

**SWANCREEK TOWNSHIP
BOARD OF TRUSTEE
REGULAR MEETING
Monday, June 5, 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: None

Fiscal Officer: Jo Stultz

GUESTS: See Sign In Sheet

116-17 Trustee Kazmierczak motioned to approve 5-15-17 Regular Board of Trustee Minutes, 2nd by Trustee Wiland.

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

Approval of 5-19-17 Special Board of Trustee Minutes postponed until 6-19-17 meeting. Fiscal Officer Stultz will listen to the audio of the meeting to complete the Minutes.

117-17 Trustee Kazmierczak motioned to approval of expenditures in the amount of \$50,786.79, 2nd by Trustee Wiland.

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

Public Forum other than pipeline or waterline project:

Ken Ostrander asked if the Board knew of any updates on the pipeline project. Trustee Kazmierczak had heard that Kinder Morgan was not going to be coming through Swancreek Township, that they were looking for alternate routes due to the fact that they didn't have emanate domain. Mr. Ostrander asked if that was due to the Maumee River and Trustee Kazmierczak stated that was not the reason. Trustee Kazmierczak explained to the audience that Nexus did not have a quorum and that President Trump has nominated two individuals to become members but as of yet his nominees have not been approved. Walt Lang asked the Board why the Township held a special meeting with Nexus, and why couldn't that meeting been conducted at the same time as a regularly scheduled Board meeting. Conversation was had about how the Trustees really couldn't discuss any of this at the time due to the fact that there could be litigation concerning the pipeline. Discussion was had about how the Special meeting came to be, how attorneys and representatives from both sides coordinated the meeting, and that the Trustees did insist that the meeting be held at the Township building instead of at an off sight location.

Sharon Niedzwiecki asked the Board Members how long the current Fire Contract with the Village of Swanton was in effect for. Trustee Kazmierczak told her December 2017. She asked if we signed the contract for more money but the same benefits. Trustee Kazmierczak explained to her that the Village was restructuring the Fire Department and bringing on full time employees to cover the hours needed. He explained to her that the surrounding Fire Departments are doing the same and that York Township has increased their contract by 47% compared to the Village of Swanton's 41.45%. Ms. Niedzwiecki thought that the Trustees acted in haste approving the Fire Contract. Trustee Holdeman explained to her that the Township has been in negotiations with the Village of Swanton for over 6 months and that the Village has been forthcoming with their budget and how they arrived at these figures. Ms. Niedzwiecki then expressed her feelings about them possible reappointment of Dale Brunner to the Water Board. Jim Wagner also started a conversation on Mr. Brunner being reappointed. Lengthy discussion was had about Ethics Commission, Water District Attorney's opinion, and Ms. Niedzwiecki's stance that the Trustees are not representing the majority of Swancreek Township's population in this matter (for full dialog, please refer to the Audio Recording on the Township's website).

Fiscal Officer:

Fiscal Officer Stultz brought to the attention of the Board that she purchased on behalf of the Township POW/MIA flags as the Township was out of them. Administrative Assistant Lauch was able to find some less expensive but they did not have the grommets to hang them on the flag pole. Trustee Wiland has offered to place the grommets, and Fiscal Officer Stultz offered to pay for and donate the flags to the Township. The Trustees decided to keep all of the flags since they will get used and the Township would pay for all of them.

Resolutions: None

New Business:

118-17 Trustee Kazmierczak motioned to approve the 2017 Fulton County Engineer's Seal Coat Program to improve Road 4-1, 5-2, 6,6-3, Oak Court (approximately 3 miles) in the amount of \$43,552.00, 2nd by Trustee Wiland.

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

Concrete for Cemetery Foundations- Trustee Kazmierczak reported on how companies are unwilling to come to the cemeteries to pour foundations. Maintenance Supervisor Stout is looking into a concrete mixer for the Township to possibly purchase. Mr. Ostrander from the audience asked if Paul's Ready Mix would do short loads for the Township. The Trustees informed him that they would not. The Township has 16 footers that need to be poured.

119-17 Trustee Wiland motioned to have Fulton County Prosecutor develop language pertaining to ORC 3796.29 that allows Swancreek Township to limit cultivators, processors, or retail dispensaries of Medical Marijuana in Swancreek Township and also advise the Township on how this needs to be spelled out in the Township's Zoning Code, 2nd Trustee Kazmierczak.

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

Trustee Wiland also has done research and has found R.C.3929.86, the Ohio Demolition Lien Law, which upon passing a Resolution, the Township may withhold a portion of a property owner's insurance payment to ensure that the private property is sufficiently cleaned up following a fire. Trustee Kazmierczak would like to read the law in its entirety before passing resolution, Trustee Holdeman agreed. It will be left on the Agenda for 6-19-17 meeting.

Old Business

Letter to Commissioners regarding grant funds- Trustee Kazmierczak will contact Dennis Miller to ask him what is involved to apply for grant money to help clean up Homewood Park. (?) I'm not sure that is right

OPWC (Future Projects) Trustee Kazmierczak informed the Board that per Mike Burkholder from the Fulton County Engineer's office the Township, under no obligation, can request estimates for road work anytime. Trustee Kazmierczak also sent Hayley Dockery at the Fulton County Engineer's office an email regarding the use of OPWC Round #30 money for enclosing the maintenance ditch on County Road 1. She advised him that the Township would need a permit and that no additional monies would be available for the project, but yes, we could use the already granted monies. Per Trustee Kazmierczak the cost would be approximately \$19.90 per foot at 920 feet= \$18,000.00. Trustee Kazmierczak will email Hayley and ask for the date of when the ditch was last time it was maintained by the County and request the County either dip it or clean it so that we could possible use OPWC Round #30 monies.

Swanton Cemetery Title (Update)- The lawsuit for deciding ownership of Swanton Cemetery has been filed but no court date has been set.

Annexed Roads Maintenance Responsibility (Update Attorney General Legal Opinion) Road Improvement vs Maintenance.- Assistant Prosecutor Whitmore contacted the Attorney General with the Township's request for clarification. The Attorney General's office responded back and Mr. Whitmore forwarded the email to the Township. The answer is still unclear with different interpretations by the Trustees. Trustee Wiland had wanted A.G. opinion 88-036 syllabus 3 and 4 read and commented on by the Attorney General. Trustee Kazmierczak will pena letter to ask Assistant Prosecutor Whitmore for a simple explanation of the Attorney General's response. After approval from the other Trustees, Administrative Assistant Lauch can type it on the Township's letterhead for all three of the Trustees to sign and send.

Ohio Plan Risk Management- Per Trustee Kazmierczak Wendy Jaquay from Hylant Company came and did a walk through of the Maintenance Building and complemented us on having one the best ones that she has seen. Trustee Kazmierczak sent an email out with her findings.

Water Board Reappointments- Trustee Holdeman talked of loyalty to the voters of the Township and that is what he was basing his voting on.

120-17 Trustee Wiland motioned to reappoint Dale Brunner to the Swancreek Water Board effective 6-17-17 for a term of 3 years, 2nd by Trustee Kazmierczak.

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

121-17 Trustee Kazmierczak motioned to reappoint Walt Lange to the Swancreek Water Board effective 6-17-17 for a term of 3 years, 2nd by Trustee Wiland.

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

Mr. Lange asked Trustee Holdeman and Trustee Wiland what their reason for not reappointing him, both declined to discuss the issue. Trustee Kazmierczak stated the Board has a process in place for appointing and reappointing members and that if the Board isn't going to use them the Resolutions should be rescinded. Trustee Wiland would like an advertisement to be placed asking for applicants for the Water Board. The Trustees will have Administrative Assistant Lauch place the ad.

Fuel- Maintenance Supervisor Stout hasn't had the Township's tanks tested yet.

Morton Salt Contract- Maintenance Supervisor Stout is taking care of it.

Old Business (continued)

Economic Development Mediation –(Update) A meeting is tentatively set up for June 19th.

Zoning

Trustee Kazmierczak had contacted Fulton County Prosecutor Haselman about the legalities of using the Township's Zoning Inspector Walt Hallett for any permits or opinions for the property that Mr. Hallett sold, specifically 1903 County Road EF. Mr. Haselman offered to write up a contract to hire an additional or temporary Zoning Inspector in case the Township chose not to use Mr. Hallett. Trustee Kazmierczak also attended the Ohio Ethics Law seminar that the Village of Swanton hosted and after the seminar asked speaker Susan Willeke, Ohio Ethics Communications Administrator, what her opinion was of the Township allowing the realtor of a sold parcel also being the Zoning Inspector. Her advice was to not use the Zoning Inspector but if the Township wanted this in writing to send the request the Ohio Ethics Commission. Trustee Kazmierczak also brought up to the Board that he feels the Trustees should request another meeting with the Zoning Inspector. It was agreed upon by Mr. Hallett and the Trustees that he would work 15 hours a week for the Township and has held up that agreement. Trustee Kazmierczak will email Mr. Hallett and ask for a meeting with him along with some dates and times.

Fire/Rescue

Trustee Kazmierczak reminded the Board that there is a York Fire Meeting at Delta June 13th and a meeting at Swanton June 20th. Trustee Kazmierczak would like it to be on the record that he was not please that York Township did not show up for the last Fire District meeting yet all of the other entities were there.

Cemetery

No Deeds

Indigent Burial-Buckmiller (Update) Per the email sent from Fulton County Prosecutor he advised the Township against paying the cremation invoice.

Chamberlin Property-(Update) Joe Fenicle sent the Township an email stating the work being done on the Chamberlin vs Swanton Cemetery property is on hold until the lawsuit with the Village of Swanton over ownership is complete.

Trustee Wiland tried to contact David Chamberlain about the Chamberlain property abutting to Swanton Cemetery but was unable to reach him.

Maintenance:

None

Employee Reports:

None

Trustee Reports:

Trustee Holdeman:

Trustee Holdeman has blue prints for the Salt Building the Township is considering putting up. Permits will need to be issued and Trustee Holdeman asked Trustee Kazmierczak if he would be going to Bowling Green, if so would he get the permit. There will be a fee for the permit. Trustee Wiland wants 3 estimates before we get a permit. Trustee Holdeman also asked when the excavator was being returned. Trustee Kazmierczak stated Tuesday (6-6-17)

Trustee Kazmierczak:

None

Trustee Wiland:

Trustee Wiland stated that an Incident Report was just filed from the Maintenance Department and that this is the 3rd one on two years. He thinks that this needs addressed with the Maintenance Department. Trustee Wiland discussed using a service called Door to Door for addresses for the newsletter. It is less expensive that using the names of the occupants. He also noted that 16 tons of refuse was brought to the Township on the May 20th clean-up day. He would like that information to be put in the next newsletter. The EPA has contacted Trustee Wiland about clean up on County Road B where there had been a burn.

Public Forum - Pipelines or Water Line Project:

Mark Fowler from Swancreek Water Board addressed the Trustees about not stating why or why not they are reappointing a member. He sites that the Trustees have the Water Board members fill out an evaluation form on reappointees that becomes part of Public Record and he feels the Trustees should do so as well.

Walt Lange asked if he could make a statement and the Board agreed to his request. He listed his professional, State, County, and Township accomplishments. He pointed out to the Board that it was he that did the research and created the appointing and reappointing documents that the Township uses.

Trustee Holdeman motioned to adjourn, 2nd by Trustee Kazmierczak: 9:05p.m.

Swan Creek Township Board of Trustees

Attest: Jo Stultz, Fiscal Officer
Swan Creek Township
June 19, 2017

Trustee Ron Holdeman, Chairman

Trustee Phil Wiland, Vice Chairman

Trustee Rick Kazmierczak