

Minutes
DEFIANCE TOWNSHIP TRUSTEES
June 30th, 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 June 30th, 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, Jason Shaffer 13386 St Rte 15 & Mr. James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave.

Other(s) present were: Patty Diemer 23361 Defiance-Paulding Co Line Rd, Juan & Maria Martinez 911 Indian Bridge Lane, Tom Mick 21389 Hammersmith, John Bowers 15077 Sponseller Rd, & 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 May 26th, regular Twp session.

Mr. Peck moved to accept the mins

Mr. Bakle seconded

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

The MINUTE'S for the May 26th, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
- i) Mr. & Mrs. Juan Martinez 911 Indian Bridge Lane were recognized. They said they were here due to a problem alleged to be caused by a neighbor, Mr. Jim Taylor 917 Indian Bridge Lane.
- (1) The problem – during rain events storm water is slow to move through the right of way ditches along Indian Bridge Lane. This causes storm water to flood onto many of the properties on Indian Bridge. It was noted that many drive pipes are plugged.
- (a) Mr. Taylor was alleged to have said that the Trustees had given him permission to do drainage work on the Twp road right of way. He was reported to have constructed drainage on his property leading to the road side ditch and then to have worked inside the Twp right of way. The resulting work is alleged to now or will cause flooding issues on the Martinez property.
- (2) The Martinez's said that Mr. Taylor told them to come to this session and that he would also be here. The martinez's want to know if the Twp did give Taylor that permission.
- (3) All three Trustee's agreed that they did not authorize any work by Mr. Taylor in the Twp right of way..
- (4) Mr. Schlegel – Twp Zoning and nuisance officer was recognized and said:
- (a) this issue was first raised in March relative to Mr. Taylor claiming that the Martinez's were not maintaining their property and had junk cars not properly licensed setting around. Mr. Schlegel noted he was working on this with the Martinez's and had also conferred with the Sheriff's dept.
- (5) Mr. Martinez also said that Taylor was calling the Dog Warden about their dogs. "this is a neighborhood feud".
- (6) Mr. Bakle said it would be best if Martinez's got the cars licensed sooner rather than later to eliminate that issue.
- (7) Mr. Bakle also said he looked at the Martinez side of the road and half the properties were without drive pipes. So flooding during rain events will be an issue.
- (a) Mr. Bakle also noted that the Twp is working with Maumee Valley Planning to secure a CDBG grant to address the ditch issues. (drive pipes are the financial responsibility of the property

- owners).
- (8) Mr. Peck instructed Mr. Schlegel to inform Mr. Taylor that the Twp does not authorize any work by him on Twp road right of way and if his work is determined to create a drainage issue he will be held responsible.
 - (a) Mr. Peck also told the Martinez's that if Mr. Taylor continues the work they should call Mr. Peck who will in turn contact the prosecutor and the sheriff's office.
 - (9) The discussion on this issue was closed.

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 \$244,899.81... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for June 2009 were \$18,951.08. Payments for June (bills & payroll) totaled \$68,553.99.
- c) The Cash fund summary through June 30th, 2009, showed an “ending cash balance” of \$917,344.96.
- d) The unencumbered cash balance “cash available” was \$416,607.60 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through June 30th, 2009, 20.7% 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 2nd 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 06-30-09 was \$723,264.93.

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

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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:

- 1) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jim Schlegel
 - a) June 2009 Monthly report - Inspector's Report by Mr. Jim Schlegel.
 - i) Defiance Township Zoning – June 2009
 - (1) Site review Keller Rd - Variance request for out building
 - (2) Site Review Power Dam Rd Home Addition Permit Issued
 - (3) Site Review Bowman Lot Split Shawver
 - (4) Site Review Bowman Lot Split Hoeffel
 - (5) Site Review Bowman Lot Split Fisher
 - (6) Site Review Bowman Rd Permit Issued.
 - (7) Zoning info request Baltimore Rd Old Mastersons bldg
 - (8) Ref on going problem on Indian Bridge Ln I received a call from both Mr Martinez & Mr Taylor. Mr.Taylor advised that Mr.Martinez vehicle is not licensed. Mr Martinez advised Mr. Taylor is putting in his own drainage pipe is this allowed. I advised to come to Twp Meeting and discuss this with Trustees. Then Sheriff Dept called as they responded to this same complaint on Indian Bridge Ln. I advised Deputy Phipps was transpired through this office and as far as the drainage problem they should attend Township meeting.
 - (9) Zoning info request Franklin St off Power Dam
 - ii) end inspector's report
 - b) **Exhibit 4-b** was reviewed by the Trustees. This is a letter from the Defiance county Health Department which denotes new rules and regulations for “manufactured Homes” that are placed in the Twp.
 - i) The Twp Zoning Inspector is requested to notify the Health dept when a “manufactured home” is placed in the Twp. The Health dept by ORC is responsible for inspecting the placement of such homes.
 - c) The clerk then informed the Trustees that there will be a Zoning Appeals Bd hearing on July 14th – 7p.m. in this meeting room on a variance request by Neal Keller of 12894 Keller rd. Mr. Keller seeks a variance to set back requirements for the building of an out building.
 - d) 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) Trustees continue to pursue a new unit through the Ohio Department of Administrative Services – State purchase program
 - (2) Mr. Ankney noted that:
 - (a) The price for a “diamond 20’ boom mower is approx \$37,763. this size mower would need to be mounted on a 100 horse power tractor. Such a tractor would also be able to utilize other attachments needed by the twp -
 - (i) A berm reclaimer
 - (ii) A ditch cleaner
 - (3) Mr. Peck noted that Twp will continue to pursue this purchase and in the mean time also hold on to the current Twp tractor until the new unit is in place. The Twp will then sell – dispose of the old unit so as not to build up eq inventory.
 - (4) 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 Peck 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. Peck’s report noted:
 - (1) Ashwood rd is badly damaged from ODOT’s work on US 24.
 - (a) Mr. Ankney said he spoke with ODOT’s Charles Schroeder – us 24 project supervisor – and was told that ODOT would get back with Mr. Ankney to discuss the issue.
 - (2) Cromley road has a swale which makes vehicles traveling on this road bottom out.
 - (a) Trustees agreed to add patch-fill to this swale area.
 - (3) The Twp is behind on mowing – this is due to the fact that although the Twp has hired additional part time help the crew has other job commitments (they all work for other employers) and are not keeping up with the mowing.
 - (a) The Twp has been attempting to hire a person with a cdl endorsement who could devote the time necessary for Twp needs, however, all current part-time employees work for the better paying positions when they can.
- b) The July - Rd review will be by Trustee Ankney
- 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 27th at the Def Co Engineer’s recommendation.
 - (c) As of 6-30-09:
 - (i) The budget is in place and purchase orders have been prepared.
 - (ii) Twp has received a 2nd project invoice in the June bills
 - 1. bill #1 was in May for \$6,900 posted – remaining Zachrich budget \$243,875.50
 - 2. bill # 2 in June is for \$50, 366.32 – remaining Zachrich budget \$193,509.18
 - (d) Trustees noted that they were informed that asphalt will start to be laid on July 1st.
 - (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) *Mr. Ankney reported this completed @ the June session: - Hot Mix Patching – Karnes Rd from*

Bowman to Watson - \$3,337.22

- (4) *Mr. Ankney reported this completed at the June session: 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) This item will remain on the agenda until completed
- (8) A catch basin and cross over pipe are to be constructed near Larry Mick residence @ 21639 Hammersmith rd
 - (a) Soil and Water is conferring with Twp on this project relative to size of culvert.
 - (b) Trustees reported that the Co Engineer has advised that a 2' diameter pipe be installed. Mr. Ankney reported that Mr. Bendele will do the excavation for this project.

iii) **Twp cemeteries –**

- (a) Cemetery maintenance issues were covered in the Trustee road report.
- (b) In the May 09 session Twp Trustees directed the fiscal officer to contact the Prosecutor's office for possible rules regarding the procedure to bury cremated remains in Urn's in the Twp cemeteries. **Exhibit 6-c-iii** is that response and was reviewed by the Trustees.
 - (i) There does not appear to be special rules. A death certificate should be provided to the Twp.
 - (ii) There was no further discussion.

iv) Other possible road projects???

- (1) Mr. Bakle stated he continues to pursue a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane. They are working on the wage survey at present.
 - (a) The chair asked if there was any further discussion...there was none.
- (2) Mr. Peck asked if there were any other projects to be discussed.
 - (a) There were no other projects discussed.

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

- a) Monthly (June 09) GrassRoots clippings – was presented as exhibit 7a
- b) Trustees then reviewed a notice – **exhibit 7- b** - from Sherwood Fire Department of a session to discuss the possible formation of 'joint fire districts'.
 - i) To be held at EMA building in Burnersburg at 5:30 p –on July 13, 2009
 - ii) Questions are to be submitted in advance by July 6th.
 - iii) Mr. Ankney said he would attend.
- c) **Exhibit 7-c** was reviewed. This was a notice from the County Commissioners Office of an "estimated assessment to land" for improvements to Colwell ditch.
 - i) Construction assessment on Twp property on Kiser rd est at \$1,064.17
 - ii) Construction assessment on Twp property on Keller rd est at \$99.96
 - iii) There is also a \$5.00 per parcel charge for maintenance
 - iv) The chair asked if there is any discussion.. there was none.
- d) Again from the Defiance county Board of Commissioners a notice – **exhibit 7-d** – of a proposed sewer project impacting Def Twp.
 - i) "the Auglaize River Sewer Proj" once complete will provide sanitary sewer service to parts of Paulding and Def counties which include Def Twp.
 - ii) The project is to start soon. The chair asked if there is any discussion.. there was none.

ORDER OF BUSINESS NO. 8 – – Personnel – Trustees reviewed an application 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. In May the clerk posted the opening on the bulletin board of the Commissioners building per the adopted public notice procedure of the Township. In May Trustees hired Mr. Jason Schaffer and Mr. Palmer Howell. Mr. Howell has yet to complete the required employment paper work(opers employment notice, w2's etc). Trustees determined that it was prudent to discuss the possibility of hiring another for part time work..

- a) Chairman Peck asked for a motion to go into executive session for the purpose of discussing/reviewing the application of John Bowers 15077 Sponseller Rd for the Twp's road crew – Part time position & the establishment of a pay rate for same.

MOTION by: Mr. Bakle

SECOND by: Mr Ankney

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: Bakle

SECOND: Ankney

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. Peck suggested that the Trustees hire Mr. Bowers as the current staff is working for other companies which pay better. Consequently, the work of the Twp is falling behind, especially the mowing of road side ditches. Mr. Peck clarified that Mr. Schaffer is to continue doing all that he is doing; the new person is to help to keep up with the Twp work.

- ii) Bakle moved to hire Mr. Bowers at the established starting rate of pay of (\$11.60).

Mr. Ankney 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 June 30th, although he can not start work for the Twp until insurance coverage is established and paper work including a Bureau of Motor vehicle report have been provided to the clerk.

ORDER OF BUSINESS NO. 9 - Old Business

- a) Trustees continue to review a list of road projects – from Feb 09 session provided by co engineer.
 - i) The Twp is awaiting a fall review by the Eng at which time a priority will be assigned to the projects as determined by the Trustees.
 - ii) There was no additional discussion.
- b) Mr. Peck presented to the Bd an appraisal of value on a one acre parcel of Twp property on Harding Rd. The Twp has owned this property for many years. With last years improvements to Harding Rd by the County the parcel had given up right of way and effectively reduced the value. The appraisal suggests that the value is between \$10,233 and \$16,895. However, it is believed the parcel can not be improved due to zoning set back requirements. It is effectively .8 of an acre. No home with sewer system can be fit onto the property.
 - i) Mr. Peck suggested the parcel be sold to the highest bidder as it has no value to the Twp.
 - ii) Mr. Bakle said he had reservations about selling the property.

Mr. Ankney moved to run ads and accept bids to sell the property.

Mr. Peck seconded.

The roll was called.

Mr. Ankney – yea Mr. Bakle – abstained Mr. Peck – Yea

The motion to proceed with the selling of the Twp property on Harding road was approved. The fiscal officer was directed to prepare the ad and review the proposed procedure with the Prosecutor's office.

c) Mr. Peck asked if there is any other old business to be discussed. There was none.

ORDER OF BUSINESS NO. 10 -- New Business.

- a) The Chair asks if there is any new business to come before the board?
 - b) There was none.
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ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: Tuesday July 28th, 2009.
Time: 7:30 p.m.
Place: 2nd floor of the Defiance County Commissioners building – conf room EMOOC
500 Court Street - Defiance, Ohio

Mr. Peck then requested a motion to adjourn the meeting of June 30th, 2009.

It was moved by: Mr. Bakle

SECOND by: Mr. Ankney

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