

RECORD OF PROCEEDINGS

Waterville Township Special Trustees' Meeting

Held at: 6:30 P.M. at the Waterville Township Hall on August 26, 2015

OFFICIALS:

Chairman - A. Leslie Disher – Present
Vice-Chair - Karen M. Schneider – Present
Trustee - Kyle J. Hertzfeld – Present
Fiscal Officer Kay Ann Robertson – Present
Law Director Dawn E. Sanderson – Present
Police Chief Richard Bingham – Present
Township Property Standards Officer – James E. Fischer – Present
Zoning Administrator – Eric Gay – Present

PLEDGE OF ALLEGIENCE:

A. Leslie Disher called the meeting to order at 6:30 p.m. All those present were asked to join A. Leslie Disher in reciting the Pledge of Allegiance.

ROLL CALL:

Roll was called by Notetaker and all three (3) Trustees were present:

A. Leslie Disher, Karen M. Schneider and Kyle J. Hertzfeld.

AGENDA:

The Agenda was approved by Kyle Hertzfeld and seconded by Karen Schneider. Motion Carried.

MINUTES:

The minutes for the July 22, 2015 meeting had been prepared by Kay Ann Robertson, approved by Kyle Hertzfeld and seconded by Karen Schneider. Motion Carried.

The minutes for the July 23, 2015 meeting had been prepared by Kay Ann Robertson; approved by Karen Schneider and seconded by Kyle Hertzfeld. Motion Carried.

SPECIAL PRESENTATION:

Guest Janice Lower – Bowling Green, Ohio

Pipeline project will cause devastation to community, pipeline station, placement of line, government giving eminent domain at expense of their health. Gas compressor are pollution, toxic emission accumulate on ground, affect water, air, etc., Cause health issues, cruel to children. Anthony Wayne campus is only 2.8 miles away, Kroger 1.5 miles away, Fallen Timbers Mall 5.00 miles, Bowling Green Water Reservoir only 1.7 miles away.

- 1) Have you done homework?
- 2) Protocols in place
- 3) What if families move out?
- 4) Affect school system.

- 5) Ones who voted in 36" pipeline and compressor.
- 6) Join with them to vote Corn Western Route – less environmental.

Guest Lea Harper – Bowling Green

With Fresh Water Accountable Tracking made the following comments:

Learn hard way when telling about fracking.

Have been bullied by industry. Was on toxic tour, toured in Kentucky. Making people sick.

Because of our regulatory system, they do not have to prove they are not polluting.

There are loopholes. Fracking without regulations has radioactivity in it.

They did a report and sent to Columbus Representative – did nothing.

Should not have eminent domain.

Lived in Ohio all her life.

Comments:

A. Leslie Disher: Thanked both ladies for the presentation. Heard the two (2) speakers that asked to speak. Passed a Resolution in first year one against the pipeline.

Karen Schneider: We submitted comments to FERC. We do not have a vote. We cannot tell property owner how to use this property. Minutes are prepared online.

Ohio Department – Mr. Wilkerson:

Recently acquired property at Waterville-Neapolis and Noward. ODOT owned property and offered to Division of Wildlife. Need to acquire extra property to have access. Will be testing to see if it will hold water. Concerned about over growth, did not know about Township regulations. Hope to open to the public, will stock with fish regardless. Have a parking lot. No hunting – not large enough and homes nearby.

A. Leslie Disher What size parking lot? Black top for approximately 10 cars.

Mike: Open 24/7. No camping.

Karen Schneider: What if there is a problem? Can hours be changed? Who maintains?

Mike: His office – mows and trash, one lone boat ramp. Allow gas motors, no wake. No swimming, strictly fishing. License required.

Kyle Hertzfeld: Who controls loud motors?

Mike: They do.

Karen Schneider: Noise would be a concern.

Kyle Hertzfeld: How lit

Mike: Light at boat ramp.

Karen Schneider: Downward facing light.

Mike: Plant arborvitae.

A. Leslie Disher: Would like to have some input.

Mike: When closer to finalizing..

Kyle Hufford - 911 Neapolis-Waterville - present

Mike: All wildlife protected there and he can be contacted by phone..

Ryan Belkotec, 7841 Noward Road: Noward Road to be re-surfaced in 2017. Make access not on property line – edge of his. Happy about it.

Roy Sidener, 7816 Noward, are you going to be putting screening along his property.

Mike: No design yet.

Roy: Will you be bringing design here.

Mike: Will come back here.

Roy: Get a lot of noise from highway, especially in Winter. Pond not holding water. Would you pursue fishing?

Mike: Not a bottomless pit of money. Public not welcome yet. There are fish in there.

Roy: Could have electric motors.

Mike: We prefer gas motor because property being purchased and improved with gas motor tax funds.

Roy: No schedule.

Karen Schneider: Good place to start at zoning meetings.

Law Director Sanderson: Your department has been working with Josh Lewondowski at the Planning Commission. We hold Josh's expertise in high regard.

A. Leslie Disher: Thanks Mike for mowing lot.

Lighting District

Coventry Glen Plat 2 – Resolved to approve Lighting District.

Fiscal Officer

Correspondence – Amend App. Resolution #2015-20

Police

- 1) Did training at station mobile.
- 2) DVI task joined. Grant money for portal hours. Extra people out.
- 3) Part-timer, Josh Pettit, resigned.
- 4) Puppy would like to see on Oct. 1st or so.
- 5) Annual qualifications this weekend.
- 6) Work Anthony Wayne football games with Whitehouse.
- 7) Roche De Bouef parade. A. Leslie Disher moved \$700.00 to buy from Rossford. Kyle Hertzfeld seconded. Motion carried.
- 8) Spend part of grant to Rossford for some equipment. \$700.00 approved.
- 9) Current bank having issues. Dawn E. Sanderson to take a look at.
- 10) Karen Schneider has no problem changing. Karen Schneider moved to refer to L Dawn E. Sanderson to review and see if can change banks. Seconded by Kyle Hertzfeld. Motion carried.

Roads/Cemetery

- 1) Got salt delivered six (6) weeks ago. Got 76.
- 2) Keep complimenting workers on Cemetery.

Zoning

The Stables

Special use permit review.

Karen Schneider: At zoning meeting gave an annual review. Several things covered. Had noise complaints by Dorothy Horton. Covered one month. Duke was aware of the problem she raised concern in July. Glad to hear Duke has someone on site. No bass woofers. Thorntons are neighbors to South. Believes the noise issue can be resolved. Recommend actions from zoning, Duke volunteering some changes and accept, change hours should resolve complaints.

Hours: majority of wedding halls end earlier and she has no issues with Duke. Ask to be a good neighbor.

Change hours of operation.

Dawn E. Sanderson: This is consideration of Zoning Committee to review again in October 17. All the rest the same.

Karen Schneider polled other halls about hours. Not discussed at Township Zoning Commission.

Some neighbors can hear the noise from The Stables but not a problem.

A. Leslie Disher: Would feel more comfortable if that recommendation on the hours came from zoning commission, not just one person.

A. Leslie Disher: said he had a copy of well testing. Safe for drinking by EPA standard.

Bill Burkett: He is helping with Duke. Reviewed by officials no kitchen facilities, working with Ohio EPA.

Karen Schneider: Spoke with Pinnacle, Heather Downs Country Club, Holland and Angola, Nazareth and Greystone. Range is 11-12, that is industry norm.
Addition to original special use permit.

A. Leslie Disher: on sound decibels. Where are the readings taken? He has not heard one name who is complaining. Normally have not responded to complaint unless they send a letter and sign it. As Trustees, we should be able to go to the edge of property.

Karen Schneider: Has viewed Stable several times. Loud. Originally called Tom Wardel and let it be known. Police were called three (3) times. First one noise. Second and third no issue. Congregate outside and are loud. At night the neighbors are trying to sleep. Larger concern to Township all summer long. How do they enjoy their home?

A. Leslie Disher: Do we or do we not have reading on noise levels.

Karen Schneider: Decibels are not in our Noise Resolution. Only for wind turbines. Read from Noise Resolution.

Chief denies he ever said his officers would need a measuring mechanical device (Trustee minutes of 6/24/15).

Karen Schneider: She believes issue can be resolved. Should have been resolved months ago. Surprised it should be so difficult.

Other properties can also hear the noise but don't care.

John Weglian: Talk about Noise Resolution. Primarily using officer's hearing.

Chief has suggested something be put in to measure the sound. Chief denies he ever said that (Trustee minutes 6/24/15).

Draftman problem.

100 feet from property where sound emanates, lots of things that makes noise. Seems to be subjective. Should define the problem.

Karen Schneider: Is your point to debate the noise resolution? Lawn mowers, etc. are not constant. The concern is the noise. Two (2) years ago it was just a farm. Duke came and asked for a special use. Lucas recommended approval for two (2) reasons:

- 1) Use compatible with existing uses.
- 2) Up for review.

Operate business and not impact the residents.

John Weglian: Laws construed against the government. If used as a sanction.

Chief: Every noise resolution he sees is a number of feet not a decibel. Always used a number of feet.

John: Never saw one before.

Duke Wheeler: Police report when people were outside. Officer Scott Histed arrived – sat on Obee Road to see how loud music played – could not hear people outside.

Karen Schneider: Complaint was made that people were noisy but officer said were not loud.

Duke Wheeler: Traffic is making the most noise. Only one complaint – he has changed things. Do not have events both days every week. Both panels for inside. Kim stop complaining. Then this started happening. They have done what was required. They put dirt on face of wall. He has not complained. August 8th was a call so they came out. Officer acted on a call – officer put down what he observed.

Karen Schneider: Officers sit in the wrong area. Still noise. Last Saturday, she heard the bass at 11:34. She was sitting in her back yard. If adopt what zoning commission recommended should not be a problem. They do not want to hear the venue. They are not here complaining about she feels responsible for the residents.

George Pugh: 11137 Obee. Lives just East. They walked down to driveway line ¼ mile to East.

Dawn E. Sanderson: Pictures of noise barriers Duke has put up.

Duke Wheeler: Someone called and said he was dumping in floodplain. He was not.

Karen Schneider: Decibels not measured at property line. 100 feet from property (building).

Kyle Hertzfeld: Go back to zoning about changing time. Kyle has not gone to neighbors to listen.

A. Leslie Disher: Would like to go to neighbors and see if he can hear. Would like to know when is next function. He cannot vote on one person's word.

Kyle Hertzfeld: He would like to see a letter of complaint with signatures.

A. Leslie Disher: That is way we have done things in the past – always require a written complaint.

Duke: Friday, 28th he will get hours for wedding.

A. Leslie Disher: It should be a good example of what he is hearing

Karen Schneider: Zoning Board requesting a copy of Occupancy permit by October meeting.

Duke: Well put in 1999. He has no idea if permit was obtained. Woman who inspected well said well permit not necessary.

Cited they are an “agricultural” facility under ORC and they do not meet criteria.

Bill Burkett: Chief Building Inspector of County meeting tomorrow. They feel it does not qualify for an agricultural use. New leadership in that Department.

A. Leslie Disher: Key to whole will be the occupancy permit. Pray for the best.

Karen Schneider: Are you going to do this tonight?

A. Leslie Disher: He recommends waiting until after Oct. 17 Zoning Board meeting.

Karen Schneider: Do you want to address occupancy and well separate.

Eric Gay: He heard a lot of talk about testing not producing a well permit.

Bill Burkett:

- 1) Not a food service issue.
- 2) They need to look at the well for an assembly; it is an Ohio EPA issue.

Eric Gay: If only used well for toilets.

Bill Burkett: He is a RS but had not dealt with testing water.

A. Leslie Disher: Duke you would want to make sure safe for health and safety.

Duke: Yes

Karen Schneider made motion:

Obtain occupancy permit.

Copy of acceptance from an agency that water meets standards of use by assembly.

Seconded by Kyle Hertzfeld.

Motion carried.

Dawn Sanderson: We are good.

A. Leslie Disher: Thanks for coming.

REFUSE: nothing

- 1) Mr. Hufford wants to know what Township is doing about Compressor Station.
- 2) Dutch and River Road – County trimming intersection
- 3) Home was missed and Jim May brought truck home and took away. Thank him.
- 4) Les – trash got a lot better once Stevens took over.
- 5) 9901 Neapolis-Waterville Road – Hufford where the new house is. Told Les he did not know about pipeline until after he had started his house. Not from this area. Contacted a lot of agencies. Noise will be an issue.

Karen Schneider: Not sure where this group that was there tonight will go. We are trying to minimize the sound problem, asked to be in a different location.

Chair Leslie Disher: Sorry you are in this position and would like to visit with you personally.

ZONING INSPECTOR:

- 1) Sign for Sisters also thinking about a maintenance building. May want more housing.

Duke's sound barrier permit – 6' high, 40-50 ft. high. Back in the woods. 20' back from property line. Could be in the flood plain with fence.

Bill and flood plain inspector obligated to report these discrepancies barriers over Swan Creek a no/no. He needs to get it down. Bridge in floodway. He will not be able to get a permit.

- 2) Eric to call Duke and tell him situation. He is in the flood plain for the fence. Don't build in wrong area. Thorton has no issue with fence.
- 3) Bob Pollock estate of Merlin and Lillian wants a pole barn. Barn behind house. Farming 13 acres now, get 20 more. Eric working on.
- 4) Coventry Glen – resolved lighting. Needs a plat plan. It will be recorded. Can do that but issue no permits. Not seen a plat plan yet.
- 5) Larry Nickerson (?) - Temporary car port. Not allowed. He was told. They have a concrete pad.

PROPERTY STREET:

- 1) 2 phone calls trash missed – taken care of
- 2) Lady on Weckerly – tree overhanging on her property. His opinion if on her property she can trim right on property line.
- 3) Lou Leasor's not in too bad of shape.
- 4) Email from Blue Bird people – apology for deplorable condition of their property. Had hired a person and they dropped the ball. He drove that area Sunday and they are making headway. The work they have done is a good job. Teri Bersee.

SOLICITOR:

- 1) Shared neighboring Township's noise resolution definition of noise if disturbs peace of neighborhood.
Also, Waterville Township's measuring distance from where sound emanates is 100' not 50'
A lot mentioned about our Township's subjectivity.

2) Phone calls to Dawn about wildlife people – pretty much exempt.

BOARD CHAIR:

County in touch with Les about Nexis contacting them about having permits. They should have proper permits. Get from county

TRUSTEES:

Karen: A revised quote from John Gerhardinger. More work than he had anticipated. Sprayed for mold.

Karen Schneider made a motion to approve the paint bid at new cost of \$1,166.00 A. Leslie Disher seconded. Motion was carried.

John says one of the ceiling tiles was wet. Les may need to address.

ADJOURNMENT:

Kyle Hertzfeld made a motion to adjourn. Seconded by A. Leslie Disher. Motion carried.

Adjourned at 9:08 p.m.

Notes taken by Kay Ann Robertson.

Transcribed by Karen Schaeffer, not in attendance at this meeting.