

Minutes
DEFIANCE TOWNSHIP TRUSTEES
July 22nd, 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 July 22nd, 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: Ruth Ann Schofield 15968 Campbell 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 Ankney requested a motion for the approval of minutes from the June 24th regular session.

MOTION: Charles Bakle

SECOND: Dan Peck

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

The MINUTE'S for the June 24th, session was approved.

ORDER OF BUSINESS NO. 2 - citizens concerns

- a) The chair asked for citizen concerns from the floor.
i) There were no citizen concern issues.

ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The June monthly Reconciliation – noted a primary checking reconciliation balance of \$97,830.37 as of June 30th, 2008..... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
i) Receipts for July 2008 were \$12,596.86. Payments for July (bills & payroll) totaled \$15,018.27.
- c) The Cash fund summary through July 31st, 2008, showed an “ending cash balance” of \$810,643.77.
- d) The unencumbered cash balance “cash available” was \$595,877.11 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through July 31st, 2008, 11.6% 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 200 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 07-31-08 was \$715,234.81.
- g) The Trustees reviewed and signed the bills for the month.
- h) payroll for July 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 \$2,000.00 estate tax (approximately \$1,600) & 5.5% of a \$1,715.60 estate tax (approximately \$94.36) now being probated.

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

MOTION: Charles Bakle

SECOND: Daniel Peck

YEA(s) 3

NAY(s) 0

Passed X

Failed

The July 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) July 2008
 - (1) All Paperwork has been submitted ref. Variance for Motorcycle Shop on Cromley Rd. Jayme Price.
 - (2) There is a pond being dug on Bowman West of SR 15. S&W advised this is for a wet lands project and only 3-4 ft deep. No permit needed.
 - (3) A resident on Power Dam Rd is thinking about building a garage on his lot next door. He was given all necessary info. Moninger.
 - (4) New home addition on Krouse Rd Sam Bok Permit issued.
 - (5) Sign permit on SR 66 Don Retcher He has all info. 60-ft right of way 10 ft set back. Permit Issued
 - (6) Neighbor Complaint Powers Rd. Norm Solly was sent proper complaint form.
- b) Fiscal officer – clerk Tim Houck reported that per the Trustees direction from the May Trustee's meeting he continues to work 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. The clerk is acquiring information from other Twps and the Ohio Township Association for the Commission to review.
- 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:
 - (1) Have the Ford tractor mower's hydraulic motor repaired.
 - (a) This will be done at Streacker Ford Tractor of Findlay.
 - (b) Staff to get filter and oil for service of unit
 - (2) Staff requested to purchase claps to hold a shovel on the side of the "international dump truck"
 - (a) This was verbally approved
 - (3) 04 International – belly plow ordered removed by Trustees – status of project was reviewed.
 - (a) Mr. Ankney and a Twp operator will transport the unit to Kalida truck July 22nd to have the belly plow removed.
 - (b) Trustees discussed the possibility of selling this unit and directed the fiscal officer to contact the Prosecutor's office for proper procedure.
 - (c) Mr. Bakle stated he was opposed to the sale of this unit.
- b) 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 Ankney was reviewed.
 - i) The Twp crew was provided a copy and instructed to complete the work as noted.
 - (a) Mr. Ankney noted the issues were mostly a need to address berms and mowing of right of way.
 - (b) There is a sink hole at a cross over on Indian Bridge lane
 - (c) Repairs needed to catch basin near 10 Lakeview drive
 - (d) Need a 12" – 20' long smoothbore pipe at end of May road to address flooding
 - (e) Need trees cut a corner of Radio drive
- b) The August - Rd review will be made by Trustee Bakle
- 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.

- (i) The co engineer's project estimated as of the June 08 session is:
 - 1. has been adjusted down from his Jan 07 est of between \$340,000 and \$380,000 to \$225,000 plus his office's cost for engineering and monitoring construction and negotiating purchase of right of way.
 - 2. those expenses are anticipated to be just under \$100,000
 - 3. new project estimate is now \$270,000 to \$325,000
- (ii) The Trustees held a Bid opening session on July 21, 2008. There were no bids submitted for this project.
- (iii) At that session the County engineer, Warren Schlatter, suggested that his office be approved to contract out part of the dirt work (moving the ditch back to accommodate the greater road width) with a limit of cost of up to \$24,000. This would start the project until the construction could be re-bid. (State law requires a public bid of any project in excess of \$25,000).

Chairman Ankney asked if there was a motion to proceed with the engineer's plan.

It was moved by Mr. Bakle to authorize the County Engineer's office to acquire informal bids to perform the dirt work necessary to move the ditches per the Engineer's design. The work is limited to a maximum cost of \$24,000.

Mr. Peck – seconded.

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

The motion was approved.

- (iv) At the July 21st 2008 bid opening – the Engineer suggested that the project be re bid in the late fall – early winter (Dec-Jan 08 -09).

Chairman Ankney asked if there was a motion to approve the engineer's office to re-bid the project as suggested.

It was moved by Mr. Bakle to authorize the County Engineer's office to re-bid the project in Dec-Jan 08 – 09.

Mr. Peck – seconded.

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

The motion was approved.

- (b) the chair asked if there is any discussion?
- (c) 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. 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) Trustee (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 September - ODOT has delays in projects (from which would generate the grindings) due to budget constraints.
- (c) So far in 2008 the Twp has purchased stone and placed stone on this road in 08; to date just over

\$1,000.

- (i) The fiscal officer conveyed to the Trustees that the Co Commissioners offered their thanks for the Twp work on this road to date.

(d) 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 they applied some "cold patch" in the past month. This road is also 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 are working on resetting head stones in Cromley. Crew stated they will need to purchase some weed killer to address vegetation growing in the stone road of this cemetery.

(b) There is a need to reset head stones at both Tuttle and Cromeley

ii) The chair asked if there were any other possible road projects for discussion.

(a) Trustees noted that repairs are necessary to the Twp's portion of the County Line road near Mr. Bill Webb's property.

(i) Trustees instructed the crew to contact "Yenzer Paving" to do this repair. Cost was estimated at near \$1,600.

(b) Trustees noted that Mr. Lester Sanders of May road has raised concerns with flooding of his property. A drain pipe is needed. Trustees instructed the crew to contact Bendele Construction of address. Estimated cost was \$600.

(c) Crews stated Co road 10 near the Williams residence needed repairs. Trustees are to view the concern.

iii) The Chair asked again if there were any other road projects for discussion.

(1) There was no other project discussion.

d) The annual Twp mileage certification was provided by the County Engineer's Office as **exhibit 6-d**. The Township's official mileage count is 23.44 miles of road way.

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

a) The Monthly (July 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 June & May Trustees meetings the Trustees had asked 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) **Exhibit 8-a** was provided to the Trustees this packet included;

(a) a copy of the OEPA findings & orders & a list of Ayersville water and sewer district customers. A proper legal drawing has not yet been provided.

(5) This information was provided by Ayersville water and sewer district's Ms. Baker through the Co Prosecutor's Office. The email cover of the exhibit explained the status.

(6) The Ayersville Water and Sewer District is no longer asking the Twp Trustees to take any action in

support of there proposed expansion.

(7) The Trustees had been informed by the Prosecutor's office that the Trustees have no jurisdictional power within the AW & S.

(8) The chair asked for discussion. There was none.

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

i) There was none.

ORDER OF BUSINESS NO. 9 - New Business

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

d) **Exhibit 9-a** was reviewed. This exhibit was a notice from the US Army Corps of Engineer's relative to a proposed construction of the "Auglaize River Sanitary Wastewater Collection & Treatment Project" to be located in Defiance Township, Defiance, County, Ohio.

i) The project is a joint effort between the Defiance Co & Paulding County boards of Commission.

ii) The chair asked for discussion.

(1) There was none.

e) The Chair asked if there was any other new business to come before the board.

i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday August 26th, 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 July 21st, 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