

RECORD OF PROCEEDINGS

Minutes of

Waterville Township Trustees'

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held at 7:30 p.m. at the Waterville Township Hall on December 23, 2009

ROLL CALL:

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

OFFICIALS:

- Assistant Road and Cemetery Superintendent Dennis H. Meyer - Present
- Zoning Inspector Eric H. Gay - Present
- Solicitor Walter J. Celley - Present
- Police Sgt. B. Eric Varner - Present
- Officer Jeffrey Graham - Present
- Fiscal Officer Kay Ann Robertson - Present

GUESTS:

- Karen Berger, Reporter for "The Mirror"
- Bill Imes, 8791 Noward Road, Waterville, Ohio 43566
- Craig Bauer, 7301 Chip Shot Lane, Waterville, Ohio 43566
- Andrew Lyke, 8031 Berkey-Southern Road, Whitehouse, Ohio 43571
- Karen Lyke, 8031 Berkey-Southern Road, Whitehouse, Ohio 43571

PLEDGE OF ALLEGIANCE:

Chairman Brett T. Warner called the meeting to order at 7:30 p.m. All who were present were asked to join Chairman Warner 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 Brett T. Warner:

Brett T. Warner made a motion to approve the Agenda for the December 23, 2009, meeting as it had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman Warner. Seconded by Kyle J. Hertzfeld.

MINUTES:

Motion Carried.

The minutes for the December 9, 2009, meeting had been prepared by Fiscal Officer Kay Ann Robertson and sent to each trustee prior to the meeting:

A. Leslie Disher made a motion to dispense with the reading of the minutes of the December 9, 2009, meeting and to approve the minutes with the following addition:

"Under trustee comments - Leslie Disher: Whitehouse has not done the drainage project on Cemetery Road because Lucas County has not drawn up the plans yet."

That was the only addition - there were no deletions and/or corrections. Seconded by Brett T. Warner.

RECEIPTS:

Motion Carried.

204-09 - Charles R. Baker - Marelda Baker cremation - Whitehouse	\$ 150.00
205-09 - Truner Vault Company - Cemetery employee appreciation	24.00

WARRANTS:

Total \$ 174.00

#32631 - Joseph R. Bublick - Last quarter zoning salary	\$ 442.75
#32632 - Jonathan D. Burkett - Police wages	442.90
#32633 - A. Leslie Disher - December trustee salary	824.86
#32634 - Eric H. Gay - December zoning salary	853.66
#32635 - Jeffrey M. Graham - Police wages	176.72
#32636 - Russell E. Heger - Police wages	404.11
#32637 - Kyle J. Hertzfeld - December trustee salary	761.60
#32638 - Harry R. Kellett III - Police wages	760.84
#32639 - David L. Krego - Police wages	1,190.32
#32640 - Richard A. Ludwig - Supt. wages	1,018.81
#32641 - Dennis H. Meyer - Road labor	558.28
#32642 - Brian A. Petrell - Cemetery labor	15.47
#32643 - Kay Ann Robertson - Fiscal officer salary and zoning wages	836.35
#32644 - John H. Sawicki - Police wages	295.29
#32645 - B. Eric Varner - Police wages	1,175.75
#32646 - Brett T. Warner - December trustee salary	790.25
#32647 - Fifth Third Bank of NW Ohio - December withholding	2,007.53
#32648 - Treasurer of State of Ohio - December state payroll tax	517.98
#32649 - Delta Dental Plan of Ohio - January dental insurance	268.52

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#32650 - Waterville Commissioner of Taxation - 4th qtr payroll tax	\$	308.54
#32651 - Whitehouse Commissioner of Taxation - 4th qtr payroll tax		85.39
#32652 - Toledo Commissioner of Taxation - 4th qtr payroll tax		426.35
#32653 - Maumee Commissioner of Taxation - 4th qtr payroll tax		44.26
#32654 - Toledo Municipal Court - Krego's garnishment		50.00
#32655 - Kay Ann Robertson - December medicare reimbursement		96.40
#32656 - West Payment Center - Township law updates		74.00
#32657 - Time Warner Cable - December highspeed internet		51.95
#32658 - Lucas County Township Association - Dues for Cole and Gay		24.00
#32659 - Lisa L. Cole - December clean hall and police station		40.00
#32660 - Century Link - December phone		111.93
#32661 - Toledo Edison - December electric		184.38
#32662 - D & R Power Equipment - Snowplow parts		23.89
#32663 - Sandra L. Ludwig - December medicare reimbursement		96.40
#32664 - Russell L. Robertson - December medicare reimbursement		96.40
#32665 - A. Leslie Disher - November insurance payment		146.00
#32666 - Mc Cabe Power Equipment - December maintenance supplies		193.61
#32667 - J C's Leaf Collection - 2009 fall cleanup		11,025.00
#32668 - Fondessy Enterprises - December trash and recycling		3,960.00
#32669 - Ohio Dept. Job & Family Services - Burkett's unemployment		56.77
#32670 - Occupational Health Services - Graham's drug screen/physical		89.00
#32671 - Haines & Company - 2010 Criss/Cross lease		342.50
#32672 - Gregory E. Forgac PH.D - Graham police evaluation		195.00
#32673 - Hanifan-Obenauf-Robinson Inc. - January police station rent		950.00
#32674 - Verizon Wireless - December police mobile phone		64.12
#32675 - Century Link - December police phone		172.49
#32676 - Dollar General Corp - Misc. police supplies		1.75
#32677 - Anthony Wayne Board of Education - November fuel		1,657.33
#32678 - Fifth Third Bank - December charge purchases		793.72
	Total	\$ 34,703.17

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 Leslie Disher.

OLD BUSINESS:

Motion Carried.

Solicitor Walt Celley has been working on language to address the township's concerns about the disposal of "green waste." He has drafted a resolution so the trustees can request a zoning amendment. Chairman Brett Warner has been in contact with people all over the state and the consensus of opinion is that there needs to be something in place. We need to give the zoning commission something to work off of. Solicitor Celley says his resolution covers all forms of waste - it could probably require a specific location have a zoning change along with a special use permit. What could be dumped would depend on the permit obtained from the EPA. Inspector Eric Gay mentioned that the current definition in the zoning resolution covered a landfill and wondered if the proposed new language would also. Solicitor Celley said that by requiring a zoning change along with a special use permit, there would be more regulations over a disposal facility. Trustee Les Disher said that it should be well explained.

PUBLIC COMMENTS:

Craig Bauer: There is a proposed transfer station request that may come before this board and how will this language affect the request.

Walt Celley: A transfer site request is covered in this language.

Craig Bauer: What is the chance of getting an "M-2" zoning change in Waterville Township?

Walt Celley: It would probably depend on where the property was located. By attaching a zoning change to the waste disposal issue, if the change was denied, the applicant would have a legislative remedy.

Brett Warner: Zoning changes are governed by the Land Use Plan.

Craig Bauer: What about the facility you have already permitted at the Blue Creek MetroParks?

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Continued:

Walt Celley: The park property really falls in a different category since it is government owned. They have a different set of rules. The parks should make an attempt to comply, but they have a different standard to go by.

Craig Bauer: Mr. Bauer suggests the trustees may want to differentiate between "garbage" and "green waste."

Brett Warner: Trustee Warner feels that the O.R.C. should have a definition for "green waste."

RESOLUTION #2009-20 CONCERNING THE WATERVILLE TOWNSHIP
TRUSTEES INITIATION OF AN AMENDMENT TO THE WATERVILLE
ZONING RESOLUTION REGARDING WASTE DISPOSAL FACILITIES.

The Board of Trustees of Waterville Township, Lucas County, Ohio, met in regular session of the Board, on December 23, 2009, at 7:30 p.m., whereupon the following was placed in consideration on the regular agenda of the Board:

AMENDMENT TO THE WATERVILLE TOWNSHIP ZONING RESOLUTION

WHEREAS, whenever the public necessity, general welfare, or good zoning practices require, the Township Trustees may, by resolution, amend the regulations and restrictions established by the Waterville Township Zoning Resolution; and,

WHEREAS, amendments to the Zoning Resolution may be initiated by the adoption of a resolution by the Board of Trustees:

IT IS HEREBY RESOLVED, that the following amendments to the Township Zoning Resolution are for the public necessity, convenience, general welfare, or good zoning practices:

A. IT IS PROPOSED TO AMEND THE ZONING RESOLUTION BY DELETING EXISTING SECTION 9.14 IN ITS ENTIRETY AND REPLACING THE EXISTING SECTION WITH THE FOLLOWING TEXT:

SECTION 9.14 WASTE DISPOSAL FACILITY

9.14.1 Definitions

The term "waste" includes, but is not limited to: animal waste, bulking agents, commingled yard waste, compost, foreign matter, hazardous waste, household hazardous waste, industrial solid waste, infectious waste, leachate, lime sludge, municipal solid waste, radioactive waste, residual solid waste, scrap tires, sludge, solid waste, source-separated yard waste, yard waste, liquid waste, toxic chemicals, construction debris, demolition debris and any other substance or material with a potential or capacity to be injurious to human health or the environment without proper disposal.

The term "disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any waste into or on any land or ground or surface water or into the air.

The term "facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling or any other method of handling, disposing, treating, processing, transferring or storing of waste.

Unless specifically defined otherwise in this Resolution, the term used in this Section shall have the same meanings as the definitions established for such terms in the Ohio Revised Code and Ohio Administrative Code.

9.14.2 Zoning Requirements

No waste disposal facility shall be established, operated, used or located within the Township unless such facility is located, sited or installed within the area of an M-2 District.

No waste disposal facility shall be established, operated or located within the Township unless such facility has been issued a Special Use Permit under Section 7 of this Resolution.

A Special Use Permit issued hereunder shall be conditioned on the operator and site having and maintaining valid permits, licenses and registrations required by any regulatory agency or authority having jurisdiction over such operations.

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Except as specifically provided for and permitted under this Section 9.14, no person shall dispose of waste nor operate any waste disposal facility within the unincorporated territory of the Township

9.14.3 Interpretation

This Section is intended to be interpreted and applied so as not to be in conflict with the general laws of the State of Ohio.

B. IT IS PROPOSED TO AMEND SECTION 2 DEFINITIONS, OF THE ZONING RESOLUTION WITH THE ADDITION OF THE FOLLOWING TEXT:

Waste Disposal Facility: A waste disposal facility under Section 9.14 of this Resolution.

C. IT IS PROPOSED TO AMEND SECTION 7.2, IN ANY "M-2" DISTRICT OF THE ZONING RESOLUTION WITH THE ADDITION OF THE FOLLOWING TEXT:

Waste Disposal Facility

IT IS FURTHER RESOLVED, that immediately upon the adoption of this resolution the Township Fiscal Officer shall transmit a certified copy to the Waterville Township Zoning Commission for acceptance and scheduling of a public hearing at its next regularly scheduled meeting, transmission to the County Planning Commission and for such other and further proceedings required by law and the Township Zoning Resolution, with all due expedition.

Trustee Brett T. Warner moved and Trustee A. Leslie Disher seconded the adoption of the amendment; and the roll called on the question of the adoption; resulted as follows:

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

ATTEST:

I certify that this a true and accurate copy of Resolution No. 2009-20, passed in regular session of the Board of Trustees, as aforesaid.

Kay Ann Robertson
Kay Ann Robertson, Township Fiscal Officer
Date Signed: December 23, 2009

PUBLIC HEARING:

A public hearing was scheduled and advertised for this date and time. A request had been received from Craig Bauer to amend his special use permit to add 'green waste' at his 8736 Noward Road location. The following letter was submitted:

"To Whom It May Concern:

This letter is being written to notify appropriate authorities that Bauer Lawn Maintenance Inc. is withdrawing its application No. Z22-C102 to amend the special use permit to accept green waste. Thank you, Craig Bauer, President"

SPECIAL PRESENTATION:

None.

NEW BUSINESS:

None.

FISCAL OFFICER - CORRESPONDENCE:

- 1) From Lucas County Treasurer, notice of an estate tax distribution for: Orville W. Bidwell \$4,432.62
2) From McVicker Insurance, a notice that they are merging with Savage and Associates. The Whitehouse office will remain open - business as usual.
3) From GovShare.com, a notice that at their website, the township can buy, sell or trade both new and used products and services.
4) From Hanson Aggregates, a 2010 price list for stone.
5) From the Ohio Department of Public Safety Bureau of Motor Vehicles, the November License Tax Statistics Report. Also from the Department, the November

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Permissive Tax Computation Report. Due the township is the sum of \$282.00.

FISCAL OFFICER - OTHER MATTERS:

The township health insurance is up for renewal in February. Medical Mutual of Ohio sent a notice that by joining the Toledo Regional Chamber Wellness Program, the township could have a 3-percent premium reduction at the time of renewal:

A. Leslie Disher made a motion to enter into an agreement with Medical Mutual of Ohio for the Toledo Regional Chamber Wellness Program. Terms and Conditions:

Medical Mutual reserves the right to end this program at any time. Medical Mutual will still provide the premium reduction set forth above if the wellness activities are completed and the Group renews its contract with Medical Mutual at its next renewal date.

No premium reduction will be provided if the two requirements above are not completed at the required threshold. Medical Mutual and the Group have agreed to the terms contained in this Agreement and will abide by its terms, including the dates, services and communications as indicated above.

Groups will be eligible for a premium discount provided that the premium discount does not fall outside the premium restrictions for small groups in Ohio.

In order to benefit from the Wellness Program, 100% employee participation!

Seconded by **Brett T. Warner**.

POLICE:

Motion Carried.

1) Sgt. Eric Varner states he is having trouble with paperwork since there is no police chief at the present time. Solicitor Walt Celley presented a resolution for the trustees to consider which would allow Sgt. Varner to serve as acting chief until a replacement chief can be found:

**RESOLUTION #2009-21 CONCERNING THE WATERVILLE
TOWNSHIP TRUSTEES APPOINTMENT OF AN ACTING
POLICE CHIEF.**

The Board of Trustees of Waterville Township, Lucas County, Ohio, met in regular session on December 23, 2009, at 7:30 p.m.; whereupon the following was placed in consideration on the regular agenda of the Board:

APPOINTMENT OF ACTING POLICE CHIEF

WHEREAS, as a result of the resignation of the Chief of the Waterville Township Police Department, the Department is without an individual authorized to perform certain statutory and regulatory functions which require an authorized and qualified individual appointed to act in the capacity of Chief of Police; and

WHEREAS, Waterville Township Police Sergeant Benjamin E. Varner is an individual qualified to act in the capacity of Chief of Police; and,

WHEREAS, the proceedings and hearings on this Resolution and any necessary notices of such proceedings and hearings have all been undertaken, conducted and given in accordance with applicable law; now hereby,

BE IT RESOLVED, that pursuant to Ohio Revised Code Section 505.49; Waterville Township Police Sergeant Benjamin E. Varner is appointed to serve as acting Chief of Police of the Township police district and during the term of his appointment, shall have the powers and responsibilities of Chief of Police of the Waterville Township Police Department.

BE IT FURTHER RESOLVED:

1. That the appointment of Benjamin E. Varner to acting Chief of Police is for purposes administrative in nature and temporary until a decision by the Board to appoint a Chief of Police.
2. That acting Chief Varner shall continue to serve at his current pay grade and rate subject to annual review by the Board.
3. That during the term of his appointment as acting Chief, Varner shall continue to hold the rank of Sergeant, without interruption, serve in the capacity of Sergeant and wear the badge and uniform of a Sergeant of the Waterville Township Police Department.

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4. That upon a decision by the Board to appoint a Chief of Police, acting Chief Varner shall be afforded the absolute right to tender a resignation from this appointment and continue in service in the rank of Sergeant, with all of the rights and privileges appertaining thereto.

Trustee A. Leslie Disher moved and Trustee Kyle J. Hertzfeld seconded the adoption of the resolution and the roll being called upon its adoption the vote was as follows:

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

ATTEST:

I certify that this is a true and accurate copy of a resolution passed in regular session of the Waterville Township Board of Trustees, as aforesaid.

Kay Ann Robertson

Kay Ann Robertson, Fiscal Officer
Date Signed December 23, 2009

2) Sgt. Varner introduced Officer Jeffrey Graham to those who were present. He has had interviews with the schools and all he needs is an okay by the school board and that will happen in January. Officer Graham is a very experienced D.A.R.E. officer and the township is lucky to have him on board.

3) The last time a new D.A.R.E. officer was employed, the rate of pay was a little under \$13.00 per hour. The trustees will take that into consideration when formally hiring Officer Graham as the D.A.R.E. officer. Trustee Brett Warner will take care of notifying Columbus of the new person filling the position.

ROAD AND CEMETERY:

1) There was some spray-patching done on Davis Road and on Noward Road. He is ready to do more if there is a break in the weather.

2) There have been calls for more recycle bins and Trustee Hertzfeld will take care of contacting Fondessy Enterprises.

3) New Chipper - Trustee Disher has spoken with both road employees and learned that they would like to stay with the Bearcat brand of chipper when the new purchase is made. Contact was made with a dealer that advertises in the Ohio Township Association magazine and also another local dealer. Talk of what to do with the old chipper ranged from selling it on E-bay to trading it in. Contact was made with the Lucas County Solid Waste District about getting our grant for \$5,000.00 and applying it to the price of the chipper:

Brett T. Warner made a motion to purchase one (1) Model CH6614H Bearcat Chipper from D & R Outdoor Power Equipment, LLC, 720 Ford Street, Maumee, Ohio. for the sum of \$9,835.90 which is the state bid price. Seconded by A. Leslie Disher.

ZONING:

Motion Carried.

1) Finished 2009 with twenty-eight (28) permits.

2) Inspector Gay had a zoning change application to submit at the December 21st meeting but due to illness and members being out of town, there was not a quorum.

3) In regards to the updates to the Waterville Township Land Use Plan, there are plans to have two committee members go through the revisions and compare old and new documents to make sure everything has been included. Because the new document seems so much smaller, they want to make sure the finished product is all there.

4) Zoning Commission Chairman George Cole has not been feeling well and missed the December meeting.

5) The Metroparks, so far, have complied with the township's zoning regulations. We have a good working relationship with the Blue Creek Parks Manager Russell Schifferly and so far he has done everything we have asked of him.

SOLICITOR:

1) The problem with Whitehouse dumping their leaves on the Andrew Lyke property at 8031 Berkey-Southern Road is ongoing. Solicitor Walt Celley contacted the EPA through the Lucas County Health Board.

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Continued:

2) The Township Trustees have been served with a summons in the case of the release of the conservation easements. The trustees had maintained that they would not release the easements unless the property owners involved were in agreement with what ODOT was willing to pay them for their property. It appears that has happened and they are proceeding with the releases.

3) It was reported that Solicitor Walt Celley had contacted an Alan Mikesell to look into the annexation moneys due the township from the Village of Waterville. The Fiscal Officer had indicated that the Township needed to make sure it was getting paid for all of the parcels that had been annexed. The following contract was submitted:

CONTRACT

This agreement is made by and between the Board of Trustees of Waterville Township ("Waterville Township") and Alan D. Mikesell ("Mikesell").

WHEREAS, Waterville Township requires certain professional services in connection with the revenue sharing agreement with Waterville Village; and,

WHEREAS, Mikesell is qualified to provide such services and desires to accept the contract;

NOW THEREFORE, in consideration of the premises and the mutual covenants and conditions set forth hereinafter; the parties agree as follows:

1. Mikesell shall provide professional services requested and in accordance with instructions and direction from the Township Law Director and Fiscal Officer.
2. Compensation for all services provided by Mikesell shall be based upon an hourly rate, which shall be \$65.00, and which constitutes the entire compensation. Mikesell shall become entitled to receive.
3. Mikesell agrees that he is not a Waterville Township regular employee, as would entitle him to any fringe benefit of employment or contribution to any pension, retirement savings or deferred compensation plan.
4. Mikesell may advance and receive reimbursement for out-of-pocket costs and fees incurred on behalf of Waterville Township; however, reimbursement shall not include payment for items of general operating overhead, such as: mileage, long distance telephone charges, photocopies, postage or other items of a similar nature.
5. As a condition of any compensation being paid, Mikesell shall submit itemized monthly invoices, detailing the services provided and costs advanced during the previous month, which Waterville Township agrees to pay within 30 days.
6. Mikesell shall maintain files and records of Waterville Township in his possession in accordance with all statutory requirements and the policies of Waterville Township; and upon termination of this Contract, said files and records shall be turned over to Waterville Township, according to law.
7. This Contract may be terminated by either party, at any time, with or without cause or notice.
8. The Contract may be amended from time to time in writing by both parties.
9. This Contract shall become effective as of December 23, 2009.

WATERVILLE TOWNSHIP BOARD OF TRUSTEES

Brett T. Warner made a motion to hire Alan D. Mikesell under the conditions of the "Contract". Seconded by Kyle J. Hertzfeld.

Motion Carried.

BOARD CHAIRMEN:

Chairman Brett Warner advised that he attended the recent Waterville Council meeting. They were discussing the renewal of the Township's fire contract. He pointed out that the Township is trying to live within its means. The Township was proposing that both villages split the fire levy income. In today's climate the Township is not going to be putting on a fire levy. The Township is very happy with the services received from the village but we cannot afford the contract they were proposing. Runs have decreased in the Township. We do have other options. He did get the impression they wanted to work it out. They would continue on a month-to-month basis if an agreement is not reached by the end of the year.

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TRUSTEES:

Leslie Disher: Trustee Disher advised that he had been attending meetings with the Village of Waterville on behalf of the Township. The meeting night has been changed to a night that he cannot make and George Cole had attended on his behalf. If his illness does not permit him to attend future meetings, the township will need to get someone else to take Trustee Disher's place.

Leslie Disher: Trustee Disher wished everyone a Merry Christmas!

EXECUTIVE SESSION:

None.

ADJOURNMENT:

There being no further business, Brett T. Warner made a motion to adjourn. Seconded by Kyle J. Hertzfeld.

Motion Carried.

Adjourned at 8:35 p.m.

Attest:

Kay Ann Robertson

Trustees:

Leslie Disher
Kyle J. Hertzfeld
Brett T. Warner