

Minutes
DEFIANCE TOWNSHIP TRUSTEES
June 28th, 2011 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 28th, 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: 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: Carl Wagner 24815 Watson Rd, Walter Nickerson 20987 Hammersmith Rd, Mark Rau 21880 Parkview Drive & 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 May 31st, 2011, regular session.

Mayer moved to approve.

Peck seconded.

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

The MINUTE'S for the May 31st, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

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

i) Mark Rau 21880 Parkview Drive was recognized and stated that he had two issues:

(1) Parkview was damaged in his opinion when the contractor placed the Auglaize Sewer (a Defiance-Paulding Co proj) along Parkview. Rau asked that the Trustees get the street repaired.

(a) Chairman Bakle said he would contact the Co Engineer. Trustees suggested that Rau also contact the Engineer.

(2) Mr. Rau then asked the Trustees to vacate certain non-constructed streets in the Parkview Subdivision. These street right of ways are part of his and his neighbors yards. He presented exhibit 2-a to the Trustees for their review.

(3) Mr. Rau noted that he had contacted neighbors and no one objects.

(4) Trustees responded that they would look into the procedure required with the Prosecutor's office. Trustee's asked the fiscal officer to write a request for guidance to the prosecutor.

(5) Carl Wagner 24815 Watson Rd (member of the Ayersville Water Sewer Board) stated that on a construction project of the Ayersville Water Sewer district – the contractor was to maintain a punch list of issues which were later reviewed and addressed with the Ayersville Water and Sewer Bd. Mr. Wagner felt a similar system should be considered to address residents concerns with this project.

(a) Trustees noted that the Auglaize sewer project is under the Boards of Commissioners of Defiance and Paulding Counties.

ii) 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 May – noted a primary checking reconciliation balance of \$180,493.66 balance is minus the outstanding checks and Township investment funds.

b) Receipt & Payment reports

i) Receipts for June 2011 were \$16,286.72.

ii) Payments for June (bills & payroll) totaled \$30,411.77.

- c) The Cash fund summary through June 30th, 2011, showed an “ending cash balance” of \$867,934.73.
 - i) The unencumbered cash balance “cash available” was \$528,633.77 which is the balance after encumbrances are subtracted from the cash balance.
- d) Appropriation Status showed that through June 30th, 2011, 11% 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 06-30-11 was \$702,856.79.
- f) Trustees then reviewed and signed – exhibit 3-I which was an intra fund transfer to cover a safety sign purchase. \$2,600 was moved from payment to another political subdivision which had been allocated towards future Hammersmith rd project re-construction to signs, & communications line within the 2231 road account line.
 - i) Trustees signed acknowledging the transfer.
- g) Trustees reviewed and signed the June bills without comment.
- h) Trustees reviewed and signed the June payroll – Trustees had been as requested provided the employee time cards for review prior to the session.
 - i) Mr. Bakle requested a motion to accept the June financial reports.

MOTION by: Dan Peck

SECOND by: Diana Mayer

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. Jason Shaffer provided the following electronic copy of this report.
 - i) report for June 2011.
 - (1) The property on Power Dam Rd., that required several hours of work is on hold. I spoke to the land owner about the property, Jean Ricker, and that she wants to build at a later date.
 - (2) Spoke with Attorney Bryan Craig and advised him that all was approved, and could build anytime.
 - (3) Mailed letters to the following for High Grass Issues:
 - (a) Robert & Eva Valle 514 Pearl St. Defiance, Ohio
 - (b) Teresa Criswell 14839 Power Dam Rd. Defiance, Ohio (Grass Mowed)
 - (c) Richard Clark 24889 Watson Rd. Defiance, Ohio (Property)
 - (d) Kings Beach, California (Owner) 3.
 - (e) Attempting to track an owner for 905 Indian Bridge Ln. Defiance. (Owner is Deceased)
 - (4) Spoke with Ken Tenwaldee, reference the trailer at 24889 Watson Rd. He asked if he would need a permit to move the trailer out, and to put a new trailer in. Advised him that he would, and he would have to tap into the water sewer that is established.
 - (5) I received the report from EPA, reference a dumping complaint against “On The Edge Construction”. By Law Tim Font has 2 years to have the building C&DD material – if clean - there. Agent Brent m. Goetz of Ohio EPA, advised that he did talk to Font, and that Font stated that he would clean up the C&DD by the end of August. Agent Goetz, advised Font that he was to show receipt of disposal, and that he would be checked on, on a regular bases.
I would like the Defiance Township Trustees to establish a Code to eliminate the storage of C&DD materials in Defiance Township.
 - (a) No action was taken on this request by the Trustees at this time.
 - (6) Building Permit was issued to James Wallace on McCollister Rd. Defiance, Ohio for a addition.
 - (7) End June report.
- b) The Chair again asked if there were any other zoning issues to be discussed.
 - 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) In the May session Trustees asked the fiscal officer to place an order for safety signs. The order came to \$1,988.14 including shipping.

- (1) Trustees were contacted via email during the month prior to this session to confirm the order with the price. This was approved and the order was placed. The fiscal officer noted that the Trustees should review the purchase order and a transfer of funds regarding this activity in this month's fiscal section.
- ii) The fiscal officer also reminded the Trustees that in the May session Trustees order the purchase of a new trailer to transport Twp eq. The trailer was purchased from FarmerCenter Equipment – Farmer, Ohio, for \$1,525.
 - (1) The fiscal officer received the certificate of manf and the invoice for this unit. He is in process of securing gov't plates from the state's BMV.
 - (2) Trustees were to refer to this month's bill packet to review the invoice.
- iii) The Chair asked if there were any other equipment issues to be discussed.
 - (1) Twp Operators noted that a permanent "high water" sign that was located on Bowman rd was missing.
 - (a) Mr. Wagner of 24815 Watson Rd suggested that the Arthur Telephone Co was doing work on this road and was probably responsible for removing the sign to perform their tasks.
 - (b) No decision was made at this time.
 - (2) Jason Shaffer was recognized and said that the dodge needed trailer hook up for trailer lights repaired as the lights are not now working.
 - (a) Ed Young stated that the ball hitch purchased recently by Chairman Bakle was not the correct size. The ball purchased was a 1 & 7/8th and the needed size was a 2".
 - (i) Twp operators are to purchase a new 2" ball.
 - (b) Ed Young also said that a "Bus- stop ahead" sign was missing from Carter Rd.
 - (i) Trustees said they would look at the area to determine if a replacement sign was necessary.
- iv) Operators asked for a filing cabinet for eq records and Twp forms at the maintenance building on Hammersmith road.

Mrs. Mayer moved to purchase a 2 drawer filing cabinet.

Mr. Peck seconded

The vote was called there were: YEA(s) 3 NAY(s) 0 Passed X Failed

The motion to purchase the filing cabinet was approved.

- v) The Chair asked if there were any other equipment issues to be discussed?
 - (1) 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 Peck was reviewed.
 - i) Twp employees present were provided a copy of the monthly road report and instructed to use as a work order.
 - ii) Trustees noted that a dead tree on Singer rd near the cross-over on the west side of the road should be taken down & a dead tree at Cromley cemetery should also be removed.
 - (1) Trustees determined to acquire quotes to have a professional tree removal company undertake this task.

Trustee Mayer moved to approve Trustee Peck to acquire 3 quotes and to approve the task to the lowest quote received.

Mr. Peck seconded;

The vote was called there were: YEA(s) 3 NAY(s) 0 Passed X Failed

Mr. Peck was approved to acquire 3 quotes and contract with the lowest bidding company to remove the trees.

- iii) Trustees also noted that trees need to be removed from Sponseller and Bowman roads.
 - (1) Trustee Peck stated he had a quote from Cut Above the Rest to remove the trees for \$250.

Trustee Mayer moved to approve the removal of the trees by Cut Above the Rest for the quote amount of \$250
Trustee Peck seconded.

The vote was called there were: YEA(s) 3 NAY(s) 0 Passed X Failed

The project was approved.

- iv) Trustee Mayer questioned which roads were of concern regarding berming.
 - (1) Mr. Bakle noted Bowman and Kiser are of the greatest concern.
 - (2) Trustees directed operators to place berm and re-claim berm on these two roads and to look for bad spots as they mow Twp roads.

- v) The July Rd review is to be by Trustee Mayer

- b) Trustees noted that the Fiscal Year 2011 CDBG formula application program has the Twp's proposed Indian Bridge Lane project listed for review by the County Commissioners. A 2011 CDBG grant had been 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 the Twp's OPWC grant. The drainage portion of this grant would provide for 9 of the 11 drain pipes and is estimated to cost between \$9,000 and \$12,000.
 - (4) The paving portion is for the east side of the boulevard.
 - (5) The Twp awaits determination by the Co Commissioners.
 - (6) Trustees review exhibit 6-b which was received just prior to this session and passed out at the session. The Exhibit was a letter from Maumee Valley Planning informing the Trustees that a second public hearing on the 2011 CDBG grants is scheduled in the Commissioner's Office on July 18th at 10:30a.m.

- c) Trustees then discussed existing projects:
 - i) The 2011 new project list as finalized by the Twp and Co Engineer in the April meeting as exhibit 6-c-1 had a cover letter dated 3-24-2011 which noted:
 - (1) Reconstruction of Lakeview – estimated cost as of 3-24-11 is \$31,902.43
 - (2) The list of work has been revised and as of this session 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. Relative to this project - as of 6-28:
 - i. The co engineer's office has applied patch @ a cost of \$3,846.59 &;
 - ii. Crack sealed around circle @ a cost of \$3,643.56
 - iii. Trustees should refer to the monthly bill packet to review invoices.
 - 2. Hammersmith road – ditch work – estimated cost \$20k – carryover from 2010
 - a. Chairman Bakle stated that a second ditch project in the section .5 miles west of State Rte 111 is also to be done in 2011 at an estimated cost of \$7,000.
 - 3. The Indian Bridge lane project: - with CDBG grant of \$15,750 and OPWC grant - \$5,250, and the drainage portion for between \$9 and \$12K.
 - a. For proj detail see section 6-b of this agenda
 - (3) Other work by the Co Engineer on the Twp's behalf is:
 - (a) a proposed drainage project to address draining of storm water from Hammersmith and Singer Rds. This project was discussed with Trustees at a Soil & Water session held at the Twp maintenance building on April 19th.
 - (i) 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.
 - (ii) The Twp awaits a proposal from Soil and Water....
 - (b) Trustees determined in the May session 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.
- (4) Other work by outside contractor's:
 - (a) In the May session Trustees agreed to contract a culvert/cross over repair on the Twp portion of the Defiance-Paulding co line rd – near the Bill Webb residence, with Benedele excavating – cost

unknown.

- (b) Chair noted that the issue was investigated further by Twp operators and the culvert was not an issue. The problem was a sink hole. Twp operators affected the repairs.
- (5) Total for agreed upon projects by Co Engineer as of 6-30-11 is estimated to be \$61,902.43 more or less – not including the grant funds for the Indian Bridge Lane projects. Grant dollars must be posted to the Twp accounts.
- (6) Trustees were informed by the fiscal officer that regular twp expenses are estimated – base on historical review at between \$70,000 and \$100,000
- (7) Anticipated total projected rd work expense in 2011 now stands at \$161,902.43.
- (8) Anticipated revenues as noted in the 2011 amended certificate from the County Auditor for road work is \$159,345.00
- (9) It appears the Twp road accounts will be in a deficit in 2011.
- d) Trustees then reviewed Exhibit 6-d which was an accounting by the Co Eng office of the OPWC grant funds expended to date on the Twp's projects
 - i) The 2011 grant includes carryover funds from previous OPWC grants–
 - (1) The exhibit lists the projects completed and posted from grants of 2009 through 2011
 - (2) The 2011 grant total as of Jan 1 was \$73,149.
 - (3) The expenditures from 09 through June 2, 2011, were (\$20,679.48)
 - (4) The grant balance now stands at \$55,275.01
 - (5) From this total the proposed expenses for Indian Bridge lane should be subtracted.
 - (a) Estimated at \$5,250 for paving and up to \$12,000 for drainage or a total of \$17,250
 - e) 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) The monthly (June 11) GrassRoots clippings – exhibit 7a was reviewed.
- b) Exhibit 7-b was a notice from the Defiance County Wastewater dept that the joint Def-Paulding Co “Auglaize River Sewer system” will be complete in 60 days.
 - i) There was no other discussion on this handout..
- a) Exhibit 7-c was a notice from the Defiance Twp Association of its upcoming meeting to be held July 7th @ the Ney American legion post. Cost is \$10
 - ii) the chair asked trustees who will attend.
 - iii) The fiscal office was requested to call in Mr. Bakle's rsvp.
- b) Trustees then reviewed exhibit 7-d which was a notice from the Twp's BWC management group – Frank Gates/Avizent that their management fee that covers service from July 2011 to June 2012 is due by end of July. The fee is \$347 – Trustees were informed by the fiscal officer to review the invoice which was included with bills to be signed packet for this session.
 - i) There was no 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 construction of footer and a permit to be issued by Twp zoning inspector before const can begin 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 stated he has acquired 3 quotes to put in the concrete footer:
 - (a) Keezing const - \$975,
 - (b) M & W concrete - \$800
 - (c) Barth's const - \$548

(2) The chair asked for the wishes of the Bd.

It was moved by: Diana Mayer to award the const of the footer to Barth's Const for their quote of \$548

Seconded by: Dan Peck

The vote was called there were: YEA(s) 3 NAY(s) 0 Passed X Failed
The const of the footer for the storage building was approved.

iii) Mr. Peck then stated that Dave's Lawn Barns desired a down payment of \$1,500 to be applied to the purchase price of \$3,575.

It was moved by: Mr. Peck that the fiscal officer would prepare a check in the amount of \$1,500 to Dave's Lawn Barns of Oakwood.

It was seconded by: Mrs. Mayer

The vote was called there were: YEA(s) 3 NAY(s) 0 Passed X Failed

The motion to prepare a check for a down payment on the purchase of the storage building was approved.

The fiscal officer asked Mr. Peck to secure an invoice from Dave's Lawn Barns to secure an instrument in order to write the check.

- b) Trustees were up-dated on "Fire-Rescue" regionalization discussions between the Twps and the City of Defiance. Mr. Peck serves as the Def Twp's representative on the negotiations with the City of Defiance. The City has cancelled the existing rescue service agreement but is continuing to provide service under the terms of that agreement. The city is seeking an increase in service fees. In Jan 2010 the City raised fees from \$35 per run to \$620 per run that includes up to 2 transports. In June 2011 the City cancelled that contract and is negotiating for an increase in fees. Mr. Peck noted that:
- i) The Twps in negotiations with the city of Defiance include but are not limited to: Highland, Richland, Noble, & Delaware. Twps are speaking with the local hospitals to see if the hospitals have an interest in providing the rescue service..all options are being studied.
 - ii) Trustees reviewed exhibit 8-b -- an email exchange between def Twp Trustee Peck and def city councilman Ketcham relative to the councilman's concern that the Twp is seeking another service provider.
 - iii) Mr. Peck said that the next City – Twp(s) session to discuss this issue will be Thursday, June 30th, at 6:30 p.m..
 - iv) There was no further discussion.
- c) The Csx railroad crossing on Ashwood had been damaged via a repair effort by CSX. This was noted in the May session. The Chair asked for a status update.
- i) The fiscal officer, as requested, emailed CSX corporate office and cc to Trustees on June 13th the Twp's concern.
 - ii) Exhibit 8-c was the CSX response explaining the CSX position that CSX made repairs and filled in the crossing with aggregate and not asphalt which was in place before the repairs were made..
 - iii) Trustees noted that the crossing had recently had the aggregate removed and asphalt – as requested by the Trustees – was used to replace the aggregate.
 - iv) Trustees requested the fiscal officer to email their thanks and to note that the Trustees noted CSX's prompt response publically at this Twp session.
- d) Exhibit 9-d was then reviewed. This was an email from Trustee Peck regarding an incident during the Memorial Day weekend in which trucks from A to Z trucking damaged Twp road right of way at McCollister and Wilhelm.
- i) Mr. Peck filed an insurance claim with the trucking firms carrier – Northland Ins. The claim was settled. The settlement of \$225 was deposited in the Twp acc'ts. Trustees were informed that they should refer to the receipt exhibit of this session.
- e) In the May session Trustees directed staff to get a meter on the Twp gas fuel tanks so as to be able to track fuel usage.
- i) Ottawa Oil, the provider of Twp fuel, was contacted and exhibit 9-e was their response which indicated they will place a meter on the tanks.
- f) From the May session Trustees determined to check with the Co Engineer relative to jetting a drainage pipe in

right of way in front of property owned by Walter Nickerson of 20987 Hammersmith rd. (jetting was completed – trustees reviewed exhibit 6-d noting cost to be posted to Twp budget)

- i) Again, from the May discussion Trustee Mayer asked that the fiscal office contact the Co Eng and Def Co Soil and water to seek their policy relative to such issues. That email was sent June 1 and cc'd to Trustees. There has as of this session been no response.
- ii) Mr. Walter Nickerson of 20987 Hammersmith Rd, was recognized.
 - (1) Mr. Nickerson thanked the Trustees for their effort. He then admonished the Trustees for not addressing his concerns more rapidly. He asked the Trustees what they planned to do when the pipe again becomes clogged from the adjacent field debris.
 - (2) Trustees responded that the adjacent field is owned by the Co and he should address his concern with field debris with the County commissioners. Trustees also noted that the first portion of the pipe serves as his properties drive pipe and the Twp position is the same as the County's – that drive pipes are the responsibility of the property owner.
- g) The Chair asked if there was any other old business
- i) There was none.

ORDER OF BUSINESS NO. 9 New Business.

- a) Vacation announcements were discussed:
 - i) The fiscal officer noted that he will be on vacation (out of state) from July 15th and return to town on the 25th. He will be available by cell and email if needed.
 - ii) Trustee Mayer stated she would be on vacation from July 15th through the 25th.
 - iii) Trustee Peck will be on vacation July 4th to the 8th and the 21st to the 25th.
 - iv) Trustee Bakle will be on vacation July 30th to August 9th.
 - (1) All are able to be contacted by cell phone.
- b) The Chair asks if there is any other new business to come before the board?
 - i) The Chair then stated he wished to address the use of different time cards. He acquired copies of time cards from ODOT and wished to have these modified to be used by the Twp. The ODOT cards are more detailed in tracking assignment, product used and time per item worked per day. The continued that he had attended a conference in which presenting attorney said that the use of such a detailed tracking document is importing to help avoid successful law suits against a public entity. The lengthy detail documents the effort put forth by the public entity which would assist the Twp in its defense should citizens be injured on Twp roads or property and claim the Twp failed to provide adequate maintenance. This in the Chair's opinion will also assist the Trustees in better tracking expenses on projects assigned to the Twp operators.
 - (1) Trustee Mayer suggested she may be able to reproduce the time cards modified for Twp use – using her computer.
 - (2) Trustees gratefully accepted Mrs. Mayer's offer.
 - ii) Trustee Mayer asked approval to attend the OTA summer conference in Findlay and for reimbursement of associated expenses.

Mr. Peck moved to approve the request.
Mr. Bakle seconded

The vote was called there were: YEA(s) 3 NAY(s) 0 Passed X Failed
The motion to attend the OTA summer conf in Findlay and for reimbursement of associated expenses was approved.

- c) The Chair asked if there was any new business to come before the board?
 - i) There was no further discussion..

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – July 26th, 2011.
Time: 7:30 p.m.
Place: 2nd 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 June 28th, 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