

RECORD OF PROCEEDINGS

Minutes of

Waterville Township Trustees'

Meeting

DAYTON LEGAL BLANK INC. FORM NO. 10148

Held at 7:30 pm at the Waterville Township Hall on December 28, 20 11

**ROLL CALL:**

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

**OFFICIALS:**

- Property Standards Officer James E. Fischer - Present
- Zoning Inspector Eric H. Gay - Present
- Solicitor Walter J. Celley - Present
- Fiscal Officer Kay Ann Robertson - Present

**GUESTS:**

- Karen Berger, Reporter for "The Mirror", Maumee, Ohio

**PLEDGE OF ALLEGIANCE:**

Chairman A. Leslie Disher called the meeting to order at 7:30 pm. All who were present were asked to join Chairman Disher in reciting the Pledge of Allegiance. Roll was called and all three (3) trustees were present.

**AGENDA:**

The Agenda had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman A. Leslie Disher:

Kyle J. Hertzfeld made a motion to approve The Agenda for the December 28, 2011, meeting as it had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Chairman A. Leslie Disher. Seconded by Brett T. Warner.

**MINUTES:**

Motion Carried.

The minutes for the November 23, 2011, meeting had been prepared by Fiscal Officer Kay Ann Robertson and sent to each trustee prior to this meeting:

A. Leslie Disher made a motion to dispense with the reading of the minutes of the November 23rd meeting and to approve the minutes with no additions, deletions and/or corrections. Seconded by Kyle J. Hertzfeld.

**RECEIPTS:**

Motion Carried.

178-11 - Fifth Third Bank of NW Ohio - November autosweep interest	\$ 77.56
179-11 - Myles Development - #2011-26 Sign and #2011-27 Spec House	275.00
180-11 - Lexis Nexis - Police accident report	3.00
181-11 - Lucas County Auditor - OVI Task Force reimbursement	275.96
182-11 - Metropolitan Reporting Bureau - Police accident report	3.00
183-11 - Lonnie Perry Farms - Noward Road cash rent	2,250.00
184-11 - Wells Funeral Home - Ramon opening - Wakeman Cemetery	250.00
185-11 - Lucas County Auditor - November allocation	9,427.87
186-11 - Maumee Municipal Court - November police fines	572.25
187-11 - Rebecca Randall - Strayer cremation - Wakeman Cemetery	200.00
188-11 - Turner Vault Company - Reimburse for 2011 cemetery help	12.00
189-11 - Lexis Nexis - Police accident report	3.00
190-11 - Peinert Funeral Homes - Weber & Walbolt openings - Whitehouse	650.00
191-11 - Dardenne-Walker Funerals - Knollman opening - Wakeman	400.00
192-11 - Lucas County Auditor - December allocation and HB 66 payment	7,563.51

**WARRANTS:**

Total \$ 21,963.15

#34312 - Ricardo A. Artiaga Jr. - Road labor	\$ 245.03
#34313 - Cynthia A. Bergfeld - Police wages	206.03
#34314 - Jonathan D. Burkett - Police wages	1,037.17
#34315 - Jeffrey M. Graham - Police and D.A.R.E. wages	806.78
#34316 - Russell E. Heger - Police wages	177.14
#34317 - Harry R. Kellett III - Police wages	898.85
#34318 - David L. Krego - Police wages	1,700.91
#34319 - Kenneth M. Kristoff - Police wages	76.10
#34320 - Richard A. Ludwig - Road wages	962.21
#34321 - Norbert J. Miller - Police wages	508.08
#34322 - Kay Ann Robertson - Fiscal Officer salary and zoning wages	813.42
#34323 - Michelle L. Vollmar - Police wages	80.15
#34324 - Michael J. Wilkinson - Police wages	293.04
#34325 - Ohio Public Employees Retirement System - November retirement	6,937.71

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Continued:

#34326 - Celley & Sanderson LLP - November solicitor fees	\$ 935.00
#34327 - Medical Mutual of Ohio - January hospitalization	12,011.84
#34328 - Treasurer of State of Ohio - 4th quarter UAN fees	795.00
#34329 - Kay Ann Robertson - Mileage and parking to GASB 54 training	25.10
#34330 - Lucas County Township Association - 2012 OTA members dues	172.00
#34331 - Burnhan & Flower Insurance Group - Fiscal officers bond	741.00
#34332 - Lisa L. Cole - November clean hall and police station	40.00
#34333 - Toledo Edison - December electric	248.85
#34334 - Municipality of Waterville - December water/sewer	57.96
#34335 - The Waterville Gas Company - December heat	182.40
#34336 - Hospice of NW Ohio - Memorial for Glenn Banas's dad	50.00
#34337 - Eric H. Gay - Mileage to zoning seminar & planning guide	22.05
#34338 - Toledo Edison - December township street lighting	192.39
#34339 - General Pro Hardware - December police/maintenance supplies	10.49
#34340 - Ohio Compost & Recycling - 2011 leaf collection	8,208.00
#34341 - Ohio Peace Officer Training - Krego's weapon training	90.00
#34342 - Treasurer of State of Ohio - Drug/alcohol testing	214.00
#34343 - Solutions for Documents - Police service contract and toner	396.49
#34344 - Buckeye Telesystem - December police phone and internet	99.31
#34345 - Verizon Wireless - December police mobile phones	79.97
#34346 - Superior Uniform Sales - Chief's baton holder	23.00
#34347 - Galls, Inc. - Police uniforms and equipment	743.46
#34348 - Toledo Edison - December Coventry Glen street lighting	377.52
#34349 - Ohio Child Support Payment Central - Wilkinson's support	293.04
#34350 - Ricardo A. Artiaga Jr. - Road wages	355.84
#34351 - Cynthia A. Bergfeld - Police wages	244.41
#34352 - Jonathan D. Burkett - Police wages	1,003.96
#34353 - A. Leslie Disher - December trustee salary	798.79
#34354 - James E. Fischer - Property standards salary	639.13
#34355 - Eric H. Gay - Zoning salary	697.67
#34356 - Jeffrey M. Graham - Police and D.A.R.E. wages	1,428.94
#34357 - Kyle J. Hertzfeld - December trustee salary	759.56
#34358 - Harry R. Kellett Jr. - Police wages	837.48
#34359 - David L. Krego - Police wages	1,414.91
#34360 - Kenneth M. Kristoff - Police wages	76.10
#34361 - Richard A. Ludwig - Supt. wages	889.67
#34362 - Norbert J. Miller - Police wages	414.48
#34363 - Kay Ann Robertson - Fiscal officer salary and zoning wages	804.87
#34364 - Michelle L. Vollmar - Police wages	80.15
#34365 - Brett T. Warner - December trustee salary	747.37
#34366 - Michael J. Wilkinson - Police wages	208.03
#34367 - Treasurer of State of Ohio - December state payroll taxes	722.00
#34368 - Delta Dental Plan of Ohio - January dental insurance	276.68
#34369 - Ohio Child Support Payment Central - Wilkinson's support	208.03
#34370 - Waterville Commissioner of Taxation - 4th qtr payroll taxes	51.42
#34371 - Whitehouse Commissioner of Taxation - 4th qtr payroll taxes	295.98
#34372 - Toledo Commissioner of Taxation - 4th qtr payroll taxes	474.01
#34373 - A. Leslie Disher - December medicare payment	115.40
#34374 - Kay Ann Robertson - December medicare payment	96.50
#34375 - Time Warner Cable - December highspeed internet	51.95
#34376 - West Payment Center - Township lawbook updates	262.00
#34377 - Hanley Print & Promotions - Income tax forms	43.40
#34378 - Lucas County Township Association - Dues for Gay & Fischer	24.00
#34379 - Lisa L. Cole - December clean hall and station	40.00
#34380 - Century Link - December township phone	88.91
#34381 - John Widmer - Zoning planning services	1,200.00
#34382 - Doris A. Disher - December reimburse medicare	115.40
#34383 - Russell L. Robertson - December reimburse medicare	96.50
#34384 - Sandra L. Ludwig - December reimburse medicare	96.50
#34385 - Southeastern Equipment Company - Backhoe repairs	534.96
#34386 - Mc Cabe Power Equipment - Mower repairs and supplies	252.56
#34387 - Waste Management of Ohio - November trash collection	4,125.00
#34388 - Norbert J. Miller - December reimburse insurance	529.70

continued.....

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Continued:

#34389 - Occupational Health Services - Wilkinson's drug screen	\$ 91.00
#34390 - Hanifan-Obenauf-Robinson Inc. - January police rent	950.00
#34391 - Galls, Inc. - Police uniforms	262.75
#34392 - 795 Tire Service - Tires for Car 94	402.96
#34393 - Superior Uniform Sales - Krego's hat and uniforms	132.25
#34394 - Fifth Third Bank - December charge purchases	737.48
#00012 - U.S. Treasury - December withholding voucher	2,872.28
	Total \$ 67,302.47

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. A. Leslie Disher seconded the motion.

PUBLIC COMMENTS:

Motion Carried.

None.

PUBLIC HEARING:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

FISCAL OFFICER - CORRESPONDENCE:

1) From the Lucas County Board of Elections, the Certification of Official Results for Waterville Township General Election November 8, 2011:

Les Disher for Trustee	2987
Kay Robertson for Fiscal Officer	2806

2) From the Ohio Department of Public Safety Bureau of Motor Vehicles, the License Tax Statistics Report for November, 2011. Also from the Department, the November Permissive Tax Computation Report - due the township is the sum of \$267.75.

3) From Maumee Municipal Court, Check Number 025629 in the amount of \$572.25 for police fines collected for the month of November, 2011.

4) From Lonnie Perry, a letter chronicling the past year and explaining that because this year had been very good crop-wise, he had included an extra \$450.00 in the cash rent check for the Waterville Township's Noward Road Property.

FISCAL OFFICER - OTHER FINANCIAL MATTERS:

1) A check in the amount of \$34,230.15 was received from the City of Waterville. It represents one-half of the tax moneys collected for annexed properties covered under our annexation agreement. Before it can be deposited, the trustees need to determine what account(s) it should be deposited to and what amount(s):

A. Leslie Disher made a motion to deposit the \$34,230.15 from the City of Waterville to the General Fund. This check represents moneys collected under the annexation agreement between the city and the township. Seconded by Kyle J. Hertzfeld.

Motion Carried.

2) Information was received from Barbara Northrup at the OSU Extension office explaining their various services, what types of calls they received and what portion of those originate from Waterville Township. She is asking for a sponsor participation fee of \$200.00. Many of the money sources in the General Fund have been phased out so the trustees decided to pay one-half of the purposed fee:

A. Leslie Disher made a motion to pay a sponsor participation fee of \$100.00 to the OSU Extension's Consumer & Urban Horticulture Program for 2012. Seconded by Kyle J. Hertzfeld.

Motion Carried.

POLICE/FIRE:

None.

continued.....

DAYTON LEGAL BLANK INC. FORM NO. 1914B

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Continued:

ROAD/CEMETERY/REFUSE:

Chief Deputy Lucas County Engineer Jeff Lohse had contacted the Fiscal Officer Kay Ann Robertson that everything is in place to advertise for the 0.55 mile Davis Road Project in Waterville Township:

RESOLUTION #2011-14 TO APPROVE PLANS AND GRANT PERMISSION TO ADVERTISE FOR BIDS FOR THE DAVIS ROAD PROJECT - #CL090.

Mr. A. Leslie Disher moved to adopt the following Resolution #2011-14:

**WHEREAS**, Waterville Township has been approved by the Ohio Public Works Commission (OPWC) to make improvements to 0.55 miles of Davis Road between Weckerly Road and Obee Road; now therefore,

**BE IT RESOLVED**, by the Board of Trustees of Waterville Township, Lucas County, Ohio, that:

Section 1: The Trustees have approved the project plans, specifications and cost estimate. The Fiscal Officer of this township is directed to publish in the newspaper ("The Blade") of general circulation, "Notice to Bidders", for the Davis Road Resurfacing Project #CL090, upon completion and receipt of the bid documents from the Lucas County Engineer's Office.

Section 2: The Trustees have received the bid documents from the Lucas County Engineer's Office and a "Notice to Bidders" will be published in "The Blade" on January 5, 2012. Bid opening is set for January 25, 2012, at 7:35 pm at the Waterville Township Hall, 621 Farnsworth Road, Waterville, Ohio. The contract will be awarded at the regularly scheduled Trustees' meeting on February 22nd beginning at 7:30 pm. Estimated cost of the project is \$299,794,15. Costs will be covered with a grant for one-half (1/2) from OPWC and the remainder from the Township Road and Bridge Fund.

Section 3: This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 4: This resolution shall be in full force and effect from and immediately upon its adoption.

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

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

Adopted December 28, 2011.

I, Kay Ann Robertson, do certify that this is a true and accurate copy of Resolution #2011-14 adopted at a regular open meeting of the Board of Trustees for Waterville Township, Lucas County, Ohio, on December 28, 2011.

Kay Ann Robertson, Fiscal Officer  
Waterville Township, Lucas County, Ohio

\*\* Footnote: Solicitor Walter J. Celley will compose the "Legal Notice" for the project and email it to the newspaper. The Fiscal Officer Kay Ann Robertson will also fax a notice to six (6) of the main contractors in this area.

ZONING:

- 1) Twenty-seven (27) permits for the year. This compares with (32) in 2010 and (28) in 2009.
- 2) Zoning Inspector Eric Gay and Zoning Commission Chairman George Cole are going to meet with Lucas County Plan Commission Planner Molly Maguire on Thursday, December 29, 2011 to discuss various issues and get some new copies of the Zoning Resolution.

continued.....

DAYTON LEGAL BLANK, INC. FORM NO. 10149

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Continued:

3) A letter had been received from Bob Neubert, Lucas County Engineer Certified Technician. It was brought to his attention that there is some development going on in the townships that does not require a permit from the Lucas County Building Regulations; namely, fences, pools, ponds, etc. He is stating that the floodplain status should be verified before issuing the permit. Floodplain development permits are \$50 for residential and \$75 for commercial. He would like for all of the permits issued in 2011 to be reviewed by his office. Apparently one of our townships made a serious mistake. Inspector Gay will talk to Planner Maguire about the situation.

4) Kirk Hester, 8507 Dutch Road, Waterville, Ohio, has a "Home Occupation" permit to operate his general construction business from his residence at the above location with the understanding that his equipment would not be in the open but stored under roof. If he cannot store his equipment inside, he will have to look for a commercial area for his business. Both Inspector Gay and Property Standards Officer Fischer will be working on this issue.

5) Recently, Inspector Gay spoke to D.J.Mears, who works for the Lucas Soil and Water District and is in charge of the animal waste composting facility at the Blue Creek Metro Parks on Schadel Road. They have a couple of customers, namely, Bittersweet Farms, which has an equestrian center and arena and another customer. The facility is not as popular as was anticipated.

PROPERTY STANDARDS:

1) Property Standards Officer James Fischer submitted the Architectural Review Board (ARC) minutes for November and December. He also submitted the attendance record for 2011 for payment.

2) It has been a quiet month - No complaints.

3) There have been two phone calls from Dale Myers concerning the blighted lot in front of the Kroger store on SR 64. Mr. Myers states that all of the details have been worked out and the developer is free to begin cleanup.

3) Things are progressing on schedule for final draft for the Architectural Standards for the SR 64 Overlay District.

4) Mr. Fischer attended Waterville's Comprehensive Plan Update meeting held on December 13, 2011. They had a power-point presentation followed by an electronic survey during which audience members participated.

SOLICITOR:

1) Solicitor Walt Celley presented his 2012 law director contract for the trustees to take action on at their 2012 Organizational meeting.

2) The trustees had been given a draft copy of a resolution concerning the regulation of peddlers and solicitors in the unincorporated portion of Waterville Township:

RESOLUTION #2011-15 CONCERNING THE WATERVILLE TOWNSHIP TRUSTEES' REGULATION OF PEDDLERS AND SOLICITORS IN THE UNINCORPORATED PORTION OF WATERVILLE TOWNSHIP.

The Board of Trustees of Waterville Township, Lucas County, Ohio met in regular session of the Board on December 28, 2011 at 7:30 p.m.; whereupon the following was placed in consideration on the regular agenda of the Board:

**WHEREAS**, in consideration of the public health, safety and welfare, the Board of Trustees finds it appropriate to regulate the activities of peddling or soliciting with the unincorporated area of the Township; and,

**WHEREAS**, the proceedings and hearings on this Resolution and any necessary notices of such proceedings and hearings have all been undertaken, conducted and given in accordance with applicable law: now therefore,

**BE IT RESOLVED**, by the Board that the following policy shall be and hereby is adopted as a Resolution of the Board:

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Continued:

1. DEFINITIONS

(a) "Peddling" or "soliciting" unless expressly provided for otherwise, means traveling from residence to residence within the Township, without having a previous appointment to visit the residence or residences visited for the purpose of exposing or offering for inspection or sale, goods, wares, merchandise, foodstuffs or any other property, tangible or intangible, of any nature whatsoever, or services, or for the purpose of taking or attempting to take orders for the purchase of goods, wares, merchandise, foodstuffs or other property, tangible or intangible, of any nature whatsoever for future delivery, or of services to be furnished or performed in the future. "Peddling" or "soliciting" does not mean the soliciting of funds or other property for charitable purposes at any residence within the Township. The solicitation by a newspaper carrier of customers for a newspaper which he/she regularly delivers or will regularly deliver shall not be included in this definition, nor shall solicitation for political purposes be included in this definition.

(b) "Peddler or "solicitor" means any person who engages in peddling or soliciting.

2. REGISTRATION REQUIRED

No person shall peddle or solicit within the Township without first registering with the Division of Police. A separate registration must be made for every peddler, solicitor, agent or employee soliciting within the Township.

3. INFORMATION TO BE FURNISHED

(a) Each peddler or solicitor shall, prior to the time of commencement of solicitation furnish the Division of Police with the following information on forms provided by the township.

- (1) Name and date of birth of applicant.
(2) Complete permanent and local address of applicant.
(3) Name and address of the person, firm, corporation or association for whom the solicitation is being made.
(4) A description of the nature of the business and the goods, services or wares to be sold or otherwise sufficient to identify the subject matter of the soliciting in which the applicant will engage.
(5) The proposed dates and times of the solicitation and the routes to be followed in conducting same.
(6) The make, model, year, color, and license plate number of automobiles used by the applicant during the period of solicitation within the Township and the number of the applicant's driver's license and state of issuance.
(7) Such information shall only be valid for six (6) months from the date of its furnishing to the Division of Police.

4. RULES AND REGULATIONS

Every person to whom this Resolution applies shall be governed by the following rules and regulations:

(a) All circulars, samples or other matter shall be handed to an occupant of the property or left in a secure place on the premises.

(b) No person subject to the provisions of this Resolution shall peddle or solicit, except between the hours of 9:00 a.m. and 7:00 p.m. Eastern Standard Time or Eastern Daylight Time.

(c) No peddler or solicitor shall enter or attempt to enter the house, apartment or other dwelling unit of any resident in the Township without an express invitation from the occupant of the house or apartment.

(d) No person subject to the terms of this Resolution shall make any false, fraudulent, misleading or deceptive statement during the course of that person's soliciting activity within the Township.

(e) No person subject to this Resolution shall make any solicitation where peddlers or solicitors are notified by a sign that soliciting is prohibited.

(f) No peddler or solicitor shall engage in or transact any type of business or solicitation other than that specified on the registration certificate.

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(g) No person while engaged in any for profit solicitation, shall knock at the door or ring the bell of any home, apartment, apartment building or other dwelling unit in the Township upon which is displayed at the entrance a notice that reads "No Peddlers or Solicitors Allowed", or which otherwise clearly purports to prohibit peddlers or solicitors on the premises, unless such peddler or solicitor is, or has been invited upon the premises by the owners, lessee or occupant thereof.

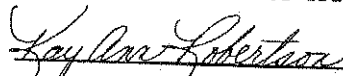
Trustee A. Leslie Disher moved and Trustee Brett T. Warner seconded the adoption of the amendment; and the roll was called on the question of the adoption; resulting as follows:

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

Adopted December 28, 2011.

Attest:

I, Kay Ann Robertson, do certify that this is a true and accurate copy of Resolution #2011-15, passed in the regular meeting of the Board of Trustees on December 28, 2011, as aforesaid.



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

\*\* Footnote: Solicitor Walt Celley will notify the Police Department of the legislation just passed regarding peddlers or solicitors.

3) John Minear, Waste Management of Ohio, sent a notice that the Lucas County Solid Waste Management District's new contract would become effective 01/01/2012. Fees would go from \$3.20 per ton to \$5.20 per ton. Rates per unit shall increase to \$0.26 per unit per month..

4) Solicitor Celley and Chairman Disher have not met with the City of Waterville concerning the JEDD. Solicitor Celley states he is recommending that all parties sit down together at the same table.

5) Each trustee and fiscal officer is required to take a mandatory three (3) hrs. of public records training during his/her term of office; however, there is no penalty for not doing so:

A. Leslie Disher made a motion to designate Fiscal Officer Kay Ann Robertson to attend public records training for the three (3) Waterville Township Trustees for the year ending 12/31/2011. Seconded by Kyle J. Hertzfeld.

Motion Carried.

6) In regards to public records, there was a discussion about records retention. Solicitor Celley said that record retention is being handled differently now. Trustee Warner stated it's his goal to inventory the police department's records in the coming year.

BOARD CHAIRMAN:

1) After much discussion, a date was picked to hold the 2012 Organizational Meeting:

A. Leslie Disher made a motion to hold the Board of Trustees 2012 Organizational Meeting on January 10, 2012 at 7:00 p.m. at the Waterville Township Hall, 621 Farnsworth Road, Waterville, Ohio. Seconded by Kyle J. Hertzfeld.

Motion Carried.

\*\* Footnote - Above notice will run January 5th in "The Mirror."

2) Trustees Disher and Hertzfeld wished everyone a "Happy New Year."

TRUSTEES:

Brett Warner: Trustee Brett Warner mentioned that former Trustee Donald Fischer passed away recently. He was a trustee for twenty-six (26) years. He will be missed in the community.

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Continued:

EXECUTIVE SESSION:

A. Leslie Disher made a motion to go into executive session to discuss investigation of complaints against a public employee. Brett T. Warner seconded the motion.

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

It was indicated that the public could wait for the Trustees to go back into regular session; however, no action would be taken when the meeting was back in regular session.

Brett T. Warner made a motion to go out of executive session and back into regular session. Seconded by Kyle J. Hertzfeld.

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

ADJOURNMENT:

There being no further business to come before this Board, A. Leslie Disher made a motion to adjourn. Seconded by Kyle J. Hertzfeld.

Motion Carried.

Adjourned at 8:53 p.m.

Attest: Kay Ann Robertson

Trustees: Aes Disher  
Kyle J. Hertzfeld  
Brett T. Warner