

Minutes
DEFIANCE TOWNSHIP TRUSTEES
May 27th, 2008 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 May 27th, 2008 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: John Diemer – 23361 Defiance-Paulding Co Line Rd, and James Schlegel (zoning inspector) – 220 Pinewood.

Other(s) present were: Kevin Fackler 13431 St Rte 15, Warren Schlatter - 500 Court Street, Defiance County Engineer, Russ Herman ESQ Defiance County Prosecutor's Office - 607 West Third street, Penny Bakle 1204 Wayne Ave., Ron & Marilyn Steel 15107 State Rte 66, Dan Limber Manager of the Ayersville Water & Sewer District – 13961 Fruit Ridge Rd Ayersville Ohio, Kim Baker ESQ attorney for Ayersville Water & Sewer and JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Review and approval of minutes of the previous session.

- a) Chairman Ankney requested a motion for the approval of minutes from the April 29th regular session.

MOTION: Charles Bakle

SECOND: Dan Peck

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

The MINUTE'S for the April 29th session was approved.

ORDER OF BUSINESS NO. 2 - citizens 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 April monthly Reconciliation – noted a primary checking reconciliation balance of \$101,504.97 as of April 30th, 2008..... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
i) Receipts for May 2008 were \$11,869.68. Payments for May (bills & payroll) totaled \$8,257.01.
- c) The Cash fund summary through May 31st, 2008, showed an “ending cash balance” of \$817,747.51.
- d) The unencumbered cash balance “cash available” was \$686,299.94 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through May 31st, 2008, 8.2% of the years' appropriations had been expended. The budget is in line with the goals set by the Trustees to put aside a cash reserve to be applied to the 2nd half of the Kiser Road re-build project which is scheduled for the 2008 construction season. 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 05-31-08 was \$712,629.87.
- g) The Trustees reviewed and signed the bills for the month.
- h) payroll for May was then reviewed and checks signed by the Trustees.

Mr. Ankney requested a motion to accept the **May** financial reports.

MOTION: Charles Bakle

SECOND: Daniel Peck

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:

- a) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jim Schlegel
 - i) May 2008
 - (1) New Addition 23969 Watson Rd Permit Issued Arps
 - (2) Complaint SR 111 High Grass Sent Complaint form. Numerous phone calls Will report.
 - (3) Lange Barn Williams Rd has been removed & cleaned up
 - (4) New Addition 14763 SR 111 Permit Issued Brown
 - (5) Site Review New Addition Power Dam Rd will call for permit when ready.
 - (6) Wind Turbine request Krouse Rd will report.
 - (a) Schlegel requested direction from the Trustees after noting that there is nothing in our current Zoning rules regulating "wind turbines".
 - (b) Schlegel also noted that he has researched other Twps and find some have zoning restrictions such as set backs due to "noise issues"
 - (c) Trustees agreed that the Twp Zoning Commission should study the matter and adopt zoning rules if they find it necessary. Trustees ordered the fiscal officer-clerk to contact the Zoning Commission to set up a time frame to address the matter.
- b) Chairman Ankney 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 for comments or concerns from Twp employees on current or proposed new eq.
 - i) There were none.
- b) The chair noted the status of the removal of the belly plow from the 04 International:
 - i) Chairman Ankney and John Deimer will transport the unit to Kalida Truck when time permits.
- c) Trustees then noted that the Twp trucks and eq used during winter snow removal will be taken to Charlie's Car Care on Baltimore Ave and be washed. Cost is estimated at \$35 per unit.
- d) There was no further equipment discussion.

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) The Twp crew was provided a copy and instructed to complete the work as noted.
 - (1) Mr. Bakle noted the issues were mostly a need to address berms add stone and mowing of right of way.
- b) The June - Rd review will be made by Mr. Peck.
- c) Project reviews –
 - i) Up-date on existing road projects – there is presently one major planned project for 08:
 - (1) **Kiser Rd project** (1 full mile from Keller to Canal) – to be done in 2008.
 - (a) See minutes forward from the Jan 07 session for project details.
 - (b) From the Oct 07 session as directed--the Co Engineer's Office is negotiating to acquire right of way as needed for this project.
 - (i) The Co Engineer was present and asked for an executive session to discuss property purchase.
 - (ii) County Prosecutor Russ Herman was present to provide legal input if necessary to the Trustees.
 - 1. Chairman Ankney asked for a motion to go into executive session for the purpose of discussing possible property purchases

MOTION by: Mr Bakle

SECOND by: Mr. Peck

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

The Trustees moved into executive session for the purpose of property purchase discussion.

The Trustees returned from the executive session chambers
Chairman Ankney asked for a motion to return to the regular meeting having made no decisions in executive session.

MOTION: Bakle

SECOND: Peck

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

The Trustees moved back into regular session..

- (iii) Upon completion of right of way acquisition the Engineer will report to the Trustees and seek approval to continue with the project.
 - (c) Construction is still anticipated to take place in 08 –
 - (d) Prior anticipated expense was to be between \$340,000 and \$380,000
 - (i) during this session the Co Engineer stated he now has a project bid est of \$225,000 plus his office's cost for engineering and monitoring construction and negotiating purchase of right of way.
 - 1. his total anticipated exp is just under \$100,000
 - 2. new project estimate is now \$270,000 to \$325,000
 - (ii) The Twp will no longer need to be concerned with use of general fund money for road projects.
 - 1. The engineer reported that a probable new bid time estimate is July – after a project review with the Trustees
 - 2. The engineer noted that a special bid opening meeting will need to take place and the Prosecutor stated that per the required public notice process at 24 hr posting of the meeting should be sufficient.
- (2) the other project is the drainage project for "**Sponseller Rd** - drainage will be to Bee-Tree ditch. This item has been on Twp agenda's from March 07. see past agendas for history.
- (a) Bee-Tree ditch is being cleaned this year by Soil & Water
 - (b) Once that project is complete the Twp agreed to address the drainage issues on Sponseller
 - (c) As of this session:
 - a. Mr. Ankney reported that Soil & Water has started the ditch clean out
 - b. Trustees had agreed the Twp project will consist of:
 - i. 1 cross over drainage title will be constructed
 - ii. Mr. Joe "Webb is creating a ditch to connect to existing drainage which will accept water from this "cross over pipe".
 - c. Estimated project cost per Trustees in April 08 session is \$1,000 to \$2,000.
 - (d) There was no further discussion.
- (3) Maintenance issues with Krouse Road (no estimated cost)
- (a) The twp is building the base for future long term repair.
 - (b) Trustees have contact ODOT for grinds from 08 const projects.
 - (c) The Twp has purchased stone and placed stone on this road in 08; to date just over \$1,000.
 - (d) The Twp road crew reported that no new effort has taken place since April.
 - (e) There was no further discussion?.
- (4) Maintenance issues with **Cromley Road** (no estimated cost)

- (a) Stone to date in 08 -- \$800
- (b) Report on any new effort by Twp crew as of the April session.....**
- (c) Discussion?

- (5) **Lakeview Drive** – replacement of catch basin near 250 lakeview (awaiting const season – approved by Trustees in Feb session) (no estimated cost)
 - (a) The Twp road crew reported that a total of 3 catch basins will be installed this year.
 - (i) Two are in located near 250 and 10 Lakeview addresses the next is to be built at 10 Lakeview.
 - (b) There was no further discussion?.

- (6) **Twp cemeteries** – issue of stone on drives and brush and grass trimming – mowing
 - (a) Twp crew will continue to mow
 - (b) No stone had yet been placed.

ii) Other possible road projects???

- (1) Trustees were presented with exhibit 6-ii a letter from Co Engineer – on proposed funding for projects this year.
 - (a) This is the LTIP – Issue 2 funds. Trustees will propose that a drainage culvert on Co Line Rd #8 be constructed with funds designed for Def Twp.
- (2) Trustees noted that Ball rd was damaged by trucks hauling stone to the landfill.

iii) There was no other project discussion.

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

- a) The Monthly (May 08) GrassRoots clippings – exhibit 7-a

ORDER OF BUSINESS NO. 8 - Old Business (due to the number of people in attendance for this item the Trustees started the meeting with this issue.)

- a) The expansion of the Ayersville Water and Sewer District (A W & S) by annexation of territory via Ayersville Water and Sewer board action was discussed. – see meeting mins forward from Feb 08 session for details.
 - i) Ayersville Water and Sewer District representatives Dan Limber (district manager) and Kim Baker ESQ were present to address the Trustee’s questions.
 - ii) Representing the Trustees was Assistant County Prosecutor Russ Herman, ESQ.
 - (1) The chair asked for discussion.
 - (2) Twp resident Ron Steel 15107 State Rte 66 was recognized.
 - (a) Steel wanted to know what the A W & S territorial boundary was. He also noted that he has received a bill for \$1500 which he must pay for being in the District.
 - (b) Twp resident Warren Schlatter (county engineer) stated his assessment was for \$4100.
 - (3) A W & S District Manager Limber said these assessments are for planning purposes.
 - (4) Twp resident Kevin Fackler 13431 St Rte 15 – said he believed a previous Bd of Def Twp Trustees approved A W & S to provide water but sewer was never considered. Mr. Fackler said that he was asked by A W & S representatives years ago to allow the water line to pass his property so as to provide water to a neighbor. He said yes and since the line has been in he has been assessed \$5 per month. He has no service and seeks none.
 - (a) Fackler also said he has received a bill for \$1500 for district planning needs.
 - (b) Mr. Limber confirmed that all residents will be assessed \$4500 and the \$1500 is the first of three installments.
 - (5) Trustee Bakle noted that he attended a meeting in 2004 in which it was stated that A W & S wanted to provided water only – not sewer.
 - (6) Limber said the district has since been issued Findings and orders by OEPA and the district must provide the sewer service per the f & o’s.
 - (7) Mrs. Kim Baker said the district was formed as the Water & Sewer district and has always had the authority to provide sewer service. This has been established by the Courts.
 - (8) Mr. Ankeny – Trustee Chair – said he had asked for a list of Def Twp customers being served by the District and was denied this information.
 - (a) Mr. Limber confirmed he had instructed the clerk not to provide this data.

- (b) Mr. Herman, Def Co Assistant prosecutor, suggested he review his position with Mrs. Baker as this was a public records request and A & S might be violating the public records laws of Ohio.
 - (9) Mr. Fackler again was recognized and asked if the Twp Trustees were going to approved a request for a resolution to confirm the service territory of the District which includes parts of Def Twp.
 - (10) Trustee Peck said: I want a legal drawing depicting the district's understanding of the District's territory.
 - (11) Mr. Bakle said he understood that some of the waste water discharge had changed and the waste water was not as much of a problem.
 - (12) Mr. Limber said they had recent tests and the water still failed and the areas still remain under f & o'.
 - (13) Mr. Bakle said he would like a copy of the f & o's.
 - (14) Mrs. Baker – A & W S attorney, noted that if the District can't get a new resolution or find an old one that confirms residents now getting water (& who will be required to hook up to sewer when the sewer line is installed) are in the District; then the District will have no choice but to adopt a usage fee charging outside district customers more then the district charges to those who are in the District.
 - (15) Mr. Bakle again asked for the recent test results.
 - (16) Mr. Peck again asked for a map defining the boundary and a list of customers of the District that are in Def Twp. The list should designate which customers in Def Twp are considered by the District to be within the District and which customers are outside the District.
 - (17) Mr. Limber said he can't provide this as not even OEPA knows what the District's boundaries are.
 - (18) Mr. Bakle asked: "why isn't Def Twp represented on the Bd of Directors of the A &SW District?"
 - (19) Mr. Limber said the Trustees should run for a position on the Bd.
 - (20) Mr. Fackler said: "I don't want to be part of the district. They lied to me before".
 - (21) Mr. Herman noted at this point that comments being made by the Trustees are personal opinion. The Trustees have no authority over the A W & S District. The District – formed by the court – is a separate gov't entity not subject to the Twp's authority.
 - (22) Mrs. Baker said the Trustees should speak with Elizabeth Wick of OEPA. The findings and orders will not go away and ultimately the District or County or the Twp will probably be held responsible.
 - (23) Trustees again said they would like to have a copy of the findings & orders and a list of Twp residents that are customers of the District and a notation which residents are considered in the District and which are not.
 - (24) Attorney Kim Baker said we (the district) can provide you that.
 - (25) The discussion concluded.
 - (26) Trustees did not take any action on the district's request to pass a resolution to confirm the portion of Def Twp that the district believes is in the District. The resolution request was based on a hand drawn map by Mr. Limber, which was provided to the Trustees.
- iii) The issue will remain on future agendas.

b) The chair asked if there was any other old business?

i) There was none.

ORDER OF BUSINESS NO. 9 - New Business

a) The Chair asks if there is any new business to come before the board?

b) Exhibit 9-a which was a notice of the annual "Stone-co" company customer appreciation cookout was reviewed. Trustees and the Twp crew were invited to attend. The event was to be held on June 5 11 to 1:30p

c) The Chair asks if there is any other new business to come before the board?

i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday June 24th, 2008

Time: 7:30 p.m.

Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC
500 Court Street - Defiance, Ohio

Mr. Ankney then requested a motion to adjourn the meeting of May 27th, 2008.

It was moved by: Mr. Bakle

SECOND by: Mr. Peck

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, Clerk