

**SWANCREEK TOWNSHIP
BOARD OF TRUSTEE
REGULAR MEETING
Monday, May 1, 2017**

Chairman Holdeman called the meeting to order at 7:00 p.m.

Prayer

Pledge of Allegiance

Roll call - Board of Trustees present: Ron Holdeman-Chairman, Phil Wiland - Vice Chairman, and Rick Kazmierczak- Trustee

Employees: Administrative Assistant Chris Lauch

Fiscal Officer: Jo Stultz

GUESTS: See Sign In Sheet

GUEST: Bradford and Associates

098-17 Trustee Kazmierczak motioned to approve April 3, 2017 Regular Board of Trustees Meeting Minutes, 2nd by Trustee Wiland

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Abstain

099-17 Trustee Kazmierczak motioned to approve April 17, 2017 Regular Board of Trustees Meeting minutes, 2nd by Trustee Wiland.

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea

100-17 Trustee Wiland motioned to approval of expenditures in the amount of \$28,528.30, 2nd by Trustee Kazmierczak

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea

Special Guests:

Representatives from Kim Bradford and Associates Jason Bradford and Karen Irwin had revised Prescription Co-Pay amounts for Tier 1, Tier 2, and Tier 3 along with maximum out of pocket expenses for year 2 of the Township's 5 year health care plan. They also discussed interest and pricing on Washington National Solution's Cancer policy. The final portion of their presentation was that they were able to find out that Anthem's Life Insurance policy that the Township has renews in February of each year and that the premiums were held at the same amount as in 2016.

Public Forum other than pipeline or water line project:

Sharon Niedzwiecki gave to the Board a letter of opinion on reappointments of Water Board representatives. Administrative Assistant Lauch stamped the letter received and made copies for the Trustees and Fiscal Officer to read at a later date.

Public Forum - Pipelines or Water Line Project:

Nexus representatives Andrew Black and Dominic Volpe, Permit Coordinator stated that they were told that the Trustees would be voting tonight on the Right of Way request for Swancreek Township. Trustee Kazmierczak informed them that it was not on the Agenda. Mr. Black stated that 100% of the easement requests from Nexus have been signed in Fulton County. Trustee Kazmierczak asked if they had an idea of when the Federal Energy Regulatory Commission (FERC) would have a forum to issue Nexus their Certificate to Proceed, and if they received their Certificate in the fall of this year would they start immediately or wait until spring. Mr. Black stated that President Trump has not appointed a new representative to FERC as of yet and that Nexus have the pipe already and are waiting for the FERC vote. Trustee Kazmierczak asked Mr. Black if he would be on sight during the project. Mr. Black stated he would be visiting it but that Mr. Volpe would be. Trustee Kazmierczak had an article from the Toledo Blade that he had copied and given to the Board and Fiscal Officer about a spill in Richland County and brought up the point that spills do happen with the pipelines.

Fiscal Officer:

Resolutions: None

Fiscal Officer Stultz had the Resolution to the County Engineer for the 2017 Asphalt Resurfacing Program for the Trustees and Fiscal Officer to sign. Discussion was had about Chaudhary Drive and the pros and cons of having the road milled (ground). It was decided to accept the original bid and not have Chaudhary Drive milled.

101-17 Trustee Kazmierczak motioned to accept Fulton County Engineer's 2017 Asphalt Resurfacing Program bid, 2nd by Trustee Holdeman.

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea

Trustee Holdeman will call the Engineers office 5-2-17 to let them know what was decided about Chaudhary Drive.

New Business:

Homewood Park- A Swancreek Township resident is complaining about tree twigs and debris from Homewood Park on her property. Administrative Assistant Lauch will talk to Zoning Inspector Hallett to see if he has talked to the resident. Administrative Lauch will also fill out a Green Slip for Maintenance Supervisor Stout to go to the Homewood Park parcel and the resident's property to see what the Township could do. Discussion was had if it would be possible to have Homewood Park considered abandoned.

Micro seal on EF- Trustee Kazmierczak and Trustee Holdeman have noticed cracks on County Road E.F. Trustee Kazmierczak stated the City of Defiance is having trouble with their Micro seal as well. The company that originally placed it was a subsidiary of Gerken but is no longer in business. If the issue on County Road EF gets worse, the Township will follow up with Gerken.

TMACOG Support letter- TMACOG sent a letter asking for the support of Great Lakes Restoration Initiative to protect Lake Erie. The Federal Government is considering cutting funding for this project and sent a form letter for us to put on our letterhead. Trustee Kazmierczak will let Administrative Assistant which of our Representatives should get the letter. She will type a Master and have the Trustees and Fiscal Officer sign and then mail out.

Township Newsletter- Trustee Wiland would like the Fire and EMS article updated and advised Administrative Assistant Lauch of the wording he would like to see in that article.

102-17-A Trustee Wiland motioned to have the Township newsletter be approved by the Fulton County Prosecutor's office before sending it to Tomahawk Printing, 2nd by Trustee Kazmierczak

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea
Administrative Assistant Lauch will send for the newsletter for the legal opinion.

Old Business:

OPWC (Update):Hayley from the Engineer's Office sent an email explaining eligibility criteria for replacement of roads and the ineligibility of County Road 2. Discussion was had about trying for an OPWC grant for Round #32, or wait and build up the Township's reserve revenue. Trustee Wiland would like for the Trustees to consider County Road C to the county line for OPWC Round #32.

Swanton Cemetery Update- Trustee Holdeman noticed the building on Chamberlain's property south of the cemetery is gone, so that should resolve one of the concern's the Chamberlain family had. Trustee Wiland talked with Joe Fenicle and he is working on the property line issues between the Township and Chamberlain family. Trustee Wiland wants a definitive answer on who is responsible for the upkeep/ownership of Swanton Cemetery and wants a legal opinion by a Judge. Administrative Assistant Lauch is concerned about who would be responsible for the records of the cemetery. Trustee Kazmierczak states that the statute of the law states that the cemetery has to be surrounded by the Village of Swanton property before it becomes theirs to maintain.

102-17 Trustee Wiland motioned to send a request to the County Prosecutor to start the proceedings for a legal opinion by a judge on the ownership of Swanton Cemetery, and what the cost would be to the Township, 2nd by Trustee Holdeman.

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea

Annexed Roads Maintenance Responsibility (Update) – Trustee Wiland wants an opinion/definition from the Attorney General on what is Road Maintenance vs Road Improvements. Trustee Kazmierczak thinks we have that definition, from the County Prosecutor and the County Engineer's office. Trustee Wiland feels that the opinions could be tainted due to the fact that the Prosecutor Hasselman's wife sits on Village of Swanton's Council and Frank Onweller with the Fulton County Engineer's office lives inside the Village of Swanton's limits. Trustee Kazmierczak feels that Mr. Hasselman and Mr. Onweller are professionals and would not be swayed. Trustee Holdeman feels that Mr. Onweller has a lot of knowledge and experience and agrees with Trustee Kazmierczak.

103-17 Trustee Wiland motioned to have the County Prosecutor ask the Attorney General for a definition of what is Road Maintenance vs Road Improvement, 2nd by Trustee Holdeman.

Roll Call: Trustee Kazmierczak-Nay, Trustee Holdeman-Yea, Trustee Wiland-Yea

Ohio Plan Risk Management (Update) Wendy Jaqua with Hylant Administrative Services email Trustee Kazmierczak today and he will coordinate with her a day to do a walk-through of the Maintenance and Township building.

Water Board Reappointments- Administrative Assistant Lauch reminded the Trustees that the appointments needed to be complete by June 5, 2017.

Peaceful Valley Zoning District change (Update) Discussion was had and decided that the residents of Peaceful Valley would need to file an application for a Zoning change with the Zoning Commission. If the Commissioners approved the petition it could be placed on a ballot for a public vote.

Fuel- Trustee Wiland has done some research and feels it is not the fuel from Vesco Oil that is causing issues with the Township's trucks. Trustee Wiland is questioning the need to buy fuel from local gas stations. Trustee Kazmierczak will talk to Maintenance Supervisor Stout and have him contact Bowser-Morner for an estimate on having the Township's fuel tanks tested for contaminants.

Homewood Park (Update) Another resident has approached the Township about having one of the roads vacated in front of Homewood Park. Discussion was had on the feasibility of actually being able to maintain or prohibit All Purpose Vehicles such as dirt bikes from being ridden in Homewood Park. Discussion also was had on asking the County Prosecutor if there would be any legal action the Township could take, possibly Emanate Domain, to consolidate all of Homewood Park.

RUMA-Nexus (Update) Trustee Kazmierczak would like to discuss this in Executive Session

Trustee Kazmierczak sent a letter to Tim Herbst stating that the Township decided to decline using his company to evaluate our roads for repair/replacement guidelines.

Trustee Kazmierczak also talked with Ed Quatman from Stoops Freightliner and they offered us \$25,000.00 each for the Township's tandem and single axle trucks. Trustee Kazmierczak contacted Jeremie from Kalida and Jeremie feels the value is more in the area of \$40,000 each and he might actually have a buyer for the single axle at \$50,000.00. Jeremie is still willing to do the auction for the Township if the Trustees are interested and he would set a reserve bid on the trucks. Maintenance Supervisor Stout advised Trustee Kazmierczak Adams Township has emailed him with interest in buying the Township's tandem axle. The Trustees decided to ask \$75,000.00 for the tandem, Trustee Kazmierczak will inform Maintenance Supervisor Stout. Maintenance Supervisor Stout also has two separate quotes for two different types of trucks.

Trustee Kazmierczak had copies of a Case580N Backhoe Loader and quote Maintenance Supervisor Stout had obtained for the Board to review.

Discussion was had again about the estimate McNeill's had given us on the 550 and how much use was it getting at the Township vs trading it in.

Zoning

None

Fire/Rescue

Trustee Wiland asked Trustee Kazmierczak if he was with Swanton's Village Administrator when she went to the County Auditor's Office and if Trustee Kazmierczak had any input. Trustee Kazmierczak states that while he was there, it was the County Auditor that came up with the formula. Trustee Wiland states that the run sheets totals from the Village are not consistent with other data he has and he feels that Village Administrator Hoelzle's figures are different from the County Auditor's. Trustee Kazmierczak asked Trustee Wiland why we question Swanton's Fire Contract and we never questioned York's Fire contract. Trustee Kazmierczak had percentages of increases from both York (47%) and Swanton (41%) and also stated that the verbiage in both contracts are the same. Trustee Wiland states we have an existing contract with the Village of Swanton through the end of the year and he doesn't like that they are trying to change it mid contract. There was much discussion over fact vs fictitious, the areas and entities that the Village of Swanton's Administrator and Acting Fire Chief come from and how they interact and feel about this issue (for complete discussion, please refer to the Audio Recording of the meeting). Trustee Holdeman would like to have a 45 day opt-out clause for either party be added to the contract per the discussion that was had with the Village of Swanton,

104-17 Trustee Kazmierczak motioned to approve the Village of Swanton's Fire contract with the provision of a 45 day opt-out clause by both parties, 2nd by Trustee Holdeman.

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Nay

Cemetery

One Deed to sign

Maintenance:

None

Employee Reports:

Administrative Assistant Lauch will schedule for the carpets to be cleaned after tomorrow's Special Election.

Trustee Meeting Reports:

Trustee Kazmierczak- see above

Trustee Holdeman:

Swanecreek resident Jim Myers talked to Trustee Kazmierczak adding a tile to his property. Mr. Myers states it will not run into the catch basin. Trustee Wiland asked that the Trustees would get an update on this. Trustee Holdeman talked with a representative from the Wood County Building office and she felt since the Township is not zoned we would not have to have a building permit for a new Salt Building. We will be required to have three stamped copies of blue prints. Trustee Holdeman will contact Steve at Green Sweep for these.

Trustee Wiland:

Trustee Wiland states that County Engineer Onweller was asking about the RUMA agreement for Nexus. The original is at our Township.

Trustee Wiland would like Assistant Prosecutor Whitmore to handle the indigent burial issue with Barnes Funeral home since Assistant Prosecutor Whitmore had the legal explanation of it.

Administrative Assistant explained per Trustee Wiland’s request about the availability of grant money to defray the cost of tearing down deserted or damaged buildings that the Fulton County Commissioners can request but haven’t. Trustee Wiland would like for Administrative Assistant Lauch to pen a letter to the Commissioners on the Trustee’s behalf asking them to apply for this grant.

Trustee Wiland questioned would Swanton Schools be helping to pay for the drainage work that was being done on Harding Drive. Trustee Kazmierczak and Trustee Holdeman stated that the drainage work was being done on the Township side of the road and that we do have a signed contract by Swanton Schools to pay for their portion of the road.

Public Forum - Pipelines or Water Line Project:

Ms. Niedzwiecki reiterated her concern on who the Board would appoint to the Water Board (for full discussion please listen to the Audio Recording).

Trustee Holdeman Motioned to adjourn into Executive Session per ORC 121.22 (8), 2nd by Trustee Kazmierczak

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea

Adjourn 9:33 p.m.

Trustee Kazmierczak motioned to call the meeting back into order at 9:38p.m., 2nd by Trustee Holdeman

Roll Call: Trustee Kazmierczak-Yea, Trustee Holdeman-Yea, Trustee Wiland-Yea

Trustee Kazmierczak motioned to adjourn, 2nd by Trustee Wiland: 9:39p.m.

Swanecreek Township Board of Trustees

Attest:Jo Stultz, Fiscal Officer
Swanecreek Township
May 15, 2017

Trustee Ron Holdeman, Chairman

Trustee Phil Wiland, Vice Chairman

Trustee Rick Kazmierczak