

Minutes
DEFIANCE TOWNSHIP TRUSTEES
January 27th, 2015 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 27th, 2015 at 7:00 p.m. Following the Pledge of Allegiance the Chair instructed the clerk to call the roll. Answering as present were Diana Mayer, Daniel Peck, & Charles A. Bakle Jr., also present was Tim Houck, Township fiscal officer. All three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employees present were: Jason Shaffer 13386 State Route 15, & Mike Daniels 21786 State Rte 637all from Defiance, Ohio.

Visitors present: JoEllen Houck 8 Deville Drive, Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Reviewed and approved the minutes of the previous session.

Chairman Bakle requested a motion for the approval of minutes from the January 13th, 2015 annual re-organizational Township session.

Mr. Peck moved to approve the minutes as presented.

Mrs. Mayer seconded.

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

The minutes for the session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- 1) The chair asked for citizen concerns from the floor.
 - a) There were none.

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 \$237,039.45-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for January (UAN software-) were \$0.
- c) Payment reports:
 - i) Payments for January (UAN software-) were \$6,682.35.
- d) The Cash fund summary through January 31st, 2015, (UAN software) showed an "ending fund balance" of \$928,707.35.
 - i) The "cash available" for encumbrances (current reserve- UAN software) was \$536,965.21.
- e) Appropriation Status showed that through January 26th, 2014 (UAN software), .5% of the years' appropriations had been expended. All reports will be on file in the Fiscal Officer's office.
- f) The fund status report (money market) showed:
 - i) The money market investment fund balance as of 01-26-15 was \$704,828.21.
- g) Trustees reviewed and signed the January bills.
- h) Trustees then reviewed exhibit 3-h -- the Twp's 2015 proposed insurance premium with the Ohio Plan. The plan was emailed to all Trustees on Jan. 24th. There is an increase of \$128 for the annual premium. Annual premium in 2015 will be \$3,815. The exhibit contains a cover letter from the Insurance agent which explains the increase.
 - i) Trustees agreed to the new premium charge.

- i) Exhibit 3-I was an email from the State Auditor which noted the estimated expense for this year's audit of Twp financials for fiscal years 2014 and 2013 to be performed by the State Auditor's Office. The Twp is required to have a regular audit as the last two audits were basic (agreed upon procedure audits), this is why the expense will be greater than the past two audits.
- i) There were no further comments.
- j) Exhibit 3-j –was a notice from Maumee Valley Planning of the 2015 process for applying for a 2015 CDBG grant. A public hearing is scheduled for Feb 12th, 10:30a.m. in the Def. Co. Commissioners building. Grants approved in 2015 are for projects to be done in 2016.
- i) There was no additional discussion..
- k) Payroll & January time cards (time cards provided trustees prior to session) were then reviewed by Trustees – there was no comment.
- l) Mr. Bakle then requested a motion to accept the January financial reports.

MOTION by: Peck
 SECOND by: Mayer
 YEA(s) 3 NAY(s) 0 Passed X Failed

The financial reports were approved.

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

- a) January Zoning report –
 - i) Jason reported that he is awaiting pending reviews by Def Co Soil and Water before he can issue requested permits.
 - ii) Jason also reviewed the proposed construction of a walking track around Def. City Resouviour with Trustees.

Jason A. Shaffer
 Defiance Township Zoning Inspector
 Defiance, Ohio 43512

- b) The Chair asked if there were any other Zoning issues to be discussed.
 - i) There were none.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) The Chair asked if there were any comments or concerns on current or proposed new eq.
 - i) Mike Daniels noted that the backhoe is being worked on – there is a hydraulic and cooler issue. Replacement parts are ordered and the unit will be up soon.
 - ii) There were no other eq issues noted.

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

- a) The monthly road inspection report –for January was presented by Trustee Mayer.
 - i) Mrs. Mayer noted there were pot holes on various roads as noted due to the winter conditions.
 - (1) Crews are expected to address when/if conditions allow.
 - (2) Berming is necessary on Co Line rd #10 & Cromley.
 - (3) It was noted that the Co Engineer's staff will cut back over hanging tree limbs over Carter, Sponseller and Bowman when time and conditions allow.
 - ii) The February Rd review will be by Trustee Bakle.
- b) Exhibit 6-b was reviewed. This was from the County Engineer and was the certification of Twp highway miles as of December 31, 2014. This item needed Trustees signatures and returned to the Engineer.
 - i) The Twp's highway miles were reduced from 23.05 to 22.70 due to annexations that occurred in 2014. (Pro-Com drive, Radio Drive and Indian Bridge lane).
 - ii) Trustees signed the documents without comment.

- c) Exhibit 6-c – was the annual proposed road work on Def Twp roads from the Co Engineer’s Office. The Engineer’s Office conducts an annual review of Twp roads and recommends maintenance-replacement. Trustees review and provide the engineer with direction.
- i) Total proposed expenditures for 2015 are \$113,987.
 - ii) purchase orders of 2014 that will fund the projects listed are:
 - (a) P.O.’s 9-2014, &
 - (b) B.C.’s 36-2014
 - (c) P.o.s total \$225,000
 - (d) Expenses exceeding this amount with the Co Eng will require transfers and new p.o.s
 - iii) Proposed projects as of 01-27-15 are as follows:
 - (1) **Bowman Road:**
 - (a) **Chipseal:** from Power Dam to Twp line - \$40,818
 - (b) **Hot mix patch:** from Power Dam to Twp line - \$16,776
 - (c) **Pavement markings:** from Power Dam to Twp line - \$3,051
 - (2) **Karnes Road:**
 - (a) **Chipseal:** from Bowman to Watson- \$11,044
 - (b) **Hot mix patch:** from Bowman to Watson - \$1,432
 - (c) **Pavement markings:** from Bowman to Watson - \$342.00
 - (3) **Keller:**
 - (a) **Chipseal:** from Powers to Kiser- \$4,252.00
 - (b) **Hot mix patch:** from Powers to Kiser - \$767.00
 - (4) **Kibble:**
 - (a) **Chipseal:** from Canal to Winn- \$5,366
 - (5) **Singer:**
 - (a) **Chipseal:** from State Rte 111 to Hammersmith - \$4,806
 - (6) **Sponseller:**
 - (a) **Chipseal:** from Paulding Co Line rd to Bowman – \$9,722.00
 - (7) **Winn Rd:**
 - (a) **Chipseal:** from Kibble to dead end – \$1,584
 - (8) **Defiance – Paulding Co Line Rd #10**
 - (a) **Hot mix patch:** from State Rte 66 west to Twp line - \$4,910.00
 - (9) **Defiance – Paulding Co Line Rd #8**
 - (a) **Hot mix patch:** from S. of Hammersmith for 2,025’- \$6,245.00
 - (10) **Defiance – Paulding Co Line Rd #8**
 - (a) **Hot mix patch:** from Hammersmith to Powers - \$818.00
 - (11) Trustees approved during their April 2013 session to add floors to the salt bins.
 - (a) see mins from April 2013 forward for details.
 - (b) the south side floor was completed Oct 25th, 2014.
 - (i) Trustees approved the Twp staff to do the north side in spring of 2015 due to winter weather.
 - (12) In the March 2014 session Trustees approved the berming of Cromley Road to reduce or eliminate drop off.
 - (a) Trustees assigned this to staff as soon as possible.
 - (13) In the March session Trustees instructed staff to complete the insulation of the maintenance building as directed in 2013.

- (a) Trustees directed staff to address in November 14- with a not to exceed expense of \$3,000 for materials.
 - (i) Crew was unable to address this task in November -14.
 - (ii) Trustees directed that this be a priority in December-14.
 - (iii) Crews were unable to address in Dec.
 - (iv) Crews were unable to address in Jan.

- (14) Road surface product - the Chair called for discussion on the use of chip and seal as proposed by the County Engineer vs the use of micro surface material supported by Trustee Bakle.
 - (a) Trustee Bakle will have a micro surface company attend the next Twp regular session in Feb. to present the information on micro surfacing.
 - (b) Trustee Peck – suggested that the Co Engineer also attend to listen to and respond if appropriate.
 - (c) No determination was made at this session regarding the proposed Co Engineer projects.

- d) Exhibit 6-D- was reviewed:
 - i) This was the annual project listing form from the County Engineer's Office – this packet notes anticipated costs for berming, pavement markings, weed spray, crack seal, hot mix, seal coating, spray patching, stone, asphalt paving, etc...
 - ii) Trustees are asked to fill out their proposed work projects and return this form to the Co. Engineer's Office.
 - (1) Trustees plan to provide this to the Co Engineer after the Feb session – see above.

- e) A financial impact review by the fiscal officer:
 - i) As of this session total anticipated cost of all proposed and approved projects for 2015 are estimated to be \$126,000 more or less (\$113,978 f eng report).
 - ii) Trustees are reminded that:
 - (1) Regular twp. expenses are estimated – based on historical review, at between \$70,000 and \$100,000 – would include projects 11,12, 13 – salaries, mowing, snow removal etc.
 - (2) Anticipated 2015 revenues as noted in the 2015 amended certificate from the County Auditor for road work was \$165,615.00.
 - (3) Total road expenses year to date are **\$3,027.72**
 - (4) Total road fund revenues year date are **\$0000000**
 - (5) A recap of the OPWC grants – see minutes of previous sessions for history. The last update from the Co Engineer's Office is dated 11-18-2014 and was presented to Trustees at the November session. The update includes expenditures from future OPWC grants that the Twp. might receive.
 - (a) (See minutes from 2011 forward thru December 2013 for history).
 - (b) Current status – the OPWC has utilized future grants in the amount of \$61,483.00
 - (c) The Engineer has informed the Trustees that the grants are promised by law with the passage of issue 1 several years ago. The average annual grant for Def Twp is \$25k for the next 10 years or a total of \$250k give or take.
 - (i) There were no additional comments on the OPWC grants.

- i) The Chair asks if there are any new proposed 2015 projects that are not now on the above project list:
 - (1) None were presented.

- f) Trustees again noted the February work assignments for the Twp. crew are noted in the monthly road report.

- g) Twp cemeteries –
 - i) no issues were reported.

ORDER OF BUSINESS NO. 7 - Handouts were distributed as noted below:

- a) The monthly (January 15) GrassRoots clippings was distributed as exhibit 7a.

ORDER OF BUSINESS NO. 8 –Old Business

- a) The Fire – Rescue service contract for Def. Twp with the City of Defiance was modified per the City and Trustees as required approved the modification during the Twp’s July meeting. The cost for rescue services was increased by \$24k.
 - i) In response the Twp Trustees placed a ballot issue before the voters (November 2014) of Twp precincts A & B where that service is rendered.
 - ii) See minutes from January 2014 forward to review history of a 2014 proposed fire-rescue service levy to be placed on the November 2014 ballot to cover the proposed City increase.
 - iii) As of January 18th, 2015:
 - (1) The ballot issue was defeated in November 2014.
 - (a) 276 votes for – 318 against.
 - (2) Trustee’s in November 2014 voted to place the issue before the voters again in the May 2015 primary.
 - iv) In the January re-organizational session Trustees passed resolution 2015-10 “DECLARING IT NECESSARY TO LEVY AN ADDITIONAL 1.1-MIL TAX LEVY AND REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE DEFIANCE TOWNSHIP AND THE DOLLAR AMOUNT OF THE REVENUE THAT WOULD BE GENERATED BY THAT LEVY”..
 - (1) The Auditor’s office has made the certification.
 - (2) In order to complete the process Trustees need to adopt resolution 2015-12 – (the resolution is part of exhibit 8a of this session(Jan 27, 2015) which is a packet containing:
 - (a) The Certificate of Estimated property tax revenue as approved by the Co. Auditor (see resolution 2015-10 approved in the January Twp reorganizational session.
 - (b) resolution 2015-12 (as drafted by the Prosecutor’s office),
 - (c) proposed ballot language (as drafted by the Prosecutor’s office
 - (d) the “notice of Election on tax levy in excess of the ten mill limitations” as drafted by the prosecutor’s office; (to be provided to the Bd of Elections upon the adoption of the resolution); and
 - (e) a receipt letter that is to be signed by the Bd of Elections once the packet is taken to the Bd. Of Election.
 - v) Resolution 2015-12 : IN THE MATTER OF: SUBMITTING TO THE ELECTORS OF THE UNINCORPORATED AREAS OF DEFIANCE TOWNSHIP PURSUANT TO RC. 5705.19 THE QUESTION OF AN ADDITIONAL 1.1 MILL TAX LEVY FOR THE PURPOSE OF FIRE/EMS/AMULANCE SERVICES, was then reviewed and discussed.
 - (1) Trustees approved resolution 2015-12 – the fiscal officer is to take the resolution and required associated documents to the Bd of Elections by the Feb 4th filing deadline.
- b) **Below** is an email response from the Prosecutor’s Office regarding questions as posed by Trustee Mayer.
 - i) The email was prepared by the fiscal officer and sent to all trustees on Jan 19th.

1) Trustees have been told by other political subdivisions and some fire departments that – the Twp, per the ORC, must provide fire protection. Is this true?

No – Townships are not required to provide fire protection.

OAG Opinion 94-067 states: 1. Pursuant to [R.C. 9.60](#) and [R.C. 505.37](#), a township **may, but is not required to, provide fire protection** for the residents of the township. 2. [R.C. 505.38\(B\)](#) requires the board of trustees of a township that does not have a fire department to appoint a fire prevention officer to carry out the duties of a fire chief except those duties pertaining to the maintenance and operation of fire apparatus.

2) Trustees have been told that the Township is not required to provide rescue service – again is this true?

Yes – Townships are not required to provide ambulance/first aid/rescue services.

A board of township **trustees may acquire and operate an ambulance** for the purpose of protecting property and lives against damages and accidents. 1962 OAG 3332., R.C. 505.37

- 3) **If question 2 is true – Trustees now assume that if the Twp can no longer afford to fund emergency/rescue service - that when there is the inevitable emergency in Def Twp precincts A &/or B - that 911 would dispatch someone – is this true?**
- 4) No. other jurisdictions (whether they be the city or another township) would be under no obligation to provide fire/ambulance/first aid/rescue services to Defiance Township if they are not legally contracted to. Ultimately – the matter would be in their discretion. 911 would be advised if that jurisdiction was not serving in the unincorporated area (Precinct A & B) of Defiance Township and they would not be alarmed out to calls in those areas if they advised 911 to not alarm them.
- 5) **If the answer to question 3 is yes, Trustees are informed that the cost of that service would be borne by the citizen receiving the service – again is this true?**

The answer to #3 above negates the necessity of answering this question.

If you have any questions, comments, or concerns regarding this matter, please contact me at:

Sincerely yours,

Russell R. Herman, Assistant Prosecuting Attorney, Defiance County, Ohio
500 Court Street ~ Suite C, Defiance, Ohio 43512
Phone 419-782-2402, Fax 419-782-6374
rrhpros@defiance-county.com

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From: [Tim Houck](#)
Sent: Monday, January 19, 2015 1:57 PM
To: [Russell Herman](#)
Cc: [Dan Peck](#) ; [Diana Mayer](#) ; [Charles A. Bakle Jr.](#) ; [Timothy J Houck](#)
Subject: fire rescue service - twp obligation to provide questions

Hi Russ: The Township Trustees have been discussing their options if the levy should fail. A failure will place the Twp in a position of not having enough revenue to continue the current services (both fire and rescue) from the City of Defiance under the existing contract.

Questions:

- 6) Trustees have been told by other political subdivisions and some fire departments that – the Twp, per the ORC, must provide fire protection. Is this true?
- 7) Trustees have been told that the Township is not required to provide rescue service – again is this true?
- 8) If question 2 is true – Trustees now assume that if the Twp can no longer afford to fund emergency/rescue service - that when there is the inevitable emergency in Def Twp precincts A &/or B - that 911 would dispatch someone – is this true?
- 9) If the answer to question 3 is yes, Trustees are informed that the cost of that service would be borne by the citizen receiving the service – again is this true?

Thanks for your time on this issue. Per usual I will drop off a hard copy of this email to your office.

Tim Houck, Fiscal Officer
 Defiance Township - Defiance County
 8 Deville Drive
 Defiance, Ohio

Phone 419-782-3494 Home
 Phone 419-782-5442 Work

- c) The Chair asked for discussion.
 - i) Trustees requested the fiscal officer to draft a letter for Trustee review outlining the necessity of the levy.
 - ii) Trustees determined that each Trustee will make calls to residents of precincts A & B (the two precincts that vote on the levy) to explain the need for the levy.
- d) The Chair asked if there was any other additional old business to come before the Board?
 - i) There was none.

ORDER OF BUSINESS NO. 9 – New Business.

- a) The fiscal officer requested permission to attend the 2015 Local Gov't Officials Conf sponsored by the State Auditor. The annual conf will be held April 1 and 2 in Columbus at the convention center.
 - i) There is no cost estimate at present – last year the registration was \$175.
- b) Mr. Bakle then requested a motion to approve or deny the request.

MOTION by: Peck - to approve the requested travel
 SECOND by: Mayer
 YEA(s) 3 NAY(s) 0 Passed X Failed

The request for travel was approved.

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

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

- a) Regular scheduled session.

Date: **Tuesday – February 24, 2015.**
Time: 7:00 p.m.
Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC
 500 Court Street - Defiance, Ohio

ORDER OF BUSINESS NO. 11 – Adjournment:

Mr. Bakle requested a motion to adjourn the meeting of January 27th, 2015

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