

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**February 26<sup>th</sup>, 2013 MEETING**

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday, February 26<sup>th</sup>, 2013 at 7:00 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.

Diana Mayer was excused (attending zoning training for Twp Commission members which was coordinated by the Prosecutor's Office. A Trustee was requested to be in attendance);

also present was Tim Houck, Township fiscal officer. With Two (2) of Three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employees present were: Jason Shaffer (equipment operator and zoning inspector) – 13386 St Rte 15, & Joe Kolb 16492 Cullen Rd., - Defiance, Ohio.

Visitors present: Warren Schlatter Defiance County Engineer, Andy Shininger 16158 Bostater Rd, Ney, Ohio, David Mick 19444 Hammersmith Rd., Dennis Scott 14232 St Rte 111, Andy Bok 20503 County Rd 424, Stacie Price 19626 Cromley rd, Joe Webb 19577 Cromley Rd, & JoEllen Houck 8 Deville Dr.

**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 22<sup>nd</sup>, regular Township session.

Mr. Peck moved to approve the minutes as presented.

Mr. Bakle seconded.

The vote being   2   Yea(s)   0   Nea(s)

The minutes for the January 22<sup>nd</sup> regular session were approved.

**ORDER OF BUSINESS NO. 2 - Citizen concerns:**

- 1) The chair asked for citizen concerns from the floor.
  - a) All citizen issues were addressed in section 6 of the agenda – "Township Road Reviews and road projects.

**ORDER OF BUSINESS NO. 3 - FINANCES –**

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for January – noted a primary checking reconciliation balance of \$268,530.51 balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
  - i) Receipts for February were \$13,290.30.
- c) Payment reports:
  - i) Payments for February 2013 were \$34,467.14.
- d) The Cash fund summary through February 28<sup>th</sup>, 2013, showed an "ending fund balance" of \$950,859.95.
  - i) The "cash available" for encumbrances (current reserve) was \$595,540.91.
- e) Appropriation Status showed that through February 28<sup>th</sup>, 2013, 3.2% 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 02-28-13 was \$704,127.44.
- g) Trustees reviewed and signed the February bills.
- h) Payroll & February's time cards (time cards provided trustees prior to session) were reviewed without comment and signed .

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

MOTION by: Peck

SECOND by: Bakle

YEA(s) 2      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:

- a) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jason Shaffer provided the following electronic copy of this report.
  - i) report for February 2013.
    - (1) Received calls from:
      - (a) Steve Plummer reference a sign for his establishment on CR 424. I gave him his information that is required from the township. He has not gotten back with me as of this date.
      - (b) Chavelo Baldazo reference a new home on Williams Rd. He was given the information from the township, and has not purchased the property as of yet. Sale pending.
      - (c) Tom Wiseman, reference the sale of property of the D.A.V. Hall on Sr 111. Attempting to spit the property.
      - (d) Larry/Mary Mick, reference a new home on Krouse Rd. Paper work was issued. Conditional Use permit will be required, due to the property being Zoned as Agricultural at this time.
      - (e) Martin Appraisal Group, reference Larry's Automotive on SR 15. Interstate Brands wants to sell the property, along with the property on Downs St. Both are Zoned as Commercial. But did advise them to contact the City of Defiance on their Zoning.
      - (f) The David Glick junk trailer on Hammersmith Rd is gone. I did view the property myself. He advised at a later date, he would to build a new home on the property. I advised him of the regulations of the Township.
      - (g) I have not been able to view other properties in the township with Zoning issues due to darkness.

2)

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

- a) Zoning Training for Twp Zoning Boards of Commission, Appeals, Zoning Inspector and Trustees will be conducted by the County Prosecutor's office on Feb 26<sup>th</sup> (commission), March 5 (inspectors) and March 12 (appeals bd). Trsutees were provided with a schedule from the Prosecutor's office as exhibit 4-b.
- b) Exhibit 4-c was then reviewed. This exhibit was a letter from Mr. David Glick regarding a property clean up ordered by Zoning Inspector Shaffer. Mr. Glick has stated he has cleaned up the property and has asked Jason Shaffer to inspect.
- c) Chairman Bakle asked if there were 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) Joe Kolb stated that all equipment is now repaired so that it can be used (the international's strobe lights were not working and the truck could not be used for snow events until this was repaired). The International's strobe lights were fixed to operate. The Township has ordered a new led light bar and this will be installed at a later date. All other equipment is functioning.
- b) The Township continues to seek informal quotes to purchase:
  - i) A replacement truck for the recently sold 95 Dodge – straight pick up;
    - (1) Trustees reviewed exhibit 5, a quote from Bruce Kunesh Auto Sales on a Dodge pick up –

(a) 2003 Ram half ton for \$7,283.50

MOTION by: Peck to purchase at the price quoted.

SECOND by: Bakle

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

The motion to purchase was approved.

c) There were no other equipment issues noted.

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

- a) Trustees reviewed (exhibit 6-a) the monthly Twp Rd inspection by Trustee Bakle.
- i) Trustee Bakle reported that roads looked ok. Bakle noted some damage to the surface of Krouse rd.
    - (1) Warren Schlatter County Engineer was recognized and said there was indeed some surface damage. He thought a “dura patch” of the approximately five spots would cost \$400 to \$500 each.
    - (2) Andy Bok was then recognized and he stated that May road (he recently purchased the home on May road) needs to be stoned and that Twp snow plows have not been plowing this road.
    - (3) Trustees noted that the previous owner had requested the Trustees to not plow this road as the trucks had to turn around at his drive and this damaged the private drive.
    - (4) Trustees noted that the road dead ends at the drive and they would have to use the drive to turn around.
    - (5) Mr. Bok said that they could. Bok also requested phone numbers of the Trustees. Trustees said they would provide the numbers and noted that all contact information is listed on the Twp web page. <http://www.defiance-county.com/townships/defiance.php>
- b) Trustees then reviewed the status of the proposed 2013 projects as of this session.
- i) The Trustees & the Co Engineer are working to confirm the project list for 2013. Those projects will be managed and constructed by either contractors or staff from the County Engineer’s office.
  - ii) As of 01-22-13 this list (distributed as exhibit 6-b of that session) is as follows – and is based on carryover projects from 2012 and Trustee discussions during the December 2012 regular session.
    - (1) purchase orders of 2013 that will fund the projects listed are:
      - (a) P.O            8-2013, 9-2013, &
      - (b) B.C.36-2013, 45-2013
      - (c) P.o.s total \$179,500
      - (d) Expenses exceeding this amount with the Co Eng will require transfers and new p.o.s
      - (e) The exhibit 6-b engineer’s project list and estimated prices for all projects listed was **\$178,649.**
    - (2) The remaining .7 mile of Hammersmith from Singer to State Route 111- Trustees were reminded to review the minutes from 2011 forward for history:
      - (a) County Engineer Warren Schlatter and the Trustees determined in the November 12 session to address this .7 mile rebuild project over the next three year period anticipated to begin in 2013.
        - (i) The entire .7 miles will be widen in 2013 and the drainage ditch is to be constructed. Property acquisition for right of way to widen the road and construct the ditch will be done by the County engineer. The engineer’s office will also contract or construct the ditch in 2013.
        - (ii) .7 mile will be initially constructed (widened) and rough paved in 2013
          - 1. Widening with rough paving - \$27,300.
          - 2. Right of way acquisition – \$10,000
          - 3. Drainage ditch construction - \$10,000
            - a. 2013 exp on this proj \$47,300
        - (iii) A smooth paving will be applied in 2014.
        - (iv) And a final smooth paving will be done in 2015.
      - (b) Dave Mick was recognized and he reported that a section of the road which was rebuilt last year has some berm damage.
        - (i) Trustees said they would check out this report.
- (3) Indian Bridge lane: -
  - (a) A proposed future effort - on Indian Bridge lane:
    - (i) Pavement of the west side of the boulevard.
    - (ii) Trustees will apply for a 2013 CDBG grant for construction in 2014.

- (iii) Exhibit 6-b proposed a lane paving estimated cost \$19,246 (this will be part of the cdbg grant & no longer assessed to 2013 anticipated expenses.)
- (4) Cromley Road (not on 6-b of 2013)
  - (a) A planned resurfacing is anticipated in 2013. Trustees are working with the County Engineer to determine material.
  - (b) There is no cost estimate as of this session.
  - (c) Based on past discussions the fiscal officer had assigned **\$5k** for this project.
  - (d) Trustees reviewed exhibit 6-4 from Kate Webb an email dated 2-25 requesting work to alleviate muddy conditions on the section of this road in front of their home.
  - (e) County Engineer Warren Schlatter was recognized and he stated that he had spoken with the "micro surface" sales representative and both agreed that micro surfacing was not appropriate for this section of road.
  - (f) Joe Webb stated that the road from its end of hard surface to its westerly terminus was again very muddy and soft. (Trustees had stoned the road but this stone has since been pushed into the road bed.) The Webb's asked for some redress of the issue.
    - (i) Trustees agreed to place more #2 stone as soon as conditions allowed.
  - (g) The County Engineer and the Trustees continued to discuss a fix to this issue.
    - (i) The Engineer suggested a cement stabilization for the dirt section of the road. This would be approximately 3830' from the point where the hard surface of the road ends and the soil surface begins and ending at the road terminus (dead end) just beyond the Webb home. The engineer suggested it appropriate to apply a double chip and seal to this road including the hard surface section from State route 111 westerly.
  - (h) Trustees agreed to the following:
    - (i) As soon as possible place #2 stone on the dirt portion of the road.
    - (ii) In 2013 the Co. Engineer will coordinate a cement stabilization of 3830' of Cromely from its west terminus to the hard surface portion of the road.
    - (iii) In 2014 a double chip and seal will be added to the entire road.
  - (i) Joe Webb was again recognized and he volunteered to repair the road side drainage where it is presently damaged. Trustees said that the Township would then seed this area.
- (5) Defiance-Paulding Co line road #10 – Twp portion. From the Sept 2012 session, Trustees noted a section of the road was failing probably due to the summer's drought. Trustees are working with the County Engineer's office to have the failed area repaired in 2013.
  - (a) Paving with asphalt 2013 over 2150' estimated cost \$38,002.
  - (b) At this session Trustees determined to patch the damaged area and move the asphalt paving to 2014.
  - (c) Repairs to road estimated in 6-b at \$2,641. This was labeled on the agenda as Co Line rd #10 and is Co. Line rd #8.
    - (i) Trustees confirmed this project will be part of the 2013 effort.
- (6) Bowman rd –
  - (a) This work was listed on the Jan exhibit from the Engineer's office – exhibit 6-b.
  - (b) Exhibit 6-b estimates repairs to cost \$31,700
    - (i) Trustees approved this work for 2013.
  - (c) Also a chip seal was listed at \$37,566
    - (i) This work was moved to 2014.
- (7) Lakeview – repairs to surface and drainage. – not listed on 6-b for 2013.
  - (a) There is no cost estimate as of this session.
  - (b) Based on past discussions the fiscal officer has assigned **\$5k** for this project.
- (8) Singer Rd-Hammersmith intersection – drainage project. Not listed on 6-b
  - (a) First presented to Trustees by Co engineer at the November 2012 session.
  - (b) Re-cap:
    - (i) storm water backs up and flows over Singer and Hammersmith during heavy rain events. This is believed to be caused from a collapsed title under a private farm field. The field is also impacted as it does not drain properly. This project has been on hold since the spring of 2011. The project requires acquisition of right of way along Hammersmith and Singer Rds.

- (ii) the faulty tile is on private property and there is no history to document any agreement of maintenance or even how the tile came to be placed under this private farm field. The field is owned by George Newton 14309 Singer rd. The farm land is rented to Andy Schinninger 16158 Bostater Rd, Ney, Ohio. Mr. Shinninger proposed the plan which was prepared in part by Defiance County Soil and Water and was presented by the County Engineer.
  - (iii) The plan is based on the need for certain property owners along Hammersmith and Singer to give up some land for right of way in order to expand the ditch system. Property owners are the County Commissioners, Walter Nickerson, George Newton, Joe Wiseman and Scott Galbraith. Each property owner would be asked to donate the right of way land.
  - (iv) The Farm Service Agency (FSA) would provide a grant to construct a swale over the farm property.
  - (v) A 30" tile would be placed under Singer rd replacing the current 15" tile.
  - (vi) The drainage area into the tile would be enhanced.
  - (vii) The ditches would be widened and possibly a new tile would be placed under Hammersmith near the Nickerson property.
  - (viii) As Hammersmith and Singer are Twp rds the Twp was asked to commit to expending **\$11,200.**
  - (ix) Mr. Schlatter noted that the Twp would need to place another tile along Hammersmith as well and that price was not part of this detail. Mr. Schlatter was asked by the Trustees what the total amount might be to the Twp. Mr. Schlatter responded that approximately \$20,000 to **\$22,000.**
  - (x) Trustees noted that the present 18" tile under Singer road appears to be draining properly and that the problem exists on the private field. Trustees asked if a swale were constructed wouldn't that address the problem?
  - (xi) Mr. Schlatter stated that there needed to be significant shaping & removal of soil from the east side drainage point of Singer rd. and a deeper swale in the field for the drainage to work properly. Also that FAS required a 30" tile. The FAS grant is not available without the 30" tile. That tile and the construction necessary to facilitate its proper drainage requires a cash outlay by the Twp.
  - (xii) Trustees determined to table the project for further study until their January 2013 session.
  - (xiii) The fiscal office was contacted by the Engineer and was asked to inform the Trustees that he and Mr. Schinninger will be available to attend the Feb 26<sup>th</sup> Trustee session to discuss this project.
  - (xiv) Discussion @ February 26<sup>th</sup> session...
    1. County Engineer Warren Schlatter and tenant farmer for the Newton farm – Andy Shinninger were asked to again describe the proposed project.
    2. Warren Schlatter and Mr. Shinninger redistributed the aerial and affirmed the above. Engineer Schlatter stated that only one 30" tile was necessary and that would be to replace the 18" now running under Singer. His quote of a total cost to the Township of between \$20,000 and \$22,000 was for all work involved including some grading along Hammersmith west of the Singer Rd intersection.
      - a. Mr. Schlatter reaffirmed the proposal was basically a trade of right of way (acquired by the Twp for the Hammersmith rd widening project) for free if the Twp picked up the cost of the project as defined in the handout at either approximately \$8,000 or \$11,000. The additional funds would cover a second tile near the Nickerson property running from the north side of Hammersmith to the south side and the grading further west.
    3. Trustee Peck stated he felt the proposal set a precedent that the Township was spending public funds to address a private property flooding issue, given the Engineer's assessment that the Twp's road drainage contributing to the water flowing over the Newton property was estimated at roughly 4 to 6%.
    4. Mr. Schlatter stated the project was basically a trade of property for the Hammersmith project for the cash to fund the drainage project.
    5. Trustees decided to study the issue and provide a response at the March session.
- (c) 2013 work on Signer per exhibit 6-b from the Jan session
- (i) Repair patching – cost \$2,194
- (9) Total of all projects for 2013 as noted above had been \$221,649. (not including the new assigned Cromley road cement stabilization).

- (a) Trustees reduced this to \$126,835
  - (i) \$19,246 Indian bridge (cdbg)
  - (ii) \$38,002 Paving Def Paulding co line rd 10 with asphalt 2150' estimated cost \$38,002 moved to 2014.
  - (iii) \$37,566 chip seal on Bowman rd – moved to 2014.
  
- c) A financial impact review by the fiscal officer:
  - i) The total amount of expenditures proposed for 2013 special projects by the County Engineer's office as estimated by the fiscal officer had been \$221,649. At this session the amount was reduced to \$126,835 not including the Cromley cement stabilization (we await an estimate from the Co Engineer.)
    - (1) The fiscal officer is planning on these expenses to be posted to our cash road fund lines, given that OPWC future grant funds have been used per the Co Engineer in the amount of \$68k more or less. See section below for details.
    - (2) Trustees are reminded that:
      - (a) Regular twp expenses are estimated – base on historical review, at between \$70,000 and \$100,000
      - (b) Anticipated revenues as noted in the 2013 amended certificate from the County Auditor for road work was \$155,845.
      - (c) 2012's revenue projection was \$156,345.00
    - (3) A recap of the OPWC grants - this report update came from the Co Engineer's Office –updated 11-30-12. There was no change since our last session. The update includes expenditures from future OPWC grants that the Twp might receive. If the Twp fails to receive such grants the twp road funds will be accountable. (see minutes from 2011 forward thru October 2012 for history).
      - (a) 2012 OPWC postings:
 

(i) Indian Bridge Lane – culverts	\$11,057.52
(ii) Hammersmith rd – widening contractor work	\$81,275.00
(iii) Hammersmith rd – widening (by county)	\$ 7,679.68
(iv) <u>Hammersmith rd – (ditch contractor &amp; pipe)</u>	<u>\$44,497.50</u>
(v) Total OPWC grant posting in 2012	\$144,509.70
      - (b) Current status – the OPWC has utilized future grants in the amount of \$(68,460.26)
        - (i) See letter from Co Engineer dated 11-30-12 in amended certificate packet
    - (c) The Chair asked for discussion from the Board– there was none.
    - (d) The current assessment is that the Twp will exceed revenue with the Cromley project. Further study is required to determine an amount.
  
- d) The Chair asked if there were any other projects/issues for 2013.
  - i) None were presented.
  
- e) The March work assignments for the Twp crew were discussed. There was no work sheet handout at this session. Trustees stated that snow removal and equipment maintenance will be the focus for the next month.
  
- f) Twp cemeteries –
  - i) No issues were raised..

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

- a) Monthly (February 12) GrassRoots clippings – exhibit 7a
- b) Labor law posters for Twp maintenance building. To be posted. Assigned to Twp employees to post.
  - i) Employee rights – fair labor standards act
  - ii) Equal Employment Opportunity
  - iii) FMLA
  - iv) OSHA Job and safety

**ORDER OF BUSINESS NO. 8 – Old Business**

- a) Up-date on "Fire-Rescue" regionalization discussion by Twp's and the City of Defiance. Mr. Peck represents Defiance Twp
  - i) Mr. Peck stated there was no additional information at this time. He will provide updates when the committee next meets.
  - ii) See past agendas from Jan 2012 for history.
- b) The 2013 State Auditor's annual Local Gov't Conf – directed at fiscal personnel- is scheduled for April 3, 4 in Columbus, Ohio.
  - v) The fiscal officer requested Trustee permission to attend, and;
  - vi) Cost is \$175 for the conf plus hotel, parking and food.

MOTION by: Peck to approve the fiscal officers attending this conference.

SECOND by: Bakle  
 YEA(s) 2      NAY(s) 0      Passed X      Failed

The motion was approved.

- c) The Chair asks if there is any other old business .....
  - i) There was none.

**ORDER OF BUSINESS NO. 9 - New Business.**

- a) Trustees were then presented with resolution 2013-09 authorizing use of Twp funds for payment of membership dues for both the Ohio Twp Association and the Defiance County Township Association for 2013. ORC requires an approval by the Trustees desiring to use Twp funds to pay for said memberships. This is an annual process.

MOTION by: Peck to adopt resolution 2013-09.

SECOND by: Bakle  
 YEA(s) 2      NAY(s) 0      Passed X      Failed

The resolution was signed and approved.

- b) 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:**

**Date:**            **Tuesday – March 26<sup>th</sup>, 2013.**  
**Time:**            7:00 p.m.  
**Place:**            2<sup>nd</sup> 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 February 26<sup>th</sup>, 2013

It was moved by: Peck

SECOND by: Bakle

The roll was called and the vote was:

YEA(s) 2      NAY(s) 0      The motion:      Passed X      Failed

MEETING ADJOURNED

Respectfullv Submitted

Timothy J. Houck, Fiscal Officer-Clerk