

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**May 26<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 May 26<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. The Zoning Inspector Mr. James Schlegel (equipment operator and zoning inspector) – 220 Pinewood was excused.

Other(s) present were: Penny Bakle 1204 Wayne Ave, Patty Diemer 23361 Defiance-Paulding Co Line Rd, Michael Schlachter 21682 Hammersmith rd, Jon Hahn 15863 Sponseller rd, Jason Shaffer 13386 ST Rte 15, Dennis Bott 15816 Williams road & 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 April 28<sup>th</sup> regular Twp session.

Mr. Bakle moved to accept the mins

Mr. Ankney seconded

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

The MINUTE'S for the April 28<sup>th</sup> session were approved.

**ORDER OF BUSINESS NO. 2 - Citizen concerns:**

- a) The chair asked for citizen concerns from the floor.
- i) Mr. Jon Hahn of 15863 Sponseller Rd was recognized. Mr. Hahn was concerned with the Township's proposal to drain storm water away from Sponseller Rd. The storm water is flooding over this road and has been a concern of the residents of this road for some time. The township had planned to address this issue by having a catch basin and cross over pipe cut into a ditch (created by Webb Bros @ Mr. Hahn's expense). This ditch which runs through the Hahn property drains water away from the Hahn property and from the road into Bee-Tree ditch; but does not drain fast enough to stop larger storm events from flooding over Sponseller rd.
- (1) The Sponseller Rd ditch is again filled with soil. This is caused by the person farming the field bordering this ditch.
  - (2) Trustees had determined after several site reviews including a review with the County Engineer that a larger cross over was needed. However, doing this project would put this additional water into the Hahn ditch and could potentially flood back onto the Hahn property.
  - (3) Mr. Bakle said he was opposed to the Twp's proposal which would include not only the cross over but excavating a deeper ditch over the Hahn property to Bee Tree ditch. Mr. Bakle said this was opening a Pandora's box by creating a drainage structure on private property. "Everyone will want this done".
  - (4) Mr. Peck said the Twp is trying to address the citizens concerns which were raised several times at Twp sessions. "We need to move that water."
  - (5) Mr. Hahn said that the cross over pipes need to be cleaned out. He also said that putting in the proposed cross over will destroy my paid for work.
  - (6) Mr. Peck said: "we are asking you if it is ok to put this pipe in and work the drainage ditch on your property to accept this storm water and move it to Bee – Tree ditch?"
  - (7) Mr. Hahn said he objected to the project unless the Twp put his property back in the condition it is now.
  - (8) Mr. Bakle again objected to the Twp doing work on private property.

- (9) Mr. Peck said: "We will not go onto your (Mr. Hahn's) property without your permission.  
ii) The discussion ended without a decision.

### **ORDER OF BUSINESS NO.3 - FINANCES –**

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for April – noted a primary checking reconciliation balance of \$246,806.24... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
  - i) Receipts for May 2009 were \$11,882.85. Payments for May (bills & payroll) totaled \$12,552.69.
- c) The Cash fund summary through May 30<sup>th</sup>, 2009, showed an "ending cash balance" of \$967,933.66.
- d) The unencumbered cash balance "cash available" was \$403,122.66 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through May 30<sup>th</sup>, 2009, 6.1% 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 05-30-09 was \$723,063.86.

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

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

The May 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) May 2009 Monthly report - Inspector's Report email from Mr. Jim Schlegel. Mr. Schlegel was on vacation and excused.
    - i) Defiance Township Zoning - May 2009
      - (1) Sign SR 66 Permit Issued
      - (2) Previous drainage complaint on Krouse Rd Meeting held with both parties & Soil & Water More drainage will be put in. A letter of proposed improvements was sent By Soil & Water. County highway my improve ditch on Krouse Rd.
      - (3) Site Review Indian Bridge Ln New Roof & Window - No Permit required
      - (4) Ref vehicle complaint on Indian Bridge Ln one vehicle has been removed the other will be Licensed next week.
      - (5) A resident on Keller Rd wants to put up a pole barn. However where he wants to put it the location does not meet township setback. I explained the variance process and am waiting for his decision.
      - (6) Call from License Bureau they have some small signs ref be alert for motorcycles they would like to put on and below the no parking signs out front. Having not dealt with this before I advised to go ahead and if it creates a problem we can deal with it.
      - (7) Working with two couples on Bowman whom together own ten acres. They want to split to five acres each and sell one. I advised of the 150 ft frontage. I am currently checking to see if this would have to go before zoning board.
  - 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) None from the employees.
  - ii) Trustees again discussed the possible replacement of the Twp tractor and mower used for road side mowing.
    - (1) Mr. Bakle said that the Twp needs a 6220 or 6210 sized John Deere or an equivalent sized tractor.
    - (2) Mr. Ankney noted that the Twp reclaimer will have to be replaced as it is designed for the current twp tractor.

- (3) Mr. Peck maintained his position that the Twp should sell its current mower so that we do not build an inventory of old equipment.
  - (4) Trustees agreed that the old unit should be sold after a new one is purchased.
  - (5) Mr. Peck was to check with Ohio Department of Administrative Services – State purchase program to see if that might be a source for this purchase.
  - (6) There was no more discussion on this issue.
- 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 Bakle was reviewed.
  - i) See report on file with the meeting minutes.
  - ii) This report is a work order for the Twp crew and was distributed to the crew.
  - iii) Mr. Bakle's report noted the need to replace several signs. It was noted that the signs can be replaced from those in stock.
  - iv) Mr. Ankney noted that if new signs are needed we will instruct the clerk to order them. All agreed.
- b) The June - Rd review will be by Trustee Peck
- 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.
      - (c) As of 5-26-09:
        - (i) The budget is in place and purchase orders have been prepared.
        - (ii) Twp has received and paid the first invoice on this project – May bills
          1. bill \$6,900 posted – remaining budget \$243,875.50
      - (d) Mr. Peck ask if there was any discussion?
        - (i) Mr. Peck noted that he thinks paving will take place in late june or july.
        - (ii) asphalt pricing continues to decline and the Twp may save a bit of money on the project.
      - (e) This item will remain on the agenda until completed
    - ii) **Additional 2009 rd projects** –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) There was no report of progress on this project as of this session.
        - (b) This item will remain on the agenda until completed
  - iii) **Twp cemeteries** –
    - (a) Cemetery maintenance issues were covered in the Trustee road report.
    - (b) Mr. Peck asked if there were any other cemetery issues?
      - (i) Mr. Ankney said he was contacted by Lee Kessler of Florida. The family has lots in one of the Twp cemetery's and wished to bury an urn. Mr. Ankney said he could not find any rules on the burial of urns and that no charge has been adopted for an urn burial. Mr. Ankney said the cost should not be the same as for a full size casket. It would not be fair.
      - (ii) Trustees agreed and:
        1. Mr. Ankney moved to charge \$50 for the burial of an urn.
        2. Mr. Bakle seconded
        3. Trustees voted 3 yeas 0 nays.
      - (iii) The clerk was instructed to write up the resolution establishing the burial charge for an urn at \$50.
      - (iv) Trustees also noted that a death certificate would need to be provided to the Twp before the Twp would prepare the grave site.
      - (v) Trustees then directed the clerk to contact the prosecutor's office to determine if there were any other procedures needed to bury an urn.

iv) Mr. Peck asked if there were any other projects to be discussed.

- (1) Mr. Bakle is pursuing a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane – this could be a 2010 project
  - (a) Mr. Bakle said he will be discussing the project with Maumee Valley Planning soon. Maumee Valley planning is doing a survey of the residents to determine if this is a low income area and thusly eligible for CDBG funding.
- (2) There were no other projects discussed.

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

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

**ORDER OF BUSINESS NO. 8 –** – review of applications for possible hire of another part time road crew person. The Township determined to acquire applications for a part time road crew member position when Mr. Schlegel informed the Trustees in the May meeting that he no longer could fulfill the duties as the primary part time rd crew member. The clerk posted the opening on the bulletin board of the Commissioners building per the adopted public notice procedure of the Township.

- a) Chairman Peck asked for a motion to go into executive session for the purpose of discussing/reviewing the applications for the Twp's road crew – Part time position & the establishment of a pay rate for same.

MOTION by: Mr. Bakle

SECOND by: Mr Peck

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

- b) The Trustees moved into executive session for the purpose of reviewing applications and interview of applicant & wage discussion for possible part time Twp road crew position.

- c) The Trustees returned from the executive session chambers

- (1) Chairman Peck asked for a motion to return to the regular meeting.

MOTION: Ankney

SECOND: Bakle

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

The Trustees moved back into regular session..

- d) The Chair asked for any discussion on the hiring of additional staff to part time positions on the Twp road crew.

- i) Mr. Bakle suggested that the Twp hire two part time persons.

- ii) Trustees agreed.

Mr. Bakle moved to offer the part time positions to:

- (1) Mr. Jason Schaffer of &

- (2) Mr. Palmer Howell of

- (3) At the established starting rate of pay (\$11.60)

Mr. Peck seconded

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

The motion to hire passed.

The clerk is to provide employee data to the Twp insurance carrier so that the Twp and the employees are covered and to provide OPERS with the appropriate information. The date of hire is May 26, 2009; although neither will be allowed to work for the Twp until insurance coverage is established.

**ORDER OF BUSINESS NO. 9 - Training**

- a) It was noted that Mr. Ankney attended the EMA safety training coarse on Lock-out – Tag out May 1<sup>st</sup>, He also attended the Confined Space entry training.

- i) Certificates of completion are on file in the Twp records.

- ii) The Twp will contact EMA for the upcoming safety-training coarse schedules....

- iii) Mr. Bakle noted he has had confined space training from ODOT and will provide documentation to

the clerk for the Twp records.

- (1) There was no further discussion...

**ORDER OF BUSINESS NO. 10 -- Old Business**

- a) See list of road projects.
- b) Defiance city is reviewing the current fire combat contract with Def Twp.. the chair asked there were comments and information to be brought forth?
  - i) There was none.
- c) It was noted that a Public records training is required for Trustee Peck during his current term of office-
  - i) Mr. Peck needs to acquire this training by the end of this year (end of his current term)
  - ii) Mr. Peck was provided a listing of training seminars.
  - iii) The fiscal officer/clerk will need a copy of the documentation noting attendance for the Twp files for audit purposes.
    - (1) Mr. Bakle and Mr. Houck have until the end of their current terms to acquire the training.
    - (2) Mr. Ankney is in the final year of his current term and has already acquired the training.
  - iv) Mr. Peck ask if there was any discussion.....
    - (1) Mr. Peck noted he intends to acquire the training at the Perrysburg venue.
- d) Mr. Peck noted the Twp informed citizens that it would consider a "road ditch maintenance program" and was there any discussion on this issue?
  - i) Mr. Peck said he had called Adams, Delaware, Farmer, Hicksville, Mark, Tiffin, Washington & Richland Twps and all addressed ditch issues as they became known to the Board. There was no defined maintenance program but all thought of their system as a Plan.
    - (1) Concerns were addressed when noted either through meetings or road reviews done each month by Twp personnel.
    - (2) Mr. Bakle said: "My idea of a ditch maintenance plan is for the Twp crew to observe and note issues as they do there road work. They should report any concerns to the Trustees who will then review and prioritize."
  - ii) There was no further discussion.
- e) Mr. Peck then brought up the possible sale of Twp property (approx 1 arce) at the corner (south side of Garmin) of Harding and Garmin.
  - i) Trustees agreed that Mr. Peck was to see the prosecutor on the process to proceed with the sale of this 1 acre unimproved property.
- f) Mr. Peck asked if there is any other old business to be discussed. There was none.

**ORDER OF BUSINESS NO. 11 -- New Business.**

- a) The Chair asks if there is any new business to come before the board?
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**ORDER OF BUSINESS NO. 12 - NEXT MEETING:**

**Date:** Tuesday June 30<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 May 26<sup>th</sup>, 2009.

It was moved by: Mr. Ankney

SECOND by: Mr. 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