

RECORD OF PROCEEDINGS

1435

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 September 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
 Fiscal Officer Kay Ann Robertson - Present

GUESTS:

Zoning Commission Chairman George J. Cole
 Zoning Commission Member Daryl Powell
 Lou Leasor, 10020 Hertzfeld Road, Waterville, Ohio

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 September 23, 2009, meeting as it had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman Brett T. Warner. Seconded by **Kyle J. Hertzfeld**.

MINUTES:

Motion Carried.

The minutes for the September 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 September 9, 2009, meeting and to approve the minutes with no additions, deletions or corrections. Seconded by **Brett T. Warner**.

RECEIPTS:

Motion Carried.

147-09 - Lucas County Auditor - OVI police reimbursement	\$ 493.06
148-09 - Betty L. Davis - Davis grave opening - Wakeman	450.00
149-09 - Wells Funeral Home - Florence Mizer cremation - Wakeman	150.00
150-09 - Design Memorial Stone - Regos foundation - Wakeman	158.40
151-09 - Metroparks - #2009-22; 23; 24 - Greenhouses & compost site	200.00
152-09 - Americraft Memorials - Smith foundation - Wakeman	128.00
153-09 - Americraft Memorials - Campbell foundation - Wakeman	121.60
154-09 - Lucas County Auditor - August real estate settlement	93,500.82

WARRANTS:

Total \$ 95,201.88

#32433 - Joseph R. Bublick - 3rd quarter zoning salary	\$ 442.75
#32434 - Jonathan D. Burkett - Police wages	222.68
#32435 - A. Leslie Disher - September trustee salary	824.86
#32436 - Eric H. Gay - September zoning salary	853.66
#32437 - Kathleen M. Hartle - Police sick leave	1,608.30
#32438 - Russell E. Heger - Police wages	399.32
#32439 - Kyle J. Hertzfeld - September trustee salary	761.60
#32440 - Harry R. Kellett III - Police wages	827.46
#32441 - David L. Krego - Police wages	1,238.62
#32442 - Richard A. Ludwig - Supt. wages	962.51
#32443 - Dennis H. Meyer - Road labor	514.19
#32444 - Brian A. Petrell - Cemetery labor	354.53
#32445 - Kay Ann Robertson - Fiscal officer salary and zoning wages	819.60
#32446 - John H. Sawicki - Police wages	477.90
#32447 - B. Eric Varner - Police wages	1,226.22
#32448 - Michelle L. Vollmar - Police wages	228.46
#32449 - Brett T. Warner - September trustee salary	790.25
#32450 - Fifth Third Bank of NW Ohio - September withholding	2,263.47
#32451 - Treasurer of State of Ohio - September payroll tax	582.67
#32452 - Delta Dental Plan of Ohio - October dental insurance	268.52
#32453 - Waterville Commissioner of Taxation - 3rd qtr payroll tax	320.53

continued.....

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Continued:

#32454 - Whitehouse Commissioner of Taxation - 3rd qtr payroll tax	\$ 68.21
#32455 - Toledo Commissioner of Taxation - 3rd qtr payroll tax	475.25
#32456 - Maumee Commissioner of Taxation - 3rd qtr payroll tax	20.84
#32457 - Kay Ann Robertson - Reimburse September medicare	96.40
#32458 - Russell L. Robertson - Reimburse September medicare	96.40
#32459 - Time Warner Cable - September highspeed internet	51.95
#32460 - Fifth Third Bank - September charge purchases	218.45
#32461 - West Payment Center - Ohio law updates	132.00
#32462 - Embarq - September phone	66.34
#32463 - Toledo Edison - September electric	186.50
#32464 - West Payment Center - Zoning bulletin	168.00
#32465 - Saundra L. Ludwig - September medicare reimbursement	96.40
#32466 - Andersons Mower Center - Backhoe parts	16.04
#32467 - Kalida Truck Equipment - Hoist repairs	776.00
#32468 - A. Leslie Disher - Reimburse August health insurance	146.00
#32469 - Mc Cabe Power Equipment - Oil and chain sharpening	54.50
#32470 - Fondessy Enterprises - September trash and recycling	3,767.50
#32471 - Ohio Dept. of Job & Family Services - Taylor unemployment	235.27
#32472 - Hanifan-ObenauF-Robinson - October police station rent	950.00
#32473 - Embarq - September police phone payment	171.68
#32474 - Alltel - September police mobile phones	67.50
#32475 - Dollar General Corp - Misc. police supplies	6.35
#32476 - Toledo Edison - August Coventry Glen street lighting	363.14
Total	\$ 24,218.82

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 **A. Leslie Disher**.

Motion Carried.

PUBLIC COMMENTS:

None.

PUBLIC HEARING:

On September 21, 2009, the Waterville Township Zoning Commission held their public hearing on an amendment to the Waterville Township Zoning Resolution regarding action by the Board of Township Trustees and have recommended approval:

Brett T. Warner made a motion to hold a public hearing on Wednesday, October 14, 2009, at 7:30 p.m. at the Waterville Township Hall, 621 Farnsworth Road, Waterville, Ohio. The purpose of the hearing is to consider an amendment to the Waterville Township Zoning Resolution regarding legislative changes to the Ohio Revised Code 519.12(H) no longer requiring an unanimous vote by the Trustees to deny or modify a recommendation of the Zoning Commission. The township is requesting that a majority vote of the Board of Trustees shall be required to deny or modify the Zoning Commission recommendation instead of an unanimous vote. Seconded by **A. Leslie Disher**.

Motion Carried.

SPECIAL PRESENTATION:

None.

OLD BUSINESS:

Solicitor Walt Celley commented on the updates to the township land use plan and the format. Somewhere along the line the updates went from being incorporated into the existing document to an addendum. According to zoning commission members, George Cole and Daryl Powell, it was the commissions intent all along to end up with an updated document and they had a copy of an email to the Poggemeyer Design Group stating such. Solicitor Celley had spoken with Randy Mielnik and he said he could do what the township wanted but he would have to do it on his own time unless the township would pay extra. Les Disher stated that not having the document was holding up his progress with the JEDDs. Daryl Powell suggested offering one-half of the extra moneys and maybe Mr. Mielnik would do it for less. Les Disher wished the minutes to reflect that we take the present issue with Poggemeyers under advisement the next time we have this sort of project to do.

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Continued:

Township Zoning Chairman George Cole states that the Village of Whitehouse does not seem to have the correct information regarding Craig Bauer's request for a composting facility on his property on Noward Road in Waterville Township. Mr. Bauer states he has no knowledge of what the village is saying about his proposed facility. It will be nothing like the site on Bancroft Street. Mr. Cole would like to see township residents use the site for free but that is not realistic. Mr. Bauer is asking for an amendment to his special use permit to add the compost facility to his Noward Road property. The township zoning commission will hold their hearing on the request on October 19th. Several area subdivisions have grant moneys that could be lost if the facility does not get approved by the end of the year.

NEW BUSINESS:

Fiscal Officer Kay Robertson obtained a copy of a Fire Loss and Demolition Resolution that has been adopted by Springfield Township. The Ohio Revised Code allows townships to adopt legislation whereby they could retain a portion of insurance funds to insure that properties damaged by fire are cleaned up in a timely manner. Solicitor Celley stated he would look into the matter and report back.

FISCAL OFFICER - CORRESPONDENCE:

- 1) From the Lucas County Board of Elections, a copy of the ballot language for Issue #11 - Renewal Tax Levy for the benefit of recycling and disposal of waste and tree leaves. The township's garbage levy expires at the end of this year.
2) From the Frank Gates Service Company, the acceptance of the township's enrollment in the 2010 Workers' Compensation Group Rating Program. The township will save \$2,937.00 by enrolling in the group plan.
3) From the Village of Waterville Public Works Staff, a thank you for helping with the 4th Annual Fishing Derby.
4) From the Ohio Department of Public Safety Bureau of Motor Vehicles, the August, 2009, License Tax Statistics Report. Also from the Bureau, the August, 2009, Permissive Tax Computation Report. Due the township is the sum of \$231.00.
5) From the Lucas County Engineer's Office, a permit to enclose the ditch on the township's property at 7315 Noward Road to allow for a drive onto our property. We are to call when the work is done.

FISCAL OFFICER - OTHER FINANCIAL MATTERS:

According to the Ohio Revised Code, townships are to adopt an amounts and rates resolution before the end of September and if the numbers are not ready, then the Budget Commission asks for an extension and notifies the townships. It is the 23rd of September and still no figures from the county auditor. The advice of the solicitor was to pass the resolution and fill in the figures when they arrive and if changes need to be made they can be done at a later date:

RESOLUTION #2009-19 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR.

The Board of Trustees of Waterville Township, Lucas County, Ohio, met in regular session on the 23rd day of September, 2009, at the office of Fiscal Officer Kay Ann Robertson with the following members present:

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

Mr. Brett T. Warner moved the adoption of the following Resolution #2009-19:

WHEREAS, the Budget Commission of Lucas County, Ohio, has certified its action to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board and what part thereof is without and what part within the ten mill limitation, therefore,

BE IT RESOLVED, by the Board of Trustees of Waterville Township, Lucas County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and,

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BE IT FURTHER RESOLVED, that there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

Fund	Inside	Inside 10 Mill Limit	Outside 10 Mill Limit
General Fund	\$ 56,000.00	\$ 0.20	
Road and Bridge Fund	75,000.00	1.40	
Garbage District Fund		47,500.00	0.90
Police District Fund	105,000.00	137,000.00	2.90
Fire District Fund		95,000.00	3.00

BE IT FURTHER RESOLVED, that the Fiscal Officer of this Board be and she is hereby directed to certify a copy of this Resolution #2009-19 to the County Auditor of Lucas County.

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

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

Kay Ann Robertson
 Kay Ann Robertson, Fiscal Officer of
 the Board of Township Trustees of
 Waterville Township, Lucas County.

CERTIFICATE OF COPY:

I, Kay Ann Robertson Fiscal Officer of the Board of Township Trustees of Waterville Township, in said County, and in whose custody the Files and Records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution #2009-19 Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor now on file with said Board, that the foregoing has been compared by me with said original document and that the same is a true and correct copy thereof.

WITNESS my signature this 23rd day of September, 2009:

Kay Ann Robertson
 Kay Ann Robertson, Fiscal Officer of
 the Board of Township Trustees of
 Waterville Township, Lucas County.

Projections are down approximately \$27,000.00 from last year.

POLICE:

Chairman Brett Warner is in close contact with Sgt. Eric Varner to monitor the police department in the absence of the Chief. He is also working on getting the fee for the dispatching of police calls by the sheriff's office reduced. Since the sheriff has been having funding issues, everything is up in the air.

ROAD AND CEMETERY:

- 1) Still working on getting information on spray patching some of the township roads.
- 2) Trustee Les Disher is still working on meeting with the Village of Waterville on the drives in Wakeman Cemetery.

ZONING:

- 1) Twenty-four (24) permits to date.
- 2) Trustee Les Disher and Zoning Inspector Eric Gay both attended the open house held by Craig Bauer on Noward Road. He was previewing the site in hopes of the approval for a compost facility. Inspector Gay and Zoning Chairman Cole both attended the public hearing at the Lucas County Plan Commission on the compost site special use amendment. The county commission is recommending approval.
- 3) Trustee Les Disher and Inspector Eric Gay visited with a family on Noward Road during one of the routine blasts. They reported that you could hardly feel any effects of the blast. ODOT had come around to the residence and they refused to

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let them in to document the interior in case of damage due to blasting. Damage was observed in the residence but it was noted that they had received a settlement from the Rocky Ridge Development when they blasted for water and sewer, so who knows if the interior damage is new or old.

4) The township has issues with the Betty Schultz property on Dutch Road. She has a special use permit for horse boarding and arena. Her son is repairing tanker trucks in the horse arena. A visit is in order to determine if horses are still being boarded and how the arena is being used.

SOLICITOR:

Solicitor Walter Celley suggests an executive session at the end of the meeting.

BOARD CHAIRMAN:

None.

TRUSTEES:

Kyle Hertzfeld: Trustee Hertzfeld had questions regarding the salt contract. He will look into the possibility of getting more space at our storage site in case we need it. A rough winter is being forecasted.

Les Disher: Trustee Disher stated he had attended the 4th Annual Fishing Derby sponsored by the Village of Waterville and it was very well received.

Les Disher: Trustee Disher stated he has had conversations with Anthony Wayne School Supt. Grainger about the D.A.R.E. program. Until the situation with Chief Hartle is resolved, everything is up in the air.

EXECUTIVE SESSION:

Brett T. Warner made a motion to go into executive session to discuss the discipline of a public employee and public employment. Seconded by Kyle J. Hertzfeld.

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

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

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

Brett T. Warner made a motion to continue the hearing on charges filed against Chief Kathleen M. Hartle until October 14, 2009, at 7:30 p.m. at the request of the accused. Seconded by Kyle J. Hertzfeld.

ADJOURNMENT:

Motion Carried.

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

Adjourned at 9:09p.m.

Motion Carried.

Attest: Kay Ann Robertson

Trustees: [Signatures of Brett T. Warner, Kyle J. Hertzfeld, and A. Leslie Disher]