

*Minutes*  
***DEFIANCE TOWNSHIP TRUSTEES***  
***APRIL 27<sup>TH</sup>, 2010 MEETING***

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday April 27<sup>th</sup>, 2010 at 7:30 p.m. Following the Pledge of Allegiance the Chair instructed the clerk to call the roll. Answering as present were Daniel Peck, Charles A. Bakle Jr. and Diana Mayer; also present was Tim Houck, Township fiscal officer -Clerk. All three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employees present were: James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave., Ed Young - 23013 Watson Rd., Joe Kolb 16492 Cullen rd. & Jason Shaffer -13386 St Rte 15.

Visitors present: Richard Ankney 19133 Hammersmith Rd., Penny Bakle 1204 Wayne Ave, Cheryl Russell 20272 Hammersmith, Tom & Mary Mick 21639 Hammersmith rd, Dave Mick 14289 Hammersmith rd, & JoEllen Houck 8 Deville Drive – all of Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

Review and approval of minutes of the previous session.

Chairman Bakle requested a motion for the approval of minutes from the March 23<sup>rd</sup>, 2010 session.

Peck moved to approve.  
Mayer seconded.

The vote being   3   Yea(s)   0   Nea(s)  
The MINUTE'S for the March 23<sup>rd</sup>, session were approved.

**ORDER OF BUSINESS NO. 2 - Citizen concerns:**

- a) The chair asked for citizen concerns from the floor.
  - i) Richard Ankney 19133 Hammersmith Rd, was recognized and stated that there was a head stone at Cromeley cemetery that was tipped over.
    - (1) Peck responded that the twp crew and he were working to straighten the head stone and in so doing lost control and it tipped over. As the stone is old and made of sand stone they decided to get some equipment to reset the stone. This will be done soon.
- b) Again, the Chair asked if there were any other issues under citizens concerns. There were none voiced.

**ORDER OF BUSINESS NO.3 - FINANCES –**

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for March– noted a primary checking reconciliation balance of \$132,425.34 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
  - i) Receipts for April 2010 were \$24,004.92. Payments for April (bills & payroll) totaled \$21,960.41.
- c) The Cash fund summary through April 30<sup>th</sup>, 2010, showed an “ending cash balance” of \$834,883.87.
- d) The unencumbered cash balance “cash available” was \$483,867.90 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through April 30<sup>th</sup>, 2010, 6.8% of the years’ appropriations had been expended. All reports will be on file in the Fiscal Officer’s office.
- f) The fund status report showed:
  - i) The money market investment fund balance as of 04-30-10 was \$701,701.25.
- g) Trustees reviewed and signed the April bills without comment.
- h) Trustees reviewed and signed the March payroll without comment.

Mr. Bakle requested a motion to accept the April financial reports.

MOTION by: Dan Peck

SECOND by: Diana Mayer

YEA(s) 3      NAY(s) 0      Passed X      Failed

The April financial reports were approved.

**ORDER OF BUSINESS NO. 4 – Zoning** - Status update on the following zoning Issues as of this session:

- a) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jim Schlegel provided the following electronic copy of this report.
  - i) April 2010
    - (1) Hunt Hearing Power Dam Rd Setback was approved permit issued
    - (2) Pete Schlegel Campbell Rd Permit issued for AG Building-Approved by S&W
    - (3) Site review Buell Powers Rd out building approved by S&W Permit Issued
    - (4) Nussbaum Bowman Rd Site review This is a postage stamp parcel with Less than 150 ft frontage
    - (5) Site review Fisher Bowman Rd may build new home.
    - (6) Wiechart SR 111 home addition permit issued
    - (7) Mike Hill Williams Rd complained of high weeds because deer jump out causing a hazard sent complaint form nothing returned to date.
    - (8) Site Review Ginter Rd for real estate appraisal
- b) Trustees were informed that the Zoning Commission met just prior to the regular Trustee session. The Commission is reviewing and updating the Twp Zoning Map, the Twp land use (planning) map, and several requests for modifications to the current Twp zoning codes from the Twp Zoning Inspector.
  - i) This process requires three consecutive monthly sessions. The Commission's session tonight was the 2<sup>nd</sup>. The Commission sent both the zoning map and the land use map to Soil & Water for edits to the Twp boundary with the City of Defiance. The Commission asked the Zoning inspector (Schlegel) to provide draft language at the next session to amend the code in the three sections he has asked for Commission review. The final edits will be presented to the Trustees for review and approval during the June 2010 Trustee session.
- c) Mr. Bakle asked if there are any other zoning issues to come before the Board?
  - i) There were none.

**ORDER OF BUSINESS NO. 5 -- Equipment;**

- a) The Chair asked if there were any comments or concerns from Twp employees on current or proposed new eq.
  - i) The crew noted that the cylinder on the blade of the International snow plow had failed.
    - (1) The crew will take the unit to Defiance Machinery for repair.
  - ii) Trustees discussed the purchase of a replacement mower and tractor for the Twp.
    - (1) Trustees approved the purchase of a used John Deere tractor and a new mower via the DAS (state purchasing program) from Homier & Sons of Continental, Ohio during the February 2010 Trustee meeting.
      - (a) See agenda's from July 09 through Feb 10 for details.
    - (2) The Twp awaits documentation from the vendor (Homier & Sons of Continental) of the state purchase. Once the documentation is provided and the equipment is delivered the invoice will be processed.
    - (3) Cost for both the used 1996 5400 John Deere tractor and the new - New Holland mower is \$21,188
    - (4) Trustees noted that the Twp's Ford tractor was traded in on the purchase of the used unit. The invoice from Homier & sons will reflect the trade -in and value given as \$4,000.
    - (5) The crew noted that the tractor was delivered on April 21<sup>st</sup>. Crew also has the owners manuals.
      - (a) There were leaks from the hydraulic hoses, lights were out.
      - (b) Trustees instructed Twp crew to make a list of issues. Most will be repaired. Peck noted that he had discussed some of this issues with Homier's and they will take care of the larger issues but the unit is used and the Twp is expected to fix some of the minor concerns.
    - (6) Peck also stated he was told by Homier's that the new mower attachment for the tractor will be delivered by the 5<sup>th</sup>, of May.

- iii) Trustees asked for an up-date on the effort by Twp staff to purchased tools as approved by the Trustees in the Jan 2010 session. Total approved expenditure was \$750.
  - (1) The amount spent though this session is \$818.
  - (2) Young said he had just purchased some of the items and did not realize he exceeded the approved limit. He noted there are still some needs. The staff said they would like permission to acquire:
    - (a) A pipe wrench, drill bits, a cutting torch with tanks and flash pack, a carbide saw blade, a welder, a hack saw and a few other miscellaneous tools.
    - (b) Trustees asked for an estimate of costs...
    - (c) The crew, citizens present and the Trustees engaged in a general discussion on costs and where to acquire American made if possible. It was determined that an additional \$1,000 should be authorized for the purchases.

MOTION by: Diana Mayer to authorize \$1,000 to purchase noted tools.

SECOND by: Dan Peck

YEA(s) 3      NAY(s) 0      Passed X      Failed

The motion to expend up to an additional \$1,000 for tools noted was approved.

- iv) Trustees Mayer and Bakle determined to meet Young at the Def Sear's store on the 28<sup>th</sup> to make the purchases that are possible.
- b) The Chair asked if there was any other equipment discussion....
  - i) There was no other equipment discussion at this time.

**ORDER OF BUSINESS NO. 6 - Trustee Report – Monthly Twp Rd inspection**

- a) The Trustee Monthly Twp Rd inspection report, exhibit 6-a as completed by Trustee Mayer was reviewed.
  - i) Mayer noted that the road form needs updated to include:
    - (1) Lowell, Pro-Com Drive & Schroeder.
  - ii) Trustees reviewed the report with the Twp staff and instructed the Twp crew to address the work noted on the inspection report.
  - iii) Twp employees present were provided a copy of the report.
  - iv) Mayer also stated that during her road review a resident(s) in the Park View area asked her to address a neighbor's property that was full of junk. (this is a nuisance violation in the Zoning code of the Twp).
    - (1) A discussion ensued:
      - (a) The Zoning Inspector, who also enforces nuisance regulations, stated that the Twp's policy requires that someone fill out the Twp complaint form before he can take any action.
      - (b) A resident present at this session stated that it was the Trustees duties to find and enforce the rules on such issues.
        - (i) The zoning inspector said the history of this issue, since his appointment as zoning inspector, is that Twp officials in the past found and attempted enforcement the nuisance regulations and that didn't work well for the previous Bd of Trustees which is why the rule about the complaint form was adopted. Schlegel suggested: "it would open a can of worms to have Twp officials look for and begin enforcement on this issue."
        - (c) Mayer stated the citizen that spoke to her requested anonymity. Mayer stated she would fill out the Twp complaint form and provide it to the Zoning inspector.
  - v) Mayer also noted that many drive crossovers on Indian Bridge lane are plugged or failing. She observed these primarily on the east side of the Boulevard.
    - (1) Discussion followed as to whether or not something should be done.
    - (2) Peck stated that citizens are responsible for their own cross over pipes and that the Twp is working to address the drainage issues with a CDBG funded grant.
    - (3) It was determined that since there is a proposed project currently under way and drainage issues would be addressed, if the CDBG grant is approved, the Township will wait before doing anything at this time.
  - vi) The May - Rd review is to be done by Trustee Bakle.

b) Twp Project(s) were then reviewed:

i) Trustees continued to review and modify the road repair-rebuild-maintenance plan as proposed by the County Engineer's Office. In November 09 the Co Engineer presented a priority (exhibit 6-b of that session) list of road projects as requested by the Trustees. (see agendas from Feb 09 through March 10 for details)

ii) The revisions were noted by the fiscal officer/clerk and were as follows:

(1) Dec 09 - \$194,000

(2) Jan 10 - \$197, 141

(3) Feb 10 - \$186,751

(4) Mar 10 - \$126,751

(5) And a final revision presented as exhibit 6-b – totaled \$91,655 was reviewed at this session.

(a) This amount does not take into account the Indian Bridge lane project should that be addressed in 2010. Estimated costs to the Twp for the proposed work is \$8,000.

(b) Projects are;

(i) Cement stabilization – Krouse rd

(ii) Berming – Kibble & Def Paulding co line

(iii) Pavement markings – Bowman, Ashwood, Kibble

(iv) Hot mix patching – Ashwood, Hammersmith & Winn

(v) Chipseal – Ashwood, Kibble & Winn

(vi) Crackseal – Kibble.

(c) The fiscal officer also noted that the Twp's normal road maintenance expenses average between \$70,000 and \$100,000. This amount includes eq maintenance and purchases/payments on eq debt and work crew salary & benefits.

(i) Estimated rd revenues for 2010 are approx \$235,000.

(ii) Estimated expenses for 2010

1. \$91,655 co eng work

2. \$ 8,000 Indian bridge lane

3. \$ ??? Hammersmith rd – re-build (acquire set back right of way and const drainage ditches). Bakle estimated this exp at \$20,000 more or less.

4. \$100,000 – normal twp road work, eq, road crew salaries etc.

\$199,655 + \$20,000 for Hammersmith ditch and right of way = \$219,655 for total road project expenses in 2010.

(d) The Chair asked for any additional comments.....

(i) Cheryl Russell 20272 Hammersmith, said that the proposed widening places the south side ditch very close to the septic tank which is under her front yard. She said she doesn't plan to pay to move the tank and is opposed to paying to move the drive way cross over pipe. She wanted to know why the road couldn't be widened to the north.

1. Bakle responded that the road widening was based on the survey pins which stake out the center line of the roads.

(ii) Tom Mick asked when the project was going to start.

1. Trustees did not have a start date other than to note the Engineer's office is working now to acquire the needed right of way.

(iii) Mary Mick stated the ditch on the north side of Hammersmith needs drainage work. She said storm water ponds in the woods near the former Mulinex property.

(iv) Dave Mick said there is also a water issue on the north side near Larry Couts property. He suggested this water be drained into the Miami Erie canal, a section of which is just east of these two ponding water areas.

(v) Cheryl Russell said that the Co Engineer was going to be at her residence on Monday evening – May 3rd at 7p.m. to discuss right of way acquisition.

1. Trustee Bakle said he will also be there.

2. Dave Mick indicated he would attend that session to discuss the drainage issues and other concerns.

(e) Bakle stated he wants the twp crew to add grindings to the berm on both sides of Hammersmith this spring to increase stability until the widening can be completed.

(f) All present stated they are in favor of this project but hope to eliminate possible future issues.

(g) The discussion on the Hammersmith rd project for 2010 concluded.

iii) Twp crew reported on the tree trimming project along McCollister rd.

(1) Noted in the Sept 09 Trustee session – trimming of overhanging tree branches along McCollister rd. This project was to be completed by the Boy Scout Camp Lakota maintenance dept on a volunteer basis.

1. No activity since the last Twp session.
2. It was noted that the scout employee who does this was ill and unable to address the issue.
3. Trustees determined to take no action at this time.

iv) Mayer is working on Twp long range planning with Dr. Philip Russo, PhD of the Department of Political Science Miami University, Oxford, Ohio, as approved by the Twp Trustees in the Feb 2010 session:

(i) The Chair asked for an update:

1. Mayer noted that she just this evening received the books. She will be reviewing these and then start on the process of putting together a policy manual. The Twp books were ordered from the Ohio Twp Association (OTA). Mayer will continue to report to the Trustees on progress. She will then meet with Dr. Russo and determine how best to proceed under the guidelines set by the Trustees approving the effort in the Feb 10 session.

c) Other possible projects.

i) The Chair noted that the Indian Bridge Lane – CDBG grant project – continues.

(1) Trustees were presented with a copy of the proposed CDBG grant as prepared by the County Engineer's office. This is now a planned 2010 project

(2) The Co Engineer's Office wrote the CDBG grant application project based on the data collected at a public hearing on march 23<sup>rd</sup>.

(3) Exhibit 6-c-i is a copy of the grant and an aerial of the project area.

(4) The Chair asked if there is any discussion or comments.

d) Twp cemeteries –

i) The chair asked for discussion. There was none.

#### **ORDER OF BUSINESS NO. 7 – Handouts were distributed as noted below:**

a) Monthly (March 10) GrassRoots clippings was distributed as exhibit 7a

#### **ORDER OF BUSINESS NO. 8 – Old Business**

a) Mr. Bakle asked if there is any old business?

i) The Chair noted that there will be an informational public forum on April 29th at 6:00 p.m. at Defiance County EMA Building, 22491 Mill Street. The public forum is regarding FirstEnergy Solutions' Governmental Aggregation program that will be on the May election ballots in the following Townships: Adams, Defiance, Farmer, Highland, Noble, Richland and Tiffin. Defiance Twp Trustees approved this process during a special session held in Feb 2010.

(1) This information was placed in the Commissioners press release on Tuesday, April 20, 2010, and FirstEnergy Solutions will provide information to the local media outlet about the electric aggregation program.

(2) Trustees stated they would attend.

ii) Exhibit 8-c was reviewed. This was a quote and order for "safety items" which was placed by the fiscal officer per the direction of the Chair following Trustee discussions in the March session. The Twp awaits the shipment of the purchased items. Total cost was \$1,013.70.

iii) It was noted that in the March session Trustees approved the Twp crew to utilize Juvenile probation's public works crew on certain Twp projects.

(1) Project update – the Twp crew had not yet made contact with the Court's Probation crew supervisor.

Young stated he did not get the contact information. The fiscal officer stated he emailed the information and will re-email and do a follow up phone call to young.

**ORDER OF BUSINESS NO. 9 -- New Business.**

- a) The Chair asked if there is any new business to come before the board?
  - i) There was none.

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**ORDER OF BUSINESS NO. 10 - NEXT MEETING:**

**Date:** Tuesday, May 25<sup>th</sup>, 2010  
**Time:** 7:30 p.m.  
**Place:** 2<sup>nd</sup> floor of the Defiance County Commissioners building – conf room EMOC  
500 Court Street - Defiance, Ohio

Mr. Bakle then requested a motion to adjourn the meeting of April 27<sup>th</sup>, 2010.

It was moved by: Peck

SECOND by: Mayer

The roll was called and the vote was:

YEA(s) 3      NAY(s) 0      The motion:    Passed X      Failed

MEETING ADJOURNED

Respectfully Submitted

Timothy J. Houck, Fiscal Officer-Clerk

DRAFT