

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**April 28<sup>th</sup>, 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 April 28<sup>th</sup>, 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, Allie Rosebrock 14289 Krouse Rd, Tom, & Jeff Mick 21389 Hammersmith, Larry, David & Mary Mick 21639 Hammersmith Rd, Dan Brown 20472 Kiser Rd, Herbert Thiel 1721 Cross Creek Lane, Darrell McNealy 806 Indian Bridge lane, Mike S – no address provided; Carl Wagner 24815 Watson Rd, Donna Schlegel 220 West Pinewood, Penny Bakle 1204 Wayne Ave & 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 March 31<sup>st</sup>, 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 March 31<sup>st</sup>, 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.
    - (1) Several acknowledged the Twp's effort of adding grindings to that portion of Krouse rd south of Hammersmith.
      - (a) Citizens noted that there are large chunks of blacktop which were not broken up. This causes a fairly rough drive if one hits one of these chunks.
      - (b) Trustees stated they were aware of this and have worked the road several times with Twp equipment.
      - (c) Trustees said that the more it is driven on the more the material will break up, especially in the anticipated warmer weather. Trustees also said they are prepared to send the crew to walk the road and hand pick the larger chunks.
      - (d) Trustee Ankney was designated to contact the Webb's to see if Webb's could be hired to run a roller on the road.
      - (e) Trustee Peck noted that the Twp is working with the County Engineer on a plan to do "cement stabilization" to this portion of Krouse road in 2010.
    - (2) Trustees then responded to the storm water flooding issues raised in the March session:
      - (a) Mr. Peck said he has checked with the County and the charge for running a ditch clearing wheel is between .25 and .55 cents per foot.
      - (b) Trustees will prioritize a list of roads for ditch clearing..
        - (i) Mr. Bakle stated that we need to address Cromley road soon
      - (c) Andrew Shinninger (farms for numerous owners of property along Twp roads) was recognized:
        - (i) Mr. Shinninger stated that to clear ditches would be of little value if property owners aren't required to replace/clean the drive tiles.

1. "most of the drive tiles are clogged. If these aren't replaced or cleaned the water will simply flow over the ditch embankments at those points."
  2. It was noted that land owners are responsible for maintaining their drive tiles.
  3. any twp project would need to have all property owners agreeing to address the drive tile issues before the Twp could begin a clearing/cleaning effort.
  4. Mr. Peck stated that the Twp will keep up on this issue.
- (d) Trustees then discussed the flooding issues of Singer rd
- (i) Trustees asked Mr. Shinninger for an opinion – Shinninger farms this property for the owner.
    1. Shinninger stated: he believes the field tile is partially crushed and that the cross over tile may also be partially crushed.
    2. the field residue needs to be cleared from the catch basins (this was done recently) to facilitate storm water run off.
  - (ii) Mr. Bakle suggested that the Twp road crew keep notes when they do road work on the catch basin conditions so that Trustees can prioritize the work.
- (e) Mr. Ankney then addressed the repair work to be done on Hammersmith.
- (i) Ankney has been in contact with the County Engineer and confirms that the State DOT will be repairing Hammersmith when the US 24 construction is completed. ODOT has designated Hammersmith a haul road for this project. The US 24 construction is scheduled to be completed in 09.
- (f) Mr. Shinninger was again recognized and asked that the Twp sponsor a petition for Soil & Water to clear-clean the railroad ditch on Kiser Rd. This ditch (ditch name not known) causes field flooding at the west end of kiser road.
- (i) Trustee Peck said the Board would be willing to work on this but believed the County Commissioners would also need to be involved.

### **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 \$235,088.41... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
  - i) Receipts for April 2009 were \$22,690.58. Payments for April (bills & payroll) totaled \$9,850.52.
- c) The Cash fund summary through April 30<sup>th</sup>, 2009, showed an "ending cash balance" of \$969,631.28.
- d) The unencumbered cash balance "cash available" was \$396,781.04 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through April 30<sup>th</sup>, 2009, 5% 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 2<sup>nd</sup> 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 04-30-09 was \$722,855.92.

Mr. Peck requested a motion to accept the April financial reports.

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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:**

- 1) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jim Schlegel
  - a) April 2009
    - i) Site Review Home addition Power Dam Rd Permit Issued
    - ii) Complaint Taylor Cemetery Partying & Powell Creek Dam. Contacted Sheriff on partying they will increase patrol. Advised Dan Peck on dam build up causing erosion.
    - iii) Site Review New Home Williams Rd permit issued.
    - iv) A realtor called ref zoning @ old Haviland Building on SR 24, Zoning Map shows AG shouldn't this be Commercial?
      - (1) Trustees confirmed that this area should be commercial.

- (2) The Trustees asked the Fiscal officer-clerk to meet with the Zoning inspector and determine if other areas of the Twp zoning map might be incorrectly listed and determine proper course for corrections.
  - (a) Possible need to convene Zoning Commission or simply have Soil & Water correct the obvious error on the map.
- v) Contacted by Dick Ankney ref limbs down at a residence on Indian Bridge Lane. This is the same vacant structure that Dan Peck advised me about a few months ago. This property is still in bankruptcy proceedings and the bank does not want anything to do with it.
- vi) They advised they will take a loss.
- 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. Bakle said that the Twp needs a new mower & a reclaimer for berming projects.
    - (1) Mr. Peck said the Twp should sell its current mower so that we do not build an inventory of old equipment.
    - (2) Trustees agreed that the old unit should be sold after a new one is purchased.
    - (3) Mr. Ankney suggested that money could be saved if the Twp bought a mower that could add attachments and then buy an attachment for ditch needs.
      - (a) All agreed with this idea.
  - iii) 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 Ankney was reviewed.
  - i) See report on file with the meeting minutes.
  - ii) Mr. Ankney noted that Sponseller Rd ditch is again filled with soil. He suggests this is caused by the person farming the field bordering this ditch.
    - (1) Trustees are working with the County engineer to address the flooding issues on Sponseller
    - (2) This project is planned:
      - (a) A new catch basin & cross over – Twp cost
      - (b) And 18" pipe to ditch (property owner cost) approximately 350'.
      - (c) Peck noted that Jeff & Dave Mick accompanied him on this inspection.
  - iii) Twp employees were provided a copy of the April report to use as a work order.
  - iv) Generally the report notes:
    - (1) Berm should be added to certain roads
- b) The May - Rd review will be by Trustee Bakle
- 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 27<sup>th</sup> 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 4-28-09:
      - (i) The budget is in place and purchase orders have been prepared.
      - (ii) Project awaits weather conditions to permit start
      - (iii) Trustees noted that the contractor is waiting for the weather to break.
    - (d) This item will remain on the agenda until completed
      - (i) There was no further discussion.
- ii) Additional 2009 rd projects –were reviewed....refer to feb exhibit 6-c-ii
  - (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.**
  - (a) Project will be undertaken by County Engineer & is not yet started.
  - (b) This item will remain on the agenda until completed

ii) **Twp cemeteries –**

- (a) Chairman Peck asked if there were any issues.
  - (i) It was reported that tree debris (branches trimmed etc) is piled up in the Taylor cemetery near the road. It is believed this debris is from Co rd crews and Soil & Water doing ditch/road right of way maintenance.
    - 1. Twp crews will remove this material.
  - (ii) Mr. Bakle said the Cromley cemetery has a grave stone which has fallen over and needs re-set. –
    - 1. Twp crew to address
  - (iii) Mr. Bakle noted that a tree at the entrance (north side) Cromley needs trimmed.
    - 1. Twp crew to address.
  - (iv) Mr. Peck asked if there were any other cemetery issues.. there were none.

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

- (1) Mr. Bakle reported on his efforts to secure grant funding (CDBG) for rehabbing Indian Bridge lane to include improving storm water drainage.
  - (a) Mr. Bakle is in contact with Maumee Valley Planning and believes the area is eligible for this low income area grant. He is acquiring information.
  - (b) Bakle noted that the Twp would need to provide half of the project funding.
  - (c) Trustees need to have the project plan prepared by the County engineer. The Plan would be submitted as part of the grant application.
- (2) There were no other items brought forth at this time.

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

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

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

- a) Trustees then reviewed Exhibit 8-a which was a Co real estate form on a property in Def Twp. The form listed a property that neighbors complained was not being kept up properly causing a detriment to the neighborhood. This complaint was made to Commissioner Otto Nicely who brought the information to the fiscal officer.
  - i) Per Twp policy—the complainant should fill out the Twp complaint form. Mr. Nicely was unable to furnish the fiscal officer with the complainant’s name but said he would get the form to the complainant.
  - ii) Mr. Peck asked if there is any discussion?
    - (1) It was determined that the property was the one noted in Mr. Schlegel’s zoning report and that the issue of the yard debris had been addressed.
- b) The chair asked if there was any other old business?
  - i) Mr. Schlegel reported on the effort to clean up the Mullinex property on Hammersmith road.
    - (1) Again he has the Sheriff’s office and others searching for the land owner. (Schnieder) this person has not yet been found.
      - (a) The company holding the title – Capital RealEstate Services – paid the taxes from a North Point Bank – Mr. Schlegel was unable to find the address to the North Point Bank (he noted he tried an internet search and there were many banks with that name.)
      - (b) Mr. Schlegel will continue his efforts.
- c) The Chair again 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 then discussed. This was a notice from Twp employee James Schlegel.
  - ii) Mr. Schlegel is asking that he not be considered the primary Twp Rd maintenance employee as of this date.
  - iii) Mr. Peck ask if there was any discussion?
    - (1) Trustees determined to post a notice of part time employment in the Courthouse and to take applications during May. Trustees will review the applications during the May meeting.
- b) The fiscal officer reported that he had attended the annual Auditor of State’s Local government Officials conf.

Meeting held April 23 & 24.

- i) Learned that the UAN accounting system is having a major software rewrite. Once this is completed there will be a select few volunteer Twp's to work the bugs out. The new software is scheduled to be rolled out in 2010.
  - ii) In the mean time UAN will do another system up date to be released in Oct or Nov 09. This will contain any new tax tables etc for 2010.
  - iii) Learned from OPERS that they expect all entities to move to electronic filing in the next several years.  
(1) If an entity is filing electronically (Def Twp is) then all reports & payments must be filed electronically.
  - iv) Learned legislation updates:
    - (1) Sb 7 – new Fraud reporting system requires
      - (a) Auditor of State to establish & maintain reporting system
      - (b) Requires public offices to provide info about the fraud reporting system to its employees
      - (c) Allows for anonymous report of fraud
      - (d) AOS will provide form for new employees to sign when hired
      - (e) AOS will audit for compliance
  - v) Learned Auditor of State is requiring public entities to submit reporting forms on any funds from stimulus received by the political subdivision
  - vi) Learned Ohio Attorney general opinion – requires that a Trustee who is unable to fill his position for a 90 day period must be replaced per ORC 503.24 –(remaining Trustees can not appoint a replacement or continue on without filling the disabled Trustee's position beyond the 90 day period.)
- c) 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 May 26<sup>th</sup>, 2009.  
**Time:** 7:30 p.m.  
**Place:** 2<sup>nd</sup> 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 April 28<sup>th</sup>, 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