

Minutes
DEFIANCE TOWNSHIP TRUSTEES
June 24th, 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 June 24th, 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, Joe Kolb 16492 Cullen Rd, and James Schlegel (zoning inspector) – 220 Pinewood.

Other(s) present were: Kevin Fackler 13431 St Rte 15, & 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 May 27th regular session.

MOTION: Charles Bakle

SECOND: Dan Peck

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

The MINUTE'S for the May 27th, session was approved.

ORDER OF BUSINESS NO. 2 - citizens concerns

- a) The chair asked for citizen concerns from the floor.
i) See Ayersville Water & Sewer District item in this minute
ii) There were no other citizen concern issues.

ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The May monthly Reconciliation – noted a primary checking reconciliation balance of \$105,174.88 as of May 31st, 2008..... balance is minus the outstanding checks and Township investment funds.
b) Receipt & Payment reports
i) Receipts for June 2008 were \$13,387.21. Payments for June (bills & payroll) totaled \$20,794.88.
c) The Cash fund summary through June 30th, 2008, showed an “ending cash balance” of \$811,698.36.
d) The unencumbered cash balance “cash available” was \$695,030.57 which is the balance after encumbrances are subtracted from the cash balance.
e) Appropriation Status showed that through June 30th, 2008, 10.2% 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 06-30-08 was \$713,931.15.
g) The Trustees reviewed and signed the bills for the month.
h) payroll for June was then reviewed and checks signed by the Trustees.
i) Trustees were informed with Exhibit 3-i which was a notice from the Co Treasurer that the Twp will receive 80% of a \$492.74 estate tax now being probated.

Mr. Ankney requested a motion to accept the June financial reports.

MOTION: Charles Bakle

SECOND: Daniel Peck

YEA(s) 3

NAY(s) 0

Passed X

Failed

The June 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) June 2008
 - (1) SR 111 High Grass Complaint Grass was mowed
 - (2) Resident on Cromley Rd wants to start a motorcycle shop. Sent paper work for variance request.
 - (3) New addition on SR 111 permit issued
 - (4) Working with a resident that wants to split a parcel or change from Conditional use to commercial.
- b) Fiscal officer – clerk Tim Houck reported that per the Trustees direction from the May Trustee's meeting he is working with the Zoning commission to study the possible adoption of zoning rules relative to the construction of wind turbines (wind power to generate electricity) in Defiance Twp.
- c) Chairman Ankney asked if there is any other zoning issues to come before the Board.
 - i) There were none.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Trustees heard comments or concerns from Twp employees on current or proposed new eq.
 - i) Staff requested permission to purchase:
 - (1) Shovel
 - (2) Chain for saw
 - (3) Trimmer
- b) 04 International – belly plow ordered removed by Trustees – status of project was reviewed.
 - i) Mr. Ankney and a Twp operator will transport the unit to Kalida truck within the next two weeks. Once the plow is removed it and the truck will be returned to the Twp maintenance garage.
- c) 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 Peck was reviewed.
 - i) The Twp crew was provided a copy and instructed to complete the work as noted.
 - (1) Mr. Peck noted the issues were mostly a need to address berms, add stone and mowing of right of way. Mr. Peck also stated he had received a complaint from a citizen on Ball road that there were tree branches at the corner of Ball and Canal which impact the view and which may pose a traffic risk.
 - (a) Fiscal Officer Houck noted he as County Landfill Manager views this corner almost daily and that he observes no problem what so ever with a proper view while making the turn from Canal to Ball or from Ball to Canal. Tree branches are well off the road.
 - (b) Houck also noted that he would be pleased to meet with a Twp Trustee at the site & if the Trustee will identify the problem the landfill crew will remove the branches in question.
- b) The July - Rd review will be made by Trustee Ankney
- 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.
 - (c) Trustees were informed that as of 6-23:
 - (i) Construction is still anticipated to take place in 08 –
 - (ii) The co engineer reported in the May session that he has adjusted his project estimate down from his Jan 07 est of between \$340,000 and \$380,000
 - (iii) The new eng est as of May 08 is \$225,000 plus his office's cost for engineering and

- monitoring construction and negotiating purchase of right of way.
 - 1. those expenses are anticipated to be just under \$100,000
 - 2. new project estimate is now \$270,000 to \$325,000
 - (iv) The Twp will no longer need to be concerned with use of general fund money for road projects in 08.
 - (v) The engineer's reported probable new bid date is July –
 - 1. in May Trustees approved the engineer to finish right of way issues and bid the project
 - (vi) 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 a 24 hr posting of the meeting should be sufficient.
 - (vii) Construction is still anticipated to take place in 08 –
 - (d) the chair asked if there is any discussion?
 - (e) This item will remain on the agenda until completed

- (2) the **Sponseller Rd** project is a Twp drainage project, draining storm water to Link/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:
 - (i) 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".
 - b. Estimated project cost per Trustees in April 08 session is \$1,000 to \$2,000.
 - (d) There has been no activity on this project since the last Twp meeting.
 - (e) There was no further discussion.

- (3) Maintenance issues with Krouse Road (building up road base - no estimated cost)
 - (a) The twp is building the base for future long term repair.
 - (b) Trustees (Mr. Bakle) has contacted ODOT for grindings from 08 State const projects.
 - (i) Mr. Bakle reported that he was recently told that these grindings will not be available until late July at the earliest.
 - (c) The Twp has purchased stone and placed stone on this road in 08; to date just over \$1,000.
 - (d) The Twp crew reported that there has been no new efforts in the past month. They are awaiting grindings from state projects.
 - (e) There was no further discussion.

- (4) Maintenance issues with **Cromley Road** (add stone to this stone road) (no estimated cost)
 - (a) Stone to date in 08 -- \$800
 - (b) The Twp crew reported that there has been no new efforts in the past month. They are awaiting grindings from state projects.
 - (c) There was no further discussion.

- (5) **Lakeview Drive** – replacement of catch basin near 10 lakeview– approved by Trustees in Feb session) (no estimated cost)
 - (a) The Twp crew reported that 2 of 3 catch basins have been replaced-repaired.
 - (b) There was no further discussion.

- (6) **Twp cemeteries** –
 - (a) The Twp crew reported that they took a tree down at Tuttle – this was damaged by the storm of June 14 – 15
 - (i) Also stone was added to the drive
 - (ii) There is a need to reset head stones at both Tuttle and Cromley
 - ii) The chair asked if there were any other possible road projects for discussion.
 - (a) Mr. Bakle noted that Twp crews should be using the ODOT required plastic "road work" signs.
 - (b) Trustees Peck and Ankney noted that Paulding Co is still using the old metal signs.

- (c) Mr. Bakle noted that metal signs are not allowed.
- (d) There was no further discussion.
- iii) There was no other project discussion.

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

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

ORDER OF BUSINESS NO. 8 - Old Business

- 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) During the May meeting the Trustees had asked representatives Dan Limber (district manager) and Kim Baker ESQ of the Ayersville Water & Sewer District for several items of information
 - (1) A list of customers of the Ayersville Water and Sewer District that are in Def Twp.
 - (a) The list was to denote which customers were in and which customers were out of the District.
 - (2) A copy of the OEPA findings and orders issued against the District
 - (3) A properly drawn District territorial map.
 - (a) The District's legal representative Kim Baker agreed to have the District provide these items.
 - (4) The chair asked for discussion.
 - (a) Trustees noted that none of the aforementioned information have been provided as of the June Trustees meeting.
 - (b) Mr. Kevin Fackler 13431 St Rte 15 ask to be recognized.
 - (i) Mr. Fackler said he wanted to keep the Trustees apprised of his situation:
 - 1. He called Mr. Limber since the May Trustee meeting and was told the he (Fackler) was in the District.
 - a. Fackler disputes that position.
 - 2. Fackler stated he has acquired an attorney. Fackler requested the Twp Trustees not to adopt a resolution denoting Def Twp Territory that is now not recognized as part of the Ayersville Water & Sewer District to be in the District.
 - a. (the District has requested the Twp to adopt a resolution denoting certain areas of Def Twp as in the District's service area. That request remains on the table).
 - 3. Fackler stated that all residents of Def Twp have been sent a letter from the District "certified mail" which states that the residents are in the District and must pay the planning fees being charged. These fees are nearly \$4500 per home.
 - (c) Trustees stated they would take no action at present as they wait for the information which they requested from the District.
 - (d) Mr. Peck is to contact the District's Attorney Ms Baker to see if the District intends to provided the requested information.
- b) The chair asked if there was any other old business?
 - i) There was none.

ORDER OF BUSINESS NO. 9 - New Business

- d) The Chair asks if there is any new business to come before the board?
- e) Exhibit 9-a was reviewed. This was a notice from the Defiance County Township Association of their 3rd qrt summer meeting.
 - i) July 10th, 6:30 p.m. Farmer American Legion – cost is \$8
 - ii) The clerk will rsvp for Mr. Bakle and Mr. Ankney.
- f) 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 July 22nd, 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 June 24th, 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