

Minutes
DEFIANCE TOWNSHIP TRUSTEES
July 22nd, 2014 MEETING

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2nd Floor Engineer's Office conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday, July 22nd, 2014 at 7:00 p.m. Following the Pledge of Allegiance the Chair instructed the clerk to call the roll. Answering as present were Diana Mayer, Daniel Peck, & Charles A. Bakle Jr., also present was Tim Houck, Township fiscal officer. All three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employees present were: Mike Daniels 21786 State Rte 637, John Deimer 23361 Defiance – Paulding Co. Line, Jason Shaffer 13386 State Rte 15, all from Defiance, Ohio.

Visitors present: Doug Layne 22584 Garmin Rd., Patty Diemer 23361, Angie Ransdell 21786 State Rte 637, & JoEllen Houck 8 Deville Drive, - all from 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 June 24th, 2014 regular Township session.

Mrs. Mayer moved to approve the minutes as presented.

Mr. Peck seconded.

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

The minutes for the session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

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

a) Doug Layne was recognized.

- i) Mr. Layne previously (June session) stated he was interested in purchasing the parcel of land that is positioned between his home and his father's home. The parcel being located at the corner of Harding and Garmin Roads - Parcel #b-110003000900.
- ii) Mr. Layne again asked the Trustees if they would sell this parcel to him for his proposed \$6,000.
- iii) Trustee Peck responded that as noted in the June session Trustees contacted the Prosecutor's office to determine the proper process to dispose of publically owned land.
- iv) The Prosecutor's office informed the Trustees that the parcel needed to be publically bid and that any sale of public land owned by the Township required a unanimous vote of the Trustees.
- v) Mr. Peck then stated that his position is to sell this parcel. The reasons are:
 - (1) The Township has and continues to expend money every year for mowing and is assessed property taxes on certain levies. The Township has expended several times the value of the parcel over the years on these expenses.
 - (2) The parcel is not buildable by code due to set back requirements.

Mr. Peck then moved to proceed to accept sealed bids on this parcel per the ORC with the intent to sell.

Mrs. Mayer seconded.

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

The motion to proceed per the ORC to acquire sealed bids for the sale of Parcel # b-110003000900 located on the sw corner of Harding and Garmin Rds was approved.

- vi) The fiscal officer was directed to prepare a public ad to accept sealed bids by 7 p.m. on August 26th at the next regular Twp Trustee session.

ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for June - noted a primary checking reconciliation balance of \$276,039.83 -- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
 - b) Receipt report:
 - i) Receipts for July (UAN software-) were \$5,246.41.
 - c) Payment reports:
 - i) Payments for July (UAN software-) were \$9,420.89.
 - d) The Cash fund summary through July 20, 2014, (UAN software) showed an "ending fund balance" of \$959,878.68.
 - i) The "cash available" for encumbrances (current reserve- UAN software) was \$485,374.87.
 - e) Appropriation Status showed that through July 20th, 2014 (UAN software), 12% of the years' appropriations had been expended. All reports will be on file in the Fiscal Officer's office.
 - f) The fund status report (money market) showed:
 - i) The money market investment fund balance as of 07-20-14 was \$704,650.59.
 - g) Trustees reviewed and signed the July bills.
 - h) Payroll & July time cards (time cards provided trustees prior to session) were reviewed without comment.
 - i) Trustees then reviewed exhibit i – a packet of four invoices from the County Engineer's office for 2014 road work completed by and or under County Engineer's on behalf of the Twp as approved by the Trustees earlier this year.
 - i) Invoice 140004 \$59,806 for rebuild – resurface and striping of Hammersmith rd from Singer to State Rte 111.
 - ii) Invoice 140006 – \$150 for hot mix asphalt testing of Hammersmith rd work above.
 - iii) Invoice 140010 - \$9,830 for patch and tack of Sponseller – Co line to Bowman rd –
 - iv) Invoice 14-0036 - \$450 for dura patching of Krouse rd
- (1) In the April 2014 Twp meeting Trustees moved to limit total amount of opwc grant funds of future year grants used to \$50k.
 - (2) The Co Engineer recently informed the fiscal officer that if the Twp decides to pay for the work directly the Twp loses the 20% discount that is applied when future OPWC grant dollars are used.
 - (a) Further, the Engineer noted his office is monitoring the amount of future year grant dollars used and that the citizens of Ohio recently adopted State issue 1 to add 10 more years of tax to the OPWC state grant lines.
 - (b) The average OPWC annual amount awarded to Def. Twp is \$25k and the Engineer stated he will not require repayment if the OPWC program is halted and the Twp is in arrears.
 - (c) The Engineer also stated he will not allow the Twp to exceed its anticipated total grant awards of \$25k x 12 remaining years of grants under current state law.
 - (3) The Chair asked if the Trustees wish to rescind the April motion and allow the Engineer's to post to future grant funds in order to acquire the 20% reduction?
 - (4) If yes, the fiscal officer will meet with the Engineer's office to see if the invoices above can be re-posted.
 - (5) Trustees directed the fiscal officer to ascertain from the County Engineer whether the Engineer would post the expenses to the Twp's future grants and then allow the Twp to issue a payment to the County Engineer to pay down a portion of that OPWC grant debt.

Mr. Bakle then requested a motion to accept the July financial reports.

MOTION by: Peck
SECOND by: Mayer
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 Zoning inspector's monthly report.

i) Building permits were issued to the following:

Jason A. Shaffer
Defiance Township Zoning Inspector
Defiance, Ohio 43512

b) Trustees were informed that a Twp Zoning Bd of Appeals session is scheduled for July 30th. There will be two items.

i) 7:00p.m. James Nusbaum of 14777 State Rte 111 is requesting a hearing for a "variance" to the Defiance Township's set back requirements for the construction of a shed. The parcel is located at 14777 St. Rte. 111 in Defiance, Ohio, 43512, in the L Potts Riverview addition, lot 3 PT sec. 8, less than 1 acre of Defiance Township, Defiance, County, Ohio. The parcel ID is B11000-8B00-500.

ii) 7:20 pm. Nate Heller 12057 State Rte. 66 Oakwood, Ohio, has requested a "conditional use" permit for the construction of a new home on a parcel zoned "agricultural". The parcel is located on State Rte 111 - Defiance, Ohio, 43512, in section 3 & 4 – PT southwest ¼ section of section 3 PT NE FL and in ½ of section 4 containing 92.455 acres more or less of Defiance Township, Defiance, County, Ohio. The parcel ID is B11000-4001-101.

c) The Chair asked if there were any other Zoning issues to be discussed.

i) Mr. Shaffer asked if the Trustees would approve the Twp to mow the property at 905 Indian Bridge lane and to place the expenses on that parcels' property tax bill.

(1) Shaffer reminded the Trustees that the Twp authorized the mowing of this property earlier this year as the owner is not maintaining the property per Twp code regarding height of grass. This would be the second mowing this year.

MOTION by: Peck to authorize Twp staff to mow this property and place the expense on the property's tax bill.

SECOND by: Mayer

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

The motion was approved.

d) The Chair 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 on current or proposed new eq.

i) Mike Daniels was recognized.

(1) He informed Trustees that in his opinion the New Holland mower is not worth the expense to continue to repair it.

(2) Mr. Bakle stated this unit breaks down repeatedly and Bakle suggested that a 3-point hitch brushhog type mower be purchased to replace the arm deck type New Holland.

(3) Mr. Peck stated that any new mower should be purchased to fit the Twp's John Deere tractor.

(4) Trustees then authorized Mr. Daniels and Mr. Shaffer to acquire several bids for the Trustees to consider at the next session (August 26th).

- ii) Mr. Daniels then informed the Trustees that the backhoe should be fixed
- b) The Chair asked if there were any other comments or concerns regarding the Twp's equipment.
 - i) There was none.

ORDER OF BUSINESS NO. 6 - Trustee Report – Monthly Twp Rd inspection

- a) The monthly road inspection report – presented as exhibit 6-a was reviewed by Mrs. Mayer. She noted that there is a need to mow along Twp roads, and recognized that mowing awaits repairs to the Twp's mower and tractor. Mayer also noted that May road should be widened at the turnaround so that Twp eq can turnaround without getting off the road and causing damage to the private property. Mayer also stated that the Twp should spray for weeds at Cromley and Taylor cemeteries and on Lowel and Brant roads.
 - i) Mr. Bakle is to instruct Mike Mckibben and Brian Grant to address these concerns. (Mckibben has the required license to apply the weed killer chemicals.)
 - ii) The August Rd review will be by Trustee Bakle.
- b) Trustees continue their review of the proposed 2014 projects.
 - i) The proposed project list was prepared by the Defiance County Engineer's Office for the Trustees. The project list was presented at the January 28th session as exhibit 6-b 2014 Def Twp preliminary estimate. Trustees modified the project list at their March 2014 session.
 - ii) purchase orders of 2014 that will fund the projects listed are:
 - (a) P.O.'s 9-2014, &
 - (b) B.C.'s 36-2014
 - (c) P.o.s total \$225,000
 - (d) Expenses exceeding this amount with the Co Eng will require transfers and new p.o.s
 - iii) As of 07-21-14 this list is as follows:
 - (1) **Hammersmith rd re-build project: Resurfacing:**
 - (a) A .7 mile rebuild of *Hammersmith* from Singer to State Route 111- Trustees were reminded to review the minutes from 2011 forward for history:
 - (i) This rebuild project was designed to be financed over a three year period starting in 2012.
 - (ii) In 2014 – resurface (from Singer to State rt 111) with asphalt – estimated cost \$59,615.00 – previous estimate was \$63,000.
 - (iii) Pavement markings - \$824.00
 - (iv) As of this session the project is complete and billing has been submitted. Trustees to determine whether or not to request Engineer's to post to future OPWC in order to receive the 20% discount.
 - (2) hot mix patching of Sponseller rd from Co. line to Bowman now estimated at \$9,003.00 the previous estimated cost \$8,922.
 - (a) As of this session the project is complete and billing has been submitted. Trustees to determine whether or not to request Engineer's to post to future OPWC in order to receive the 20% discount.
 - (3) Trustees approved during their April 2013 session to add floors to the salt bins.
 - (a) Work is to be in 2014 – see mins from June forward of 2013 for details.
 - (b) Trustees noted this project should begin soon before inclement weather again interferes with the project.
 - (4) In the March session Trustees approved the berming of Cromley Road to reduce or eliminate drop off.
 - (a) As of this session – not yet addressed.
 - (5) In the March session Trustees instructed staff to complete the insulation of the maintenance building as directed in 2013.
 - (a) Trustees noted this project should begin soon before inclement weather again interferes with the project.

- (6) Due to budget constraints all other road projects as presented on exhibit 6-b during the January regular Twp session will be delayed at least one year and will be reviewed again for the 2015 construction year.
- a) A financial impact review by the fiscal officer was heard:
- i) As of this session total anticipated cost of all approved projects for 2014 are \$77,000 more or less (if posted to Twp road fund lines instead of OPWC future grants – (Hammersmith rd, Sponseller Rd, Kiser Rd patching completed in late 2013 to be billed, and cement floors in the Twp salt shed.
 - ii) Trustees are reminded that:
 - (1) Regular twp expenses are estimated – based on historical review, at between \$70,000 and \$100,000
 - (2) Anticipated 2014 revenues as noted in the 2014 amended certificate from the County Auditor for road work was \$159,092.00.
 - (3) Total road expenses year to date are **\$55,123.66**
 - (4) Total road fund revenues year date are **\$94,289.80**
 - (a) Expenses exceeding income utilize Twp road carry over funds.
 - (5) A recap of the OPWC grants – see minutes of previous sessions for history. The last update from the **Co Engineer's Office was dated 6-03-14**. The update includes expenditures from future OPWC grants that the Twp might receive.
 - (a) (see minutes from 2011 forward thru December 2013 for history).
 - (b) Note: the 2014 OPWC grant of \$34,355.00 has been posted against the future grant amounts as directed by the Trustees.
 - (c) Current status – the OPWC has utilized future grants in the amount of \$60,973.00 (reduced from the \$95,267.50.
 - (d) See section 3 (exhibit 3-i) – for discussion on future use of opwc funds.
- b) The Chair asked if there are any new proposed 2014 projects that are not now on the above project list:
- i) There were none presented.
- c) Trustees again noted the August work assignments for the Twp crew are noted in the monthly road report.
- i) There was no further discussion.
- d) Twp cemeteries –
- i) See item A of this minute - no other issues were reported.

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

- a) The monthly (July 14) GrassRoots clippings was distributed as exhibit 7a.

ORDER OF BUSINESS NO. 8 –Old Business

- a) The Fire – Rescue service contract for Def. Twp with the City of Defiance was discussed. The City has informed the Twp that the City will be increasing the charge to the Twp for rescue services in 2014.
 - i) See minutes from January 2014 forward to review history of a 2014 proposed fire levy to be placed on the November 2014 ballot to cover the proposed City increase.
 - ii) As of July 20th: Trustees adopted resolution 2014-11 “DECLARING IT NECESSARY TO LEVY AN ADDITIONAL 1.1-MIL TAX LEVY AND REQUESTING THE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE DEFIANCE TOWNSHIP AND THE DOLLAR AMOUNT OF THE REVENUE THAT WOULD BE GENERATED BY THAT LEVY”..
- (1) In order to complete the process Trustees need to adopt resolution 2014-12 – (exhibit 8a was a packet containing:
 - (a) The Certificate of Estimated property tax revenue as approved by the Co. Auditor (see resolution 2014-11 approved in the June Twp session.

- (b) resolution 2014-12 (as drafted by the Prosecutor's office),
- (c) proposed ballot language (as drafted by the Prosecutor's office)
- (d) the "notice of Election on tax levy in excess of the ten mill limitations" as drafted by the prosecutor's office; (to be provided to the Bd of Elections upon the adoption of the resolution); and
- (e) a receipt letter that is to be signed by the Bd of Elections once the packet is taken to the Bd. Of Election.

iii) **Resolution 2014-12** : IN THE MATTER OF: SUBMITTING TO THE ELECTORS OF THE UNINCORPORATED AREAS OF DEFIANCE TOWNSHIP PURSUANT TO RC. 5705.19 THE QUESTION OF AN ADDITIONAL 1.1 MILL TAX LEVY FOR THE PURPOSE OF FIRE/EMS/AMULANCE SERVICES, was then reviewed and discussed.

(1) **Trustees acknowledged that the City has increased the cost arbitrarily and that the Twp must place that expense before the voters.**

Mr. Bakle requested a motion to adopt resolution 2014-12 as presented.

MOTION by: Peck to approve.

SECOND by: Mayer

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

The motion to approve the resolution was adopted.

b) Trustees then reviewed resolution 2014-13 which, if approved, adopts the \$24k increase assessed by the City of Defiance for Rescue services in Def Twp precincts A and B. The City amended the contract with the increase.

i) Again, Trustees acknowledged that the City arbitrarily adopted the increase and the Trustees must approve the contract amendment in order to provide the residents of precincts A & B rescue service by the City.

Mrs. Mayer moved to approve the adoption of resolution 2014-13.

Mr. Peck seconded.

YEA(s) 2 NAY(s) 1(Mr. Bakle) -

The vote being 2 yeas and 1 nay the resolution was adopted.

c) The Chair asked if there is any other additional old business to come before the Board?

i) There was none.

ORDER OF BUSINESS NO. 9 – New Business.

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

i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – August 26th, 2014, - Regular scheduled session
 Time: 7:00 p.m.
 Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC
 500 Court Street - Defiance, Ohio

ORDER OF BUSINESS NO. 12 – Adjournment:

Mr. Bakle requested a motion to adjourn the meeting of July 22nd, 2014

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