to draw up plans for the renovation/addition to the township hall. It will be on the agenda for next meeting.

NEW BUSINESS:

Last meeting, Marcus Ricci from the Lucas Soil and Water Conservation District spoke about the Swan Creek Balanced Growth Plan and a need for a resolution in support of the project. There was to be a technical meeting on July 17th and Chairman Disher could not attend but he did send a letter explaining what has transpired to date in the township in regards to the Village of Whitehouse and JEDDS discussions and the preparation of maps:

RESOLUTION #2008-07 ENDORSING THE SWAN CREEK
BALANCED GROWTH PLAN.

Mr. **Kyle J. Hertzfeld** moved the adoption of the following Resolution #2008-07:

WHEREAS, Lake Erie is one of northwest Ohio's greatest economic assets, providing our region with an abundant fresh water supply, access to international shipping through the Port of Toledo, and many cultural and recreational opportunities; and

WHEREAS, Swan Creek is an important part of the Maumee River and Lake Erie ecosystem, providing recreation for its residents and important aquatic habitat, including much of the Oak Openings region, home to unique habitat and rare species; and,

WHEREAS, the Swan Creek watershed offers many economic development opportunities, providing residents with livelihoods to raise families and enjoy an excellent quality of life; and,

WHEREAS, the Ohio Lake Erie Commission, whose Board of Directors is comprised of

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the Directors of six state agencies, has developed its Balanced Growth Initiative to protect and restore Lake Erie and its watersheds to assure long-term economic competitiveness, ecological health, and quality of life, focusing on strategies to benefit the community both environmentally and economically by reducing urban sprawl, protecting natural resources and encouraging redevelopment in urban areas; and,

WHEREAS, TMACOG has developed a Balanced Growth Plan for the Swan Creek watershed by working with a committee that involves the stakeholders and local governments of the watershed, and has sought and incorporated input from the watershed's communities to meet local goals; now therefore,

BE IT RESOLVED:

SECTION 1. Waterville Township supports the Swan Creek Watershed Balanced Growth Plan and the Priority Development Areas, Priority Conservation Areas, and Priority Agricultural Areas identified therein, and hereby adopts the Plan.

SECTION 2: That TMACOG is directed to seek endorsement of this Balanced Growth Watershed plan by the Ohio Lake Erie Commission in order to permit the local governments in the watershed to seek the benefits and incentives provided by this endorsement.

SECTION 3: The Priority Development Areas, Priority Conservation Areas and Priority Agricultural Areas identified in the Balanced Growth Watershed Plan are to be used by the State of Ohio Agencies to guide activities and programs and they will serve as the basis for special incentives programs to be directed to the Swan Creek watershed and the governmental jurisdictions within it.

SECTION 4: Priority Development, Conservation, and Agricultural Areas developed under the Balanced Growth Watershed Plan are voluntary, and carry no regulatory consequences. Priority area designations do not supersede or diminish the authority of local comprehensive or master plans, nor local zoning.

SECTION 5: Waterville Township will work collaboratively with TMACOG and the Swan Creek Committee to review and take into consideration the Swan Creek Watershed Balanced Growth Plan and its Priority Development Areas, Priority Conservation Areas and Priority Agricultural Areas as it updates the Township's Land Use Plan.

Mr. A. Leslie Disher seconded the Resolution #2008-07 and the roll being called upon its adoption, the vote resulted as follows:

- A. Leslie Disher, Aye.
- Kyle J. Hertzfeld, Aye.
- Brett T. Warner, Absent.

Adopted July 23, 2008

Attest: Kay Ann Robertson
Kay Ann Robertson, Fiscal Officer, Waterville Township, Lucas County, Ohio.

2. With the extremely high cost of gasoline, the rate to reimburse per mile has risen since the first of the year and needs to be adjusted:

A. Leslie Disher made a motion to amend the motion made on January 9, 2008, to increase the rate for mileage for travel outside the Township of Waterville, from 48¢ per mile to 58¢ per mile for official business. Seconded by Kyle J. Hertzfeld.

Motion Carried.

FISCAL OFFICER - CORRESPONDENCE:

1. From the Lucas County Engineer's Office - Road Closure Notices:
 - a. Stitt Road between Weckerly Road and Waterville-Monclova Road beginning Monday, July 21, 2008, for a ninety-day (90) period.
 - b. Stiles Road between SR 295 and Heller Road beginning Tuesday, July 22, for a one-day (1) period.
 - c. Waterville-Monclova Road between Stitt Road and Monclova Road beginning Wednesday, July 23, 2008, for a two-day (2) period.
 - d. North River Road between Mechanic Street and Dutch Road beginning Monday, July 28, 2008, for a thirty-day (30) period.

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- 2. From the Ohio Department of Public Safety Bureau of Motor Vehicles, the June License Tax Statistics Report. Also from the Bureau, the June Permissive Tax Computation Report. Due Waterville Township is the sum of \$285.88.
- 3. From the Lucas County Treasurer, the September Estate Tax distribution:
 - a. Jessie A. Limes Strayer Estate \$10,400.00
- 4. From the Waterville Fire Department, the runs for the second quarter:
 - a. There were seven (7) runs, with ten (10) incidents.

POLICE:

- 1. Chief Kathleen Hartle announced that one of the new police vehicles has been received. She was extremely disappointed that it had white seats. It had the black interior except for the seats. A phone call to the dealer did not help. Chief Hartle had to purchase some inexpensive seat covers. White seats in a police vehicle just does not work.
- 2. The paperwork for a D.A.R.E. grant is completed and all Chief Hartle needs is a resolution authorizing the application:

RESOLUTION #2008-08 AUTHORIZING THE WATERVILLE TOWNSHIP TRUSTEES OR THEIR DESIGNEE TO FILE AN APPLICATION WITH THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF OHIO FOR THE PURPOSE OF ACQUIRING DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) FUNDS AND AUTHORIZING THE TRUSTEES OR THEIR DESIGNEE TO MAKE ASSURANCES NECESSARY FOR THE OBTAINING OF SAID GRANT.

Mr. A. Leslie Disher moved to adopt the following Resolution #2008-08:

WHEREAS, for the past eighteen (18) years, the Waterville Township Police Department has successfully implemented a Drug Abuse Resistance Education (D.A.R.E.) program with the endorsement and support of the Waterville Township Trustees; now therefore,

BE IT RESOLVED, that the Waterville Township Board of Trustees, Lucas County, Ohio, authorizes application and entering into an agreement to administer a D.A.R.E. grant through the Attorney General:

- a) The Trustees and the Fiscal Officer are hereby authorized to apply for a grant for Drug Abuse Resistance Education Funds and the Trustees or their designee are hereby authorized to agree to the conditions and make the assurances necessary or incidental to the said grant application; and,
- b) The Township of Waterville hereby requests the Office of the Attorney General of the State of Ohio to consider and to fund the application for a grant for Drug Abuse Resistance Education Funds; and,
- c) The Trustees designate the Chief of Police as the grant designee; and,
- d) The Fiscal Officer is hereby directed to certify a copy of Resolution #2008-08 and to provide the same to the grant designee; and,
- e) It is hereby found and determined that all formal action of the Board of Trustees concerning and relating to the passage of Resolution #2008-08 was adopted in an open meeting of this Board of Trustees.

Mr. Kyle J. Hertzfeld seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

A. Leslie Disher,	Aye.
Kyle J. Hertzfeld,	Aye.
Brett T. Warner,	Excused - Working security at the fair.

Adopted July 23, 2008.

Attest: Kay Ann Robertson
 Kay Ann Robertson, Fiscal Officer,
 Township of Waterville,
 Lucas County, Ohio.

ROAD AND CEMETERY:

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- 1) Diversified Road & Pipe have begun the repairs to Janelynn Drive, Obee Road and Davis Road.
- 2) Supt. Richard Ludwig had gotten a quote to remove the necessary trees in Wakeman Cemetery. The trustees would like to have at least one more quote before proceeding.

ZONING:

- 1) Twenty-seven (27) permits to date.
- 2) The Village of Whitehouse inquired about the need to put up a water meter pit on Dutch Road. The zoning inspector said it would require a permit.
- 3) It was suggested that the zoning inspector attend the Ohio Township Conference in Cincinnati. There are several sessions that discuss zoning issues.
- 4) A notice was sent certified mail to Randy & Kristin Miller, 6436 North River Road, to notify them of the need for a permit for the fence enclosing their horses. They will be given thirty (30) days to comply.
- 5) At their last meeting, the zoning commission discussed an amendment to the zoning resolution regarding livestock. Paperwork has been sent to the county plan commission to place on their August agenda.
- 6) The zoning commission has also begun work on language for "borrow pits." The current language in the zoning resolution does not permit surface mining nor ponds of more than one (1) acre.
- 7) Randy Mielnik, from Poggemeyer Design Group, discussed the addition of US 24 overlay to the township land use plan. Zoning Commission Chairman George Cole is in the process of getting a committee together. Solicitor Walt Celley said that if more than two zoning commission members served on the committee, the notice of each meeting would need to be published. Trustee Chairman Les Disher suggested one trustee be on the committee and to get other members from a broad area of the township - 10 to 12 members in total. In the last newsletter, the questions had been asked if anyone would like to serve on any future committees and one name was submitted.

SOLICITOR:

- 1) Solicitor Walt Celley forwarded a copy of a letter to the MetroParks about obtaining a special use permit. We are approaching the one-year mark since talking to them about such a permit and nothing to date. The township has given them until September 1st and if nothing is filed, a 'cease and desist' order will be issued to cease operation of the Blue Creek Conservation Area.
- 2) There is ongoing discussion with Molly Maguire (Lucas County Plan Commission Planner) on borrow pits. They are looking for a modern zoning text already in existence. He should have something to the zoning commission by their August meeting.
- 3) A proposed final draft of Section 9.14 on livestock should be ready for the zoning commission's August meeting.
- 4) Randy Mielnik had brought a contract from Poggemeyers for the land use plan update. Solicitor Celley stated he would not recommend signing the contract in its present form. He is willing to negotiate a new contract for a lesser price. The township already has the appraisal of the Noward Road property which should be helpful. Not all meetings would have to include Poggemeyers which may lessen the price.

BOARD CHAIRMAN:

- 1) In reviewing the files, it was learned that the township did not have a current contract with Lonnie Perry to farm the township property on Noward Road. Chairman Disher said he would contact Mr. Perry.
- 2) Chairman Les Disher had contacted the residents of Coventry Glen. It was learned that Jeff Shugarman was no longer in the picture. Hafner Crafted Homes have taken over. Solicitor Celley said he would contact Hafner Homes and make them aware that no new permits would be issued until the entrance way was done. Chairman Disher was also going to contact Supt. Ludwig about the status of the road tractor and if it could be used to mow Coventry Glen entrance.

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TRUSTEES:

None.

EXECUTIVE SESSION:

Kyle J. Hertzfeld made a motion to go into executive session to discuss police personnel issues. Seconded by A. Leslie Disher.

A. Leslie Disher, Aye.
Kyle J. Hertzfeld, Aye.

A. Leslie Disher made a motion to close the executive session and to go into regular session. Seconded by Kyle J. Hertzfeld.

A. Leslie Disher, Aye.
Kyle J. Hertzfeld, Aye.

The public was notified by the signaling of the township hall outside light that the executive session was finished and that they could return. None returned.

WATERVILLE TOWNSHIP

LUCAS COUNTY, OHIO

BOARD OF TRUSTEES

**CHARGES AGAINST POLICE OFFICER
IN PERFORMANCE OF OFFICIAL DUTY**

Now come the Waterville Township Trustees, this 23rd day of July, 2008, pursuant to the authority conferred by Ohio Revised Code §505.491, et seq.; and prefer charges against Officer David L. Krego, a member of the Waterville Township Police Department.

Officer Krego:

You are hereby 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.

2. The conduct alleged constitutes a violation of 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 are preferred in consideration of reports and information, upon the recommendation of the Chief of Police.

TAKE NOTICE THAT THIS CAUSE SHALL BE HEARD 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. ANY REQUEST FOR A CONTINUANCE SHALL BE MADE IN WRITING TO THE TOWNSHIP FISCAL OFFICER, 6224 WATERVILLE-MONCLOVA ROAD, WATERVILLE, OHIO 43566, NOT LATER THAN JULY 31, 2008.

The accused may appear in person and by counsel, examine all witnesses, and answer all charges against him. The Board of Township Trustees may issue

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subpoenas or compulsory process to compel the attendance of persons and the production of books and papers before it. The hearing will be conducted in executive session unless a public hearing is requested by the accused.

A. Leslie Disher made a motion to file the above charges on Officer David L. Krego and give notice of the same. Seconded by Kyle J. Hertzfeld.

A. Leslie Disher, Aye.
Kyle J. Hertzfeld, Aye.

The foregoing is a true copy of the charges preferred by vote of the Waterville Township Board of Trustees on July 23, 2008.

Attest:

[Handwritten signature of Kay Ann Robertson]

Kay Ann Robertson, Fiscal Officer for the Township of Waterville, Lucas County, Ohio.

There being no further business, Kyle J. Hertzfeld made a motion to adjourn. Seconded by A. Leslie Disher.

Motion Carried.

Adjourned at 8:46 p.m.

Attest: [Handwritten signature of Kay Ann Robertson]

Trustees: [Handwritten signatures of A. Leslie Disher, Kyle J. Hertzfeld, and another trustee]