

*Minutes*  
***DEFIANCE TOWNSHIP TRUSTEES***  
***May 31<sup>st</sup>, 2011 MEETING***

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday May 31<sup>st</sup>, 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: Tom Mick 21389 Hammersmith rd. Zoning Commission Bd member; Jason Shaffer (equipment operator and zoning inspector) – 13386 St Rte 15, Ed Young 23013 Watson Rd eq operator & Joe Kolb 16492 Cullen eq operator.

Visitors present: Don Bertke 9070 Pleiman Rd, Anna, Ohio, David Mick 14289 Hammersmith rd; Richard Ankney 19133 Hammersmith Rd, Carl Wagner 24815 Watson Rd, Walter & Julie Nickerson 20987 Hammersmith Rd, & 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 April 26<sup>th</sup>, 2011, regular session.

Mayer moved to approve.

Peck seconded.

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

The MINUTE'S for the April 26<sup>th</sup>, session were approved.

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

a) The chair asked for citizen concerns from the floor.

i) Ed Young 23013 Watson asked to be recognized as a citizen (not in his position as Twp eq operator) – Young requested the Trustees authorize the placement of a “no outlet” sign for McCollister road as this road is a Dead End with no way for larger vehicles to turn around.

(1) Trustees instructed the fiscal officer to order the sign.

ii) Walter Nickerson of 20987 Hammersmith rd asked to be recognized. Mr. Nickerson's concern was the flooding of his property from the recent heavy rain events. (over 6” in two days). Nickerson noted that the drain pipe that runs in Twp right of way from his mail box to a catch basin cross over (approximately 130') is not flowing properly. Nickerson said the field debris from the farm field adjacent to and west of his property is at least partially responsible for plugging the pipe. Nickerson said he was told that rock was also washed into the pipe.

(1) Trustee Peck said he had tried to clear the obstruction but could not. He also noted that if this pipe is a driveway pipe then the Twp has the same policy as the County Commissioners which is that driveway pipes are the responsibility of the property owners.

(a) Mr. Mick was recognized and asked what does the Co Commissioners have to do with Twp roads? Trustees noted that most Townships adopt the same or similar policies regarding road work as the County has in which the Twp is located. This is a long time political practice. It helps to eliminate confusion among the local political subdivisions.

(b) Tom and Dave Mick and Walter and Julie Nickerson continue to debate with the Trustees about the water and their position that the Twp was not taking proper action to eliminate the problem. There positions were that the water once in the right of way is the responsibility of the Twp; the Township in their opinion did not have a “ditch maintenance program” and that this flooding problem is an issue on many Twp roads.

(c) Trustee Peck noted that the Twp is awaiting a drainage plan from Soil & Water to facility drainage in a field across the road from the Nickerson's. (field is owned by George Newton and farmed by Andrew Shining) a meeting was held with the Trustees on April 19<sup>th</sup> – noted in this session

under item 2 in the in the Twp Rd review and rd projects section – up-dates on existing projects. That plan should also help to address this concern.

- (d) Trustees said they would discuss the Nickerson problem with the County Engineer - the Co Engineer is under contract with the Twp to engineer and manage the Hammersmith rd rebuild project. The ditch portion of which is to be done in 2011. Trustees will get a timeframe from the Co Engineer and relay this to the Nickerson's.
  - (e) Trustees are of the opinion that the new ditch project and/or the Soil and Water project will address this issue. However, if it is determined that the pipe is a drive way pipe that the cost to repair is the property owners.
  - (f) Mr. Tom Mick stated that did not seem fair given that the Nickerson's were not told this before and that the Twp is seeking a grant (cdbg from the county) to address drainage issues on Indian Bridge Lane.
  - (g) Trustee Bakle noted that Indian Bridge lane is eligible for a cdbg grant due to the fact that it is a low income area. A survey had to be taken to prove income and eligibility standards. The Hammersmith area is not eligible due to the income levels of the area. Mr. Bakle & Mrs. Mayer noted that only two areas of Def Twp are low income eligible -- those are Indian Bridge Lane and a portion of the Parkview-Schroeder roads area near the Power Dam.
  - (h) Trustees said they would seek advice from the Co Engineer and also see if the Engineer's had a culvert-pipe jet that could possibly be used to clear the obstruction. Once the Trustees make that determination and if the jet is available they will inform the Nickerson's of their intended efforts.
  - (i) The discussion closed.
- iii) Richard Ankney 19133 Hammersmith Rd asked to be recognized. Mr. Ankney said that Co Rd 8 near the Bill Webb residence is in need of berm stone.
- (1) Trustees said they would review.
- iv) The Chair asked if there were any other citizens concerns??
- (a) There were none.

### **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 \$176,175.21 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
  - i) Receipts for May 2011 were \$18,264.59.
  - ii) Payments for May (bills & payroll) totaled \$12,774.56.
- c) The Cash fund summary through May 31<sup>st</sup>, 2011, showed an “ending cash balance” of \$883,249.49.
  - i) The unencumbered cash balance “cash available” was \$520,969.36 which is the balance after encumbrances are subtracted from the cash balance.
- d) Appropriation Status showed that through May 31<sup>st</sup>, 2011, 8% of the years' appropriations had been expended. All reports will be on file in the Fiscal Officer's office.
- e) The fund status report (money market) showed:
  - i) The money market investment fund balance as of 05-31-11 was \$702,776.69.
- f) An audit of Township accounts by the Ohio Bureau of Workers' Compensation was reported on by the fiscal officer. The audit took place on May 11th. There were no major issues. Exhibit 3- I was a report on the audit.
  - i) The audit noted that the Zoning stipends paid to Twp zoning board members should be declared under BWC payroll reports. Zoning Bds are a covered portion of Twp government. This will be done in all future payroll reports.
  - ii) The Twp was reminded that any subcontractor used by the Twp should show proof that they are members in good standing with the state's BWC insurance.
  - iii) The report was accepted by Trustees without additional comment.
- g) The fiscal officer was notified by the State Auditor's office that the UAN fee holiday will expire at the end of the first quarter of 2011. Normal regular quarterly billing will return beginning with the 2<sup>nd</sup> qrt of 2011. This information was provided by the State Auditor's office in meeting exhibit 3-j.
- h) Trustees reviewed and signed the May bills without comment.
- i) Trustees reviewed and signed the May's payroll – Trustees requested that in the future their monthly meeting packets contain the employee timesheets so they can be reviewed prior to the session.
- i) The fiscal officer will provide this as requested. Previously, the time sheets were attached to the payroll checks for the Trustees approval.

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

MOTION by: Dan Peck

SECOND by: Diana Mayer

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. Jason Shaffer provided the following electronic copy of this report.
  - i) report for May 2011.
    - (1) I issued building permits to :
      - (a) Jimmy Price on Cromley Rd. for an addition.
      - (b) Larry Cooper on Indian Bridge Ln. for a front porch.
    - (2) Permit paperwork to Jacci Moss on Power Dam Rd. Approved waiting on a check for permit.
    - (3) I have received several complaints of High Grass. Under the circumstances. I will wait a short time to take care of these issues. After, I mail letters to the residences that have High Grass.
    - (4) I spoke with Theresa Criswell reference her High Grass at 14839 Power Dam Rd. She is in the process of Foreclosure, and she stated that she would take care of this issue. I did call Property Securement of Cleveland, Ohio. They were the Security Company listed on the door of the residence. (Pool in back yard)
    - (5) I have not received any word from Ohio EPA, reference the property at 1902 Baltimore Rd. of Tim Font, On The Edge Construction at this time.
    - (6) I have started an Investigation of more Building Materials at a property on Parkview Dr, as well as junk motor vehicles, in the Township. I will talk to EPA about this issue.
    - (7) I am still working on the Press release for the Township reference, Trailers, junk, and the High Grass issues, with further discussions with the County Prosecutors Office.
    - (8) End Mat report.
  - b) Mr. Bakle asked if there are any other zoning issues to come before the Board?
    - i) Mr. Carl Wagner 24815 Watson Rd stated that the property next to his has not been mowed for several years. He asked that the Township investigate.
    - ii) 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) From the April 2011 session the Township is to replace the "salamander" used to heat the Twp maintenance building during extreme cold conditions.
    - (1) Mr. Peck stated we should wait to September to determine whether to purchase a new salamander of heat with a different type system. We need to see how the budget develops with our proposed road projects first.
    - (2) Trustees agreed to revisit this issue in September 2011.
  - ii) Twp employee Ed Young noted that the air conditioner in the John Deere tractor mower doesn't work. Young proposed to take the unit to Reagle Air conditioning 20485 Co Rd 424 w in Defiance.
    - (1) Trustees approved the request.
  - iii) Ed Young then requested Trustees to approve the purchase of a torque wrench
    - (1) Trustees approved the request
  - iv) Ed Young then explained that the current twp trailer used to transport the riding mower to various Twp mowing sites was breaking apart. He believes the trailer is old and just wearing out from years of transporting the heavy mower to the various work areas.
    - (1) Trustees determined to replace the current trailer with a new 6' wide by 10' long trailer.

(2) Trustee Mayer was to acquire prices and contact Trustees to get approval to purchase.

It was moved by Trustee Peck to acquire at least two bids and purchase the lowest priced unit.

It was seconded by Mrs. Mayer

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

Trustees approved the purchase of a replacement trailer for the Township.

v) Trustee Mayer requested that road safety signage be discussed at this session.....

(1) Mrs. Mayer said that she had attended Twp training sessions last Sept in which all present were informed that the proper use of "safety signs" for road projects is important. Failure to properly deploy such signage could lead to lawsuits if accidents occur.

(2) Mrs. Mayer proposed to purchase:

(a) 4 fiberglass tripod stands

(b) 4 road closed signs

(c) 6 high water signs

(d) 2 mowing ahead signs

(e) 2 flaggers signs

(f) 2 one lane signs

(g) 1 no outlet sign

(3) Mr. Peck asked if these were replacements for existing signs or new signs.

(4) Trustees Mayer and Bakle stated that the order covers both areas.

(5) Mrs. Mayer said that she signed the attendee sign-in sheet at the Ohio Twp training session and was concerned that such documentation could lead to legal issues for the Township if proper signage was not deployed.

Mrs. Mayer then moved to approve the purchase of the signs listed.

Mr. Peck seconded

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

The motion to purchase was approved.

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 Bakle was reviewed.

i) Twp employees present were provided a copy of the monthly road report and instructed to use as a work order.

(1) It was noted that berm needs placed on section of Def – co rd 10 that is a Twp road. Trustees stated that it appeared a cross-over culvert was failing. Trustees will contact OUPS to notify of the excavation required to replace the failing structure. Trustees will contract the replacement with Don Bendelee Const of Def.- cost unknown as of this session.

(2) Ed Young was recognized and stated there was a similar situation on Sponseller at the intersection of Bowman. Trustees will review.

ii) Trustees asked the fiscal officer to write a letter to the CSX railroad requesting that the railroad repair the damage it caused to Ashwood road when the CSC repaired its crossing.

(1) Trustees noted that the CSX ripped out asphalt and replaced with large stone. Trustees desire the railroad to replace the stone with asphalt.

iii) Trustees instructed the Twp staff to mow Krouse road to Canal road and to continue to mow Bryant road right of way.

iv) When possible there were a number of potholes and berming areas to be addressed.

- v) Ed Young noted that the Trustees have a policy limiting the number of hours per month that Twp workers can work on projects. This policy was approved to monitor expenses. Twp staff is limited to 55 hours per month for road work.
  - (1) Trustees noted that the policy says if more hours are needed then Twp operators are to contact a Trustee and request the hours needed to complete the task. Trustees will confer and give direction.

vi) The June - Rd review is to be done by Trustee Peck.

- b) The Fiscal Year 2011 CDBG formula application program was discussed. Trustees reviewed exhibit 6-b which was the 2011 CDBG grant prepared and submitted to the County Commissioners on the Twp's behalf by the Def Co Engineer.
  - i) The grant is for a paving project on Indian Bridge lane
    - (1) The Twp is seeking \$15,750 towards the paving project in grant funds
    - (2) The Twp is pledged to provide \$5,250 towards paving
    - (3) Per the Co Engineer the replacement/addition of drain culverts as detailed in earlier plans will be done by the Co Engineer and posted to future OPWC grants. The drainage portion of this grant would provide for 9 of the 11 drain pipes.
    - (4) The paving portion is the east side of the boulevard.
    - (5) The Chair asked if there was any discussion....
      - (a) Dave Mick 14289 Hammersmith road questioned the Trustees on the expenditure of Twp funds on this drainage project and not on drainage issues on Hammersmith road and other Twp roads. He felt it was unfair -
      - (b) Trustees Mayer and Bakle responded that Indian Bridge lane is being approved as it is a low income area certified in a survey for the CDBG grant. Trustees Bakle and Mayer further noted that only two areas in Def Twp are eligible for the low income CDBG grants – Indian Bridge Lane and Parkview rd. near the Power Dam.
      - (c) The discussion continued with Misters' Tom and Dave Mick and Mr. Nickerson taking the position that the Twp was expending Twp funds for certain areas of the Twp to the determinate of other Twp areas to facilitate drainage.

Trustee Mayer moved to approve the expenditure of up to \$9,000 for the installation of 9 of 11 drainage pipes on the east side of the Indian Bridge lane boulevard if the asphalt paving CDBG grant were approved. She added that if the expense exceeds \$9,000 then Trustees would revisit the project.

Mr. Bakle seconded the motion and the roll was called:

Mr. Peck – nay; Mrs. Mayer – yea, Mr. Bakle – yea

By majority vote the project to expend up to \$9,000 for the installation of 9 drainage pipes on the east side of Indian Bridge lane was approved, if the Twp acquires the paving CDBG grant.

Mr. Peck then moved to approve the Township's portion of the funding of the asphalt paving of Indian Bridge lane's east boulevard with an approved CDBG grant of up to 50% of the expense.

Note: the grant pledges \$5,250 of the \$21,000 more or less project expense. It was noted that the Township's portion is generally negotiated during the grant approval process.

Mrs. Mayer seconded the asphalt CDBG grant funding proposal.

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

The motion to fund the CDBG grant up to a maximum of 50% was approved.

- c) Up-date on existing projects:
  - i) The 2011 Project list final was reviewed in the April meeting. It was presented to Trustees in that session as exhibit 6-c-1.
    - (1) This list had 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
  - a. Trustees noted that four additional drains are to be added to the cost noted above and estimated the drains to cost approximately \$2,000.
  - b. New project total for Lakeview is \$33,902.00.
2. Hammersmith road – ditch work – estimated cost \$20k – carryover from 2010
  - a. Dave Mick 14289 Hammersmith rd asked that the right of way area be staked soon as he intends to plant crops in fields bordering the project area. He stated if he loses seeded area he will seek compensation for his loss from the Twp.
  - b. Trustees are to contact the Co Engineer to have the work area staked as soon as possible.
3. Indian Bridge lane: - with CDBG grant and OPWC grant - \$5,250 to \$10,100 depending on the Twp's portion of the paving grant; plus \$9,000 for drainage (OPWC grant funds).
  - a. For proj detail see section 6-b of this minute.

(2) Other work by the Co Engineer on the Twp's behalf is:

- (i) 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 Singer on a parcel owned by George Newton and farmed by Andrew Shinninger. Issue was raised by Shinninger.
  - b. Trustees noted they await a proposal from Def Co Soil & Water
- (ii) Trustees determined that the Co Engineer should also “chip – seal” that portion of Krouse road south of Hammersmith that was rebuilt in 2010 with the cement stabilization process.
  1. Trustees were informed by the Co Engineer that this is a normal process and will add life to the road. The estimated cost was \$3,000.

Mr. Peck moved to approve the chip seal work on Krouse road over the area of cement stabilization as recommended by the Co Engineer.

Mrs. Mayer seconded

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

The motion to fund the chip seal project for \$3,000 was approved.

(iii) Total for agreed upon projects by Co Engineer as of 5-31-11 is estimated to be \$67,002.00 more or less – not including the grant funds which must be posted to the Twp accounts.

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

(4) Anticipated total projected rd work expense in 2011 now stands at \$167,002.

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

d) 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 (May 11) GrassRoots clippings – exhibit 7a

b) Exhibit 7-b was then reviewed by Trustees. This exhibit was an email from the Twp fiscal officer containing information requested by Attorney Tim Holtsberry relative to resolutions of the Twp related to the Ayersville Water and Sewer district. This was a public records request which was fulfilled in part with the email and completed with a certified statement to Mr. Holtsberry by the fiscal office on May 30th – certifying the resolution of October 1998 to be true and accurate in so far as the fiscal office is aware.

i) It was noted that the fiscal office sent the email to the Trustees with all attachments on May 30th.

ii) Mr. Bakle asked Carl Wagner 24815 Watson Rd, who serves on the Ayersville Water and Sewer Bd for an update. Mr. Wagner lives in Def Twp.

- (1) Mr. Wagner noted that the Ayersville Water and Sewer District (AWS D) is now involved with five law suits. He believes the legal activity is taking up most of the District's income. He also stated that John Elingler also a resident of Defiance Twp was recently appointed to the Board.
- (2) There was no further discussion.

#### **ORDER OF BUSINESS NO. 8 – Old Business**

- a) The proposed 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 noted in the March session that it should be completed by the end of April or May – depending on weather. Weather has prohibited this work to date.
    - (2) Jason Shaffer the Twp zoning inspector is to issue the appropriate permit to the Twp for this temporary structure. Mr. Peck must show the zoning inspector the proposed structure location to ensure all set back and draining requirements are met.
    - (3) A status update will be provided in the June Twp session.
- b) Up-date on "Fire-Rescue" regionalization discussion by Twp's and the City of Defiance. Mr. Peck represents Defiance Twp.....
  - i) The Chair asks if there are any updates....
  - ii) Mr. Peck stated that he spoke with the City Fire Chief and the City is trying to get the Twp to pay for the top three paid employees of the department. The city needs more funding for the department and believes the Twp should be a source.
  - iii) Per Mr. Peck; the Twp as of now really has no choice. No other department appears to want to provide these services for Def Twp. Mr. Peck thinks the Twp will have to place new levy increase on the ballot to bring in the funds to meet the city's expected charges. The citizens will then be able to determine if they wish to have this service provided by Def City. (if the levy is defeated it is possible that other near- by fire departments may then be more interested in providing the service).
- 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) Don Bertke 9070 Pleiman Rd, Anna, Ohio, a salesman for Asphalt Systems of Sydney, Ohio, was present and provided Trustees with information on the use of an asphalt enhancer call "Biorestor". This is a top cover and sealer which is to add flexibility to the asphalt and 4 to 6 years of life. It is made from soybeans.
  - ii) Trustees took the information and thanked Mr. Bertke for his time.
  - iii) There was no further discussion..

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#### **ORDER OF BUSINESS NO. 10 - NEXT MEETING:**

Date: Tuesday – June 28<sup>th</sup>, 2011.  
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

#### **ORDER OF BUSINESS NO. 11 – Adjournment:**

Mr. Bakle requested a motion to adjourn the meeting of May 31<sup>st</sup>, 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