

SWANCREEK TOWNSHIP
BOARD OF TRUSTEE
REGULAR MEETING
Monday, August 15, 2016

Chairman Kazmierczak called the meeting to order at 7:00 p.m.

Prayer

Pledge of Allegiance

Roll call - Board of Trustees present: Rick Kazmierczak-Chairman, Ron Holdeman - Vice Chairman, and Phil Wiland - Trustee

Employees: Chris Lauch, Administrative Assistant

Fiscal Officer: Jo Stultz

GUESTS: See Sign In Sheet

Meeting Guest: None

168-16 Trustee Wiland motioned to approve the August 1, 2016 Minutes, 2nd by Trustee Holdeman

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

169-16 Trustee Wiland motioned to approve the expenditures in the amount of \$28,812.32 2nd by Trustee Holdeman

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

Public Forum:

- Tena Bastain stated that it was premature for her to step down from the Zoning Commission. She would like to meet to discuss details of duties further for the Property Standards Officer.
- Mr. & Mrs. Thatcher, Winding Way, expressed their concerns about a drainage/flooding issue. Trustee Kazmierczak went out to their property with Matt Stout. The issue is that there wasn't sufficient tile put in when the subdivision was built. The issue is also part the property owner's responsibility and part surface water that runs down slope. Suggested property owner pay for new tile and stone and the township will assume labor costs or stone across the front of the property to slow down the flow to get the run off to the catch basin. The Trustees discussed the current drainage project. Trustees will get the recommendation of Rod Creagor, Fulton County Engineer's office and will discuss further.

Fiscal Officer:

- Review Reports: The Trustees received and reviewed financial reports
- Sign B.C. & P.O.: None
- Resolution to appropriate \$450 more into Tax Collection Fees General Fund:

170-16 Trustee Wiland motioned to transfer \$450.00 from revenue fund # 1000-535-000 and appropriated it into fund # 1000-110-314, 2nd by Trustee Holdeman.

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

- Final bill on roadway services-update: They will be out to finish the job. Josie will hold off on paying until the job is completed.
- Payoff amount for F-550: Josie is paying off this loan with the 10% roll back tax, because there will be a substantial amount of money saved in interest.
- Resolution to reallocate \$15,000 to drainage for LeHigh Hanson- stone for drainage:

171-16 Trustee Kazmierczak motioned to appropriate \$15,000.00 in account # 2011-330-323-0024 for drainage for the purpose of stone, 2nd by Trustee Holdeman.

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

Discussed maintenance daily log sheets. Trustee Kazmierczak will check with Matt to see if they are still doing them.

- EPA Storm Sewer Systems: Since the census reports state there are over 1000 residents a permit is needed. The township has never had to do this in the past. Discussed number of residents in incorporated/unincorporated areas of the township. Josie will look into further.

New Business

- Capt. Inventory Special Meeting: Set for September 14, 2016 @ 9:00 a.m. Chris will post the special.
- Kinder Morgan - Sept. 12th meeting: Waiting to hear back from Delta School & Swanton School to determine where this meeting will be held. The Trustees will conduct their regular at this location, meeting with Kinder Morgan to follow.
- Swanton Cemetery: Chairman Kazmierczak moved to Conforming Boundaries, Old Business portion on agenda.
- Annexation Procedure (Roads): Chairman Kazmierczak moved to Conforming Boundaries, Old Business portion on agenda.
- Incident Reports: The Trustees received one today. A pedestal was hit while mowing two weeks ago. Trustee Kazmierczak will inform Matt Stout that all indents shall have a report because the township needs a record of it.
- Resolution for legal opinion - received on 8-9-16: Already received. No need for a resolution.

Old Business

- Administration office slider window/security buzzer (Update): Got material information from Prosecutor's office. Their maintenance department built theirs. Will check into material.
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- OPWC (Update): Three to four weeks before Winding Way and Briar Lane are paved. Discussed EF and damage on C.

- Vaughn Miller Invoice: Reviewed the issue and Mr. Miller's letter requesting his bill be reduced 50%. Received a legal opinion that states an invoice is a contract that is good for six years.

Trustee Kazmierczak stated that the township should send a letter to apologize for not being aware of the invoice and thank Mr. Miller for bringing it to the Trustees attention. Trustee Holdeman disagreed about apologizing and thanking him, he stated it is not necessary, the letter should read; after researching the issue, this is what we agreed to.

After further discussion the Trustees agreed to reduce Mr. Miller's invoice to an even \$500.00 from \$636.00, not the \$318.00 amount Mr. Miller requested.

172-16 Trustee Kazmierczak motioned to reduce Mr. Miller's invoice to \$500.00, 2nd by Trustee Wiland.

ROLL CALL: Trustee Kazmierczak - Yea, Trustee Holdeman - Yea, Trustee Wiland - Yea

- Conforming Boundaries Revenue/Concession (Villages/Twp) (Update):

Trustee Wiland explained **ORC 759.08 Title vested in municipal corporation:** *The title to and right of possession of public cemeteries and burial grounds located within a municipal corporation and set apart and dedicated as public cemeteries or burial grounds, and grounds used as such by the public but not dedicated, except those owned or under the care of a religious or benevolent society, or an incorporated company or association, are hereby vested in the municipal corporation in which such cemetery or burial ground is located.*

He explained that it is illegal for the township to expend any funds in the Swanton Cemetery, because it is surrounded by the Village of Swanton. If the State Auditor finds this in violation the elected officials would have to pay, personally, any funds that have been spent. He asked that the record show he disagrees in doing so.

Discussed starting the process of transferring the maintenance responsibilities to the Village of Swanton.

The Trustees have a difference in opinions on how to approach the ORC issues. Trustee Wiland would like for both legal counsels to meet to discuss the legalities. Trustee Kazmierczak would like to set up a meeting with the Village of Swanton to discuss it. Trustee Holdeman agreed.

___Trustee Wiland motioned to ask the Prosecutor to contact the Village of Swanton's Solicitor and Administrator in regards to ORC 759.08 to proceed with the procedure to start the transfer of the maintenance responsibility of the Swanton Cemetery to the Village of Swanton.

No 2nd Heard.

MOTION FAILED

173-16 Trustee Wiland motioned to pass resolution to ask the Prosecutor to contact the Village of Swanton's solicitor and administrator informing them about the Swanton Cemetery issue, 2nd by Trustee Holdeman.

ROLL CALL: Trustee Kazmierczak - Yea, Trustee Holdeman - Yea, Trustee Wiland - Yea

Annexed Roads:

Discussed 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 to 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.*

& the Village of Swanton's Ordinance that refers to divided boundaries and road maintenance responsibilities.

174-16 Trustee Wiland motioned to pass resolution to also ask the Prosecutor to contact the Village of Swanton's solicitor and administrator regarding annexed parcels; Village of Swanton's Ordinances that refer to assuming road maintenance responsibility when a street or highway is divided or segmented by a boundary line between the township and the municipal corporation, as to create a road maintenance problem, 2nd by Trustee Kazmierczak.

ROLL CALL: Trustee Kazmierczak - Yea, Trustee Holdeman - Yea, Trustee Wiland - Yea

* Also to be stated with the legal requests: We would also appreciate it if you would inform the Village of Swanton's solicitor, as well as the administrator, that we would like to set a meeting with Swanton Village Council ASAP to discuss this.

Zoning

- Property Standards Officer (Update): Discussed Above

Fire/Rescue

- None

Cemetery

- Swanton Cemetery Survey (Update): Discussed whether to still move forward with having Joe Fenicle do the survey, due to the title discrepancy. Trustee Kazmierczak will ask Jon Whitmore if it is legally ok to do.

- Deeds: None

Maintenance

- Vactor: The frame is cracked and the pump is going out. It is not safe. There has been a lot of money spent fixing it. Will check with Frank Onweller, Fulton County Engineer, to see if County has a vactor, if there could be an equipment loan agreement and if there would be a fee to use it.

- Tandem Axle: No repairs will be done until they get an estimate. Will get the vender list from Josie to see how much money has been put into it. Will discuss at the Capital Inventory meeting.

Employee Reports:

- Chris Lauch, Administrative Assistant: Sending Heather Kost everyone’s pictures to get new IDs, as instructed.

Trustee Meeting Reports

- **Trustee Holdeman:** He talked to the county garage about International motors. Advised against them.
- **Trustee Kazmierczak:** Attended the Nexus pipeline public meeting and submitted his testimony on behalf of Swancreek Township. They changed the format to testify. Testimony had to be given to a court reporter and a representative from FERC. Nexus will/will not have certificate by the end of February.

Construction could start by March.

Kinder Morgan starts construction November 2016.

Discussed a legal opinion received regarding ORC 1723.01 in its present form violates the Ohio Constitution.

Instructed Chris to give Renee Walker a copy.

The public is aware that the Trustees refuse to sign the permit to occupy the road right of way and have also made resolution against the pipelines.

- **Trustee Wiland:** Reviewed ORC 503.061 that pertains to boundary signs on ODOT roads.

Township purchased a No Engine Break sign in the past. They have to purchase and install signs on state highways. Will need a resolution to the State Highway Director, after looking into further.

- Discussed Bill Krause’s drainage issue. Catch basin needs raised. Kinder Morgan pipeline will be going through his right of way. Will talk to them at the meeting with them about this/permit to occupy road right of way.

Public Forum - Pipelines or Water Line Project:

Renee Walker reviewed her experience at the Nexus public meeting.

Trustee Kazmierczak motioned to adjourn, 2nd by Trustee Holdeman: Adjourned at 8:47 p.m.

Swancreek Township Board of Trustees

Attest: Jo Stultz, Fiscal Officer
Swancreek Township
September 12, 2016

Trustee Rick Kazmierczak, Chairman

Trustee Ron Holdeman, Vice Chairman

Trustee Phil Wiland