

Minutes
DEFIANCE TOWNSHIP TRUSTEES
March 31st, 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, John Diemer – 23361 Defiance-Paulding Co Line Rd and James Schlegel (equipment operator and zoning inspector) – 220 Pinewood.

Other(s) present were: Ruth Ann Schofield 15968 Campbell Rd, Dennis Bott 15816 Williams road, Tom, & Jeff Mick 21389 Hammersmith, Larry, David & Mary Mick 21639 Hammersmith Rd, Lynn & Dannie Keller 21743 Hammersmith rd, Michael Schlachter 21682 Hammersmith, Mel Bok 19454 Powers rd, Jim Taylor 917 Indian Bridge Ln, Ted Brown 05416 Cr 19, Danny & Bonnie Branham 19664 Powers rd, Victor Schlegel 10972 Powers Rd, Scott & Cheryl Russell 20272 Hammersmith rd, Carl & Augusta Wagner 24815 Watson Rd, Denny Donigin 19445 Powers Road, David Meek 21 & 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 February 24th, regular Twp session.

Mr. Ankney moved to accept the mins

Mr. Bakle seconded

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

The MINUTE'S for the February 24th, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - i) Numerous citizens were recognized and heard. They all raised concerns which initially focused on a flooding issue on Hammersmith road.
 - (1) During an abnormally high rain event recently storm water flowed over Hammersmith road near the residence of Larry Mick at 21639 Hammersmith. Storm water pools up on the south side of the road and is slow to drain through the road cross over to the north side and then through the ditches which ultimately reach the Auglaize river.
 - (2) It was noted that there is a storm water drainage issues at Hammersmith and Singer Roads. Again, water in the road side ditches is slow to move through the system to the Auglaize.
 - (3) Soil & water's Kevin Hancock was present and said; "the current cross over near Mick's really needs to be replaced with a larger cross over. Soil & Water, however, is limited to replacement of current size only. To increase the size of the cross over residents must be assessed.
 - (a) Hancock noted that the Hammersmith ditch is slated to be dipped later this year. He pointed out that this may not remedy the problem. There may be other contributing factors.
 - (i) Blockage down stream.
 - (ii) Under sized cross overs down stream
 - (iii) Etc.
 - (4) Citizens present continued:
 - (a) It had been since the 60's that ditch work was done in this area and they have been paying a maintenance fee. Yet, every time there is a heavy rain they have some flooding.
 - (b) Why doesn't the Twp have a road side ditch maintenance program?
 - (c) Reiterated many times that the flooding issue should be addressed and that this should take place

- now.
- (d) Noted flooding problems also existed on Singer Rd just south of Hammersmith intersection.
 - (5) Citizens also lamented:
 - (a) Complained about pot holes not being filled within a reasonable time.
 - (i) Twp Trustees noted they had filled pot holes but during winter weather the stone fill comes right out.
 - 1. twp had recently purchased a torch to heat the asphalt grindings to fill the holes. This was done this past month.
 - (b) Wanted an answer as to when Hammersmith was to be repaired from the damage that trucks from the ODOT US 24 construction project caused.
 - (i) Trustees noted that ODOT is committed to repair Hammersmith.
 - (c) Complained of care & maintenance of Krouse Rd south of Hammersmith.
 - (i) Trustees replied that this .5 mile section is scheduled to be rebuilt by County engineer's in 2010 with a soil – concrete mixture.
 - (ii) In addition the grindings the Twp acquired in the fall of 2008 will be placed on this section of Krouse road this spring to help build the base prior to reconstruction in 2010.
 - (d) Complained about the cost of the Fire Contract with the City of Def.
 - (i) Trustees explained that after a great deal of research prior to placing the renew levy on the ballot several years ago, they determined that only the city of Defiance was interested in providing this service. Fire protection is necessary in order to protect the citizens and for the citizens to acquire home owners insurance at reasonable rates. Trustees also noted that the agreement with the City is less costly then paying for a Twp fire department.
 - (6) Citizens demanded that the Trustees address the issues raised.
 - (7) Trustees said they would:
 - (a) See the Co engineer to seek his guidance to address the flooding problem. This will also involve the Soil & Water Office.

ii) Chairman Peck then brought this discussion to a close and moved onto the next agenda item.

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 \$158,215.57... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for March 2009 were \$96,300.37. Payments for March (bills & payroll) totaled \$18,155.59.
- c) The Cash fund summary through March 31st, 2009, showed an “ending cash balance” of \$958,994.53.
- d) The unencumbered cash balance “cash available” was \$381,514.59 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through March 31st, 2009, 4% 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 03-3109 was \$722,634.18.

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 March 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) March 2009
 - i) Ref Complaint of Mobile Home on Hammersmith Rd. Owner advised he would clean up around the area. He is sorry he called the Sheriff about snow removal.
 - ii) Site review of complaint on Paulding Co Line East of Power Dam. AEP local power company trimmed trees to restore power during recent ice storm and left brush on owners property. When contacted AEP

replied when trees are trimmed in emergency situation to restore power, said brush is left for owner to dispose of. When trees are trimmed for routine maintenance in right of way brush is hauled away.

Complainant was not happy but has no choice.

- iii) Same brush complaint on Williams Rd owner advised it would be removed.
- iv) Site review and complaint of ditch over flow on Wilhelm Rd south of Garman during heavy rain. This over flow is draining into area pond. Met onsite with Dick Ankeny. Township will attempt to rectify this problem when dryer weather arrives. Site review of same complaint at Powers & Krouse. Mr. Solly advised water drains from neighbor's property onto his. Soil & Water is aware of this problem. Neighbor is aware of this problem. Sounds like it may go to court. Solly left a message to call him 3-11 no answer all I got on phone was music.
- v) Site review on SR 15 property owner wants to plant trees for windbreak. There are no current Township regulations regarding this. His concern was a neighboring farmer might object. He was advised contact the farmer and discusses the situation so that all involved are happy.
- vi) Site review Power Dam Rd ref new garage. Permit issued.
- vii) Met with Russ Herman ref subdivision covenants. Russ advised currently the Township has no authority to enforce covenants. He advised the Trustees might want to address this in the future.
- viii) Junk Vehicle complaint Indian Bridge Ln. After numerous attempts I spoke with owner. He advised his son lost his license gets it back in June if ok he will license then. Advised CP of same. If perused might take that long to get to the court system.
- ix) Ref Mullnix property Hammersmith Rd, I located 47 Steven Schneiders in Ohio only one in NW Ohio that would be Wauseon. He did not return my call. Fri March 27 I spoke with Mr Mullnix on site he advised they have moved to Indiana and have possession of this property till end of April. When I ask for the owners phone number he advised his wife would call me with it. That has not happened. Some of the vehicles and debris has been removed he was in the process of cleaning up while I was there. He advised he will have it cleaned up.
 - (1) *Citizens present asked to be recognized. They questioned the Trustees as to How long it would take to get the Mullnix property picked up.*
 - (a) *The citizens sited that it was their belief the condition of this property was/would drive donw their property values.*
 - (b) *Trustees noted – that as reported by the Zoning Inspector – they have been working with the Sheriff's Office for some time now to address this issue.*
- x) Site review Power Dam Rd home addition, permit will be issued when Zoning Fee is received.
- 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) Mr. Schlegel noted that he had purchased the torch approved for purchase by the Trustees and had started to use it this month. "it works pretty well".
 - iii) Mr. Peck suggested that the belly plow be covered to prevent rusting and moved (for site appearance) from in front of the Twp building.
 - iv) Mr. Schlegel said that he had asked the fiscal officer for the cost last year to wash the Twp trucks at Z-Tech. That cost was approximately \$40. Schlegel said he could wash the units for less at the coin operated car wash. Would the Trustees want him to do this?
 - (1) Trustees said yes. Mr. Schlegel will be reimbursed for his expense.
 - v) Mr. Peck asked if there were any other equipment issues to be discussed..
 - (1) 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 6-a as completed by Trustee Peck was reviewed.
 - i) See report on file with the meeting minutes.
 - ii) Mr. Peck noted that Jeff & Dave Mick accompanied him on this inspection.
 - iii) Twp employees were provided a copy of the report to use as a work order for April.
 - iv) Generally the report notes:
 - (1) Berm should be added to certain roads
 - (2) A drainage issue on Indian Bridge Lane
 - (3) Pot hole at Radio drive & 424 intersection
- b) The April - Rd review will be by Trustee Ankeny

- 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.
 - (i) Engineering costs were estimated at near \$80,000 – these funds would come from Issue 2 and LTIP grants this year and the next round that Def Twp would receive.
 - (c) As of 3-24-09 the Twp Trustees participated in a pre-construction session during the week of March 2nd. Project drawings were distributed by the proj engineer – (def co eng office).
 - (i) The budget is in place and purchase orders have been prepared.
 - (d) The contract has been reviewed by the prosecutor – four copies to be signed.
 - (i) Trustees sign contracts
 1. 1 copy to bd of trustees
 2. 1 copy to twp fiscal officer for twp records
 3. 1 copy to RG Zachrich
 4. 1 copy to Co Eng (project engineer).
 - (e) This item will remain on the agenda until completed
 - (i) There was no further discussion.
 - ii) Trustees then reviewed the additional 2009 rd projects – these two items were previously discussed at the Feb meeting and presented to the Trustees at that session on exhibit 6-c-ii. Trustees were reminded to review that exhibit. The projects are:
 - (1) Chipseal Karnes Rd from Bowman to Watson - \$8,554.88
 - (2) Chip seal Def. Paulding Co line from SR 66 west 1.5 miles - \$14,344.35
 - (3) Hot Mix Patching – Karnes Rd from Bowman to Watson - \$3,337.22
 - (4) Hot Mix Patching – Def Paulding Co line from SR 66 west 1.5 miles - \$4,360
 - (5) Pavement marking – Karnes from bowman to Watson - \$400
 - (6) Pavement marking – Def Paulding co line from SR 66 west 1.5 miles - \$700
 - (7) **Total \$31,806.**
 - iii) During the Jan 27th session Trustees determined to review the Twp roads with the Co Eng to create a priority list of road projects and to review potential additional projects for 2010 and beyond. Again Trustees were asked to refer to Feb exhibit 6-c-ii.
 - (1) This list was prepared by Co Engineer staffer Bob Bostelman. The fiscal officer noted to Trustees that Mr. Bostelman said he intends to review the roads on the project list this fall and to offer the Trustees his priority listing.
 - (a) Trustees have final say as to the priority.
 - (b) Mr. Peck asked for discussion...
 - (i) There was none relative to the list as presented by the Engineer’s Office at this time.
 - iv) Trustees then discussed the Twp notice from Maumee Valley Planning. The 2009 CDBG grant applications are to be completed and returned to Maumee Valley Planning by May 8th, 2009. this notice was presented as exhibit 6-iv.
 - (1) **The** grant application was provided to Mr. Bakle who had in Feb session volunteered to shepard a request for CDBG funds for the Indian Bridge Lane resurface project.
 - (i) The 2nd item on the road maintenance/repair list (Feb exhibit 6-c-ii) was a rebuild of Indian Bridge Lane – Mr. Bakle had said he would continue to work with Maumee Valley Planning to acquire grant funds for this project.
 - v) Again, from Co engineer staffer Bob Bostleman, Trustees were provided with **exhibit 6-v** a cost analysis for “cement stabilization” of Krouse Rd from Hammersmith south for .5 miles. Project cost est is \$45,548. this would be a possible 2010 project.
 - (1) Trustees concurred with this project. Mr. Peck noted that tonight the Twp has committed to projects costing over \$400,000 this year and next with more under consideration.
 - vi) **Twp cemeteries** –
 - (a) Were noted in the Trustee road report.

vii) Mr. Peck asked if there were any other possible road projects?

(1) Trustees noted that there is a drainage issue on Wilhelm road a quarter mile (approximately) south of Garman road.

(2) Mr. Peck asked if there was a motion to approve repairs.

It was moved by: Richard Ankney to hire Don Bendele excavating to fix this issue.

It was SECONDED by: Charles Bakle

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

The Trustees will hire Mr. Bendele to address this issue.

(3) There were no others brought forth at this time.

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

a) Monthly (March 09) GrassRoots clippings – was presented as exhibit 7a

ORDER OF BUSINESS NO. 8 - Old Business

a) Ayersville Water and Sewer District issue.

i) The Def Twp Trustees have been working to place a representative from Def Twp on this Board. Def Twp Trustees wished to be the appointing body.

ii) There has been many concerns in recent months raised by Def Twp residents about the arbitrary demand by AWSD to have citizen of Def Twp whose homes front road right of way in which AWSD water and sewer pipes are placed must hook up and pay the associated high fees for being provided this service.

iii) Mr. Peck noted:

(1) The current Def Twp resident appointed to the AWSD, Mr. Kelly Baumle 24400 Bowman, was appointed by Highland Twp Trustees and has already resigned.

(2) That when Mr. Peck sought advice from the Prosecutor's Office he was told that the Def Twp Trustees have no legal basis for this request and that in fact Def Twp Trustees have no authority to do anything relative to the AWSD.

iv) With that advice this issue is complete and will be removed from the agenda.

b) 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?

i) **Exhibit 9-a** –was presented to Trustees. This was a notice from the Twp County Association of its 2nd quarter meeting to be held April 9th @ Highland Twp Firehouse.

ii) All three Trustees will be attending & Tjh will call in the RSVP

b) **Exhibit 9b** – was a notice for the annual Auditor of State's Local government Officials conf. Meeting is April 23 & 24.

i) The fiscal officer explained that this is an annual training conf for local gov't officials focusing on fiscal management and associated rules. It also includes segments relative to updates of the acc't program managed by UAN, which is utilized by the Township. The fiscal officer requested permission to attend.

ii) Mr. Peck asks if there is a motion to send the fiscal officer to this annual conf.

MOTION by: Richard Ankney

SECOND by: Daniel Peck

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

The fiscal officer is approved to attend this training conference.

c) The fiscal officer-clerk was recognized and noted that a late item was being presented. A letter from the Defiance Co EMA which noted that should any political subdivision of the County need sand bags for flood prevention; EMA had bags. The rules for use of the bag were attached to the notice. This notice will be on file with the minutes of this session. Those rules were essentially:

- i) Political subdivision must return the number of bags taken after the flood emergency passes; and
 - ii) Political subdivision must supply labor and sand to fill the bags.
- d) The Chair asks if there is any other new business to come before the board?
- i) There was none.
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ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday April 28th, 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 March 31st, 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