

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**JANUARY 12<sup>TH</sup>, 2010 RE-ORGANIZATIONAL**  
**MEETING**

The Defiance Township Trustees met in special session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday January 12<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 present.

Township employees present were: James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave. & Ed Young 23013 Watson Rd.

Visitors present: Roy & Linda Perez 812 Indian Bridge Lane, Penny Bakle 1204 Wayne Ave., Ruth Ann Schofield 15968 Campbell Rd, Don Brown 20472 Kiser Rd., & JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

**Review and approval of minutes of the previous session.**

Chairman Peck requested a motion for the approval of minutes from the December 29<sup>th</sup>, 2009 regular session.

Mr. Bakle moved to approve.  
Mr. Peck seconded

The vote being   3   Yea(s)                        0   Nea(s)

The MINUTE'S for the session were approved.

**ORDER OF BUSINESS NO. 2      Election of the Chair and Vice - Chair –**

- a) Mr. Peck turned the meeting over to the Fiscal Officer to conduct the election process for the Chair
  - i) Mr. Houck then called for nominations for Chairman.
    - (1) Mrs. Mayer nominated Mr. Bakle.
    - (2) Mr. Peck nominated himself.
    - (3) Mr. Bakle seconded his nomination.
    - (4) The fiscal officer then called for the vote on the question of electing Bakle to the Chairman's position for 2010:

Mr. Peck:                      nea

Mr. Bakle                      yea

Mrs. Mayer                      yea

The vote being   2   Yea(s)                        1   Nea(s)



road reconstruction projects or purchases of major pieces of equipment. Anticipated expenses for 2010 according to the fiscal officer are: \$194,000 for road projects assigned to co eng and the normal \$70,000 to \$100,000 for road repairs and maintenance (includes eq repairs and small purchases) under the direct supervision of the Trustees. There is also an anticipated \$60,000 expense for a used tractor and mower. Total rd exp being \$250,000 vs rd income of \$161,790. This will be the third year in succession that over all Twp revenues have been reduced.

Chairman Bakle requested approval of **resolution # 1** to adopt the 2009 Township Budget by fund level – object code. Resolution will allow the Clerk to move funds within fund account lines – object code classifications as he deems necessary. Other movement of monies within the fund line per the 07 state audit will require Trustees approval as soon as practicable at a regular scheduled Twp meeting.

MOTION by: Mr. Peck

SECOND by: Mrs. Mayer

Mr. Peck                    yea

Mr. Bakle                    yea

Mrs. Mayer                    yea

The vote being   3   Yea(s)                      0   Nea(s)

The 2010 Township budget is adopted.

(1) The exhibits are on file in the clerk's office.

**ORDER OF BUSINESS NO. 4 - Wages for 2010**

- a) Elected Officials pay for 2010 – Fiscal officer noted that:
  - i) Pay is set by the State Of Ohio by Ohio Revised Code
  - ii) The 2010 salaries are frozen at 09 levels as noted in the Ohio Twp Association's December newsletter
  - iii) the state legislature froze pay of elected officials governed by the ORC in 2010.
    - (1) The State rate remains --
      - (a) In 10 trustees will receive \$10,288.00 (51.44 x 200 days –required state orc formula)
      - (b) fiscal officer pay rate (salary)
        - (i) is \$16,977
    - (2) In compliance with the State Audit of 07, all Trustee wages and benefits will be posted to the general fund in 10 and is reflected in the budget.
    - (3) By law the clerk must be posted to the General fund –

Chairman Bakle requested approval of **resolution #2** wages of the Township's elected officers for 2010.

MOTION by: Mrs. Mayer

SECOND by: Mr Peck

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

The resolution to set salary as pay for elected officials (Trustees & Fiscal Officer) passed

- b) Trustees than turned to address the Township employees pay for 2010
  - i) Chairman Bakle asked for a motion to go into executive session for the purpose of discussing salaries for Twp employees

MOTION by: Mr. Peck

SECOND by: Mrs. Mayer

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

The Trustees moved into executive session for the purpose of wage discussion.

- ii) The Trustees returned from the executive session chambers
  - (1) Chairman Bakle asked for a motion to return to the regular meeting.

MOTION: Mr. Peck

SECOND: Mrs. Mayer

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

The Trustees moved back into regular session..

- iii) Chairman Bakle then asked for comments from the Trustees.
  - (1) Mr. Peck suggested that due to tight budgets and the unknown as to how the Twp funds from the State might be impacted; the wages for the non elected employees of the Township that are at \$12.89 per hour should be frozen. He then said that the wages of Ed Young and Jason Shaffer who serve as the Twp's primary crew and were hired this year at a reduced hourly rate of \$11.60 per hour should be raised to the \$12.89 per hour rate. Peck further stated the Twp employee Mike Daniel be frozen at his hire in rate of \$11.60 as he has worked very minimal hours and in his opinion has not worked enough to be elevated to the higher rate.
  - (2) The fiscal officer then reported that the proposal on the floor would reflect the following hourly rates should the proposal be adopted.
    - (a) Operators
      - (i) Joe Kolb present \$12.89 w cdl staying @ \$12.89
        - 1. Posted to Road & Bridge Account
      - (ii) John Diemner present \$12.89 w cdl staying @ \$12.89
        - 1. Posted to Road & Bridge
      - (iii) Jim Schlegel present \$12.89 w cdl staying @ \$12.89
        - 1. posted to Gas Tax
      - (iv) Jason Shaffer present \$11.60 w cdl to \$12.89
        - 1. Posted to Road & Bridge
      - (v) Ed Young present \$11.60 w cdl to \$12.89
        - 1. Posted to Road & Bridge
      - (vi) Mike Daniel present \$11.60 w cdl staying @ \$11.60
        - 1. Posted to Road & Bridge
    - (b) The Zoning Inspector position pay was also frozen
      - (i) Jim Schlegel's 2009 salary was \$476.80 per month and will remain so in 2010.
        - 1. Posted to general fund

Chairman Bakle requested approval of **resolution #3** to set the wages of the Township's employees for 2010 as noted above for the non-elected – non zoning employees of the Township.

MOTION by: Mr. Peck

SECOND by: Mrs. Mayer

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

The motion to approve **resolution #3** setting non elected – non zoning Twp employees pay for 2010 was approved.

- c) Trustees then reviewed the remuneration set for the Township's Zoning Board of Appeals and Zoning Commission
  - i) Trustees determined that the current pay for both the Zoning Appeals Board and the Zoning Commission is to be retained.
    - (1) Pay for members serving on the Twp Zoning Boards is \$20 per item per meeting and was established in 2008.

Chairman Bakle requested approval of **resolution #4** to set the wages of the Township's Zoning Bd of Appeals and Zoning Commission for 2010 at \$20.00 per item per meeting.

MOTION by: Mrs. Mayer

SECOND by: Mr. Peck

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

The motion to approve **resolution #4** setting the Township's Zoning Bd of Appeals and Zoning Commission for 2010 at \$20.00 per item per meeting was approved.

**ORDER OF BUSINESS NO. 5 -- Expense reimbursements for 2010**

- a) Trustees reviewed the allowance for meal reimbursement. Presently the reimbursement is set at \$36 per day when Twp personnel are on assignment for the Twp with approval of the Trustees. Mr. Bakle called for discussion.
  - i) The fiscal officer noted that historically the Trustees adopted the rate used by Defiance County. That rate at present is \$44.
  - ii) Mrs. Mayer stated that it is prudent to keep within the precedent set with wages that we established for our employees and we should maintain the 09 meal reimbursement allowance in 2010; the rate to remain (\$36 per day for in state travel).

Chairman Bakle requested approval of **resolution #5** setting reimbursement allowance for meals in 2010 at \$36 per day.

MOTION by: Mrs. Mayer

SECOND by: Mr. Peck

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

The motion to approve **resolution #5** setting reimbursement allowance for meals in 10 at \$36 per day was approved.

- b) The mileage reimbursement for 2010 was discussed.
  - i) Defiance Township has traditionally set reimbursement per the allowable IRS rate.
  - ii) the allowable IRS rate for 2010 is .50 cents per mile as noted in an IRS web page.
    - (1) Trustees verbally noted that mileage is paid for travel on Township business at the discretion of the Trustees.

Chairman Bakle requested approval of **resolution #6** setting reimbursement for mileage @ .50 cents per mile.

MOTION by: Mr. Peck

SECOND by: Mrs. Mayer

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

The motion to approve **resolution #6** setting mileage reimbursement was approved.

- c) **Resolution #7** addressing the use of the UAN traveling Clerk in 2010 was discussed.

- i) The Trustees heard a request from the fiscal officer for the continued use (on an as needed basis at the fiscal officer's discretion) of a UAN traveling Clerk in 2010
- ii) The fiscal officer noted that the state auditor's office, through the UAN division has established this opportunity in order to assist fiscal officers in their requirements relative to maintaining the accounting requirements as established by the ORC.
- iii) The expense is minimal. In 2009 the total was less than \$100

Chairman Bakle requested approval of **resolution #7** authorizing the use of the UAN traveling clerk as necessary in 2010.

MOTION by: Mayer

SECOND by: Peck

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

Resolution #7 was adopted.

**ORDER OF BUSINESS NO. 6 – Zoning**

- a) Trustees then moved to address the review and approval of resolutions for the appointment of Zoning Board of Appeals and Zoning Commission members & alternates whose terms expired 12-31-09.

- i) Chairman Bakle asked for a motion to go into executive session for the purpose of discussing personnel appointments.

MOTION by: Mrs. Mayer

SECOND by: Mr. Peck

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

The Trustees moved into executive session for the purpose of personnel appointment discussion.

- ii) The Trustees returned from the executive session chambers
  - (1) Chairman Bakle asked for a motion to return to the regular meeting.

MOTION: Mr. Peck

SECOND: Mrs. Mayer

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

The Trustees moved back into regular session..

- iii) Chairman Bakle then asked for comments from the Trustees.
  - (1) Zoning Bd of Appeals- alternates only have terms which expired 12-31-09.
    - (a) Jon Davis – alternate -new term commencing 1-01-10 through 12-31-12
    - (b) Robert Williamson – alternate - new term commencing 1-01-10 through 12-31-12
      - (i) Trustees noted that Jon Davis had moved into the City of Defiance and is therefore not eligible to serve on this board.
      - (ii) Mrs. Mayer said she would like to have Mr. Roy Perez appointed to this board.
      - (iii) Mr. Bakle noted that Perez had served on both this board and on the Zoning Commission in the past.
      - (iv) The chair asked if there was any other discussion and then asked for a motion.

It was moved by Mrs. Mayer – to appoint Roy Perez - 812 Indian Bridge Lane & to re-appoint Robert Williamson 14877 State Rte 111 as alternates to new 2 year terms commencing 1-01-2010 through 12-31-12; and

Seconded by Mr. Peck

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

The motion was approved.

- iv) Trustees then discussed the appointments to the Zoning Commission. Commission members whose terms expired 12-31-09 were:
  - (1) Richard Wagner (chairman) – possible new term -- commencing 1-01-10 through 12-31-12
  - (2) Robert Layne (Alternate) -- possible new term --term commencing 1-01-10 through 12-31-12
  - (3) Mrs. Mayer stated she proposes to appoint Ruth Ann Schofield 15968 Campbell Rd to the Zoning Commission in place of Mr. Wagner. Further, she proposed to appoint Mr. Wagner to fill the alternate position.
    - (a) Mr. Peck objected to the proposed addition of Mrs. Schofield. Peck – citing comments attributed to Schofield when she had past served on the Twp’s Appeals Bd meeting - on a zoning request in 2007 by Jerry Baden to acquire a residential use designation for his property. Peck stated the minutes of that session note that Schofield stated she thinks rural areas should remain rural. An attorney representing the petitioner noted that such a position by an appeals Bd member is challengeable in court, according to Peck. Peck did not think this type of attitude should be placed on the Twp’s zoning boards.

Mrs. Mayer moved to appoint Schofield to the Zoning Commission as a primary voting member and to appoint Wagner as an alternate.

Mr. Bakle suggested that the appointments be voted on separately in order to allow for complete Trustee support for at least one of the appointees.

Mrs. Mayer then amended her motion and moved to appoint Ruth Ann Schofield to the Zoning Commission for a two year term beginning 1-01-2010 and ending 12-31-2012 as a primary voting member.

Mr. Bakle seconded the nomination and the roll was called on the question.

Mayer yea

Peck nea

Bakle yea

The vote being 2 yeas and 1 nea the motion to appoint Schofield passed.

Mrs. Mayer then moved to appoint Mr. Wagner to the Zoning Commission as an alternate for a two year term beginning 1-01-2010 and ending 12-31-2012.

Seconded by Mr. Bakle

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

This motion was approved.

Chairman Bakle requested approval of **resolution #8** appointing Ruth Ann Schofield to the Twp zoning Commission Board and **resolution #8a** appointing Wagner as alternate to the Zoning Commission and Roy Perez and Robert Williamson as alternates to the Twp Zoning appeals board.

Resolution #8 was adopted as amended– the fiscal officer is to prepare a letter notifying those persons appointed by this resolution.

**ORDER OF BUSINESS NO. 7 – Purchase orders for 2010**

- a) Trustees reviewed and signed the purchase orders.

**ORDER OF BUSINESS NO. 8 - Travel Training upcoming**

- a) The fiscal officer reminded the Trustees that the Ohio Twp Association winter conference is upcoming in Columbus, Ohio,
  - i) Hyatt convention center
  - ii) Feb 18<sup>th</sup> & 19.
  - iii) All reservations have been made – if need to cancel call clerk 36 hours in advance of conference start date of Feb 18.
    - (1) Clerk hands out travel packet info folders.
- b) Trustees were also reminded that the Co Twp Association and Engineer's annual meeting is scheduled for 1-21-2010 – 6 p.m. at the county ema building.
  - i) Tjh called in all twp reservations
  - ii) Cost is at attendee's expense & payment is due at the door. \$8 per person.

**ORDER OF BUSINESS NO. 9 – Handouts**

- a) There were none. The fiscal officer noted that Twp directory for 2010 will be edited after this session and provided during the regular Twp Jan meeting on 1-26-10

**ORDER OF BUSINESS NO. 10 – Twp meeting date and times for 2010**

- a) The Chair noted that currently the regular scheduled sessions are the last Tuesday of each month at 7:30 p.m.
  - i) The chair called for discussion.
    - (1) Trustees agreed to continue the regular schedule. Twp sessions will be the last Tuesday of each month at 7:30 p.m. in the Defiance County Commissioners Building – 2nd Floor Conference Room - 500 Court Street - Defiance, Ohio
    - (2) Trustee Mayer requested that the March session be held on the 4<sup>th</sup> Tuesday, March 22<sup>nd</sup>, as she has a personal commitment out of Town. Trustee Peck asked that the March session be held at the Twp maintenance building on Hammersmith road. The session will start as usual at 7:30 p.m.

Chairman Bakle called for a motion to continue the current schedule of meeting on the last Tuesday of each month at 7:30 p.m. in the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, except for the March session as noted above.

MOTION by: Mrs. Mayer

SECOND: Mr. Peck

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

The motion passed. A public notice will be posted on the Courthouse bulletin board and on the public bulletin board in the Commissioners building in the first floor hall.

**ORDER OF BUSINESS NO. 11 – New Business – (emergency only)**

- a) Mr. Peck was recognized and requested that the contract provided to the Twp by the City of Defiance for rescue services be signed. He noted that he had been in contact with the City and they will cease providing service if the contract is not signed. He also said that he had recent contact with Med Corp and that company would not be able to provide the service as they had previously described in the November 2009 session as that company reported they have had cut backs due to the economy.
  - i) Trustee Bakle noted that he is unhappy with the proposed charges feeling the city charges the insurance companies of those that receive service and the city's proposal to charge the Twp up to \$650 per run for up to two transports is very high.
  - ii) Trustees agreed that there is little option at this time and agreed to sign the contract. The fiscal officer was directed to submit the signed contract to the Prosecutor for review and approval as to form and if approved by the prosecutor to present the sign contract to the city.
- b) Mrs. Mayer was recognized. She presented a prepared memo to the Defiance City Schools inviting their bus drivers to attend the Jan meeting to provide input on road conditions and the current snow removal effort.
  - i) Mr. Peck agreed to take the memo to the school.
- c) Mr. Bakle stated he wishes to proceed with the CDBG grant process for a project to alleviate drainage issues



along Indian Bridge Lane. Bakle proposed to hold a meeting with residents of Indian Bridge Lane, Maumee Valley Planning and the County Engineer to prepare a grant for the project.

- i) The meeting was proposed for Feb 2010 and the fiscal officer will prepare letters of notice to the residents of Indian Bridge lane. Mr. Bakle was to acquire addresses and provide those to the fiscal officer-clerk.
- ii) Trustees concurred.
- d) Mr. Bakle then noted that he has become aware of a SETA designation that might be available for the residents of Indian Bridge Lane. This designation would require the residents to pay city of Defiance income tax and would allow the residents to get in-city rates on water and sewer. Currently residents pay the outside rate which is 2.5 times the inside rate.
  - i) Bakle noted this designation would have to be negotiated with the City.

**ORDER OF BUSINESS NO. 12 – Next session:**

The Chair noted that the NEXT regular scheduled MEETING will be:

Date: Tuesday January 26<sup>th</sup>, 2010 -

Time: 7:30 p.m.

Place: Defiance County Commissioners Building – 2<sup>nd</sup> Floor Conference Room  
500 Court Street - Defiance, Ohio

Chairman Bakle requested a motion to adjourn this special “annual re-organizational” meeting of January 12<sup>th</sup>, 2010.

Motion: Mr. Peck

Second: Mr. Mayer

YEA(s)            3        NAY(s) 0                    Passed x                    Failed \_\_\_\_\_

MEETING ADJOURNED

Respectfully Submitted

Timothy J. Houck, Clerk