

Minutes
DEFIANCE TOWNSHIP TRUSTEES
February 24th, 2009 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 February 24th, 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: Joe Kolb 16492 Cullen Rd, and James Schlegel (equipment operator and zoning inspector) – 220 Pinewood.

Other(s) present were: Ruth Ann Schofield 15968 Campbell Rd, Penny Bakle 1204 Washington Ave, Dennis Bott 15816 Williams road, Corrine Duerk 1585 South Clinton St, Defiance, Jeff Mick 21389 Hammersmith, Kelly Baumle 24400 Bowman, David Mick 21639 Hammersmith & JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Review and approval of minutes of the previous session.

- a) Chairman Peck requested a motion for the approval of minutes from the January 27th regular Twp session.
 - i) Mr. Ankney noted in ORDER OF BUSINESS NO. 7 - Trustee Report – Monthly Twp Rd inspection under the section discussing an agreement between Defiance and Delaware Twps to share maintenance efforts on Ashwood Road (boundary line road between Def and Del. The agreements assignment years were noted in reverse order. The Clerk amended the minutes.

Mr. Ankney moved to accept the corrected mins

Mr. Bakle seconded

YEA(s) 2 NAY(s) 0 Passed X Failed

The MINUTE'S for the January 27th session were approved as amended.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - i) Several citizens (Corrine Duerk & Dennis Bott) questioned the Twp's snow removal efforts this winter. The opinions offered were that the Twp was not doing enough to address snow and ice removal needs.
 - (1) Trustees Peck and Ankney responded that the Twp was doing the best that it can as this has been one of the worst winters in recent memory for repeated snow and ice events. Both also noted that salt was very difficult to purchase this year and the prices were very high.
 - (a) Mrs. Duerk noted that she was a past clerk and knows that there is money for salt.
 - (b) In addition to the general concern raised about Twp roads; Mr. Bott said roads were bad wherever woods border the roads.
 - (c) Twp equipment/snow plow operator- James Schlegel was recognized:
 - (i) His position was that this is an attack on his work effort.
 - (ii) He & his co operator Joe Kolb are plowing every time it snows and they salt the intersections per Twp policy. The roads are being taken care of.
 - (2) Trustee Bakle noted he disagrees with Twp policy relative to applying salt --at least in part. During ice events – Bakle thinks - the Twp should salt all of the roads. However, He said -- we can get by with doing intersections – probably – during snow events.
 - (a) Mr. Bakle also said he has had a dozen complaints this year – six of them from residents of Indian Bridge Lane.

- (3) Trustee Peck said he has had only 3 calls of concern, other than the issue when raised at the Twp meeting.
 - (4) Trustees agreed that the twp had difficulty acquiring salt this year and just at the end of Jan was able to purchase salt through an ODOT program. Further, the Twp does not have storage capacity for more salt and none for grit at present.
 - (5) Citizens questioned why grit wasn't being used. Trustees responded it would have to be purchased & loaded directly from the quarry. This comes out wet and then freezes in the truck. Grit is not an option at present.
 - (6) Trustee Peck brought this discussion to a conclusion:
 - (a) The Twp is doing the best it can under unusual circumstances.
 - (b) That Mr. Schlegel is doing a good job.
 - (c) Winter in NW Ohio has inherent risks with ice and snow.
 - (d) The Twp roads did not appear to be any worse or any better than Co roads in our Twp.
- ii) The next issue of citizen concern were two nuisance matters.
- (1) Jeff Mick asked if anything could be done about a old trailer on the Dave Glick property. Mr. Mick considers this an eyesore.
 - (a) Twp Zoning Inspector Schlegel replied that there is no violation of Twp zoning or nuisance codes on this issue. Schlegel is aware of the trailer. Further, Twp policy requires that a complaint form be filed for its records and legal needs. To date no complaint form has been filed.
 - (b) Mr. Peck said that Mr. Mick should fill out a complaint form but Mr. Schlegel was to take this discussion as an opportunity to contact Mr. Glick and review the situation with him.
 - (c) Mr. Bakle suggested that Mr. Mick might have more success if he (Mick) contacted the health department.
 - (i) The Health department's rules and authority are stronger than the Twp's.
 - (2) Both Jeff and David Mick raised a concern about the Mullinex property at 20495 Hammersmith. There is allegedly a large amount of junk and debris around this property.
 - (a) Twp Zoning Inspector Schlegel confirms this and states he is investigating and he and Sheriff Deputies have been to this property. (see zoning report)
 - (b) The Twp will continue to work on this issue.

ORDER OF BUSINESS NO.3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The January monthly Reconciliation – noted a primary checking reconciliation balance of \$168,135.46 as of January 30th, 2009.... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for February 2009 were \$10,221.60. Payments for February (bills & payroll) totaled \$20,166.91.
- c) The Cash fund summary through February 28th, 2009, showed an “ending cash balance” of \$880,571.00.
- d) The unencumbered cash balance “cash available” was \$322,740.05 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through February 28th, 2009, 2.3% of the years' appropriations had been expended. The budget is in line with the goals set by the Trustees to pay in 2009 the cost to rebuild the 2nd half of the Kiser Road. The funds for this project have been encumbered for expenditure during this year. 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 02-28-09 was \$722,380.85.
- g) Trustees then reviewed Exhibit 3-g a transfer of funds to pay for road salt.
 - i) \$8,000 from 2021 – 820-820 “principal payment to 2021-330-420 operating supplies.
 - ii) The fiscal officer informed the Trustees that there was no change in the over all funding level in 2021 and that the transfer would not prohibit payment of Twp debt obligations in 2009.

Mr. Peck requested a motion to approve the transfer to pay for road salt purchases.

MOTION by: Richard Ankney

SECOND by: Dan Peck

YEA(s) 2 NAY(s) 0 -- 1 abstention – Mr. Bakle is an employee of ODOT –

The vote being 2 yeas and 0 nays the motion to approve the transfer passed.

- h) The fiscal officer provided Trustees with documentation from the State bank which states that the Twp's funds are secure and guaranteed above the \$250,000 FDIC guarantee. This item was **exhibit 3-h**.
 - i) The exhibit notes that the Twp funds are part of a "public deposit collateral account".
 - ii) The fiscal officer had, as requested by the State Bank, surrendered the bond securing the Twp funds. The Kansas Bankers Surety Co. (bonding agents) informed the State Bank and the Twp in Jan it was exiting this type of business.
 - iii) The State Bank has been providing monthly reports documenting the Twp Funds are collateralized. The report as noted in Jan session is titled "public deposit collateral verification report" & is on file in the Twp records.
- i) The Trustees reviewed and signed the bills for the month.
- j) payroll for February was then reviewed and checks signed by the Trustees.

Mr. Peck requested a motion to accept the February financial reports.

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

The February financial reports were approved.

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

- 1) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jim Schlegel
 - a) February 2009
 - i) Site Review for Pond Power Dam Rd. Denied with consideration from Soil & Water.
 - ii) Gary Butler says the junk pile on Ball Rd is Twp responsibility.
 - iii) Site Review for land split on Carter Rd. Approved and sent to Maumee Valley Planning.
 - iv) Site Review home addition Williams Rd. Permit issued.
 - v) Trash Complaint Williams Rd. sent notice of zoning violation. Owner called and advised they will comply. @/23/09 CP advised all trash is gone but large burn pit still exist which is unsightly to neighbors.
 - vi) Trash & junk truck complaint Hammersmith Rd. Appears to be abandon. Neighbor advised previous occupants moved to Indiana. Owner of record is Steven Schneider. Checked with all offices at Court House no address other than 20495 Hammersmith. Contacted Sheriff for some help they need at least a middle initial and or phone number. None on record in Defiance County. Contacted neighbors they advised Mulnix's have possession till March, also the owner may live around Toledo. Am trying to locate through Lucas County files. 2/23/09 contacted Lucas Co recorders office no such record on file. 2/23/09 7pm received a call from Mrs Mulnix Current residence on file at 20495 Hammersmith Rd. She advised they will clean up this debris also advised they have possession till April 09. I questioned several times when this will be cleaned up. Her response was don't you worry about it and hung up on me. This was a blocked call untraceable.
 - b) Chairman Peck asked if there is 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) None from the employees.
 - ii) The fiscal officer provided insurance vehicle id cards as is required. These cards are proof of insurance with the Ohio Plan and must be kept in each vehicle as designed. The Twp operators will place the cards in the Twp vehicles.
 - (1) Copies are on file with the fiscal officer.
 - iii) The fiscal officer also noted that he was in receipt of a notice from Ztech that the Twp Ford 1 ton 2005 dump truck's rust guard is due for reapplication.
 - (1) Trustees instructed the Operators to have the rust guard reapplied.
 - iv) There were no other issues noted.

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

- a) The Trustee Monthly Twp Rd inspection report, exhibit 7-a as completed by Trustee Bakle was reviewed.
 - i) See report on file with the meeting minutes.

- ii) Twp employees were provided a copy of the report to use as a work order for March.
- iii) Generally the report notes:
 - (1) Berm should be added to certain roads
 - (2) A cross-over on Ashwood needs fill placed on top to level out the road.
 - (3) A cross-over is failing on Krouse road
 - (4) Road name sign is missing on Winn road (this is a co engineer issue and will be passed onto the engineer's office by Trustee Ankney).
- b) The March - Rd review will be by Trustee Peck
- c) Project(s) review: –
 - i) Up-date on existing road projects – there is presently one major planned project for 09:
 - (1) **Kiser Rd project** (1 full mile from Keller to Canal) – to be done in 2009.
 - (a) See minutes forward from the Jan 07 session for project details.
 - (b) The project was awarded to RG Zachrich of Defiance for their low bid of \$250,775.50 on Jan 27th at the Def Co Engineer's recommendation.
 - (c) As of 2-24-09 the Twp awaits the start of the const.
 - (d) This item will remain on the agenda until completed
 - (i) There was no further discussion.
 - ii) **During** the Jan 27th session Trustees determined to review the Twp roads with the Co Eng to determine – create a priority list of road projects and to review potential additional projects for 09. The Fiscal officer had noted in previous meetings that there may be additional funds available for other unanticipated projects due to the bid amount for the Kiser Rd project.
 - (1) **Exhibit 6-c-ii** was reviewed and is the proposed additional 09 project and a list of other potential future projects.
 - (a) Mr. Peck asked for discussion
 - (i) Trustee Ankney will present to the engineer that the Trustees are in general agreement with the projects as prioritized.
 - 1. Mr. Bakle was appointed to contact Maumee Valley Planning to see if the Twp can secure grants to re – pave Indian Bridge Lane. Mr. Bakle believes this area is eligible for low income CDBG grants.
 - a. The fiscal officer asked that Trustees acquire some cost estimate for any of the projects on the list not priced out for budgeting purposes.
 - 2. The 2009 additional projects are to be
 - a. Chip and seal certain section of Karnes and the Def Paulding Co Line rd
 - b. Apply hot mix to certain sections of Karnes and def Paulding co line rd
 - c. Add pavement markings to certain sections of Karnes and def Paulding co line rd
 - d. ...estimated cost of this project \$31,806.43
 - iii) **Twp cemeteries** –
 - (a) Were noted in the Trustee road report.
 - (b) The Taylor cemetery road has a wash out which will be repaired asap.
 - iv) Mr. Peck asked if there were any other possible road projects?
 - (1) There were no others brought forth at this time.

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

- a) Monthly (February 09) GrassRoots clippings – was presented as exhibit 8a

ORDER OF BUSINESS NO. 8 - Old Business

- a) Def Twp Trustees discussed the process of their position to have Def Twp represented on the Ayersville Water & Sewer Bd. This position was taken at the Nov 08 session.
 - i) Trustees noted from the fiscal office **exhibit 8-a** –which requested guidance in this matter from the Prosecutor's office. At present the Twp awaits a response.
 - ii) Mr. Peck asked if there is any discussion?
- b) The discussion on the AWSB continued -- Mr. Kelly Baumle 24400 Bowman was recognized.
 - i) Mr. Baumle identified himself as the Def Twp representative to the AWSB as appointed by the Highland Twp Trustees.
 - ii) Baumle explained that he was here to introduce himself and ask the Defiance Twp Trustees to pass a resolution noting that his residence is not part of the AWSB District.
 - (1) He explained:

- (a) He believes the District has included his parcel in the District via his mailing address and not the physical location of the parcel. His residence is well over 200' from the road. And it is his position that his residence is off a road which is not yet built. He said he thinks the AWSD are not following their own rules when annexing parcels into the district. He has over 20 acres and has sufficient room for a septic system. He said he will probably join the District at some time but wants the application process to be followed. He presented to the Def trustees a map of the district noting his property location, a copy of the OEPA findings and orders against the ASWD, a copy of the def twp resolution which endorsed the AWSD – but with parameters and a description of the District's phase a and b as designed by Poggemeyer's of Defiance. It is those parameters of the Defiance resolution which he seeks to clarify.
- (b) The Trustees said they would have to present his request and his information to the Prosecutor for their review and advice. (the resolution mentioned was passed by the Def Twp in 1998 and allowed AWSD to include parts of Def Twp.)
- (c) Mr. Baumle agreed with this process proposal. Copies of the packet provided by Mr. Baumle are on file with the minutes of the session.
- (d) The fiscal officer was directed to place Mr. Baumle's name and contact information on the Twp Directory, listing him as the Twp representative to AWSD.
 - (i) It remains the Twp's intent to seek the ability to appoint the Def Twp representative. That position is independent of this appointment.

c) Chairman Peck informed the Trustees that he has requested to present to the Twp for approval an application for inclusion of Mr. Kevin Fackler into the Ayersville Water & Sewer District.

i) **exhibit 8-b** is email discussions on this request between Kim Baker – attorney for AWSB and Twp Trustee President Dan Peck

d) **Exhibit 8-c** is Def Twp resolution 2009-10 for application for the Fackler's to be included in the AWSD's Territory signed by Mr. & Mrs. Fackler. Also included is a right of way easement which is to be submitted with the approved resolution to the AWSB.

i) Mr. Peck requested a motion to approve the resolution.

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

Resolution 2009-10 was adopted. The fiscal officer will return the resolution and right of way easement information to the Fackler's. they will then present this information to AWSB to request inclusion into the District.

e) The chair asked if there was any other old business? There was none.

ORDER OF BUSINESS NO. 9 - New Business

a) The Chair asked if there was any new business to come before the Board?

b) **Exhibit 9-a** – a notice from Co EMA of training for Twp personnel – “confined space” a safety training seminar, to be held on May 9th, at EMA Office, 8 hrs includes-- Lock out/Tag Out.

i) Trustees determined to send Mr. Ankney.

c) Information from Maumee Valley Planning commission was then reviewed. This was a request for a vote on proposed Township Representatives for the District 5 Executive committee of the Ohio Public works Commission. Trustees reviewed the cover letter attached as exhibit 9-b which also had an attached ballot. Trustees are to vote and sent in their ballot.

d) The Fiscal officer noted he will be on vacation from March 1st through the 9th.

e) The Chair asks if there is any other new business to come before the board?

i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: **Tuesday March 31st, 2009.**

Time: 7:30 p.m.

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

Mr. Peck then requested a motion to adjourn the meeting of February 24th, 2009.

It was moved by: Mr. Bakle

SECOND by: Mr. Ankney

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