

Minutes
DEFIANCE TOWNSHIP TRUSTEES
April 26th, 2011 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 26th, 2011 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 Diana Mayer; 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 declared.

Township employees present were: Ruth Ann Schofield 15968 Campbell Rd Zoning Commission– Bd chairman; Tom Mick 21389 Hammersmith rd. Zoning Commission Bd member; Jason Shaffer (equipment operator and zoning inspector) – 13386 St Rte 15, Roy Perez 812 Indian Bridge Lane – Appeals Bd member, Ed Young 23013 Watson Rd eq operator & Joe Kolb 16492 Cullen eq operator.

Visitors present: David Mick 14289 Hammersmith rd; Penny Bakle 1204 Wayne Ave. & JoEllen Houck 8 Deville Drive – all of Defiance, Ohio.

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 March 22nd, 2011, regular session.

Mayer moved to approve.

Peck seconded.

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

The MINUTE'S for the March 22nd, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - 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 \$158,389.70 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for April 2011 were \$33,397.25. Payments for April (bills & payroll) totaled \$14,755.21.
- c) The Cash fund summary through April 30th, 2011, showed an “ending cash balance” of \$878,400.99.
- d) The unencumbered cash balance “cash available” was \$508,744.47 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through April 30th, 2011, 7% of the years’ appropriations had been expended. 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 04-30-11 was \$702,704.14.
- g) Trustees reviewed and signed the April bills without comment.
- h) Trustees reviewed and signed the April payroll without comment.
- i) Trustees then reviewed and discussed the Audit of Township accounts as provided in exhibit I; which is the State Auditor’s comments on the Twp audit of the Twp’s 2009-2010 accounts.
 - i) Item 1 is the cover email
 - ii) Item 2 is the “Independent Accountant’s Report on Applying Agreed-Upon Procedures”
 - (1) This item is the report on the Twp’s financials and the process of the tracking of income and expenses

- to determine if these tax dollars were properly handled.
- (2) The report noted that there were no comments or issues noted.
- iii) Item 3 was the "Def Twp's Small Government Agreed-Upon Procedures Representation Letter"
- iv) Item 4 was a letter to "waive the post audit review by the State Auditor"
- (1) This letter is only allowed if there are no "audit findings or comments".
- (2) The Twp had a clean audit and there is nothing to discuss.
- v) Trustees signed the wavier letter which accepts the audit of the 2009 – 2010 accounts and deems the audit complete. This exhibit packet will be maintained on file with the Twp records and posted to the State Auditor's web page. .

Mayer moved to accept the state's audit report.

Peck seconded.

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

The audit was accepted and deemed completed.

- j) Mr. Bakle requested a motion to accept the April financial reports.

MOTION by: Dan Peck

SECOND by: Diana 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) April 2011
- (1) Zoning permit were given to :
- (a) Jimmy Price 20326 Cromley Rd. reference an addition.
- (b) James Wallace at 22904 McCollister Rd reference an addition.
- (2) ADOT Appraisal Service requested Zoning on a property at 21649 Bowman Rd.
- (a) I returned her call and advised her that the property is zoned as R2- Medium Residential property.
- (3) Matt Winzeller needed approval to have the power turned back on at 1802 Baltimore Rd.
- (a) I advised him that I was the Zoning Inspector, not a Building Inspector. Referred him to the City of Defiance.
- (4) Ann Murry checked on the Zoning of the Cater Lumber Buildings that is for sale. I advised her that the Buildings were Zoned Commercial. Potential buyer did not advise as to what they were had intended to do with the buildings.
- (5) Craig Crigger was approved for a building permit at 20392 Kiser Rd. Addition/basement was added.
- (6) Had a complaint from Clemens Moble Welding on Baltimore Rd. about On The Edge Construction.
- (a) Dan Peck received the complaint originally. I called the owner Pete Masterson. Pete stated that he sold the property to On the edge Construction, on Land Contract. Tim Font, owner of On the Edge was contacted on 04/23/11, at 0923, and was informed of the issue of the debris of building materials. Tim stated that the building is zoned Commercial, and that he can dump as much as he sees fit, and will continue to do so. Tim stated that he has the right to dump his material there, and if he wants to burn it, he will. I advised him of the burning ordinance of Defiance County, as well as the City. I advised Tim Font of the Township meeting times, and if he wanted to, he could voice his opinion there. I advised Tim Font that the junk vehicle, will have to be removed, as it is unlicensed, flat tires, and unknown if it runs. Tim stated that it was an employee's vehicle. I told Tim that if he was able, to build a fence around it, and keep it contained. He said that he has a dump truck, and he doesn't need a dumpster. I told him to take it to the Landfill. He said no. Conversation ended. I will mail a Certified letter to him, after a meeting with the Defiance County Prosecutor Office.
- (7) Brett Joost of Remax Reality, is proposing building at 14457 Power Dam Rd. I received copies of Maps from Maumee Valley Planning. And was advised by Marsha that it is in the 100 yr flood plain. The buyer , had a Engineer firm, evaluate the land, and was told that if he builds at a certain height. He would be alright. Brett Joost advised, he had plans as to the engineer firm, and I talk with Defiance County Water/Soil reference this issue.
- (8) End April report.

- b) Mr. Bakle asked if there are any other zoning issues to come before the Board?
 - i) Mr. Bakle noted that he was contacted by a Norm Barker with concerns of nuisances (debris, high weeds) at Eric's Ice Cream, (burned out site on Baltimore rd), the "bulk fuel plant" on Baltimore Ave and the On the Edge Construction co on Baltimore rd.
 - (1) Twp Zoning Inspector Shaffer was instructed by Trustees to review these concerns with the Co Prosecutor to determine an appropriate and legal Twp response to the complaints.
 - ii) Zoning Inspector Shaffer requested Trustee approval to run an ad in the Crescent News noting that the Twp has zoning codes that address the use of "semi-trailers or trailers" that are being used as storage facilities in the Twp. Shaffer feels a general educational effort such as this is preferable to a first contact on site by him.
 - iii) Trustee Mayer suggested that Shaffer prepare a draft ad and review with the prosecutor and once the prosecutor's approval is secured then run the ad.

MOTION by: Diana Mayer - to approve an ad upon review by the prosecutor

SECOND by: Dan Peck

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

The zoning inspector's request was approved.

- iv) Trustee Mayer also noted that she observed construction and demolition debris (c & dd) material was dumped in a ravine off Parkview Drive on the south side of Parkview towards the lagoon.
 - (1) Zoning Inspector Shaffer will investigate.
- v) The Chair again asked if there were any other zoning issues to be discussed.
 - (1) 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) The Township's "salamander" used to heat the Twp maintenance building during extreme cold conditions was again discussed.
 - (1) It was reported on first in February and again in the March session that the unit is malfunctioning.
 - (2) It was suggested the unit is defective and was the cause of a significant increase in the electric bill of Feb for the maintenance building.
 - (1) In the March Trustee meeting – Trustees decided to monitor the bill of March to determine if there might be another cause for the increase in the electric billing.
 - (3) At this session the Trustees were informed that the March bill was: \$55.45
 - (1) This amount is within the normal billing range for electricity usage at the maintenance building.
 - (2) The Feb bill was \$358+
 - (3) This test is conclusive that the salamander was the cause of the exorbitant electric usage.
 - (4) During this session Trustees approved Twp operators to acquire three quotes on a replacement unit.
 - ii) Twp operator Ed Young asked Trustees for approval to purchase sand bags. These are needed to weigh down the legs of portable Twp road signs used to mark high water, road work ahead, etc.
 - (1) Trustees approved the purchase
- 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

- a) The Trustee Monthly Twp Rd inspection report, exhibit 6-a as completed by Trustee Mayer was reviewed.
 - i) Twp employees present were provided a copy of the monthly road report and instructed to use as a work order. When possible there were a number of potholes and berming areas to be addressed.
 - ii) Mr. Bakle noted he had contacted Gerken Paving & the Co Engineer – Gerken Paving is doing a road project on Watson Road for the County Engineer.
 - (1) Trustee Bakle had requested the grindings from this project.
 - (2) The grindings will be used in part on May road.
 - (3) In the March session -- Mrs. Mayer stated that Lester Sanders, the lone resident on May road, had requested that grindings be placed on the turn- around at the roads' terminus. (May road is a dead end road).

- iii) Mrs. Mayer noted from her road review that priority in May should be given to:
 - (1) A stop sign repair at Karnes and Bowman
 - (2) Potholes on several roads
 - (3) Reclaim and berm
 - (a) Bowman
 - (b) Kiser
 - (c) Hammersmith from Kiser to Signer

- iv) The May - Rd review is to be done by Trustee Bakle.

- b) The Fiscal Year 2011 CDBG formula application program was then discussed. As of the March session Trustees were committed to submit this grant for funding of a drainage project on Indian Bridge Lane.
 - i) Mr. Bakle stated he was informed that if the Twp submitted a CDBG grant requesting funding for drainage projects the grant would be denied. The County's policy is believed to be that drainage issues such as drive way pipes and drainage of private property to public ditches is done at the cost of the property owner.
 - ii) There was a discussion relative to the fairness of the public paying for drainage projects.
 - iii) Mr. Bakle noted that the road side ditches are in public right of way.
 - iv) Mr. Tom Mick was recognized and asked if the Twp determined to pay for this drainage project why wouldn't the Twp pay for all such projects. Mick said that the issues in his opinion is caused by plugged driveway tile.
 - v) Mr. Bakle noted that the residents of Indian Bridge Lane are a low income area per the required eligibility survey and as such are eligible for such assistance.
 - vi) Mr. Bakle then proposed that a CDBG grant application for the asphalt portion of the road repair be applied for and the Twp would pay for the drainage projects.
 - vii) Mr. Peck asked of the cost for the asphalt.
 - viii) It was noted that the CDBG grant is a 50 – 50 grant.
 - ix) Mr. Bakle thought the drainage project would be \$9,500 and the asphalt would be \$12,500 for a total Township cash expenditure of \$21,500 more or less for this project.

- c) Trustees continued the review of the Up-date on existing projects:
 - i) The 2011 Project list of work proposed by the Co Engineer's office was first presented to the Trustees in the fall 2010. It has been revised numerous times since. The project list distributed at the 1-20-11 Twp Association meeting w Co Eng. was estimated to cost approximately \$121,926.
 - (1) See minutes of sessions of Feb and March for a history.
 - (2) The latest update was presented to the Trustees at this session as **Exhibit 6-c- 1**. This list has a cover letter dated 3-24-2011 which notes the new road project(s) that the Co Engineer will undertake for the Trustees in 2011:
 - (i) Reconstruction of Lakeview – estimated cost as of 3-24-11 is \$31,902.43
 - (ii) The list of work to be done by the County Engineer's for the Twp in 2011 now stands as follows:
 - 1. Lakeview rebuild - \$31,902.43 – new proj
 - 2. Hammersmith road – ditch work – estimated cost \$20k – carryover from 2010
 - 3. Indian Bridge lane: - carryover from 2010 – see discussion above.
 - a. Either:
 - i. Full drainage portion estimated at \$18,000 – Twp pays half with CDBG or \$9k; or full amount; or
 - ii. A 2/3rd drainage project on east side of road – full cost borne by Twp; cost is \$9k
 - (3) Other possible work by the Co Engineer on the Twp's behalf is:
 - (i) Exhibit 6-c-2 was a proposed drainage project drawing for Hammersmith and Singer Rds discussed with Trustees at a Soil & Water session held at the Twp maintenance building on April 19th.
 - a. This project effects both Hammersmith and Singer and is concerned with a collapsed tile in a farm field south of Hammersmith and east of Signer on a parcel owned by George Newton and farmed by Andrew Shinninger. Issue was raised by Shinninger.
 - (ii) The Chair asked if there were any comments.
 - 1. Trustees noted they are waiting a determination by Defiance county Soil & Water as to the action to take place to address this issue.
 - 2. Per co policy all property owners that have property draining through this field will be a

participant in the solution.

3. Soil & Water will notify the Twp if there is a cost.

(iii) Total for agreed upon projects by Co Engineer as of 4-26-11 is estimated to be \$60,902 more or less – if the \$9k Indian Bridge project is included or;

(iv) \$69,902 – if the full drainage project is ordered for Indian Bridge Lane; and potentially more if the Trustees approve the asphalt element of this project.

(4) Regular twp expenses are estimated – base on historical review at between \$70,000 and \$100,000

(5) Anticipated total projected rd work expense in 2011 now stands at \$160,902 or \$169,902.

(6) Anticipated revenues as noted in the 2011 amended certificate from the County Auditor for road work is \$159,345.00

(7) The fiscal officer pointed out that the Hammersmith road rebuild is a 3 or 4 year project as now planned by the Trustees and it appears that the Twp is not setting aside any funds towards that project in the 2011 budget year.

d) - Other possible projects???

i) The Chair asked if there are any questions or concerns...

(1) The mowing assignments for the Twp cemeteries was reviewed.

(2) Trustees assigned:

(a) Jason Shaffer to Taylor

(b) Michael Daniel to Tuttle

(c) Ed Young to Cromley

(d) Steve Buchholtz as back up

(3) Buchholtz and Daniels are to be trained on the Twp equipment by Young or Shaffer before being assigned to mow.

ii) Tom Mick was recognized and informed the Trustees that a tile was failing near the Larry Mick property at 21369 Hammersmith.

(1) Trustees will investigate.

e) The chair asked if there were any other projects to be discussed.

i) There were none..

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

a) Monthly (April 11) GrassRoots clippings – exhibit 7a

a) Exhibit 7-b was reviewed this was the minutes of the Soil & Water's – "Co Township Trustee's Association's 2011 planning meeting of March 22nd, 2011.

i) This session fell on a Twp meeting night. Trustees accepted the minutes without comment.

b) Exhibit 7-c - a notice from the Ohio Bureau of Worker's compensation that Def Twp will be audited by OBWC to determine if it is making proper premium payments was reviewed.

ii) The fiscal officer stated he was informed that these are random audits and Def Twp was selected from the pool.

iii) The fiscal officer has conferred with the Twp's BWC consulting firm Frankgates, the fiscal officer has also discussed the audit and set an audit date and time with BWC.

(1) May 11th, 9a.m. at 8 Deville Dr, Defiance, Ohio.

(2) There was no further discussion.

ORDER OF BUSINESS NO. 8 – Old Business

a) The ongoing effort to acquired a new storage facility for Twp records was reviewed.

i) The Twp Trustees approved this purchase in their Jan 2011 session. We await weather conditions to improve to have the unit built and placed at the Twp's Hammersmith rd maintenance building property. Trustees to direct location of structure at that time.

ii) The purchase was awarded to Dave's Lawn Barns of Oakwood, Ohio, for \$3,575 to include set up. The

building would be 12 x 16

(1) Mr. Peck stated that the structure's location near the maintenance building will be selected soon. Mr. Peck will contact Stollstierner's electric for the wiring. Wiring was estimated to cost \$350.

b) Up-date on "Fire-Rescue" regionalization discussion by Twp's and the City of Defiance. Mr. Peck represents Defiance Twp.....

- i) The Chair asked if there are any updates....
- ii) Mr. Peck had none to report.

c) The Chair asked if there was 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) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – May 31st, 2011.

Time: 7:30 p.m.

Place: 2nd 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 April 26th, 2011

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