

SWANCREEK TOWNSHIP
BOARD OF TRUSTEE
SPECIAL MEETING
Tuesday, September 20, 2016

Chairman Kazmierczak called the meeting to order at 10:05 a.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

GUEST: Village of Swanton & Solicitors

Jon Whitmore, Fulton County Assistant Prosecuting Attorney, Paul Dyzak, Swanton Village Council President, Rosanna Hoelzle Swanton Village Administrator, and Attorney, Alan Lehenbauer, Swanton Village Solicitor

Fiscal Officer

- None

New Business

- Swanton Cemetery Title:

Trustee Kazmierczak recited **ORC 759.08** is the purpose of the meeting: *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.*

Discussed Swanton Cemetery being located within the Village of Swanton limits and Jon Whitmore's legal opinion regarding the 12th District Court of Appeals findings in the case of Ravenna Township and the city of Ravenna; Maple Grove Cemetery.

Discussed asking Attorney General for a legal opinion. The Attorney General will not engage in factual opinion as to if the cemetery is surrounded by the Village.

Alan Lehenbauer stated that the village has not made any formal determination. He has further research to do.

Discussed township cemetery fund account, maintenance of the cemetery's costs and creation of a union cemetery and adding Fulton Township also. Jon Whitmore referred to Wauseon and Clinton township union cemetery.

Rosanna Hoelzle has obtained the township's cemetery appropriations, which does not reflect equipment expenses so far as hours of use, etc on mowers. Talked about the mowers the township has.

Discussed creating a Union Cemetery. Jon referred to City of Wauseon and Clinton Township.

A board would have to be formed that has equal township and village board members. The title would be vested in the Village's name. The township and village would appropriate funds. Discussed levy and vested title.

Trustee Wiland referred to a portion of the State Auditor's handbook where a question/answer is presented; *If a township cemetery is located in an area that becomes incorporated or in an area that is annexed to a municipality does the cemetery become the property of the municipality? Yes, ORC 759.08 vests title to public cemeteries located in a municipal corporation in the municipality in which such cemetery or burial ground is located. No deed from the township trustees is necessary to vest the tile in the municipality, though a deed is often given.*

Chris will send Rosanna the correct amount of acreage for Swanton Cemetery.

Communication will continue between the solicitors and they will keep everyone informed and may set up another meeting after the research is finish.

- Annexed Roads Maintenance Responsibility:

Discussed the portion of the Village's Ordinance for Lee High Drive and Browning/Co. Rd. 1-3 with regard to the language of the Ordinance, which states; *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.*

Discussed the definition of the words maintenance and improvements to roads and what the definition of what a 'problem' constitutes. A legal determination is needed.

Ordinances have the word maintenance, not improvements.

With improvements, the Fulton County Engineer is involved. The estimates and overseeing the work, is through his office, although the township has the ability to do that themselves.

The ordinances are six years old. The ordinances have been ignored this long.

Jon Whitmore said the work that has been done falls with the general provisions 9.482 is within the authority of the Trustees; the Trustees can spend funds on roads that are within the township.

There should not be any legality issue so far as a finding for recovery for funds that have been spent. There is only an issue if the boundaries were conformed, per statue.

Provided there is an agreement the township could do improvements and the village could do the maintenance.

Discussed maintenance service agreements and plowing.

Harding, Browning, and Lee High are the annexed roads in question right now.

Trustee Wiland stated that the legal aspect of it is that the township cannot spend money on a road that is not the townships.

The Solicitors will do more research. The Trustees will await their answer.

The OPWC for Harding drive has been signed and submitted. Harding Drive would have to go before the District to opt out. The suggestion from Donna Kirkbride was to make an agreement for the cost.

If it was to be taken off the OPWC project it will become ineligible for 10 years.

Old Business

- None

Zoning

- No other further business.

Fire/Rescue

- Discussed the Fire/EMS contract:

There currently is no signed contract on file. The Village does not have a copy and neither does the township. They are working under an implied contract at this time and also with Fulton Township.

Based on an ordinance that was passed, that extended the contract through 2017.

Rosanna has been looking at the costs to run the fire department; wages, maintenance of the building and equipment, budgeting, utilities and overall expenses. The average fire fighter's wages are at \$9.10 per hour. She feels this is very low. This is the amount of pay whether on a call or waiting for a call out for a 24 hour shift.

There has been no increase on the contract to Swancreek in the past five years.

Discussed levy funds and what the village residents within the township are paying, ½ mil more, versus residents outside of the village limits and the formula used for the contract on a per run basis.

Set up a meeting with the chief. Rosanna will get back to Chris with some dates and times for the Trustees to consider. And will have an operational representative come to a Trustee meeting on a regular basis.

Discussed the clause of dissolving in the event of a concession.

Discussed donation. The township could not do a donation of hauling stone for the school.

Discussed the creation of a fire district.

Discussed Swanton's fire department predicted appropriation/budge & revenue, contingent on approval of council, maintaining the building and payroll increases.

Discussed port authority's portion of their budget and paying Fulton County taxes for fire services.

Cemetery

- None

Maintenance:

- None

Employee Reports:

- Chris Lauch, Administrative Assistant: None

Trustee Meeting Reports

- **Trustee Holdeman:** None
- **Trustee Kazmierczak:** None
- **Trustee Wiland:** None

Adjournment: Trustee Kazmierczak motioned to adjourn, 2nd by Trustee Holdeman, 11:29 a.m.

Swancreek Township Board of Trustees

Attest: Jo Stultz, Fiscal Officer
Swancreek Township October 3, 2016

Trustee Rick Kazmierczak, Chairman

Trustee Ron Holdeman, Vice Chairman

Trustee Phil Wiland