

Minutes
DEFIANCE TOWNSHIP TRUSTEES
March 26th, 2013 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, March 26th, 2013 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 (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, Kate and Joe Webb 19577 Cromley Rd, Joel Wiseman 813 Dolan St., , Dan Keller 21743 Hammersmith, Rhonda Shaffer 13386 St Rte 15, & Mike McKibben 28678 Steinmaier rd.

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 February 26th, regular 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 February 26th 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 February – noted a primary checking reconciliation balance of \$276,999.49 balance is minus the outstanding checks and Township investment funds & is taken from the Bank’s monthly statement.
- b) Receipt report:
 - i) Receipts for March (UAN software) were \$112,062.67.
- c) Payment reports:
 - i) Payments for March (UAN software) 2013 were \$32,701.84.
- d) The Cash fund summary through March 24th, 2013, (UAN software) showed an “ending fund balance” of \$1,030,220.78.
 - i) The “cash available” for encumbrances (current reserve- UAN software) was \$569,536.20.
- e) Appropriation Status showed that through March 24th, 2013 (UAN software), 6% 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 03-24-13 was \$704,176.05.
- g) Trustees reviewed and signed the March bills.
- h) Payroll & March’s time cards (time cards provided trustees prior to session) were reviewed without comment and signed .

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

MOTION by: Peck

SECOND by: Mayer

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

The March 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 March 2013.
 - (1) Received calls from:
 - (a) Perry Porter purchased land on Powers Rd. Wanted the rules to cut wood/to farm it when he's done cutting the wood from it.
 - (b) I advised him that there was no issues, and to farm it. Zoned as agriculture now.
 - (c) Butch Melia contacted me reference property at 21667 Parkview Dr., and stated that he wanted to tear the structure down, and build a new home on the property.
 - (i) I advised him that the property is in the flood zone, and told him of the paperwork that is to be completed by the property owner. Not the contractor.
 - (ii) He stated that he would contact his attorney, and that he would build a new home on the property.
 - (iii) The property is on the Auglaize River back wash. I contacted Defiance County Water/Soil and advised them of what I needed, and have not received a statement from them at this time. I haven't contacted Maumee Valley Planning as of yet, due to further actions from the property owner. Charles Bias, current owner.
 - (iv) According to Melia, a Roger McCoy, has purchased the property.
 - (v) I have not heard from him as well. No action will be taken till I receive a call from the owner.
 - (d) Thomas Steenma contacted me on building an addition on his property. Defiance County Water/Soil, advised that the entire property is in the 100 year Flood Plan. A Variance will be needed if Steensma wants to build onto his home, due to the flood plain. Steensma residence is 14543 Power Dam Rd. Steenmas property has just over 1 acre.
 - (e) I am still working on the properties on Parkview Dr, and a property on Brands Rd.

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

- b) Zoning Training for Twp Zoning Boards of Commission, Appeals, Zoning Inspector and Trustees was conducted by the County Prosecutor's office on Feb 26th (commission), March 5 (inspectors) and March 12 (appeals bd).
 - i) The fiscal officer reported he is acquiring sign in sheets so as to pay the \$20 per item stipends as approved by the Trustees in the Feb 2013 session.
- 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.
- b) The Township had been seeking informal quotes to purchase a pick up truck:
 - (1) This purchase was to replace the recently sold 95 1 ton Dodge –
 - (a) Trustees purchased a half ton pick-up from Bruce Kunesh Auto Sales of Defiance in March per Trustee approval at their Feb session.
 - (b) The fiscal officer will acquire gov plates.
 - (c) The check for this purchase was part of the March check packet.
 - (d) Once the check is sent to the dealer and the Twp acquires the title the fiscal officer will get the plates

- (e) A 30 day tag is necessary if the twp wishes to use the unit before the plates arrive.
- (f) The Chair asked for discussion. There was none.

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 Peck.
 - i) Trustee Peck reported several roads had pot holes that needed addressed. He also noted that stone needed to be placed on Cromely and May roads.
 - ii) The road review report was distributed to Twp operators to be used as a work order.
 - iii) It was noted that the April road review is assigned to Trustee Mayer.
- b) Trustees then reviewed the status of the proposed 2013 projects as of this session.
 - i) The Trustees & the Co Engineer have completed their list and exhibit 6-b replaces the previous 6-b which was issued on 1-22-13. This new list of projects takes into account the Trustees review during their February session and the follow up discussion between the Chair and the County Engineer.
 - ii) purchase orders of 2013 that will fund the projects listed are:
 - (a) P.O.'s 8-2013, 9-2013, &
 - (b) B.C.'s 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 new exhibit 6-b engineer's project list and estimated prices for all projects listed was reduced from the original **\$178,649 to \$120,754.76.**
 - iii) As of 03-26-13 this list is as follows:
 - (1)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 - \$22,327.50
 - 2. Right of way acquisition – \$10,000
 - 3. Drainage ditch construction - \$10,000
 - a. Total 2013 exp on this proj \$42,327.50 more or less.
 - (iii) A smooth paving will be applied in 2014.
 - (iv) And a final smooth paving will be done in 2015.
 - (2) 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 6-2 was** a notice that the cdbg application of 2013 for 2014 work is due April 19th to MVPO.
 - (3) Cromley Road
 - (a) Engineering will do a cement stabilization in 2013 from the end of pavement to the west end of the road just past the Webb residence. This is approximately 3,200 feet more or less.
 - (i) In the February session Trustees agreed to place #2 stone on the dirt portion of this Twp road.
 - (b) Trustees reviewed **exhibit 6-3** from Kate Webb an email dated 3-9 which was forwarded to Trustees by the fiscal office on 3-11. It notes additional concerns with the road deterioration.
 - (c) Kate Webb was recognized and stated that the Trustees had not yet placed the promised stone.
 - (i) Mr. Bakle responded that conditions had not allowed for this effort but he assured the Webb's that the stone would be placed this coming week.(week of April 1st).
 - (d) Joe Webb then stated there was a drainage issue as noted in the email. He said there were four

cross overs and only one has been replaced recently. He feels the others are crushed or partially plugged. Mr. Webb offered to grade the ditches to the most recently replaced cross over.

- (i) Further, he noted that if the road is to be cement stabilized this construction season that would be the time to replace the other cross overs.
 - (ii) Trustees concurred with this proposal. Mr. Bakle said he would meet with Mr. Webb to review the project on site.
 - (iii) Trustees asked the County Engineer to make a size recommendation so the cross-over could be properly replaced during the cement stabilization project.
 - (iv) the engineer was asked to give an estimate. He said possibly \$85K –
 - (v) this expense is not on the exhibit handout at this session.
- (e) Defiance-Paulding Co line road #10 – Twp portion.
- (i) 3 patches per exhibit 6-3 - estimated cost \$2,320.86.
- (f) Defiance-Paulding Co line rd 8: From the Sept 2012 session, Trustees noted a section of the road was failing probably due to the summer's drought. Engineer's plan to apply hot mix patching.
- (i) 5 patches per exhibit 6-3 – estimated cost \$8,472.
- (g) Bowman rd – 15 hot-mix patches
- (i) Exhibit 6-b estimates repairs to cost \$27,860.
 - (ii) Trustees believe a chip seal will be done in 2014 at an estimated cost of \$37,566
- (h) Lakeview – repairs to surface and drainage. – not listed on 6-b for 2013.
- (i) There is no cost estimate as of this session.
 - (ii) Based on past discussions the fiscal officer has assigned **\$5k** for this project.
- (i) Singer Rd-Hammersmith intersection – drainage project. Not listed on the engineer's list - 6-b of Jan 2013.
- (i) First presented to Trustees by Co engineer at the November 2012 session.
 - (ii) Re-cap:
 1. storm water backs up and flows over Singer and Hammersmith during heavy rain events. This is believed to be caused from a collapsed tile 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.
 2. 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.
 3. 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.
 4. The Farm Service Agency (FSA) would provide a grant to construct a swale over the farm property.
 5. A 30" tile would be placed under Singer rd replacing the current 15" tile.
 6. The drainage area into the tile would be enhanced.
 7. The ditches would be widened and possibly a new tile would be placed under Hammersmith near the Nickerson property.
 8. As Hammersmith and Singer are Twp rds the Twp was asked to commit to expending \$11,200.
 9. 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 it would be approximately \$20,000 to \$22,000.
 10. 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?

11. 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.
12. Trustees determined to table the project for further study until their January 2013 session.
13. The fiscal office was contacted by the Engineer and was asked to inform the Trustees that he and Mr. Schininger will be available to attend the Feb 26th Trustee session to discuss this project.
14. Discussion @ February 26th session...
 - a. County Engineer Warren Schlatter and tenant farmer for the Newton farm – Andy Shining were asked to again describe the proposed project.
 - b. Warren Schlatter and Mr. Shininger redistributed the aerial and affirmed the above. Engineer Schlatter stated that only one 30" title 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.
 - i. 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.
 - c. 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%.
 - d. Mr. Schlatter stated the project was basically a trade of property for the Hammersmith project for the cash to fund the drainage project.
- (iii) The Co engineer was recognized and detailed again the project. The Twp is asked to provide \$11k to fund the project as outlined and in addition will fund the 30" pipe to be placed under Singer rd.
 1. The Co Engineer presented the project with a list of expenses.
 - a. Brush and tree removal, remove concrete headwall, tile destruction and clean up, 6' title on north side.
 - b. The list also indicated that property owners that had land bordering Hammersmith would donate the right of way for the Hammersmith project.

Mrs. Mayer moved to accept the project at a maximum cost to the Twp of \$11,000, plus the 30" tile under Singer.

Mr. Peck seconded:

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

The motion was approved.

- (j) 2013 hot mix patching work on Signer per exhibit 6-b
 - (i) 2 patches – cost \$1,928.10
- (k) Mr. Andrew Bok was recognized and asked about the stone he said Trustees had promised in the Feb meeting for May rd.
 - (i) Mr. Bakle questioned whether or not the Twp owned the portion of May rd that Mr. Bok wanted stoned.
 - (ii) Trustees asked the Engineer to determine this question.
 - (iii) The Engineer check and reported that the Twp owned the area in question including the Turnaround.
 - (iv) Trustees stated the stone would be placed during the first week of April.
 - (v) Mr. Bok, and Mr. Webb then both asked that the Twp refrain from applying salt to the stone

roads (portion of Cromley and May). Both also stated that the Twp plows have their snow blades on the stone road surface which just pushes the stone off the road. They asked that the Twp operators be instructed to have the blade up and that it is not necessary to plow if snow is not at least 4" deep.

1. They continued, that salting stone roads simply turns the roads into mud and any stone is lost as it is pushed into the mud.

- (l) Mr. Mick informed the Trustees that Krouse rd was damaged in his belief from overweight traffic.
 - (i) Trustees noted that the law allows vehicles up to 80k lbs to travel the roadways of Ohio.
 - (ii) Trustees will check out the reported damage.

(4) As of this session total anticipated cost of all projects for 2013 **per exhibit 6-b** as noted above is now \$82,910, not including the Signer rd drainage project (\$11k), repairs to Lakeview (\$5k) and cement stabilization of Cromely (\$85k).

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 provided in the 3-20 engineer's letter is \$82,910 plus additional major projects of \$101,000. All major projects now planned total \$183,000.

(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) Total expenses for 2013 are anticipated to be \$283,000.

(c) Anticipated 2013 revenues as noted in the 2013 amended certificate from the County Auditor for road work was \$155,845.

(i) The remainder will be posted to the Twp road carry over funds.

(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) Hammersmith rd – (ditch contractor & pipe)	\$44,497.50
(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–

(i) None was offered.

(d) The current assessment is that the Twp rd projects for 2013 will exceed revenue.

d) The Chair asked if there were any other projects/issues for 2013.

i) None were offered

e) The April work assignments for the Twp crew.....

i) Staff members present were told to use the monthly road inspection report.

f) Twp cemeteries –

i) No issues were raised..

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

- a) Monthly (March 13) GrassRoots clippings – exhibit 7a
- b) A notice - exhibit 7-b - from the Defiance County Twp Assoc.. the 2nd quarterly session on 4-18 -- will be held at the Ayersville United Methodist Church – 277728 Ayersville –Pleasant Bend Rd at 6:30 p.m. cost is \$10. You are asked to rsvp – Joyce Cavanagh 419-395-1859, or email her at cavanagh@ayersvilletelco.com
- c) Exhibit 7-c was a notice from the ODOT of their Statewide Transportation Improvement Program update. Session is April 9th, 2-6 pm. At the Lima-Allen Co Regional Planning Commission.
- d) The Defiance County Commissioners reissued information regarding grant funds available during 2013 under the Ohio Attorney General’s Moving Ohio Forward Grant program.
 - i) This program is to remove vacant – abandoned – dilapidated structures in the local political subdivision. Trustees reviewed **exhibit 7-d**
- e) Exhibit 7-e was a notice from the Ohio Department of Commerce that liquor licenses are due for renewal this year. If the local political subdivision wishes to object, it must contact the Dept of Commerce per the notice.
- f) The Menard’s Def Twp acc’t was recertified by the fiscal officer. Exhibit 7-f notes those Twp employees under the Trustees that are eligible to use this account.

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 there has been on progress on the effort to establish a regionalized fire-rescue system.
- b) The 2013 State Auditor’s annual Local Gov’t Conf – directed at fiscal personnel is scheduled for April 3, 4 in Columbus, Ohio.
 - i) The fiscal officer is signed up as approved by the Trustees at the Feb. session.
 - ii) Cost is \$175 for the conf plus hotel, parking and food.
- c) The Chair asks if there is any other old business
- i) 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?
 - i) A letter from a business owner was reviewed. The letter asked for Trustees support. There is a proposed new CDL training business to be established near the present license BMV in Defiance. This area is in the Twp. the owner noted that the State had indicated that there are no training dollars available at this time so without the training no one can be certified to train CDL applicants.
 - ii) The proposed business asked for support.
 - iii) Trustees agreed to have Mr. Bakle meet with the economic development director to ascertain if there is anything the Trustees can do to assist.

ORDER OF BUSINESS NO. 10 – personnel

- a) Mr. Bakle asked for a motion to move into executive session to discuss personnel discipline.

Mrs. Mayer moved

Mr. Peck seconded

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

The motion was approved.

The Trustees moved into executive session to discuss possible employee discipline action.

Trustees returned from executive session.

Mr. Peck moved to return to regular session.

Mrs. Mayer seconded

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

The motion was approved.

- b) Mr. Bakle stated that the Defiance Township Trustees meeting in regular public session on March 26th, 2013, hereby note that Brian Grant - Twp part time operator of equipment had fail to properly care for Township equipment. Grant put gasoline in the Twp backhoe which has a diesel engine. The Township employees are trained and are responsible for proper care and maintenance of Township equipment. This training includes the knowledge of which piece of equipment requires gasoline and which piece of equipment requires diesel or other alternative fuels if applicable.
- c) The Trustees determined a verbal warning for failure to perform the assigned duties is in order. Trustees require and expect competent and efficient operations of the Twp's equipment.
- d) Trustees appointed Mr. Bakle to deliver the discipline.

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: **Tuesday – April 23rd, 2013.**

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. 12 – Adjournment:

Mr. Bakle requested a motion to adjourn the meeting of March 26th, 2013

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