

Minutes
DEFIANCE TOWNSHIP TRUSTEES
JANUARY 26TH, 2010 MEETING

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2nd Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday January 26th, 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., Joe Kolb- 16492 Cullen Rd, Jason Shaffer -13386 St Rte 15, & John Diemer. 23361 Def. Paulding Co Line Rd.

Visitors present: Penny Bakle 1204 Wayne Ave., Ruth Ann Schofield 15968 Campbell Rd, Doug Layne 22584 Garman Rd, Tom Mick 21389 Hammersmith rd, Beth Sigg 1940 East Second Street, & JoEllen Houck 8 Deville Drive, 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 January 12th, 2010 re-organizational session.

Mayer moved to approve.

Mr. Peck – questioned the notations relative to the nominations and voting and after discussion posted no further objection and seconded the motion to approve as presented.

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

The MINUTE'S for the session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - i) Ruth Ann Schofield was recognized. She voiced a concern with Trustee Peck's comments from the re-organizational session in which Mr. Peck stated he objected to the appointment of Mrs. Schofield as being unqualified to serve based on comments she had made at a previous Appeals Bd hearing in which she served as a voting member. (see mins of the re-organizational session for details.).
 - (1) Schofield alleged that Peck supported an illegal zoning position to "spot zone" a property.
 - (2) Peck rebutted stating all three trustees voted to support the position as noted in the document provided by Schofield.
 - (3) Mrs. Mayer spoke asking that both Mrs. Schofield and Mr. Peck cease in the acrimonious discussion.
 - (4) The Chair asked if there were any other issues.
 - (a) Again, Mrs. Schofield was recognized. She asked why the Zoning inspector was not taking proposed changes to the Twp Zoning codes to the Zoning Commission for review. She then passed out what she noted was the proper procedure per the ORC, that noted how amendments to the zoning code are to be implemented.
 - (b) Mr. Schlegel responded that he know the procedure. He has no intension to change anything in the zoning codes of his own accord. He is – as he was directed to do – simply acquiring information which he intends to present to the Zoning Commission. He noted that at present he was instructed by the Trustees to prepare a list of items he feels needs to be addressed, having

run into certain issues in the field. He has prepared said list and it is provided as an exhibit in this night's agenda for the Trustees to review.

- (c) The fiscal officer was recognized and noted that the list was sent to the prosecutor's office for review to determine if the items in question are in the purview of the authority of the Zoning Commission. This is prudent in an effort to save time and money. Some of the items may be out of the authority of the Zoning Commission and our legal council would be able to make that determination. If such is the case then it saves the time that the Commission might spend on an issue that would have been for naught. In any event, there is no effort to get around the Zoning Commission as was being suggested. This is just an effort to have proper information for the Zoning Commission to act upon.

- (i) Mrs. Schofield said that the previous chair of the Zoning Commission never came to Twp meetings and didn't know what was going on.

- (5) 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 December – noted a primary checking reconciliation balance of \$72,038.35 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for January 2010 were \$8,213.28. Payments for January (bills & payroll) totaled \$11,632.47.
- c) The Cash fund summary through January 31st, 2010, showed an “ending cash balance” of \$770,060.91.
- d) The unencumbered cash balance “cash available” was \$385,217.73 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through January 31st, 2010, 1% 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 01-31-10 was \$701,441.77.
- g) Trustees then reviewed transfer of funds – Exhibit 3-g
 - i) The fiscal officer explained that two transfers within the same fund line as allowed by ORC and Defiance Twp resolution 2010-01, were made in Jan.
 - (1) Transfer #1 on 1-23-10 moved \$2,000 to cover potential public ad expenses. The initial budget did not expect the cost incurred for ads to be as significant as it was in the first month of the new Twp fiscal year. Sufficient funds were transferred in hopes of covering any further upcoming public- legal notices that are not now known.
 - (2) Transfer #2 on 1-24 moved \$300 to cover unemployment compensation charges owed by the Twp on one of its rd employees. The initial Twp budget did not anticipate this liability as the Twp has not laid off any of its employees. However, per ORC, the Twp is responsible for a percentage of unemployment compensation for its employees that are laid off from their primary employers.
 - ii) Both transfers are a best estimate given the unknowns and the early time of the annual budget.
 - iii) The fiscal officer explained that the transfers will be deemed approved when the Trustees move to accept the financial reports of this session.
- h) Trustees then reviewed and signed the January bills without comment.
- i) Trustees then reviewed and signed the January payroll without comment.

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

MOTION by: Dan Peck

SECOND by: Diana Mayer

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

The January 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) January 2010
 - (1) Site Review new home Harding Rd Permit Issued
 - (2) US Department of Commerce Annual Census Report Submitted
 - (3) There are some updates that need to be addressed for the Township Zoning Map.

- (4) Site Review Canal Rd. New Home this will require 2 variances. Variance request was delivered and procedure was explained. Waiting on paperwork
- (5) Burning complaint on Kiser Rd. from Soil & Water. This is debris from a recent ditch project. I hand delivered EPA Open Burning Regs..
- (6) Spoke with Russ Herman, he gave his opinion on a few twp issues I had.
 - (a) Ref. Multiple variances for one hearing.
 - (b) Goats & chickens on a parcel zoned R1
 - (c) Per Twp. Clerk Mr. Herman advised this will not require a written response from his office.. He spoke with Twp Zoning Inspector.
- (7) Site Review on a zoning of a parcel on Powers Rd W of Keller for something to do with landfill per Jared, an estimator from Bowling Green. 419-373-7169..
- (8) New Barn Krouse Rd. No zoning fee required to be used as Agricultural. Paper work submitted.
- (9) Jan 26, 2010 Per Craig Richards Defiance County Health Department, they do not inspect manufactured & or mobile homes as reported in July 2007 memo. For inspections or questions contact the Ohio Manufactured Homes Commission, (OMHC).

- b) The Zoning Inspector and the fiscal officer are working with the prosecutor's office to prepare a request for the Zoning commission to address certain possible amendments to the Twp Zoning codes. Those requests were presented to the Trustees as Exhibit 4 –b (this issue was also discussed under "citizens concerns".
 - i) It was noted that this list of items may or may not be under the authority of the Zoning Commission. Hence the purpose of presenting to the prosecutor for a review and opinion.
 - ii) The fiscal officer reported that this process saves, potentially, time and money. If any of the items are not within the purview of the zoning commission then that body will not waste its effort on the particular item.
 - iii) Once the prosecutor's office responds then the Commission (if applicable) will be called to review the items that are in its sphere of responsibility.
 - (1) This process was described under citizens concerns when the process was questioned by Ruth Ann Schofield.
- c) Marvin Scott a member of the Zoning Appeals Bd has submitted his resignation. Trustees were provided with exhibit 4-c – the resignation letter.
 - i) The chair asked for a motion to go into executive session for the purpose of discussing the appointment of a replacement (personnel)

Peck moved to go into executive session
Mayer seconded

The vote was called:

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

The motion passed.

The Trustees returned from executive session chambers. The chair asked for a motion to return to the regular session.

Mayer moved to return to regular session.
Peck seconded

The vote was called:

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

The motion passed

- ii) The Chair asked for discussion as to a possible replacement –
 - (1) It was noted that the alternates are: Robert Williamson and Roy Perez
 - (2) The chair asked if there were other possible candidates?

Mayer moved that Roy Perez be elevated to the full Board position
Peck seconded

The vote was called:

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

The motion passed to replace Marvin Scott with Roy Perez to serve the unexpired term. Term ends 12-31-2010.

- iii) The Chair then called for discussion on the replacement of the alternates position from which Perez was elevated.
 - (1) There were no immediate candidates. Trustees determined to search and address this vacancy in the February regular Twp session.
- d) A notice from the Defiance County Recorders office was reviewed by Trustees. This notice states the fee schedule charged by the Recorders Office for filing amendments to zoning plans. Exhibit 4-d lists the charges and will be on file with the minutes of this session.
 - i) There was no discussion.
- e) 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) Jason Shaffer spoke and requested authority to purchase certain tools noting that those on hand were insufficient for the tasks and broken from many years of use. Shaffer requested approval to purchase:
 - (1) Several rakes of varying types, shovels, axe, a generator, a saws all, portable torch, portable flash lights (one for each truck) & a disposal camera for each truck. Shaffer also asked that the pad locks on the Twp maintenance building and fuel tanks have the same key so all would need changed.
 - (2) Trustees debated the types and size relative to cost of the flash lights(price estimated range from several dollars ea to nearly \$100 each), generator (several to hundred s) and torch (\$100 and up) based on the estimated expense of each of these items.

Peck moved to authorize purchase of proposed equipment with a cap of \$750 in total.

Mayer seconded

The vote was called:

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

The staff was approved to purchase equipment not to exceed in total price of \$750.

- b) The purchase of a replacement mower and tractor for the Twp. was then discussed.
 - i) Project history was reviewed:
 - (1) In the August 09 session the Trustees authorized the purchase through a State Bid (department of administrative services) of a new tractor and boom type mower for the Twp. The units were ordered in September.
 - (2) In the November 09 session Trustees voted to cancel both orders due to economic constraints.
 - (3) Trustees moved to seek used equipment and all Trustees were to solicit such information and report at a future Twp session.
 - ii) Mr. Bakle asked for any updates on this matter:
 - (1) Bakle noted he had contacted ODOT
 - (2) Trustees noted they await a response from the Co Engineer as that department may have a used unit to sell.
 - (3) Trustees said they will continue to search but due to the economic issues of the day the Twp may have to continue on with its current equipment.
 - (4) Mayer noted she had heard that the current John Deere tractor used by the Twp causes shocks to the operator and is thusly unsafe.
 - (a) All operators present said that is not the case. The tractor is old and breaks down often.
- c) The Chair asked if there was any other equipment discussion....
 - i) Tom Mick was recognized and said that the Trustees fail to take care of the equipment and building. He

noted eq is covered in salt, there is no heat in the building and no water. This causes additional expensive maintenance.

- (1) The road crew members responded that they wash the eq regularly in the winter but it is not practical to wash the trucks every time they go out to place salt. Further, such action would cause water to freeze the salt which is the beds of the trucks. The crew loads the trucks when they know a snow event is forecast.
- (2) The trustees continued to discuss possible improvements such as adding heat, water and toilets. No decision was reached on heat and water.

Mayer moved to authorize the twp employees to rent a port a potty

Peck seconded

The vote was called:

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

The staff was approved to rent a port a potty to be placed at the Hammersmith rd Twp maintenance building.

- d) The Chair asked if there was any other equipment discussion...
 - i) Twp eq operators asked for direction to get rid of old rusting metal and clean up the area around and in the maintenance building. This raised the question of what to do with the belly plow which was removed from the international last year.
 - (1) Bakle said it should be put back on the truck.
 - (2) Operators said the unit is no longer usable and the hydraulic connects are ruined. It was also stated that the plow isn't right on the Twp's crowned roads.
 - (a) Bakle disagreed.
 - (3) No decision was reached on the belly plow.
 - (4) Other rusting or no longer needed metal objects were to be taken to OMNI Source and recycled. The check for the value of the metal is to be deposited in the Twp accounts.
 - ii) Twp Operators noted that the Dodge pick up needs a license plate. Trustees instructed the operators to get one through the Co Engineer's office. (all Twp trucks have county plates)

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 she believes the crew is doing a good job.
 - ii) Twp employees present were provided a copy of the report and instructed to work on the items noted.
 - iii) The February - Rd review is to be done by Trustee Bakle
- b) Twp Project(s) were then reviewed: –
 - i) Up-date on existing road projects:
 - a) 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 Nov 09 for details)
 - b) Co engineer Warren Schlatter in Dec 09 continued that project discussion with the Trustees and Trustees voted to approve the project list.
 - i) The fiscal officer reported that normal road maintenance expenses averaged between \$70,000 and \$100,000. this amount includes eq maintenance and purchases/payments on eq debt and work crew salary & benefits.
 1. Estimated rd revs for 2010 are approx \$235,000.
- c) The 2010 Co Engineer road project list was revised and reissued in this session as exhibit 6-b. the new proj list cost was raised slightly to \$197,141.86 from the initial projection of \$194,000.
 - i) This project list does not include cross-overs, catch basins etc recently discussed and authorized by the Trustees.
- d) 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.
 - i) The fiscal officer-clerk notes this item remains on the agenda unit it is completed. The work will be

down per our crew when the scout camp maintenance dept next gets the equipment assigned to Camp Lakota which will be later in 2010.

- ii) Other possible road projects were then discussed.
 - a) Mr. Bakle is pursuing a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane – this could be a 2010 project.....
 - i) Exhibit 6 – ii is a letter of notification from the Defiance county Commissioners that they will hold a series of public hearings on the distribution of cdbg grants starting Feb 1st – 9:30a.m. in the Commissioner’s office.
 - ii) Trustees determined they would attend. From this session the Trustees should learn what can be grant funded and then begin to prepare the grant. Further, the Trustees agreed to host the project meeting at the March 2010 regular scheduled Twp session. Co Eng Schlatter will be present to discuss the project design with residents of Indian Bridge Lane. Information acquired at this session will be used to prepare the grant application which is due in May to the Commissioner’s office.
 - b) Trustees then discussed the next possible major road construction project. Mr. Peck suggested that Hammersmith Rd be rebuilt next as it has greatly deteriorated due to heavy truck traffic from the US 24 construction project. He also said that the County Engineer has suggested the possibility of using “cement stabilization” for rebuild. This would save the Twp significant money.
 - i) Trustees will continue to consider this project and process. The rebuild would be several years in the future as Hammersmith is scheduled to be patch this year and per the engineer the work should provide the Township with four to five years of road use before the major rebuild would need to take place. This time frame will allow the Twp to put aside funds to pay for the project.
 - c) Twp Operators noted they have no more “stop sign” and some need to be ordered so that signs can be erected immediately as needed. This is a safety issue.
 - i) Trustees instructed the operator’s to see if they could get several from the Co Engineer, and if not they should inform the fiscal officer and he will order them through the sign vendors used by the Twp.
- i) Mr. Bakle asked if there were any other possible road projects to be discussed.
 - (1) There was no further project discussion

ORDER OF BUSINESS NO. 7 – Twp cemeteries –

- a) Cromley cemetery has a tree which needs removed. The tree is located at the corner of the entrance and St Rte 111. Trustees asked if the Twp crew could do this project. All crew members said they were not comfortable with taking the tree down. (there is the possibility of the tree falling onto the highway). The crew would be able to cut it up and remove it but not take it down.
 - i) Trustees agreed and instructed the crew to contact a local tree removal company to have the tree taken down. The crew will then cut it up and remove it.
- b) The Chair asked if there were any other cemetery issues to be discussed. No other issues were brought forth.

ORDER OF BUSINESS NO. 8 – Handouts were distributed as noted below:

- a) Monthly (January 10) GrassRoots clippings was distributed as exhibit 8a
- b) Exhibit 8-b was a notice from the County Prosecutor’s office relative to required training for elected officials per HB9 – Public records certified training. All elected officials must attend one training session at some time during each term of office. The session is available Feb 19 at 1 p.m. in the County EMA building.
 - i) The chair asked if any trustees or fiscal officer will be attending?
 - (1) Trustees Mayer and Bakle and the fiscal officer will be attending the annual Ohio Twp Association conference in Columbus on that night.
 - (2) There were no commitments to attend this session.
- c) The 2010 Defiance Twp Directory presented as exhibit 8-c was provided to the Trustees.
 - i) The fiscal officer –clerk noted that due to the change in the Appeals Board and the alternate position to be filled the directory will not be posted to the web page or handed out until the roster is completed.

ORDER OF BUSINESS NO. 9 – Old Business

- a) The Rescue services agreement with Defiance City was reviewed. The fiscal-officer clerk noted that the Defiance city proposed "Rescue Services" contract with Def, Noble & Tiffin Twps has been signed by the Trustees and approved as to form by the Prosecutor's office. The Contract was taken to the city for their signature. Once a signed copy is returned the contract process is completed and a copy will be provided to the Trustees for their personal files. The original will be on file in the Twp files..
- b) The selling of the Twp property on Harding rd. the property is a more or less 1 acre parcel –
 - i) Parcel #b-110003000900
 - ii) Sealed bids were opened in the Dec 09 session and taken under advisement.
 - iii) Only one bid was received
 - (1) A Bid for \$4,850 was submitted by Doug Layne of 22584 Garmin Rd.
 - (2) The fiscal officer provided the following fiscal data relative to expenses incurred by the twp on the property.
 - (a) Just maintenance – no taxes
 - (b) Estimated cost to mow by a twp employee includes cost of eq and travel time to and from the property. It is estimated that a mowing will cost the twp approx \$75. The fiscal officer does not offer a number of mowings annually.
 - (c) Cost estimate is based on numbers used to prepare mowing bills assigned to citizen property taxes.
 - iv) Trustees discussed whether or not to accept the bid
 - (1) Beth Sigg a professional real estate agent & appraiser, did the property value assessment for the Twp in 2009 and was present. She was asked to explain her assessment that this property is an "assemblage" property.
 - (a) She said that means it really only has value to the people who own property adjacent to the property being sold.
 - (b) Sigg was asked if the bid was a fair offer. She said:
 - (i) that is a judgment call. The property is not now buildable. The set backs restrict the buildable acreage to less than an acre (.4 acres).
 - (ii) The speculation is if water and sewer were to get to this property then it might have more value.
 - (2) Mayer asked Sigg if she foresees a value increase to this property.
 - (a) Sigg replied – not within the foreseeable future.
 - (3) It was also noted that the property is zoned residential as are the properties adjacent to this property.
 - (4) It was noted that Sigg's appraisal last year placed a value at \$10,500 more or less. The bid was for less than half that amount.
 - (a) Sigg said that when she made the assessment there is a formula used based on the sale of properties as similar as possible in the area. She continued that it is not unheard of that bid amounts are 50% to 60% off the assessed value.
 - (5) Peck noted that the property has cost the Twp more then its value since the Twp has maintained the property since it was acquired in 1959 or 60 and that the cost to maintain continues to go up.

Peck then asked that the Trustees be polled to either accept or reject the bid and further that Trustees should define there reasoning for their position.

Peck favored the sale based on the cost of maintenance to the Twp and a belief that the property will not be more valuable in order to make up the future maintenance cost difference.

Mayer was not in favor of accepting the bid based on the bid being only 40% of the evaluation provided in the 2009 assessment.

Bakle was not in favor of accepting the bid based on the bid being only 40% of the evaluation provided in the 2009 assessment.

Trustees rejected the bid offer.

ORDER OF BUSINESS NO. 10 -- New Business.

- a) The Chair asked if there is any new business to come before the board?
 - i) Mr. Peck said that he had posted Mrs. Mayer's invitation to Def City School bus drivers to attend this

session to discuss road snow & ice removal issues. He noted that only one driver had concerns and the road named were either county roads or city streets.

(1) Mrs. Mayer thanked Mr. Peck for the effort.

- a) The Chair asked if there was any other new business to come before the board.
 - i) There was no other new business brought forth.

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: Tuesday February 23, 2010

Time: 7:30 p.m.

**Place: 2nd floor of the Defiance County Commissioners building – conf room EMOOC
500 Court Street - Defiance, Ohio**

Mr. Bakle then requested a motion to adjourn the meeting of January 25th, 2010.

It was moved by: Mr. Peck

SECOND by: Mrs. Bakle

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