

Minutes
DEFIANCE TOWNSHIP TRUSTEES
April 24th, 2012 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, April 24th, 2012 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. and Diana Mayer; 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, Ed Young 23013 Watson Rd, and Joe Kolb 16492 Cullen Road.

Visitors present: Donald Bertke sales representative for Asphalt Systems Inc. Sidney, Oh., Carl Wagner 24815 Watson Rd, Mark Rau 21880 Parkview Dr, Penny Bakle 1204 Wayne Ave, & JoEllen Houck 8 Deville Drive, Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Reviewed and approved the minutes of the previous session.

Chairman Peck requested a motion for the approval of minutes from the March 20th, 2012, regular session.

Bakle moved to approve.

Mayer seconded.

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

The minute's for the March 27th, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- 1) The chair asked for citizen concerns from the floor.
 - a) Mark Rau was recognized. Mr. Rau issued a verbal complaint concerning what he believes are nuisance violations regarding high weeds, grass and junk (tires, abandon vehicles etc.) on nearby and neighboring properties in his subdivision.
 - i) Mr. Shaffer, Twp Zoning & nuisance inspector was directed by the Trustees to investigate.
 - b) Mr. Rau then asked the Trustees to check and repair what he believes is a berm issue on Parkview Dr.
 - i) Trustee Bakle stated he has observed this road during monthly inspections and believes the issue was caused by the construction of the Defiance – Paulding County Sewer system installation. Mr. Bakle noted he and the Trustees have raised this issue with the Board of County Commissioners.
 - ii) Trustees instructed the road crew to address the issue when they do re-claim activities or berm addition in April and or May.
 - c) Carl Wagner asked Trustees if someone could address the high grass and weeds on a neighboring property to his, (the first property east of his address). Mr. Wagner stated that there was also what appeared to be an abandoned trailer which was deteriorating.
 - i) Mr. Shaffer noted he has been in contact with the owner a Richard Clark. Mr. Clark lives in California. Shaffer said the Mr. Clark has agreed to remove the trailer and mow the property.
 - (1) Mr. Shaffer will continue to monitor the issue.
 - d) Trustees again asked if there were any other concerns.
 - i) There were none.

ORDER OF BUSINESS NO.3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for March – noted a primary checking reconciliation balance of \$211,788.45 balance is minus the outstanding checks and Township investment funds.
- b) Receipt report:

- i) Receipts for April were \$102,634.95.
- c) Payment reports:
 - i) Payments for April 2012 were \$9,208.01.
- d) The Cash fund summary through April 30, 2012, showed an "ending cash balance" of \$1,007,501.40.
 - i) The unencumbered cash balance "cash available" was \$605,287.75 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through April 30th, 2012, 5.8% 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 04-30-12 was \$703,590.99.
- g) Trustees reviewed and signed the April bills without comment
- h) Trustees, having prior to the meeting been provided with Twp employee's time cards had reviewed same and then, signed the April 2012 payroll without debate.
- i) Fiscal officer reported on an inquiry he made of the Co auditor's office. Houck noticed a significant increase in Auditor fees to collect and distribute the 1st half real estate taxes to the Twp. Trustees were provided exhibit 3-i
 - i) Gen fund amount withheld by co in 2010 was \$220 in 2011 \$2,440
 - ii) Rd and Bridge amount withheld 2010 was \$658 in 2011 \$ 935
 - iii) Fire fund amount withheld 2010 was \$673 in 2011 \$ 984
 - iv) Their response is that they have been collecting and distributing this tax for less fees than they could have charged and due to economic impact of the economy on funding of their office they determined to begin to collect these additional fees.
- j) Mr. Peck requested a motion to accept the April financial reports.
 MOTION by: Bakle
 SECOND by: Mayer
 YEA(s) 3 NAY(s) 0 Passed X Failed

The April 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 April 2012.
 - (1) I spoke with Jeff Ankney of Defiance County Water/Soil, and he advised me that he only requests us to call Defiance Water/Soil if the home owner is building an addition, and or new structure that requires a foundation/footer. I later called him back and talked to Ben Gerken, and advised him, that we require a review packet from their office, per Defiance Township protocol, regardless of the type of work that is being done on the property. He agreed to this. Currently, I am still waiting for review packets on four (4) properties, and I have made contact with Soil and Water in reference this issue.
 - (2) I received a few calls reference Zoning questions that were in the City:
 - (a) Lisa from ADAP Appraisal Company on Blanchard Road, referred to Highland Twp.
 - (b) Steve from Cleveland Title company on a residence at 850 Jefferson Ave, referred to City.
 - (c) Marlene Cooper on a residence at 1029 S. Jackson, referred to City.
 - (d) Mike Gomez on a residence on Harding Road. I called back, and told him the residence was rated as R1.
 - (3) I received a couple of complaints reference open burning and loud noise on Power Dam Rd. I went to talk to the complainants about the issue, and to look at high grass issues that were at a residence. I found a broken patio door glass at 14829 Power Dam rd. I called the Defiance County Sheriff, Sgt Flory and advised them of my findings, (concern with possible breaking and entering) as well as the complaint that I was advised of at 14827 Power Dam Rd. Sgt Flory advised me that the owner of the residence was warned and I have not heard any other issues there.
 - (4) Another complaint I reviewed was concerned with junk vehicles at a residence on Parkview Dr. I will

look into these issues shortly.

- (5) I mailed letters to the following residences reference semi type trailer on their properties, and are to be removed by 05/04/2012.
 - (a) James Birk @2033 Laurelwood Dr. Defiance, Ohio
 - (b) Steven Riehle @13851 SR 111 Defiance, Ohio
 - (c) Floyd Hammon @ 1733 Sunshine Ln. Defiance, Ohio
 - (d) Jay Smith @ 1664 SR 15 Defiance, Ohio (returned, wrong address) 5. I mailed two (2) notices of Township Violations to Tim Font of On The Edge Construction. Tim Font did return a call to me, and I told Mr. Font that I received complaints about the front of his establishment, and that he needs to clean it up, and keep it cleaned up, or the Township will seek legal actions again. He began to argue about other places, and I advised him that we were talking about his establishment on Baltimore Road. He said he would clean it up. I gave him 2 deadline dates to clean it up, and said that if he failed to do so by the dates given, 03/30/2012, and 04/12/2012, charges would be filed. Those dates passed and the clean up did not take place. I then talked to David Lands – City Solicitor’s office, and filed charges again on this issue. On 04/17/2012, I was contacted by City Law Office reference the letters to Tim Font of On The Edge Construction. Per Judge Rohr's, he (the Court) requires all letters of notice to be mailed by Certified Mail. To prove that the offender was informed of the charges and that proper notice was given. From now on all letters will be mailed Certified, and a receipt will be given. At this time, I have not received a notice that the letter was received by Tim Font.
- (6) I spoke with David Glick about his residence on Hammersmith Rd. I explained to him that the property has not been lived in for a very long time, and that it is uninhabitable. He became defensive, and advised he will contact his attorney. His attorney from Paul Ding (Gorrell) advised me that Glick was working on the property, and what would it take to make it right to the Twp’s requirements. I simply stated that the trailer has to be removed, and it is classified as Junk. Understanding that the property was vandalized in January of this year.
- (7) I received a letter from David Glick, stating that he was going to clean up the trailer on 04/03/2012. I then took pictures of the residence, to confirm the actions that Glick stated. I have not been out lately to see results of his actions. If no action to clean the property up is made soon, a Certified Letter will be sent, and charges will be filed.
- (8) I received a packet of Zoning paperwork from an attorney office from Bryan, Ohio. These papers are for the Schatz farm ground that was sold at auction awhile back (March 15th). These papers are for property on the west side of SR 111. I will make an appointment with Russ Herman Defiance County Prosecutor prior to my issuing a notice of compliance for Zoning.
- (9) I received a letter from Bruce Standley, reference his neighbor David Jebb. Jebb has 29 chickens on his property. Stanley does not want the chickens there, and according to his letter, Jebb was advised of the ordinances of Defiance Township prior to moving on Power Dam Rd. I am asking for Trustee direction.
 - (a) Trustees agreed that the property being zoning R1 requires a minimum of having a “conditional use permit” to operate a cottage business.
 - (b) Trustees directed Mr. Shaffer to inform Mr. Jebb of this requirement.

Report submitted by Mr. Shaffer.

- b) Mr. Peck asked if there are 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) Trustee Bakle noted that the Dodge one ton had lost a plate> He contacted the County Engineer’s Office and they are ordering a replacement courtesy plate from the State.
- b) The Chair asked if there were any other equipment issues to be discussed?
 - i) There were none.

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

1. Trustees reviewed exhibit 6-a monthly Twp Rd inspection by Trustee Mayer.
 - i) Trustees instructed operators to use this report as the road work priority.
 - ii) The Chair asked if there were any questions.

(1) Mrs. Mayer noted a need for berming. (see road report).

iii) May's Rd review by Trustee Bakle.

2. Trustee reviewed the status of the proposed 2012 projects as of this session.

i) The Trustees & the Co Engineer have confirmed the project list for 2012 with the County Engineer's office.

ii) As of 04-24-2012 this list is as follows – see exhibit 6-b of this session: this exhibit also contains the purchase orders of 2012 that will fund the projects listed.

iii) P.O. 9-2012 &

iv) P.O. 29-2012

(1) Hammersmith road – ditch work – estimated cost \$20k – carryover from 2010-**not part of list**

(a) For portion of ditch west of Singer rd

(b) Project was awarded to Webb Const of Defiance.

(c) This project was noted as nearly complete by the Trustees during the April session.

(2) 2nd Hammersmith ditch proj between St Rt 111 and Twp maintenance building – not scheduled for 2012 – estimate unofficial by Co Eng office in August 2011 – if work is performed by Co Eng crew \$10k – **not part of list**

(a) The Co Engineer has stated that this project will be done by the Co when the road rebuild is done on this section of Hammersmith.

(3) Rebuild Hammersmith Rd from its west end Def Twp terminus -- easterly approximately to Singer Rd.

(a) The project will be bid by the Co Engineer – the project's new estimated cost is \$180,500. This figure includes pavement markings per the engineer's list:

(i) \$80k in OPWC grant dollars &;

(ii) \$100,500 from Twp road funds. This is up from the previous estimate of \$70.5k

(b) Project funding includes future opwc grant dollars.

(4) Indian Bridge lane: - paving project for 2012 with CDBG grant and OPWC grant - \$5,200 – see agendas of 2011 for details to date.

(a) Additional planned upgrades to Indian Bridge lane planned for 2012 are:

(i) Paving the west portion of the boulevard.

1. In 2011 the Twp was approved to receive \$15,800 CDBG grant dollars in 2012 towards the paving project in grant funds

2. The Twp is pledged to provide \$5,200 towards paving

3. \$3000 for additional drainage pipes placed by co engineer in Jan Feb 2012.

4. In April 2012 – Trustees hired Vandhey Lawn Care to remove stone from 3 cross-overs in preparation of paving by the County Engineer. This work was completed on 4-1 & 2 – billing is in this month's invoices.

5. The cost was \$2,500 more or less which is in addition to the Co Engineer's paving expense.

(b) Future effort -

(c) Previously, Trustee Bakle has indicated he will support applying for a CDBG grant in 2012 for pavement of the east side of the boulevard. Those grant dollars if acquired would be used in a 2013 project.

(d) In the April 2012 twp session, Mr. Bakle stated he will coordinate the grant writing effort.

(5) Ball Road - 2012

(a) Hot-mix patching – estimated at \$3,522

(b) A crack-seal –estimated at \$2,377 – completed in April/May.

(c) A chip & seal- estimated cost per the Co Engineer's office - \$9,380.

(d) Pavement markings – estimated at \$627

(6) Cromley Road-

(a) A chip and seal on the portion from Krouse east for approximately 1450' - estimated cost \$3,204

(b) Pavement markings - \$326

(c) the stone was placed per the Feb assignment – charges posted as part of normal exp.

(d) Trustees noted all other work on this road is on hold until the Twp's grindings have been sifted.

These will then be used to enhance the road.

- (i) Trustees will discuss a cement stabilization of this section of the road with the County Engineer.
- (ii) In the March meeting - Trustees indicated they will not widen the road or chip seal the eastern portion in 2012 but will do this when the newly stoned portion of the road is upgraded via cement stabilization possibly in 2013.

(7) Kiser rd – new from past discussions – on the engineer’s list –

- (a) A hot-mix patching - \$6,788

3. Financial impact review:

- i) The total amount of expenditures proposed for 2012 special projects by the County Engineer’s office is \$226,908. This includes \$81 grant funds for Hammersmith and \$18,700 in grants for Indian Bridge lane.
 - (1) Trustees are reminded that:
 - (a) Regular twp expenses are estimated – base on historical review, at between \$70,000 and \$100,000
 - (b) Anticipated total projected rd work to be posted to the Twp road funds in 2012 to date are at least - \$226,000 more or less (not including OPWC grant funds.)
 - (i) This is in addition to the 70 to 100k in line a above.
 - (ii) Total road project costs of twp funds (not including opwc) is \$235,882 at present.
 - (c) Anticipated revenues as noted in the 2012 amended certificate from the County Auditor for road work was \$156,345.00
 - (i) At present it is estimated that exp will exceed rev by about
 - 1. \$70,000 depending on the actual exp noted in b-i at year’s end.
 - (d) Discussion.....
 - (2) The 2012 OPWC grant report update from the Co Engineer’s Office was discussed which included an explanation (see exhibit 6-c). This exhibit noted that carryover funds from previous OPWC grants & documentation of expenses in 2012 on the Indian Bridge lane project –
 - (a) The opwc grants in funds from unspent portions of twp grants 2009 through 2011
 - (b) The expenditures from 09 through March 2012 were (\$31,737.00)
 - (c) The grant balance now stands at \$46,428.98
 - (d) The report indicates that the Hammersmith project is to be posted at least in part to future grants from this program.

4. Other projects/issues???

- i) The April work assignments for the Twp crew – exhibit 6-e- were handed out to staff.
- ii) Mr. Bakle noted that Dennis Miller of Maumee Valley Planning had informed him that there was a 0% loan program available for local government projects.
 - (1) Mr. Peck thought it would be prudent at this time to do nothing more until the Twp can determine the impact on its budgets relative to the Fire Rescue expenses which have been dramatically increased by the City of Defiance (service provider to the Twp precincts A & B) over the past two years.
 - (2) There was no other comment on this issue.

5. Twp cemeteries –

- i) The fiscal officer informed the Trustees that he was contacted by phone relative to sale of lot in Taylor cemetery. This call was referred to the Chairman Mr. Peck.
 - (1) Mr. Peck said he will contact the County Engineer to have Taylor surveyed and to have a grid layout created for the possibility of selling lots from available space in this cemetery. Mr. Peck thinks there is room for twenty some grave site at the front portion of the cemetery per the aerial photos provided by the fiscal officer.
- ii) Trustees then noted they will instruct Buchholtz to re-set stone markers in both Taylor and Cromely cemeteries.

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

1. The monthly (April 11) GrassRoots clippings was reviewed, distributed as exhibit 7a
2. Trustees then reviewed exhibit 7-b which was a notice to the Trustees from Defiance County Soil and Water of a workshop on increase public understanding of Green Infrastructure –
 - i) Session will be on May 1 from 8a.m. to noon at the city of defiance community room 631 Perry St. – Defiance, Ohio.
 - ii) Trustees wishing to attend were instructed to rsvp by calling 419-782-8751
 - iii) There is no cost to attend the workshop

ORDER OF BUSINESS NO. 8 – Personnel

- a) All Twp employees were instructed to review and sign off on the receipt of notice of a state of ohio contact to report fraud handout.
- b) The rules was established with the passage of HB 66 which became effective May 4th, 2012.
- c) The State Auditor’s office provided the information with employee sign off forms. Copies of the Auditor’s Bulletin (2012-003) and the signed employee signoffs will be kept on file.
- d) See exhibit 8 – State Auditor’s bulletin 2012-003 which was passed out at this session.

ORDER OF BUSINESS NO. 9 – Old Business

- a) Mr. Peck then provided an up-date on “Fire-Rescue” regionalization discussion by Twp’s and the City of Defiance.
 - i) Mr. Peck said there will be a committee meeting on May 1st.
- b) The Chair asks if there is any other old business
 - i) There was none.

ORDER OF BUSINESS NO. 10 - New Business.

- 1) The Chair asks if there is any new business to come before the board?
 - a) There was none
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ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: Tuesday – May 22nd, 2012.
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. Peck requested a motion to adjourn the meeting of April 24th, 2012

It was moved by: Mayer
 SECOND by: Bakle

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