SWANTON TOWNSHIP
RECORD OF PROCEEDINGS
MINUTES OF: REGULAR MEETING
HELD: MAY 14, 2007

Meeting was called to order at 7:31 p.m. by Chairman, John Warkentin.

Officials Present: Trustees: John Warkentin, Mike Lewandowski, Jim Irmen
Officials Absent: Fiscal Officer: William B. Cook

Visitors Present: Refer to list - 17 visitors

The Pledge of Allegiance was recited and a moment of silence was observed.

John Warkentin asked for a quick executive session to review a legal matter.

Motion by Mike Lewandowski to go into Executive Session at 7:33 p.m. to discuss a matter concerning pending litigation as authorized by ORC Section 121.22, Letter G, Number 3. Seconded by Jim Irmen. Roll Call: Mike Lewandowski, yes; Jim Irmen, yes; John Warkentin, yes. Motion Carried.

Return from executive session at 7:41 p.m. No action or vote was taken in executive session.

Upon return from executive session, John Warkentin explained that the trustees had a document that was prepared by Attorney, Chris Walker and they are preparing to file a Verified Complaint against the current N-Viro Soil problems at Seaway Quarry. He then asked for a motion to direct Chris Walker to proceed with the filing.

Motion by Jim Irmen to direct Attorney Chris Walker to file a Verified Complaint of the Board of Township Trustees of Swanton, Ohio in the matter of the City of Toledo, Bay View Waste Water Treatment Plant, N-Viro International Corporation and Gerken Materials, Inc. Seconded by Mike Lewandowski. Roll Call: Jim Irmen, yes; Mike Lewandowski, yes; John Warkentin, yes. Motion Carried.

Jim Irmen said that the township’s attorney, Chris Walker, has reviewed the City of Toledo’s license which grants it the authority to dispose of its sludge as well as correspondence from the ODNR, Ohio EPA and other documentation pertinent to this case. His advice is to proceed with the filing of the Verified Complaint, which will trigger an investigation by the EPA of what is happening back at Seaway Quarry. The Verified Complaint addresses six specific allegations:

1. Failure to Obtain Ohio EPA Approval of Sewage Sludge Application Site
   a. It is common knowledge that the sewage sludge at the quarry is being blended and taken off site.

2. Unlawful Storage of Sewage Sludge
   a. The City of Toledo’s permit says that sewage sludge shall not be stockpiled in excess of 30 days. There is a question whether this applies just to the waste treatment plan or the remote site, but in Chris Walker’s opinion, this could apply to the remote site.

3. Unlawful Establishment of Regional Sewage Sludge Storage Facility
   a. This is much like the first allegation, said under a different Ohio administrative code regulation.
   b. Prior EPA approval is required and was not obtained by the quarry to perform this function.

4. Application of Sewage Sludge in Excess of Approved Application Rate
   a. The City of Toledo’s license allows sewage sludge to be applied at a rate of no greater than five tons per acre per year. This is in excess of what the quarry proposes.
5. Failure to comply with Land Application Isolation Distances
   a. Research reveals that the sewage sludge is not being stored a sufficient
      distance from wells and springs, ponds used for drinking water, and the
      general drinking water supply.

6. Nuisance
   a. The storage of the sludge at the quarry creates an odor nuisance.

Jim Irmen advised that this is not a lawsuit. It is an administrative proceeding that will trigger a
mandatory EPA investigation. The City of Toledo, N-Viro and Gerken will have an opportunity
to respond. A public record request will also be filed to acquire complete testing information.
Chris Walker has strongly encouraged the trustees that the verified complaint is the best course
of action and the most proactive step to take at this time. John Warkentin said copies of the
Verified Complaint will be made available to township residents after he has one last
conversation with Chris Walker to make sure all is in order.

- Discussion about the safety of using the N-Viro soil on Shaffer Road as a top-dressing for
  recent storm sewer line installation. John Warkentin said that Lucas County immediately
  rallies around the EPA, state approval and county application rate, claiming the usage is
  "within the guidelines."

- Discussion about the health department pursuing separate legal action to compel the
  quarry to comply with the request for creation of a retention pond and the testing protocol
  that was to be developed in consultation with the doctors from the former Medical
  College of Ohio.

- Discussion about a request by Chris Walker for authorization from the trustees to follow
  up with a press release to the Toledo Blade and Swanton Enterprise and possibly the
  Toledo Free Press. There were no objections.

Motion by Mike Lewandowski to pay bills - Voucher No. 19431 through 19451 and sign the
payment register report. Seconded by Jim Irmen. Roll Call: Mike Lewandowski, yes; Jim
Irmen, yes; John Warkentin, yes. Motion carried.

Motion by Jim Irmen to approve the April 30, 2007 regular meeting minutes as amended.
Seconded by Mike Lewandowski. Roll Call: Jim Irmen, yes; Mike Lewandowski, yes; John
Warkentin, yes. Motion carried.

Zoning Inspector/Road Superintendent/Cemetery Sexton Report

1. Discussion of addition of outdoor patio at the Haven Lounge on Airport Hwy.
2. Discussion of zoning violations that were investigated due to complaints of
   residents on Jeffers Road
   a. Unlicensed and Junk Vehicles
   b. Construction Debris
3. Windows in maintenance building are installed
   a. Steel door pricing
      * J & B Construction - $1000 per door for five doors
      * Edward Church $3800 for five steel doors. Gary wants to check out
      quote to make sure he has correct price.
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4. Road Maintenance
   a. Birm scraping
   b. Crack sealing nearly completed; however, cracks were larger and
deeper than expected. One additional kettle of crack seal is needed
to finish the job.

Motion by Mike Lewandowski to approve additional funds not to exceed $3000.00 to D.G.
Slurry Seal for one additional kettle of crack seal. Seconded by Jim Irmen. Roll Call: Jim
Irmen, yes; Mike Lewandowski, yes; John Warkentin, yes. Motion Carried.

   c. Discussion about section of Wilkins Rd. north of SR 64. Gary to
      look into costs to tar and chip this section.

5. Cemetery “Yellow Book” Articles
   a. Jim Irmen presented a draft resolution outlining changes to the
      existing cemetery rules, regulations and interment costs. This topic
      and the draft resolution were tabled for further discussion at the
      next regular meeting on May 29, 2007.

   • Discussion on Seaway Quarry mixing N-Viro Soil with overburden and hauling offsite
      and whether or not it is considered an illegal operation as the quarry has no zoning that
      permits them to do this.

   • There was no update on cable franchise agreement finalization.

   • Discussion on removal of township fire levy proceeds from annexed township property to
      the Village of Swanton. John Warkentin will follow up on this with the Village of
      Swanton’s Administrator, Mr. John Gochenour. Mike Lewandowski questioned if the 56
      acres on Providence-Neapolis-Swanton Road as well as parcels on Monclova Road and
      Whitehouse-Spencer Road recently taken over by the MetroParks have been tallied and
      added on to the Metroparks fire and levy contribution.

Zoning Commission Update

   • Zoning Chairman, Ed Snyder, advised the trustees that at the last regular meeting of the
      zoning commission, the board voted unanimously for the trustees to adopt resolutions
      from the Storm Water Standards Manual for a Riparian Setback Ordinance, Conservation
      Development Ordinance and also the Swan Creek Watershed Project. Sandy Komisarek
      mentioned that she had sent the PDF of the Storm Waters Manual to John Warkentin and
      that it contained sample resolutions that the township can “tweak” to meet its individual
      needs. Jim Irmen asked that the zoning board prepare the resolutions for presentation to
      the trustees.

   • Ed advised he received a call from Molly McGuire and all the maps for the updated land
      use plan are finished.

   • Copies of amendments to the Waterville Township Zoning Resolution regarding the use
      of small wind turbines and also a copy of a zoning ordinance from Emmet County,
      Michigan regarding the usage of non-evasive outdoor lighting were distributed to zoning
      board members. Ed stated he would like the board to consider the possibility of adding
      similar amendments to Swanton Township’s zoning resolution.

   • John Warkentin suggested the zoning board follow the discussion that Bowling Green has
      been having regarding bio-manure digesters. Ed said it was hard to regulate this because
      of its agricultural nature.

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- Mike Lewandowski discussed some abandoned buildings that are visible from the road on SR 64 and Reed Road and SR 64 and would like Gary Heinemann to inform the owners that they need to tear these buildings down and clean them up. Jim Irmen also mentioned an abandoned garage without a roof over on US 20-A across from Air Ride.

- John Warkentin asked what is taking the Lucas County Planning Commission so long to hear the zoning change request for Richard Rahm on Airport Hwy. Ed Snyder advised the hearing is set for June. Site plan problems which needed to be remedied and failure to combine parcels in question prolonged the hearing process as well.

- Resident, Mary Solomon, asked about the requirement in the zoning resolution that states signs are to be posted on any property that has a zoning change request pending. Sandy Komisarek noted that posting of these signs usually happens when the zoning change is set for public hearing with the township trustees and it is the applicant’s responsibility to post. Signs will be made as soon as case number is available from Lucas County.

Jim Irmen thanked a township resident for writing to object the hiring of the fiscal officer’s assistant and read a document which he composed outlining twenty points of objections in regard to the fiscal officer and his assistant.

Jim Irmen then moved to reduce the fiscal officer assistant’s pay to one dollar per month.

- After discussion, Mr. Irmen’s motion died on the floor due to lack of a second. Copy of Mr. Irmen’s document was entered into the record.

- Discussion of the meeting minutes not being available at the township hall and no information being left in the zoning board/BZA mailbox. Jim Irmen suggested endowing Sue Smithers, secretary appointed to the zoning board and BZA, with additional responsibilities and compensation. At this point John Warkentin stopped the meeting, stating that he had a personnel question and asked for an executive session.

Motion by Mike Lewandowski to go into Executive Session at 9:03 p.m. to discuss a personnel matter as authorized by ORC Section 121.22, Letter D, Number 4. Seconded by Jim Irmen. Roll Call: Mike Lewandowski, yes; Jim Irmen, yes; John Warkentin, yes. Motion Carried.

Return from executive session at 9:21 p.m. No action or vote was taken in executive session.

- Jim Irmen read a letter which he composed to Chairman, John Warkentin accusing Bill Cook of misappropriation of funds and attempted cover up for the purchase of Office PRO 2007 for installation on the new Dell computer supplied by the state. Letter was copied to Lucas County Prosecutor, John Borell. Copy of Mr. Irmen’s letter was entered into the record.

After public comment, there being no objections, the meeting was adjourned by Chairman, John Warkentin at 9:26 p.m.

Minutes taken and respectfully submitted by: Sandy Komisarek, Fiscal Officer’s Assistant

Signed: John Warkentin, Chairman

Signed: William B. Cook, Fiscal Officer