

Held at 7:30 p.m. at the Waterville Township Hall on September 9, 2009

ROLL CALL:

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

OFFICIALS:

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

GUESTS:

Lonnie Perry, 9320 Waterville-Swanton Road, Waterville, Ohio
H. R. Myers, 420 Farnsworth Road, Waterville, Ohio
Stan Allen, Beaver Excavating
David Gunkle, Ohio Department of Transportation
Craig Bauer, Bauer Lawn and Landscaping
Bridget Tharp, Reporter for "The Toledo Blade Company"

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 9, 2009, meeting as it had been prepared by Fiscal Officer Kay Ann Robertson with a change to the chronological order namely inserting "Executive Session" immediately to follow the approval of The Agenda. Seconded by Kyle J. Hertzfeld.

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

Brett T. Warner made a motion to go into executive session to discuss a township personnel matter. Seconded by Kyle J. Hertzfeld.

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

Brett T. Warner made a motion to go back into regular session. Seconded by A. Leslie Disher.

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

The public was notified by the signaling of the Township Hall outside light that the executive session was finished and they could return. The following was read by Chairman Brett T. Warner:

Brett T. Warner moved to prefer written charges against Kathleen M. Hartle, Chief of the Waterville Township Police Department, in the form prepared by the Township Solicitor; to have the charges served upon the accused; that the accused be suspended from duty pending a hearing; and that this cause be heard at the next regular meeting of the Board of Trustees, which is September 23, 2009, at 7:30 pm. Seconded by A. Leslie Disher.

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

BOARD OF TRUSTEES
WATERVILLE TOWNSHIP, LUCAS COUNTY, OHIO
CHARGES AGAINST POLICE OFFICER
IN PERFORMANCE OF OFFICIAL DUTY

Now comes the Waterville Township Trustees, this 9th day of September, 2009, pursuant to the authority conferred by the Ohio Revised Code §505.491, et seq.; and prefer charges against Kathleen M. Hartle, Chief of Waterville Township Police Department.

To Kathleen M. Hartle:

You are accused of the following violations:

A.

- 1. Possession of an open container of intoxicating liquor in a Waterville Town-

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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Continued:

ship patrol vehicle, while on duty on or about August 26, 2009.

2. Public intoxication while on duty on or about August 26, 2009.

B.

- 1. The conduct alleged constitutes a violation of the Rules of Conduct of the Waterville Township Police Department: Rules 101,102,104,106,108,115,117.
2. The conduct alleged constitutes a violation of the Ohio Revised Code §505.491: misfeasance, malfeasance, misconduct in office, neglect of duty, all in the performance of the official duty of the accused.
3. The conduct alleged constitutes a violation of the Ohio Revised Code §2921.44: dereliction of duty.
4. The conduct alleged may constitute violations of rules and statutes not cited herein and the Waterville Township Trustees reserve all rights to prosecute the accused under any applicable rule or statute in existence as of the date these charges are preferred.

All of the aforesaid charges are preferred in consideration of reports and information resulting from investigation.

TAKE NOTICE THAT THIS CAUSE SHALL BE HEARD AT THE NEXT REGULAR MEETING OF THE BOARD, SCHEDULED FOR SEPTEMBER 23, 2009, 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 KAY ANN ROBERTSON, 6224 WATERVILLE-MONCLOVA ROAD, WATERVILLE, OHIO 43566, NOT LATER THAN 4:00 P.M. ON SEPTEMBER 21, 2009.

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

The foregoing is a true copy of charges preferred by vote of the Waterville Township Board of Trustees on September 9, 2009.

ATTEST:

Kay Ann Robertson
Kay Ann Robertson, Fiscal Officer

RETURN OF SERVICE

On September 9, 2009, I received a copy of the foregoing charges preferred by the Waterville Township Trustees, and did serve a copy of said charges upon the accused, and do hereby make this return under oath and penalty of law by filing the same with the Clerk of said Waterville Township.

On September 10, 2009, at 2:35 p.m. in Waterville Township, Lucas County, Ohio, the foregoing charges were served upon Kathleen M. Hartle by the following method - personal service. Sgt. Benjamin E. Varner.

Chief Hartle has been suspended from duty. The Board of Trustees has directed that Sgt. Eric Varner is to assume interim operational control of the Township Police Department. All Police Officers are directed to follow orders and instructions issued by Sgt. Varner.

MINUTES:

The minutes for the August 26, 2009, and the August 27, 2009, meetings 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 August 26, 2009, and the August 27, 2009, meeting and to approve the minutes with no additions, deletions and/or corrections. Seconded by Kyle J. Hertzfeld.

RECEIPTS:

143-09 Fifth Third Bank of NW Ohio - August autosweep interest \$ 89.62
144-09 Design Memorial Stone - Stec foundation - Whitehouse 208.80

Motion Carried.

continued.....

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Form 8101

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Continued:

145-09 - Lucas County Auditor - August allocation	\$ 5,695.12
146-09 - Maumee Municipal Court - August police fines	395.00
WARRANTS:	Total \$ 6,388.54
#32407 - Jonathan D. Burkett - Police wages	\$ 388.39
#32408 - Kathleen M. Hartle - Police wages	932.66
#32409 - Russell E. Heger - Police wages	208.67
#32410 - Harry R. Kellett III - Police wages	896.16
#32411 - David L. Krego - Police wages	1,408.83
#32412 - Kenneth M. Kristoff - Police wages	23.32
#32413 - Richard A. Ludwig - Supt. wages	995.11
#32414 - Dennis H. Meyer - Road labor	487.55
#32415 - Brian A. Petrell - Cemetery labor	416.35
#32416 - Kay Ann Robertson - Fiscal officer salary and zoning wages	827.98
#32417 - John H. Sawicki - Police wages	359.91
#32418 - B. Eric Varner - Police wages	1,277.81
#32419 - Michelle L. Vollmar - Police wages	171.34
#32420 - Ohio Public Employees Retirement System - August retirement	6,482.18
#32421 - Celley & Sanderson LLP - August solicitor fees	2,299.00
#32422 - Medical Mutual of Ohio - October hospitalization	6,064.21
#32423 - Treasurer of State of Ohio - 2007/2008 financial audit	1,210.24
#32424 - Village of Waterville - Fishing derby contribution	200.00
#32425 - Lisa L. Cole - Clean hall and police station	40.00
#32426 - Village of Waterville - September water/sewer payment	58.94
#32427 - Waterville Gas Company - September heat payment	33.00
#32428 - The Toledo Blade Company - Trustee notice of Borrow Pit #6	296.96
#32429 - Toledo Edison - September township street lighting	168.79
#32430 - General Pro Hardware - September charge payment	13.12
#32431 - Southeastern Equipment Company - Equipment repairs	364.91
#32432 - Look at Me Signs - Safety tee and sweat shirts	208.50
Total	\$ 25,833.93

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 - PC FILE SPR22-6-09 - 9055 WATERVILLE-SWANTON ROAD BORROW PIT:

Brett T. Warner made a motion to open the public administrative procedure for the Borrow Pit #6 site plan review which was advertised for this date and time. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

A legal notice was placed in "The Blade" on August 29, 2009, and letters were sent to all adjoining property owners. Borrow Pit #6 is to be located at 9055 Waterville-Swanton Road on property owned by the Ohio Department of Transportation.

COUNTY AGENCY STAFF ANALYSIS:

The request for a site plan review for a borrow pit, to be located at 9055 Waterville-Swanton Road (rear parcel) has been completed. The conditions of approval are as follows and are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions:

Lucas County Engineer's Office:

1. If drainage field tiles are encountered during excavation of the borrow pit, they should be rerouted if necessary to drain upland areas or removed or plugged if no longer needed. This will be the property owner's determination as how to maintain or remove their private drainage tiles.
2. A copy of the Ohio EPA, NPDES permit and storm water pollution prevention plan should be provided to our office and the Township.
3. One set of revised plans addressing the previous items shall be forwarded to the Lucas County Engineer's office for final review. Upon approval, nine (9)

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sets of plans should be provided to our office prior to issuance of zoning permits.

Toledo-Lucas County Health Department:

- 4. Submit well log and drilling report to Health Department and ODNR.
5. Properly abandon well when it is no longer in use and submit paperwork, including well abandonment application, to the Health Department.

Should there be any questions, contact Ms. Molly Maguire, Principal Planner for the Toledo-Lucas County Plan Commission.

Comments:

Robert Myers: Mr. Myers suggested eight foot high fencing when the pits were finished with their 3:1 slope. He also felt that the borrow pit should be kept back 50 foot from the property line.

Stan Allen: Mr. Allen (Beaver Excavating) states the pits are only 30 feet deep.

Walt Celley: Township Solicitor Celley states that when the Trustees approve the final landscape plans they can require fencing.

Brett Warner: This particular borrow pit is owned by ODOT and they will have to maintain it as a pond when it is finished.

A. Leslie Disher made a motion to approve the borrow pit at 9055 Waterville-Swanton Road (ODOT) subject to the above five (5) conditions and the following two (2) conditions:

- 1. Any material extraction by use of explosives shall require township approval.
2. A final landscape plan shall be submitted for township approval.

Seconded by Kyle J. Hertzfeld.

Motion Carried.

Brett T. Warner made a motion to conclude the public hearing for Borrow Pit #6. Seconded by A. Leslie Disher.

Motion Carried.

SPECIAL PRESENTATION:

Lonnie Perry: Mr. Perry, a Farm Bureau member, was present to speak about the Bureau and his concerns regarding an out-of-state activist group that would like to bring an initiative to Ohio that would set rigid, inflexible and impractical rules for how livestock and poultry are housed. It is feared that such an initiative could eliminate livestock raising in Ohio. An alternative to the activist groups plan would be to create the Ohio Livestock Care Standards Board. By voting "Yes" to Issue 2 on Election Day, it will create such a board which will:

- 1. Assure Ohio families have a safe, locally-grown food supply.
2. Bring together Ohio's animal care experts to ensure excellent care of animals.
3. Maintain the viability of Ohio agriculture - state's #1 economic contributor.

RESOLUTION #2009-17 ISSUE 2 CAMPAIGN ENDORSEMENT.

Mr. A. Leslie Disher moved to adopt the following Resolution #2009-17:

WHEREAS, agriculture is the number-one contributor of Ohio's economy and has more than 75,000 farms, about half of which have livestock; and,

WHEREAS, Ohio's farmers have cared for their flocks and herds for generations and provide Ohioans with safe, quality, affordable food; and,

WHEREAS, Ohioans want to know more about how their food is produced; and,

WHEREAS, decisions about farm animal care should be made by Ohio experts; and,

WHEREAS, creation of the Ohio Livestock Care Standards Board will provide guidelines for farm animal care in the state; now therefore,

BE IT RESOLVED, that the Board of Trustees of Waterville Township, Lucas County, Ohio, hereby resolves to support State Issue 2 to create the Ohio Livestock Care Standards Board because it will:

- * Protect the safety of Ohio's food supply;
* Leverage the best available Ohio animal care and food safety expertise in our state.

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- * Enhance consumer confidence in Ohio-raised food;
- * Ensure that decisions about Ohio farming and food are made by Ohio experts;
- * Maintain the viability of Ohio's agriculture economy; and,
- * Sustain Ohio's family livestock and poultry farms for generations to come.

Mr. Kyle J. Hertzfeld seconded the motion 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.

Adopted September 9, 2009.

Attest:

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

OLD BUSINESS:

None.

NEW BUSINESS:

Lonnie Perry: Mr. Perry farms the township owned property on Noward Road and indicates that when he farmed the church property and the township property together, it was no problem getting in and out of the farm with his equipment. Since the church has developed their property he no longer farms them together so now has no outlet to the street. The phone company owns a small corner of the township property and has a drive off of Noward Road and Lonnie suggested widening that drive onto the township property and use that for an outlet. Eric Gay (township zoning inspector) says that in order to put in a driveway, you must have a permit from the county engineers.

A. Leslie Disher made a motion to put in an outlet drive from the township land onto Noward Road pending approval from the Lucas County Engineer's Office. Seconded by Brett T. Warner.

Motion Carried.

FISCAL OFFICER - CORRESPONDENCE:

- 1) From the Hope United Methodist Church and the family of Robert Brown, a thank you for the donation in his memory. Robert Brown is the brother of former township solicitor, Timothy Brown.
- 2) From Maumee Municipal Court, check number 24371 in the amount of \$395.00 for police fines collected for the month of August, 2009.
- 3) From the Ohio Public Employees Retirement System, recent amendments to Chapter 145 of the Ohio Revised and Administrative Codes regarding: Mandatory early retirement incentive plans for state institutions; Excluded from OPERS membership; Payments for periods of noncontributing service; Benefits payable to a re-employed retiree; Service credit in Combined Plan for Member-Directed Plan participation; Conversion of service credit to law enforcement service credit; and, Internal Revenue Code limitations on benefits.
- 4) From the Ohio Public Employees Retirement System, the local contribution rates certified for 2010:

Local and State Employees	10.00%	-	Remains unchanged
Local and State Employers	14.00%	-	Remains unchanged
Law Enforcement Employees	11.10%	-	In 2009 was 10.10%
Law Enforcement Employers	17.87%	-	In 2009 was 17.63%

POLICE:

Everything was covered in executive session - Chief Kathleen M. Hartle suspended; Sgt. Eric Varner assumes interim operational control.

ROAD AND CEMETERY:

Last meeting, the trustees voted to move forward with the process of submitting the Davis Road project to the Ohio Public Works Commission:

RESOLUTION #2009-18 AUTHORIZING KAY ANN ROBERTSON TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS.

continued.....

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Continued:

Trustee A. Leslie Disher moved to adopt the following Resolution #2009-18:

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure; and,

WHEREAS, Waterville Township is planning to make capital improvements to Davis Road; and,

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under OPWC programs; now therefore,

BE IT RESOLVED, by the Waterville Township Board of Trustees:

Section 1; The Waterville Township Fiscal Officer is hereby authorized to apply to OPWC for funds as described above.

Section 1: The Waterville Township Fiscal Officer is further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance.

Section 3: If the Davis Road Project is approved for financial assistance, Waterville Township will commit the necessary funds to meet the local share as indicated in the corresponding project application.

Trustee Brett T. Warner seconded the adoption 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.

Adopted September 9, 2009.

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

The application was typed up and signed and returned to Jeff Lohse at the Lucas County Engineer's office. Deadline for submittal is October 13, 2009.

In regards to the "Township Road Review" done by Jeff Lohse of the Lucas County Engineers office, Supt. Ludwig and Chairman Warner met with Mr. Lohse. Mr. Lohse indicated that there is a product called "spray patch" that could be used to extend the life of some of the township roads: J & B Pavement Repair and Premiere Patching to mention a couple of companys. Mr. Lohse also stated that when it comes to cracksealing, June and July are the best months. Trustee Les Disher also stated he would contact Don Bertke of Asphalt Systems to see what his company has to offer. Chairman Warner recommended doing nothing with Vollmar Road due to the close proximity of the US 24 project.

Brett T. Warner made a motion to obtain quotes for the various township roads that need spray patching. Seconded by Kyle J. Hertzfeld.

Motion Carried.

ZONING:

- 1) Twenty-four (24) permits to date.
- 2) The last three permits were for the Blue Creek Metroparks in Waterville Township. They are constructing two (2) green houses and a Class III compost facility. They have furnished a revised site plan for the whole park.
- 3) Inspector Gay wrote the permit for the sixth borrow pit (ODOT's) on Waterville-Swanton Road. He also has the final landscape plan. If the trustees feel it is warranted, they can require fencing on this or any of the other borrow pits.
- 4) Toledo-Lucas County Plan Commission Planner Molly Maguire has been out to the site of Craig Bauer's proposed compost facility.
- 5) Planner Molly Maguire has been asked to print thirty (30) copies of the Waterville Township Zoning Resolution.

SOLICITOR:

None.

BOARD CHAIRMAN:

None.

continued.....

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TRUSTEES:

Les Disher: Trustee Disher has had a couple of complaints regarding the US 24 project from residents on Noward Road. He will be in touch and see what he can find out.

Les Disher: Trustee Disher is still trying to work with the Village of Waterville to repair the drives in Wakeman Cemetery. He has some estimates to work with and will see what he can do.

Les Disher: Recently, Whitehouse council has had a meeting concerning issues in Whitehouse Cemetery. Technically, the Whitehouse Cemetery belongs to the Village of Whitehouse, but the Township has an agreement to manage the cemetery. There have been complaints of youth from the adjoining properties riding their bikes over the tombstones and relatives of loved ones are upset. The parents don't see that their kids are doing anything wrong. The village is looking into putting up signs and they are also going to look into putting up a fence on the north side of the cemetery.

Les Disher: Trustee Disher had word that the Anthony Wayne Schools had cancelled the D.A.R.E. Program for this fall due to the problems with Chief Hartle. Supt. Grainger said they would do it all in the spring. Whitehouse Police Department wants to take over the program but Dr. Grainger has indicated he is willing to work with the Township since we initiated the program. Solicitor Walt Celley stated that we have a Memorandum of Understanding with Whitehouse that we would do the D.A.R.E. program. Chairman Brett Warner stated we would review everything and see where the Township stands.

Brett Warner: In reference to the repair work on the drives in Wakeman Cemetery, Chairman Warner asked the fiscal officer what funds could be used for those repairs. Even though you think of the cemetery drives as a road, they are not a road in the township definition of a road so Road and Bridge moneys cannot be used to repair the drives. The only fund that can be used for cemetery drive repairs is the Cemetery Fund. According to Jeff Lohse of the Lucas County Engineer's office, a cemetery drive is considered a private drive.

EXECUTIVE SESSION:

Held at the beginning of the meeting.

ADJOURNMENT:

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

Motion Carried.

Adjourned at 9:28 p.m.

Attest:

Kay Ann Robertson

Trustees:

Les Disher
Kyle J. Hertzfeld
Brett T. Warner