

SWANCREEK TOWNSHIP - Draft #1

BOARD OF TRUSTEE

REGULAR MEETING

Monday, May 15, 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

106-17 Trustee Kazmierczak motioned to approve May 1, 2017 Regular Board of Trustees Meeting Minutes, with one correct on Resolution # 103-17 for Swanton Cemetery. Trustee Holdeman made the second for the Resolution, not Trustee Kazmierczak. Trustee Wiland 2nd the approval of Meeting Minutes.

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

107-17 Trustee Kazmierczak motioned to approval of expenditures in the amount of \$45,323.19, 2nd by Trustee Wiland.

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

Public Forum other than Pipelines or Water Line Project:

Jim Wagner asked the Board if they have advertised for Water Board members. Trustee Holdeman told Mr. Wagner that the Trustees would be voting tonight on the re-appointments of Dale Brunner and Walt Lange. Mr. Wagner wanted to know what the process was of appointing people to the Water Board, did the Trustees have a list of questions that were asked, specifically if the candidates were involved in illegal activity. Trustee Kazmierczak explained to Mr. Wagner that legally, the Trustees can't ask that question in any interviewing process, including possible employees. Administrative Assistant Lauch provided Mr. Wagner with the following documents that the Trustees use for Water Board interviews:

1. Interview Evaluation for Public Employment or Appointment to Board or Commission
2. Application for Appointment to Water Board
3. Trustee-Reappointment Process for a Public Board or Commission

Trustee Kazmierczak asked Mr. Wagner if further discussion could wait until the topic was reached under old business.

Fiscal Officer:

Purchase Orders to sign- 2

One check to sign for Township Newsletter's Postage. Fiscal Officer Stultz will contact Tomahawk and they will pick up the check tomorrow at the Township.

Fiscal Officer Stultz brought up that she thought the Morton Salt contract should be due pretty soon. Trustee Kazmierczak will have Maintenance Supervisor Stout look into this.

Administrative Assistant asked if the Trustees knew if all of the foundations were poured yet for the cemeteries. Trustee Holdeman didn't think so.

Administrative Assistant Lauch will email Karen Miller by June 5th and let her know who would be or not be attending the Fulton County Township Association's Annual Picnic. Fiscal Officer Stultz informed the Board that she would not be able to attend.

The Board would like to attend the Economic Development mediation meeting concerning the Airport Highway corridor. Fiscal Officer Stultz will contact them and let them know that the Trustees will be attending.

New Business:

Backhoe- Trustee Kazmierczak states that our backhoe has 500 hours on it. The Trustees decided to keep it and not pursue purchasing a new one.

New-Old Policies and Procedures- Trustee Kazmierczak discussed the desire for the Board to be made aware of any Public Records Request that is being made under the name of the Township. Discussion was had on what constitutes "Under the name of the Township" vs an individual request.

108-17 Trustee Kazmierczak motioned that Public Records Requests on behalf of Swancreek Township that all Trustees be courtesy copied in the outgoing email. If the request is being made on Township letterhead that space is provided for all Trustees to sign, 2nd by Trustee Holdeman

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

Old Business:

Letter to the Commissioners regarding Grant funds (update)- Trustee Kazmierczak talked with Commission Bill Rufenacht and he was unaware of a letter being sent and was going to check into it.

Tree work at Homewood Park (update)- The parcel in question is not the Township's. There is a dead Maple

tree on the south side of the parcel. It was agreed to hire someone to top it off and Maintenance can clean up the rest. Trustee Kazmierczak will get an update from Maintenance Supervisor Stout on what his plans are for this.

OPWC (Future Projects) Discussion was had about Round 32 and possible roads to submit.

Swanton Cemetery Title(Update- Attorney General Legal Opinion) – Filing fees to proceed are \$328.00

109-17 Trustee Wiland motioned for Swancreek Township to pay the \$328.00 filing fees, 2nd by Trustee Kazmierczak

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

Annexed Roads Maintenance Responsibility (Update Attorney General Legal Opinion) Road Improvements vs Maintenance-

110-17 Trustee Wiland motioned to make a resolution to ask the Fulton County Prosecutor to ask the Ohio State Attorney General for an opinion to define what the word “maintenance “ refers to in regards to ORC 709.023 € (7):

If a street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as the create a road maintenance problem, the municipal corporation to which annexation is proposed has agreed as a condition of the annexation to assume the maintenance of that street or highway or to otherwise correct the problem. As used in this section street or highway has the same meaning as in section 4511.01 of the revised code.

We would also like your opinion as the weight Attorney General Opinion 88-036 has on this issue,i.e.:syllabus 3&4.

2nd by Trustee Holdeman

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

111-17 Trustee Wiland motioned to rescind Resolution# 104-17 which requested the Fulton County Prosecutor to ask for a legal opinion from the Ohio State Attorney General on Road Maintenance but he felt the Resolution was too vague in nature, 2nd by Trustee Holdeman.

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

Ohio Plan Risk Management (Update)- Trustee Kazmierczak informed the Board that Wendy Jaqua with Hylant Administrative Services will be at the Township to do a walk-through of the Maintenance and Township building on May 24th at 10:00 a.m.

Water Board Reappointments-

112-17Trustee Wiland nominated Dale Brunner to be reappointed to the Swancreek Township Water Board, Trustee Kazmierczak 2nd the nomination. Trustee Holdeman felt that Mr. Brunner might have a conflict of interest.

Jim Wagner from the audience wanted to know if the Trustees had read the Ethics Commission report and Court documents. He also feels there should be a better representation of the water district. Mr. Wagner wants to keep the district zoned Agriculture and keep growth more toward Route 2 corridor. Trustees Holdeman and Wiland informed Mr. Wagner that they had read the above mentioned documents and asked if he had anything new to present to the Board. Trustee Kazmierczak states that he has read what the Water Board’s attorney had to say about this and in her opinion this was not a criminal case. Trustee Kazmierczak also asked Mr. Wagner why he was not objecting to Walt Lange being reappointed. Mr. Wagner states that he would like to see 60% approval from the residents and asked the Trustees to wait on casting their votes as he has additional information for the Trustees to read.

Trustee Wiland motioned to withdraw his nomination at this time, 2nd by Trustee Kazmierczak

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

Fuel- Trustee Kazmierczak will talk again to Maintenance Supervisor Stout and have him contact Bowser-Morner for an estimate on having the Township’s fuel tanks tested for contaminates.

RUMA-Nexus (Update) The Board is having a Special Meeting with Nexus representatives and the Fulton County Prosecutor Friday May 19th. Fiscal Officer Stultz informed the Trustees she will be out of town and will not be able to take meeting notes, and Administrative Assistant Lauch states that she will not be available as well. Chairman Holdeman said they will record the meeting.

Zoning:

Administrative Assistant Lauch states that to consider changing Zoning at Peaceful Valley a form needs filled out for the Zoning Commission and the cost is \$720.00 to accompany the form for the Commission to consider re-zoning, The Trustees will contact the Association’s President Dale Brunner to see if there is enough interest to proceed.

Swancreek Township Zoning Inspector Hallett sold lot 1903 County Road E.F. and the Trustees discussed the feasibility of him being able to grant possible permits due to conflict of interest.

113-17 Trustee Kazmierczak motioned for a legal opinion from the County Prosecutor on whether Zoning Inspector Hallett should recuse himself from any Zoning issues for 1903 County Road E.F., 2nd by Trustee Holdeman.

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

Fire/Rescue

Trustee Kazmierczak states that several entities are not interested in paying any of the \$750.00 needed for the feasibility study for the proposed Fire District. There is a meeting May 16th at 6:30 p.m. in the Village of Swanton’s chambers to discuss this.

Cemetery:

No deeds

Indigent Burial-Buckmiller (Update)

114-17 Trustee Wiland motioned to pen a letter to Mrs. Buckmiller incorporating the legal the Township received from the County Prosecutor, 2nd by Trustee Kazmierczak

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

115-17 Trustee Kazmierczak motioned for the Fulton County Prosecutor to obtain a legal opinion for the Ohio State Attorney General on what constitutes an indigent regarding “found” and “residency” and who is responsible for the financial burden of burial, 2nd by Trustee Holdeman.

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

Joe Fenicle is working on a legal for the Chamberlin property.

Maintenance:

None

Employee Reports:

Administrative Assistant Lauch- Carpets were cleaned in the Township building.

Trustee Meeting Reports

Trustee Holdeman:

Trustee Holdeman is getting blue prints for the proposed Salt Building from Greensweep.

The Regional Planning Commission’s meeting has been canceled for this month.

Trustee Holdeman was contacted by an entity in Toledo to see if he was aware of anyone wanting to grow legal Marijuana. Administrative Assistant Lauch will contact the Zoning Commission on what is involved with that.

Trustee Kazmierczak:

Trustee Kazmierczak distributed copies of Fulton County’s Annual report. He also distributed information from the Swanton Chamber of Commerce with statistics about the Village and surrounding Townships. Lastly he states that the Village of Swanton does not want to grant the property owner on 1-1 the ability to vacate from the Village as it will be setting a precedent.

Trustee Wiland:

Trustee Wiland had information from the EPA about illegal burning of material from off sight locations. He discussed Zoning and and if the Fire Department comes, can we make the resident pay the Fire Run. It was discussed that we would have to get an injunction against the resident.

Public Forum - Pipelines or Water Line Project:

None

Trustee Kazmierczak motioned to adjourn, 2nd by Trustee Holdeman: 8:59p.m.

Swanecreek Township Board of Trustees

Attest:Jo Stultz, Fiscal Officer
Swanecreek Township
June 5, 2017

Trustee Ron Holdeman, Chairman

Trustee Phil Wiland, Vice Chairman

Trustee Rick Kazmierczak