

SWANCREEK TOWNSHIP BOARD OF TRUSTEES

Board of Trustees
Regular meeting
Monday July 16, 2007

The regular meeting of the Board was called to order at 7:00 p.m.

Pledge of allegiance

Board members present were Chairman Ron Holdeman, Vice chairman Phil Wiland, and Trustee Randal R. Ruge

Fiscal Officer Dawn Wheatley, Employee Tim Lambert

Guests: See attached attendance sheet

105-07 Trustee Wiland motions to approve the June 21st minutes 2nd by Trustee Ruge.

Roll call: Ruge - Yea, Holdeman - Yea, Wiland - Yea

106-07 Trustee Wiland motions to pay bills in the amount of \$6,184.20 2nd by Trustee Ruge.

Roll call: Ruge - Yea, Wiland - Yea, Holdeman - Yea

Public Forum

Joe Farcus voiced his concern that a select few that live in the Township are allowed to do what they want. Trustee Ruge responded that they do what they are allowed by law but when it is turned over to the courts there isn't much we can do. The Zoning Inspector does what he can but once again when it goes to the courts you have to wait for them to go through their process. Joe feels that residents do not trust the Trustees because of the ordeal with the water.

Edwina Mattimore said that the Wylie trucks are on the rd. 5 property now and are leaving at 5:15 in the morning making a lot of noise. She also noted that they are hauling in road material causing health concerns.

Amy Rolough would like to know if when the court hearing is done if we can recoup the court costs.

Sally Wylie feels that the Trustees did not do all they could at the beginning of the trouble with Mr. Wylie. She thinks the Township should hire a second zoning inspector or hire a fulltime inspector. She is disappointed in the Trustees lack of involvement due to the fact they aren't at all the hearings. Trustee Ruge responded that they attend what they can. He has even taken off work to attend and most of the hearing took place in the judge's quarters so they were left just sitting in the court room. He added that they communicate closely with the County Prosecutor to make sure their concerns are voiced. There are concerns that the barn on Rd. B is not being used for the purpose that would make it Ag Exempt.

Jerry Kmtorka There was a 2nd structure built on rd. B site that was supposed to be used for additional storage according to the use placed on the permit, He is using it for his administrative offices not it's original purpose. He feels history will repeat itself if we don't stop the rd. 5 site.

Anita Snoderly doesn't understand how they haven't been shut down when that area is not zoned commercial. She lives 3 doors down, owns a countertop business in Toledo and asks if she brings it to her house if she can get away with going against the rules like Mr. Wylie has. The Trustees responded that Mr. Wylie had the sand mining pit before zoning went in and so he was grandfather in, but he added use to it which put him in violation that is why we are in court now. Anita also asked about a noise ordinance. The Township does not have a noise ordinance Trustee Wiland thought the County did. She said when she called the Sheriff they said they couldn't do anything because they do not have a noise ordinance, she had a party and the police came out to tell her to keep it down.

Edwina Mattimore asked if there is safety testing on Mr. Wylie's trucks and if they are weighed to make sure they are not overloaded. The Trustees said that the County is responsible for that and they do not have enforcement of that.

Kirk Wylie said that Mr. Wylie is not a nice man he has threatened them and done damage to other peoples property to get his point across.

Sally Wylie has called the Sheriff they are undermanned but they do have each quarter of the Township patrolled.

The question was asked if when he was given the mining permit if he was to reclaim the area to put it like it was before he mined.

Trustee Ruge asked if the residents could wait until Paul Kennedy Asst. Prosecutor got there to finish this discussion so they could get answers from him.

Citizen Complaint Mr. Kenny Dick is not pleased with the cleaning of a family member's headstone. Tim spoke to Facklor Monument Co. they are going to come out to the site in the morning to say what can be done. He also had a complaint that the snow was not plowed correctly at the intersection by his house this winter. Tim will make sure that the issue is tended to this winter. Also he was concerned that the ditch across from his property was not being mowed. We told him that the maintenance dept. was short handed because Matt was out for 3 weeks due to a surgery. The Maintenance Dept. will make sure there is 3 mowing this summer.

Employee Report

- Road
 - Trustee Wiland stated that the cost for the rd. 2 ditch project is going to be about \$98,000.00 we will need to budget that in next years budget. He is going to apply for an Issue II grant to aid in the cost.

107-07 Trustee Wiland made a motion to ask the Co. Engineers office to include the Road 2 ditch closing/ setback between roads B & C in our request for the Issue II grant money.

- Cemetery

Administrative/ Financial

- Review Bank statements
- A cash summary was received by all Trustees
- A MD&A meeting will be set up to discuss budget and trends.
- Dawn requested we buy a backup hard drive for the PC to ensure the information is there in case of a PC crash. Trustee Ruge moved to allocate \$150.00 for a back up as well as \$150.00 to purchase a backup for Chris' PC as well. All Agreed
- The road marking will be held to next meeting after all quotes have been received.

Zoning

- Inspector report

- The Zoning Inspector Walter Hallett III requested we publish semiannually an ad reminding people that they are required in the zoned area to get a permit before changing adding to or removing structures on their property.

Fire & Rescue

- **York contract:** No news

108-07 Trustee Ruge motions to amend resolution **104-07** to reflect that payment made to purchase the truck only are made while we are under contract with York Township 2nd by Trustee Holdeman
Roll call: Ruge - Yea, Wiland - Yea, Holdeman - Yea

Swanton Contract Trustee Holdeman attended a meeting where he was approached by Scott Hazelman and Jon Gochenhour. They informed him that they were shelving the 2008 contract to review the cost. Trustee Wiland asked why they do not come to all three Trustees instead of just mentioning it to just one a meeting that was not related to that. Trustee Wiland asked that no Township business be discussed at the Swanton

Executive Committee meetings that those things should be brought before the Board of Trustees.

Cemetery

Old Business

- **Self Insurance:** no word recently still at Attorney Generals office.

New Business

Mr. Paul Kennedy from the County Prosecutors office is present to discuss an agreement brought to him from Mr. Tom Wylie's attorney. Trustee Ruge reads the letter from Mr. Wylie's attorney. Mr. Kennedy said that Mr. Wylie is looking at property either Swanton Township or Perrysburg to move the trucking company. He would like to leave a certain number of trucks at the rd. B location for his landscaping company and sand mining. Mr. Kennedy suggests that him and the Trustees go into executive session to discuss legal strategy for the court hearing on July 17th 2007, but 1st he will hear comments from the residents. Sally Wylie said that Mr. Hallett is a witness in the hearing tomorrow 7-17-07 and that he can not discuss the case. Sally is also concerned that if we go into an agreement with Mr. Wylie what guarantees he will abide by that agreement, he has not proven trust worthy to do what he is supposed to. The permanent injunction hearing is tomorrow 7-17-07. If we proceed with the injunction hearing and the judge rules in our favor then Mr. Wylie can appeal and while he appeals he can run business as usual. There were many complaints of Mr. Wylie dumping at both the Rd. B site and Rd. 5 site. The Rd. 5 site we will have to start at the beginning the hearing is only regarding the Rd. B site. Evidence that his dumping at rd. site has caused drainage problems on neighboring property causing it to not be able to be farmed. The question was asked if you open a business under false pretences if you can run it. Inspector Hallett replied that if you are found running a business other than what the use it was permitted for then you would receive a violation letter, you would need a zoning change or variance and if that does not happen and you continue you then would be sent to the prosecutor who would take you to court then if ruled in the Townships favor you can appeal through the 6th district then move up from there until you have exhausted all aspects. If we would propose an agreement we would postpone the 7-17-07 hearing. Residents asked what assurance that he will abide by the agreement. What if he does not abide? We would have to take him to court. Mr. Jim Meyer asks if Mr. Wylie can be forced to reclaim what he has mined. That would be through the EPA. Anita Snoderly asked Mr. Kennedy if there is a noise ordinance. H said there is no noise ordinance in Fulton County that Municipalities will enforce a noise ordinance in their city limits. She asked if the police come if she can say there is no noise ordinance and he replied correct.

109-07 Trustee Holdeman moves to go into executive session to discuss legal strategy with Township legal council Paul Kennedy regarding the permanent injunction hearing against Mr. Tom Wylie on 7-17-2007 2nd by Trustee Wiland 9:02pm.

Roll call: Ruge - Yea, Wiland - Yea, Holdeman - Yea

110-07 Trustee Holdeman moves that they return to regular session at 10:42pm 2nd by Trustee Wiland.

Roll call: Ruge - Yea, Wiland - Yea, Holdeman - Yea

Trustee Ruge - We went into executive session with the prosecutor. He will seek to reschedule the permanent injunction hearing for 14 days into the future to allow time to develop a settlement agreement or proceed with a hearing for a permanent injunction.

Meetings attended

There is a County Commissioners meeting on August 27th 2007 regarding Township Boundaries.

Trustee Ruge motioned to adjourn the meeting 2nd by Trustee Holdeman.

All agree

Meeting Adjourned at 10:42pm.

Swanecreek Township Board of Trustees

Randal R. Ruge

Ronald Holdeman

Phil Wiland

Attest: Dawn Wheatley, Fiscal Officer
Entered: July 18, 2007