

**RECORD OF PROCEEDINGS**  
**Waterville Township Trustees' Meeting**

Held at: 7:00 p.m. at the Waterville Township Hall on September 26, 2018.

**OFFICIALS:**

Chairman – Brett Warner – present  
Vice Chairman - Kyle J. Hertzfeld – absent  
Trustee – Duke Wheeler – present  
Fiscal Officer Jennifer Bingham – present  
Police Chief – Richard Bingham- present  
Zoning Inspector – Eric Gay – present  
John Borell, Lucas County Assistant Prosecutor - present

**PLEDGE OF ALLEGIENCE:**

**Brett Warner** called the meeting to order at 7:00 p.m. All those present were asked to join **Mr. Warner** in reciting the Pledge of Allegiance.

**GUESTS:** Karen Gerhardinger, Toby Miller, Rachel Miller, William Walborn, Paul Wohlfarth, Eileen Sullivan, Karen Schneider

**AGENDA**

**Duke Wheeler** made a motion to approve the agenda for the September 26, 2018 meeting. Seconded by **Mr. Warner**. Motion Carried.

**PUBLIC COMMENT**

**Mr. Warner** mentioned that Rachel Miller was in attendance as part of her Government Class.

**William Walborn** commented on the group that was formed to review the Township's health insurance plan. That group was considered null because the meetings were non-public. **Mr. Walborn** stated that at that meeting, no renewal information was provided, the group did review a lot of data and questioned if the broker was working for the best interest of the Township. **Mr. Walborn** stated that he thinks the trustees should get the information and service from an agent that is working in the best interest of the Township. **Mr. Walborn** recommended the trustees consider transferring the insurance account to another agent.

**MINUTES**

**Mr. Wheeler** made a motion to approve the minutes of the August 22, 2018 meeting with no additions, deletions, and/or corrections. Seconded by **Mr. Warner**. Motion Carried.

**FISCAL OFFICER'S REPORT**

**Documents for Board**

**Ms. Bingham** presented the following to the Board

- 1.) Minutes book updated and ready for signature
- 2.) Blanket Certificates/Purchase Orders presented for signature

**Payment of Warrants**

**Ms. Bingham** requested the Board's approval for the payment of the following vouchers and warrants:

<u>No.</u>	<u>Payee</u>	<u>Amount</u>	<u>Purpose</u>
91-2018	OPERS	\$9,161.75 -	Withholding
92-2018	OPERS	\$44.54 -	Withholding
94-2018	Ohio Deferred Compensation	\$250.00 -	Withholding
95-2018	Ohio Deferred Compensation	\$250.00 -	Withholding
97-2018	U.S. Treasury	\$3,187.67 -	Withholding
98-2018	Treasurer of State of Ohio	\$734.53 -	Withholding
103-2018	Ohio Deferred Compensation	\$250.00 -	Withholding
104-2018	Bureau of Workers' Compensation	\$236.89 -	Insurance Premium
39365	Voided Check	\$0.00 -	Voided
39569	Voided Check	\$0.00 -	Voided
39570	Ricardo A. Artiaga, Jr	\$692.58 -	Payroll
39571	Brian B Biegajski	\$1,279.02 -	Payroll
39572	Richard E. Bingham	\$1,940.43 -	Payroll
39573	Harry Richard Kellett, III	\$1,115.60 -	Payroll
39574	Richard Allan Ludwig	\$1,187.31 -	Payroll
39575	Daniel Martin Stuber	\$1,181.46 -	Payroll
39576	Andrew T Whited	\$1,189.78 -	Payroll
39577	Shaun Edward Wittmer	\$953.69 -	Payroll
39578	Voided Check	\$0.00 -	Voided
39579	Voided Check	\$0.00 -	Voided
39580	Voided Check	\$0.00 -	Voided
39581	Delta Dental Plan of Ohio	\$264.28 -	Insurance Premium
39582	Treasurer of State of Ohio - UAN	\$775.20 -	UAN Fees
39583	City of Waterville - Water Dept.	\$43.64 -	Utility - Water
39584	Spectrum Business	\$153.46 -	Utility - Telephone/Internet
39585	Lucas County Coroner Toxicology Lab	\$180.00 -	Professional Services
39586	The Waterville Gas Company	\$49.36 -	Utility - Natural Gas
39587	Lisa L. Cole	\$150.00 -	Cleaning Service for PD
39588	Medical Mutual of Ohio	\$7,822.17 -	Insurance Premium
39589	Hanson Aggregates, Inc.	\$25.50 -	Operating Expenses
39590	Andrew T Whited	\$42.33 -	Payroll
39591	General Pro Hardware	\$75.87 -	Operating Expenses
39592	Steve Rogers Ford	\$30.13 -	Vehicle Repair/Maintenance
39593	Voided Check	\$0.00 -	Voided
39594	Tony Szymczak Automotive	\$620.00 -	Vehicle Repair/Maintenance
39595	Fisher Auto Parts, Inc.	\$499.68 -	Vehicle Repair/Maintenance
39596	Toledo Edison	\$529.90 -	Utility - Electric
39597	The Mirror	\$85.50 -	Advertising
39598	Brett T Warner	\$912.84 -	Payroll
39599	Kenn-Feld Group	\$1,046.51 -	Vehicle Repair/Maintenance
39600	Verizon Wireless	\$130.12 -	Utility - Cell Phone
39601	Century Link	\$41.77 -	Utility - Telephone
39602	Toledo Edison	\$629.84 -	Utility - Electric
39603	Stevens Disposal & Recycling Service	\$4,798.05 -	Contracted Service - Refuse

No.	Payee	Amount	Purpose
39604	Anthony Wayne Board of Education	\$252.53	- Operating Expenses
39605	U.S. Bank Equipment Finance	\$120.13	- Lease - Copier
39606	Pavement Technology, Inc.	\$10,553.60	- Sealing of Noward Road
39607	Fifth Third Bank	\$1,641.08	- Operating Expenses
39608	Hanifan-Obenauf-Robinson, Inc.	\$1,300.00	- Lease - Office
39609	SuperFleet MasterCard Program	\$1,664.89	- Operating Expenses
39610	Lisa L. Cole	\$150.00	- Cleaning Service for PD
39611	Ricardo A. Artiaga, Jr	\$620.92	- Payroll
39612	Richard Allan Ludwig	\$1,077.56	- Payroll
39613	Brian B Biegajski	\$1,213.72	- Payroll
39614	Harry Richard Kellett, III	\$1,139.40	- Payroll
39615	Daniel Martin Stuber	\$1,110.42	- Payroll
39616	Andrew T Whited	\$1,052.85	- Payroll
39617	Shaun Edward Wittmer	\$1,131.65	- Payroll
39618	Jennifer L Bingham	\$1,387.48	- Payroll
39619	Eric H. Gay	\$375.11	- Payroll
39620	Robert Long	\$87.99	- Payroll
39621	Richard E. Bingham	\$1,771.49	- Payroll
39622	Toledo Edison	\$246.76	- Utility - Electric
39623	Voided Check	\$0.00	- Voided
39624	Voided Check	\$0.00	- Voided
39625	Voided Check	\$0.00	- Voided
39626	Voided Check	\$0.00	- Voided
39627	Voided Check	\$0.00	- Voided
39628	Voided Check	\$0.00	- Voided
39629	Voided Check	\$0.00	- Voided
39630	Voided Check	\$0.00	- Voided
39631	Voided Check	\$0.00	- Voided
39632	Voided Check	\$0.00	- Voided
39633	Voided Check	\$0.00	- Voided
39634	Voided Check	\$0.00	- Voided
39635	Voided Check	\$0.00	- Voided
39636	Voided Check	\$0.00	- Voided
39637	Voided Check	\$0.00	- Voided
39638	Voided Check	\$0.00	- Voided
39639	Voided Check	\$0.00	- Voided
39640	Voided Check	\$0.00	- Voided
39641	Voided Check	\$0.00	- Voided
39642	Superior Towing & Transport	\$150.00	- Operating Expenses
39643	Traffic Stop Uniform Supply	\$69.99	- Operating Expenses
39644	Speck Sales, Inc.	\$540.08	- Vehicle Repair/Maintenance
39645	Cintas Corporation - 306	\$127.27	- Operating Expenses
39646	Expresso Car Wash	\$4.00	- Vehicle Repair/Maintenance
39647	Voided Check	\$0.00	- Voided
39648	Kenn-Feld Group	\$131.81	- Operating Expenses
39649	B & L Auto Service, Inc.	\$456.51	- Vehicle Repair/Maintenance
39650	Kyle James Hertzfeld	\$749.04	- Payroll
39651	Brett T Warner	\$912.84	- Payroll

No.	Payee	Amount	Purpose
39652	Richard C Wheeler	\$822.34	Payroll

**Total Warrants/Vouchers                      \$73,422.86**

Moved to approve by **Mr. Warner** and seconded by **Mr. Wheeler**. Motion carried.

**Ms. Bingham** presented the following Supplemental Appropriations for approval:

General Fund

1000-110-311-0000 – Accounting/Legal	(\$300.00)
1000-120-351-0000 – Electricity	\$300.00

Cemetery Fund

2041-410-430-0000 – Small Tools/Equipment	(\$500.00)
2041-410-323-0000 – Repairs/Maintenance	\$500.00

Cemetery Fund

2081-210-430-0000 – Small Tools/Equipment	(\$650.00)
2081-210-351-0000 – Electricity	\$6500.00

Moved to approve by **Mr. Warner** and seconded by **Mr. Wheeler**. Motion carried.

**NEXUS UPDATE**

**Mr. Wheeler** stated that he had received some complaints about the noise and lighting. Mr. Warner asked John Borell, from the Lucas County Prosecutor’s office to address the Township’s rights and responsibilities regarding the complaints. Mr. Borell advised that township’s do have the right to enforce noise limitation, with the exception of Public Utilities, which are exempted from zoning regulations. Mr. Borell stated that the best way to resolve would be to get Nexus to voluntarily remediate the noise and lighting complaints.

Mr. Warner, asked Toby Miller if he had any comments or questions. Mr. Miller stated that the Township enforces its zoning regulations on residents via a 200 page Zoning Resolution, specifically referring to section 10.1. Mr. Miller stated that he has contacted PIMSA, OEPA, FERC and other regulatory agencies who all state that responsibility to regulate noise is with the Township. Mr. Borell cited several section of the ORC, which prohibit townships from regulating public utilities.

Mr. Borell stated that the police could perhaps cite Nexus for noise violations, but he would first want to talk with the Township’s municipal prosecutor to see how we would want to proceed.

Mr. Miller stated that Nexus is in violation of their own Environmental Impact Study. Mr. Warner stated that he contacted Nexus and received a return call three days later and was told that the site would not be run all night any more, and that that should not have done it when it occurred.

Mr. Warner asked what the recourse is going forward. Mr. Warner stated that when he last sat on the Township Board of Trustees was when the St. Rt. 24 re-route can through the Township and he

shares the residents' frustrations. Mr. Warner stated that these utilities make a promise of funding and later devalue the property substantially decreasing revenues to the Townships. Mr. Warner stated that he believes small townships are targeted because of their rural location and small local government. Mr. Warner stated Kinder Morgan has bought land south of Neowash and believe that the Township needs to be proactive in what it can regulate.

Mr. Miller asked Mr. Borell to provide him the actual ORC that exempts Nexus. Mr. Borell stated that the zoning exemptions fall under ORC 519.211 and the noise exemption falls under ORC 505.172.

Mr. Warner stated that the Zoning Commission is currently working to update the Zoning Resolutions and he would like to consider what other items can be included to address potential concerns keeping in Public Utilities are exempt from Township zoning regulations.

Mr. Miller asked what about any unsafe practices. Mr. Borell stated he was unsure about that. Mr. Miller asked what does a "blow down" mean from a safety standard and who has been educated. Mr. Warner stated that he was unaware of education that had been provided.

Paul Wohlfarth stated that the fight over the pipeline has been going on for a long time and these companies have it down to an art Mr. Wohlfarth stated that Terry Lodge, an environmental attorney has information that shows approximately 270 blow downs/per year can be expected. There are emissions videos on YouTube. He stated that emissions have a 5-mile radius. Waterville was going to put in an air quality monitor and the City is only getting \$20,000 the actual cost is \$150,000.

## **OLD BUSINESS**

### **Union Cemetery Update**

**Mr. Warner** stated that he spoke at Waterville and Whitehouse meetings about what a Union Cemetery is. He stated both meetings went well. No action is needed at this time, but there was a meeting being scheduled to bring all of the governing bodies together.

### **Noward Road**

**Mr. Warner** stated that he examined the western end of Noward Road, by the overpass. He agrees that this is something that should be looked at and addressed before it becomes a problem.

### **Fire District**

**Mr. Warner** stated that there is no update at this time.

### **EMA Broadcast System**

**Mr. Warner** stated the he has asked Matt Krause from the Lucas County EMA to attend the October 24<sup>th</sup> meeting to provide information on the WENS system. Information provided will include potential uses and costs.

## **NEW BUSINESS**

### **Zoning Board of Appeals**

**Mr. Warner** stated that there is a current vacancy on the Zoning Board of Appeals. **Mr. Warner** nominated Toby Miller to fill position vacated by Ron Pittman. **Mr. Wheeler** seconded the motion.

**Mr. Warner** stated that the Trustees are continuing to identify an alternate for the Zoning Board of Appeals.

## **DEPARTMENT REPORTS**

### **Police Department**

Chief Bingham advised the Trustees that he was granted a full scholarship to attend CLEE. The program accepts a limited number of applicants for its 14-month programs. The only anticipated costs to the Township would be for accommodation and meal expenses for those nights when the Chief would need to travel to Columbus for class. Chief Bingham requested the Trustees approve the anticipated costs, approximately \$1,000 that would need to be included in the 2019 budget. Mr. Warner motioned to approve the anticipated expenses. Mr. Wheeler seconded.

Chief Bingham advised that the Police Department was awarded \$9,800.00 from the JAG Law Enforcement grant. The Township's match is 10% or \$980.00

Chief Bingham stated that he attended recent training provided by Kinder Morgan for their methane pipeline, Utopia, located near Dutch Road that runs into Monclova Township. He stated Kinder Morgan would be offering additional training in the future. The line became operational during the first quarter of 2018.

Chief Bingham requested an Executive Session to discuss a personnel matter.

### **Roads Department**

**Ms. Bingham** shared information that Mr. Hertzfeld had provided in his absence regarding the purchase of salt for the upcoming winter season. Mr. Hertzfeld shared in an email that he has spoken with the County and they are willing to hold any access salt. Given this information, it was his recommendation that the Township proceed with purchasing 50 tons of salt at the cost of \$2,632.00. Mr. Warner stated that if the County was in agreement to hold the excess salt, that he agrees with the recommendation to purchase 50 tons and Mr. Wheeler concurred.

### **Refuse**

**Mr. Warner** stated that he is still waiting to receive the proposed contract from Steven's Refuse and Recycling Service.

### **Zoning – Inspector's Report**

**Mr. Gay** advised that he has issued 44 permits year-to-date. This compares to 33 permits issued for the same time period in 2017.

Mr. Gay advised that the Greenlock permit was written, but he has asked for a rendering.

Mr. Gay stated there is an issue with a property line on North River Road. He has asked the county for additional information.

Mr. Gay stated that he has spoken with the owner of property located on Stiles Road concerning the need for a fence around a pool. The owner does not want to put up a fence. Mr. Gay asked for help on addressing the matter with the owner.

Mr. Gay advised that a business owner who is interested in the old engineering building located on St. Rt. 64 had contacted him. The owner wants to park over the road dump trucks on the property.

The Zoning Commission has asked Mr. Gay to confirm the number of trucks to be parked and other additional details. Mr. Gay stated that it is his opinion the Township does need to have more trucks on St. Rt. 64 than what already exists. Mr. Warner suggested the leasee be invited to the next Zoning Commission meeting.

Mr. Gay stated that Jim Fischer, Zoning Commission member has asked for future discussion on property located behind the old Fischer property on Dutch Road. Original documentation required the developer to including berming behind each home site developed that abutted the Fischer property. The original developer went bankrupt and the property was sold at auction. The current developer stated that he spoke with someone with the Township and believes the responsibility should be passed on to the homeowners. The current owner of the Fischer property does not seem to care whether berming is placed. Mr. Gay asked if the requirement to place berming should be enforced or it, the requirement can be removed. No one seems to have the documentation that requires the berming. Mr. Borell stated he would need more information. Mr. Gay stated he does not believe it is the Township's responsibility to regulate these matters. Mr. Gay has asked Bill Harbart with heh Lucas County Planning Commission to see if he can find any documentation.

### **Zoning – Property Standards**

**Mr. Warner** stated that the Property Standards Officer is continuing to work with the homeowner on Weckerly Road to remove the last of the junk vehicles.

### **FISCAL OFFICER CORRESPONDENCE**

**Ms. Bingham** reported that the following correspondence has been received:

- Request sent vial email to Mr. Hertzfeld from the Waterville Historical Society asking to hold their annual event in the Wakeman Cemetery
- Notice from the Lucas County Board of Election regarding voter registration
- Notice from the City of Waterville regarding change in traffic patterns during Roche de Boeuf festival
- Request from Lucas Soil and Water Conservation District for a monetary donation
- Notification from Workplace Resources that they are closing their business. This firm provides services mainly to the Police Department for new hires
- Letter from Ohio Department of Natural Resources about their 40<sup>th</sup> anniversary and a list of their services
- Legal Notice regarding First Engery Solution Corp's Chapter 11 filing with the U.S. Bankruptcy Court

### **TRUSTEE REPORTS**

**Duke Wheeler** – Mr. Wheeler stated that if the Township cannot enforce noise regulations at the Nexus site could the Township put up sound barriers. Ms. Bingham asked with what funds that would be paid. Mr. Warner stated that the Township is trying to stay out of fiscal watch and that would not be an option at this time

**Brett Warner** stated that he was approached by the owner of the shops at Blue Creek who is concerned about trees on Township property leaning update against the fence near the Edward Jones building. Mr. Warner stated that the Maintenance Crew would not be able to handle the removal of the trees, but perhaps they could trim up the trees. Mr. Warner stated that he has been working with

a family on Waterville-Monclova Road whose son's assistance dog a car hit. The ORC restricts the signage that can be placed. Mr. Warner stated that the road is on the list for a traffic study, but the best outcome would be a 5 mile per hour speed limit reduction to 50 mph. Mr. Warner stated that he has been attending the Zoning Commission meetings and commended the work the group is doing on the update to the Zoning Resolution. Mr. Warner also continues to discuss the possibility of a Joint Police Department in the area. He has information from the University of Cincinnati but there currently exists no model to follow. Much work needs to be done to determine why each entity would be interested in a Joint Police District, along with a staffing analysis and a feasibility to determine revenue and budgets in order to determine millage that would be needed if the district were formed.

**PUBLIC COMMENT**

Karen Schneider recommended that the Trustees invite Phil Johnson the Township's health insurance broker to attend the next meeting of the Board to discuss Mr. Walborn's allegations. Ms. Schneider states that as a former trustee she found Mr. Johnson to be knowledgeable.

**EXECUTIVE SESSION**

Mr. Warner made a motion to enter into Executive Session to discuss a personnel matter. Mr. Wheeler seconded. Motion carried.

Mr. Wheeler made a motion to exit Executive Session. Mr. Warner seconded. Motion carried.

Mr. Warner stated that no action was needed following executive session.

There being no further business to be brought before this Board **Mr. Wheeler** made a motion to adjourn. Seconded by **Mr. Warner**. Motion carried.

Adjourned at 8:14 p.m.

Attest: s/s/Jennifer Bingham

Trustees:

s/s/Brett Warner

s/s/Kyle Hertzfeld

s/s/Duke Wheeler

*original on file*