

Minutes
DEFIANCE TOWNSHIP TRUSTEES
JANUARY 13TH, 2009 RE-ORGANIZATIONAL
MEETING

The Defiance Township Trustees met in special session at the Defiance County Commissioners building – 2nd Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday January 13th, 2009 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 Richard Ankney; 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: Roy Perez of the Twp Zoning Commission 812 Indian Bridge Lane.

Visitors present: Penny Bakle 1204 Wayne Ave & JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Review and approval of minutes of the previous session.

Chairman Ankney requested a motion for the approval of minutes from the December 30th, 2008 regular session.

Mr. Bakle was recognized and stated that the minutes did not accurately depict the discussion relative to section 9 “new business” item f). This section of the minutes was devoted to a discussion on the issue of Def Twp acquiring road grindings from ODOT in 08 and an alleged violation of ODOT work rules by Trustee Bakle which resulted in the Twp being made part of that investigation. This occurred as the Twp sought to acquire grindings from ODOT for use on Twp roads.

Mr. Bakle stated the minutes were not accurate and that this item did not need to be part of the Twp minutes. “This is a witch hunt”.

The fiscal officer – clerk replied that the minutes reflect the meeting as he understood the conversation and direction of the Trustees.

Mr. Bakle said the minutes were not accurate.

Chairman Ankney asked for a motion.

Mr. Peck moved to accept the minutes as presented.

Mr. Ankney seconded. A roll call vote was taken:

Mr. Peck – aye, Mr. Ankney, - aye, Mr. Bakle – nay.

The MINUTES were approved as presented for the December 30th, 2008 meeting.

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

- a) Mr. Ankney 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) Mr. Ankney nominated Mr. Peck.

(2) Mr. Peck seconded the nomination. No further nominations were made and the fiscal officer called for a vote to elect Mr. Peck Chair for 2009.

(3) The fiscal officer then called for the vote:

Mr. Peck: yea

Mr. Bakle nea

Mr. Ankney yea

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

Mr. Peck was elected Chair. The fiscal officer then turned the meeting over to the newly elected Chair.

b) Chairman Peck then called for nominations for Vice-Chair

i) Mr. Peck nominated Mr. Ankney

ii) Mr. Ankney seconded and there were no further nominations.

c) Chairman Peck called for a vote to elect Mr. Ankney Vice-Chair for 2009.

Mr. Ankney: yea

Mr. Peck yea

Mr. Bakle nea

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

Mr. Ankney was elected Vice – Chair

ORDER OF BUSINESS NO. 3 -- 2009 Twp budget

1) **The fiscal officer reported that the Bank Depository for township funds is presently with the State Bank and Trust.**

a) Said agreement was renewed by the Trustees in Dec 07 and is good through November 24th, 2012.

(1) The agreement pledges the bank's assets to cover the Twp funds which are on deposit at this institution.

ii) **Twp investment status as of this session**

(1) Note – Township funds are invested in two accounts at the State Bank & Trust

(a) The primary checking account – 12-31-08 \$164,001.29

(b) The money market account - 12-31-08 \$721,955.59

(2) Report - Fund Status start of year **exhibit 3 -a**

b) Trustees then reviewed the proposed 2009 township Appropriations & budget

i) Exhibits # 3-b-1 – “Approved Amended Certificate of Estimated Resources” from the County Auditor

(1) \$1,207,606.88 for 2009; and

ii) exhibit 3-b-2 “appropriation status report” - your 2009 budget by object code:

c) break out by fund level – object code: - allows for transfers by fiscal officer within the code.

		09	08
i) General fund	(fund # 1000)	\$466,709.31	\$415,865.85
ii) Special funds			
(1) Motor Vehicle License	(fund # 2011)	\$34,082.61	\$ 36,440.15
(2) Gasoline Tax	(fund # 2021)	\$286,057.84	\$227,554.77
(3) Road & Bridge	(fund # 2031)	\$246,346.84	\$204,709.41

(4) Permissive Tax	(fund # 2231)	\$33,702.65	\$ 26,286.19
(5) Fire levy	(fund # 2111)	\$140,207.63	\$132,623.07

TOTAL **\$1,207,606.88** **\$1,043,479.44**

- (6) The Chair called for discussion.
- (a) It was noted that the Twp's special fund lines dedicated to road work will be significantly impacted with the Kiser rd rebuild project that will take place in 09.
 - (b) The Fiscal officer stated that based on analysis of year end reports and the 09 budget; the road accounts will be able to completely fund the Kiser rd 2nd mile rebuild project in 09 and have approximately \$70,000 for other work projects. Trustees should remember that as of this session ORC still does not allow general fund monies to be spent on road projects.

Chairman Peck 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. Bakle

SECOND by: Mr. Ankney

Mr. Peck yea

Mr. Bakle yea

Mr. Ankney yea

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

The 2009 Township budget is adopted.

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

ORDER OF BUSINESS NO. 4 - Wages for 2009

- a) Elected Officials pay for 09 – Fiscal officer noted that:
 - i) Pay is set by the State Of Ohio by Ohio Revised Code
 - ii) The 09 salaries are frozen at 08 levels as noted in the Ohio Twp Association's November & December newsletter
 - iii) the legislature did not reaffirm the existing legislation – there will be no increase in the pay of elected officials governed by the ORC in 2009.
 - (1) The State rate remains --
 - (a) In 09 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 09 and is reflected in the budget.
 - (3) By law the clerk must be posted to the General fund –

Chairman Peck requested approval of **resolution #2** wages of the Township's elected officers for 2009.

MOTION by: Mr. Bakle

SECOND by: Mr. Ankney

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 then turned to address the Township employees pay for 2009
 - i) Chairman Peck asked for a motion to go into executive session for the purpose of discussing salaries for Twp employees

MOTION by: Mr. Peck

SECOND by: Mr Bakle

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 Peck asked for a motion to return to the regular meeting.

MOTION: Bakle

SECOND: Ankney

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

The Trustees moved back into regular session..

- iii) Chairman Peck then asked for comments from the Trustees.
 - (1) Mr. Bakle suggested that due to tight budgets and the unknown as to how the Twp funds from the State might be impacted per Gov Strickland's noted budget concerns; the wages for the non elected employees of the Township should be frozen at current levels.
 - (2) The fiscal officer reported that the following hourly rates with a 0% increase would be:
 - (a) Operators
 - (i) Joe Kolb present \$12.89 w cdl
 - 1. Posted to Road & Bridge Account
 - (b) John Diemner was \$12.89 w cdl
 - (i) Posted to Road & Bridge
 - (c) Jim Schlegel present \$12.89 w cdl
 - (i) posted to Gas Tax
 - (3) The Zoning Inspector position pay was also frozen
 - (a) Jim Schlegel's 2008 salary was \$476.80 and will remain so in 2009.
 - (i) Posted to general fund

Chairman Peck requested approval of **resolution #3** to set the wages of the Township's employees for 2009 with a 0% increase from the 2008 wages paid per non-elected employee.

MOTION by: Mr. Bakle

SECOND by: Mr. Ankney

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

The motion to approval **resolution #3** setting non elected Twp employees pay for 2009 with a 0% increase was approved.

- c) Trustees then reviewed the remuneration set for the Township's Zoning Board of Appeals and Zoning Commission
 - i) Trustees noted that their proposal to have no increase in salaries in 2009 also applied to the Zoning

Board members.

(1) Pay for members serving on the Twp Zoning Boards is presently \$20 per item per meeting.

Chairman Peck requested approval of **resolution #4** to set the wages of the Township's Zoning Bd of Appeals and Zoning Commission for 2009 at \$20.00 per item per meeting.

MOTION by: Mr. Bakle

SECOND by: Mr. Ankney

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

The motion to approval **resolution #4** setting the Township's Zoning Bd of Appeals and Zoning Commission for 2009 at \$20.00 per item per meeting was approved.

ORDER OF BUSINESS NO. 5 -- Expense reimbursements for 2009

- 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. Peck called for discussion.
 - i) Trustees determined that it is prudent to keep within the prescedent set with wages and will maintain the 08 meal reimbursement allowance in 2009. the rate remains (\$36 per day for in state travel).

Chairman Peck requested approval of **resolution #5** setting reimbursement allowance for meals in 2009 at \$36 per day.

MOTION by: Mr. Bakle

SECOND by: Mr. Ankney

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

The motion to approve **resolution #5** setting reimbursement allowance for meals in 09 at \$36 per day was approved.

- b) The mileage reimbursement for 2009 was discussed.
 - i) Defiance Township has traditionally set reimbursement per the allowable IRS rate.
 - ii) the allowable IRS rate for 09 is .585 cents per mile as noted in the December State Association Newsletter the "GrassRoots".
 - (1) Trustees verbally noted that mileage is paid for travel on Township business at the discretion of the Trustees.

Chairman Peck requested approval of **resolution #6** setting reimbursement for mileage @ .585 cents per mile.

MOTION by: Mr. Ankney

SECOND by: Mr. Peck

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 2009 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 2009
 - 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 2008 the total was less than \$200

Chairman Peck requested approval of **resolution #7** authorizing the use of the UAN traveling clerk as necessary in 2009.

MOTION by: Bakle

SECOND by: Ankney

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

Resolution #7 was adopted.

ORDER OF BUSINESS NO. 6 – Zoning

- a) Trustees addressed the review and approval of resolutions for the appointment of Zoning Board of Appeals and Zoning Commission members & alternates whose terms expired 12-31-08.
 - i) Zoning Bd of Appeals members whose terms ended and are:
 - (1) Lynn Keller(chairman) – new term commencing 1-01-09 through 12-31-11
 - (2) Bruce Hahn (Board member) – new term commencing 1-01-09 through 12-31-11
 - ii) Zoning Commission members whose terms ended and are:
 - (1) Wayne Schaffer (Board member) – new term commencing 1-01-09 through 12-31-11
 - (2) Roy Perez (Board member) - - term commencing 1-01-09 through 12-31-11
 - iii) Chairman Peck called for discussion:
 - (1) Mr. Perez was present and recognized. Mr. Perez presented his verbal resignation from the Zoning Commission. He state he would prefer, when the opportunity exists, to be appointed to the Appeals Board.
 - (2) Trustees thanked Mr. Perez for his service.
 - (3) Trustees then discussed the vacancy on the Zoning Commission.
 - (a) Trustees determined to offer alternate Tom Mick the open board position. Trustees will make the contact.
 - (b) Trustees also determined to offer Robert Layne of 13373 Harding Rd the now open alternate position.
 - (4) The Trustees agreed to reappoint:
 - (a) Lynn Keller(chairman) of the Appeals Board to a new term commencing 1-01-09 through 12-31-11; and;
 - (b) Bruce Hahn (Appeals Board member) to a new term commencing 1-01-09 through 12-31-11
 - (5) Trustees also agreed to reappoint:
 - (6) Wayne Schaffer – zoning commission member to a new term commencing 1-01-09 through 12-31-11

Chairman Peck requested approval of **resolution #8** appointing members of the Twp zoning board of appeals and commission as proposed.

Zoning Board of Appeals appointments 2009.

Lynn Keller, Chair	21734 Hammersmith Rd	419-393-2781	lbkeller@defnet.com	12-31-11
Bruce Hahn	15867 Sponseller Rd	419-393-2713		12-31-11

Zoning Commission appointments 2009

Wayne Schaffer	14196 Singer Rd	419-393-2999	lwsls@defnet.com	12-31-11
Tom Mick – if excepting	21389 Hammersmith Road	419-393-4241	jtmick@defnet.com	12-31-11
ALTERNATES				
Robert H. Layne – unexpired term if excepting	13373 Harding Rd	419-784-0839		12-31-09

MOTION by: Ankney

SECOND by: Bakle

The Vote was taken:

Mr. Peck yea

Mr. Bakle yea

Mr. Ankney yea

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

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 – Sign Bills

- a) Trustees reviewed the following debt obligations of the Township and signed the payment checks.
 - i) Fourth quarter taxes
 - (1) School
 - (2) Local
 - (3) State
 - (4) 941 – federal Medicaid

ORDER OF BUSINESS NO. 8 – Purchase orders for 2009

- a) Trustees reviewed and signed the purchase orders.

ORDER OF BUSINESS NO. 9 - Travel Training upcoming

- a) The fiscal officer reminded the Trustees that the Ohio Twp Association winter conference is upcoming in Columbus, Ohio,
 - i) The location is at the Hyatt convention center
 - ii) The dates are: Feb 4, 5, & 6
 - iii) All reservations have been made – if need to cancel call clerk 36 hours in advance of conference start date of Feb 4.
 - (1) Clerk handed out travel packet info folders.
- b) Trustees were also reminded that the Co Twp Association and Engineer’s annual meeting is scheduled for 1-15-08 – 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. 10 – Trustees were reminded that the 2009 County Engineer’s – “Township Participation” registration form –presented in the Dec 08 meeting was to be filled out at this session.

- a) This form will provide the County Engineer with direction as to what work they will perform for the Twp in 2009.
- b) Trustee Bakle suggested that the Board wait until the Kiser Rd bids are open on Jan 20th before determining what if anymore road work the Twp should do in 09.
 - i) Trustees agreed.

ORDER OF BUSINESS NO. 11 – Handouts

- a) There was none. The clerk noted that a new updated Twp directory for 2009 will be edited after this session and provided during the regular Twp Jan meeting on 1-27-09.

ORDER OF BUSINESS NO. 12 – Defiance Twp meeting dates & times for 2009

- a) Trustees noted that currently the regular scheduled session is the last Tuesday of each month at 7:30 p.m. All meetings are being held in the Defiance County Commissioners building – 2nd Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio. Meeting times are at 7:30 p.m.
 - i) Trustees desire to continue the existing schedule.

Chairman Peck 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 – 2nd Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio.

MOTION: Mr. Ankney

SECOND: Mr. Bakle

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. 13 – New Business - General discussion:

- d) Trustees reviewed Exhibit 13 -- the annual mileage certification form from ODOT - ODOT credits Def Twp with having 23.34 miles of road as of 12-31-08. At the end of 07 the mileage was 23.44.

Chairman Peck requested a motion to accept the ODOT certification of 23.34 miles of roadway for which Def Twp is responsible as of 12-31-08.

MOTION by: Bakle

SECOND by: Ankney

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

- 14) Trustees were reminded that the Kiser Rd rebuild project bid opening is scheduled:

Date: Tuesday January 20, 2009 -
Time: 10:00 a.m.
Place: Defiance County Commissioners Building – 2nd Floor Conference Room
 500 Court Street - Defiance, Ohio

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

Date: Tuesday January 27, 2009 -
Time: 7:30 p.m.
Place: Defiance County Commissioners Building – 2nd Floor Conference Room
 500 Court Street - Defiance, Ohio

Chairman Peck requested a motion to adjourn this special “annual re-organizational” meeting of January 13th, 2009.

Motion: Mr. Bakle

Second: Mr. Ankney

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

MEETING ADJOURNED

Respectfully Submitted

