

Minutes
DEFIANCE TOWNSHIP TRUSTEES
July 26th, 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 July 26th, 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, John Diemer 23361 Defiance-Paulding Co Line Rd – eq operator, Tom Mick 21389 Hammersmith Rd – Zoning Bd of Appeals, Larry Plummer 21297 Kiser Rd – Zoning Bd of Appeals, & Joe Kolb 16492 Cullen eq operator.

Visitors present: Carl Wagner 24815 Watson Rd, Dave Mick 14289 Hammersmith rd, Rod Chandler 22805 Defiance-Paulding Co Line, Ray & Vandetta Smith 11466 Krouse rd, Norm & Vikki Solly 20096 Powers Rd, Danny Branham 19664 Powers Rd. & 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 June 28th, 2011, regular session.

Mayer moved to approve.

Peck seconded.

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

The MINUTE'S for the June 28th, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - i) Ray Smith 11466 Krouse rd was recognized and stated that he was present to voice his objection to a proposed railroad transfer site that would support a "grainery" being promoted to be established in the Defiance City Industrial Park. The "industrial park" abuts rural township area. His concerns were:
 - (1) The noise from the many trains would disturb the residents on near- by Twp roads.
 - (2) If the proposed facility were to be constructed the train traffic through Defiance would increase significantly and it was already very heavy. This would cause safety issues.
 - (3) He said that he and many of his neighbors moved to the rural area to get away from such issues.
 - (4) Norm Sally 20096 Powers – said he and his wife were present to also object to the project. He thought that semi traffic would increase greatly on the Twp road leading to the city and cause both safety issues and damage to Twp roads.
 - (5) There was a lengthy discussion repeating the above noted issues. Citizens involved in the discussion asked that the Trustees work to deny the project.
 - (6) Those residents in opposition to the project provided Trustees with a hand out which contained a local paper "crescent-news" article on the project. The hand out also noted reasons that citizens opposed the project:
 - (a) High volume of semi – traffic on Krouse and Powers roads
 - (b) Noise issues from trains as cars were coupled and uncoupled
 - (c) High volume of train traffic
 - (d) Long delays at railroad crossings in the community
 - (e) Decreased property values – (Krouse and Powers)
 - (7) Trustees responded that the project is proposed for an "industrial park" in the City of Defiance and is being promoted by the City, the Defiance County Economic Development Office and the Defiance County Commissioners.
 - (a) Trustees said they would relay the citizen concerns expressed at this session to those groups,

- however, residents present should understand that the Twp has no jurisdiction in the project area.
- (b) Trustee's suggested that the citizens would be well served to also contact those political jurisdictions with their concerns.
- ii) The Chair asked if there were any other citizen concerns.
 - (1) Carl Wagner 24815 Watson Rd stated that he had two issues:
 - (a) High weeds on a neighboring property; and
 - (b) Business activity that being run from homes without having proper zoning or permits, according to his research.
 - (i) Trustees addressed the weed issue first-
 1. The Twp's nuisance/zoning officer was asked to respond.
 2. Mr. Jason Shaffer stated that he had already sent a notice letter to the property owner which stated that the property owner must mow the property to meet the Twp's nuisance rules. If the grass/weed issue continues unabated and exceeds the timeframe as noted in the Twp's nuisance regulations, the property will be mowed by the Twp and the expense will be placed on the property tax.
 - a. Shaffer continued that he is working with the County Prosecutor's Office on this issue. The process takes some time and must be performed in strict accordance with the law.
 - (ii) Trustees than addressed the "business activity" without alleged proper zoning.
 1. Trustees instructed the Zoning Inspector – Mr. Shaffer to investigate and to implement the Zoning codes if applicable.
 2. Mr. Shaffer stated he would and will report back on progress at the next Twp session.
 - iii) The Chair again asked if there were any other citizen concerns.
 - (1) Rod Chandler 22805 Defiance-Paulding Co Line said he had an issue with the Twp mowing of road side ditches. Chandler stated that a Twp mower – mowed off wildflowers on a parcel he owns located at 22884 Defiance-Paulding Co line road. Chandler stated that he planted these flowers on his property and they held sentimental value. Further he noted that was a "No Trespassing" sign on this parcel. He asked for damages.
 - (a) Trustees asked if the flowers were on the Twp's right of way. Chandler did not think so. Trustees were uncertain if the right of way for that section of the road was 60', 40' or 30'. The Twp right of way would extend half that distance from the center line of the road. Trustees would need to review with the County Engineer.
 - (b) Chandler replied that the flowers were cut well beyond the right of way. He thought damages might be \$1,500.
 - (c) Trustees noted that wildflowers are perennial and would re-grow next year. However, the Trustees further stated they would investigate the issue by doing a site inspection and discussing the issue with the mower operator. Trustees also said that they would contact their insurance agent & the prosecutor's office to discuss any possible claim remittance and/or damage payment.
 - (d) Trustee Mayer apologized for the incident and said Trustees would investigate.
 - iv) Larry Plummer 21297 Kiser Rd was recognized and said he owns property adjoining May road and said property needs drainage. He notes there is no drainage ditch along May road. He asked Trustees where the ditch should be located relative to the Twp's right of way for this road.
 - (1) Trustees stated they would get with Def. Co. Soil & Water to determine ditch location.
 - v) Tom Mick 21389 Hammersmith Rd- was recognized and asked about the drain issue along Hammersmith and Signer roads. The Trustees had meet with Soil & Water in May on this and Mick was concerned that nothing has been done.
 - (1) Trustees said that they await a plan from Soil & Water, as noted in the June session.
 - (2) Mick said there is a ditch maintenance assessment on the properties bordering Hammersmith and why must the Twp wait for Soil & Water. He is paying taxes to the Twp for the Twp to address these problems.
 - (3) Trustees informed Mick that "ditch maintenance" assessments do not go to the Twp but to Soil & Water; this is why the Twp must wait for Soil & Water to complete their plan of action.
 - (4) Dave Mick 14289 Hammersmith rd then asked when the ditch project which is part of the Hammermsith road rebuild was going to get done.
 - (a) Again, Tom Mick noted that the Twp has said that this project was being worked on last year and this year yet no construction work has yet taken place.
 - (i) Trustees replied that the Co Engineer is the project engineer and that it has taken until the

late spring of this year to acquire right of way to move the ditch. At least two property owners were either reluctant or difficult to find, as at least one of the properties has multiple owners some of whom live out of state. Trustees said that the Engineer's have said the work to move the ditch is scheduled for later this summer or very early fall (possibility Sept). It is dependant now on other Co Engineering projects.

- vi) 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 June – noted a primary checking reconciliation balance of \$165,098.06 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for July 2011 were \$8,909.76.
 - ii) Payments for July (bills & payroll) totaled \$13,922.83.
- c) The Cash fund summary through July 31st, 2011, showed an “ending cash balance” of \$861,727.77.
 - i) The unencumbered cash balance “cash available” was \$531,210.45 which is the balance after encumbrances are subtracted from the cash balance.
- d) Appropriation Status showed that through July 31st, 2011, 12% 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 07-31-11 was \$702,931.89.
- f) Trustees then reviewed and signed – **exhibit 3-i** which was a notice from the County auditor of an anticipated receipt of “estate tax” in the amount of 26% of a \$41,979.42 distribution. The Twp would receive approximately \$10,914.64.
 - i) There was no further discussion of this issue.
- g) Trustees reviewed and signed the July bills without comment.
- h) Trustees reviewed and signed the July payroll –
 - i) Trustees had prior to the session been provided the employee time cards for review.
- i) Mr. Bakle requested a motion to accept the July financial reports.

MOTION by: Dan Peck

SECOND by: Diana 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 Monthly Zoning report - Inspector's Report - Mr. Jason Shaffer provided the following electronic copy of this report.
 - i) report for July 2011.
 - (1) Building Permits were issued to:
 - (a) Sheila Vincent on Hammersmith Rd for a front porch addition.
 - (b) Jamie Fleming on Williams Rd. for a garage addition.
 - (2) Checked on the High Grass issues in the township. Most have been taken care of; a couple have not and I am still working on these Properties.
 - (3) Returned calls from Reality 5, Gorrell Reality of Paulding, asking for Zoning on properties in township. Larry Gorrell stated that he found out from the Township (zoning maps) that Mikes Sonoco, was a Neighborhood Business, and is Zoned Commercial.
 - (4) End July report.
- b) The Chair asked if there were any other zoning issues to be discussed.
 - i) Carl Wagner 24815 Watson Rd – was recognized and asked the Trustees why their seems to be certain Twp residents who are running businesses from their residences if said residents have not acquired a commercial/retail zoning approval or conditional use permit as required by Twp Zoning. This allegation is per Mr. Wagner's research.

- (1) The Zoning inspector said if Mr. Wagner wished to file a Twp complaint and or tell him which properties he believed were running a business from a property not properly zoned He (Zoning Inspector Shaffer) would investigate the issue.
- (2) There then developed a discussion as to what level constitutes a business which included such items as sale of bake goods, garage sales, etc.
- (3) Trustees then directed the Zoning Inspector to send a letter to residents as a first contact to inform and instruct as to the proper Twp procedures.
- (4) Mr. Shaffer said he would also acquire clarification from the prosecutors' officer as to what is and is not a business venture that falls under the zoning regulations.

ii) The Chair again asked if there were any other zoning issues to be discussed. 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) The fiscal officer reported the following:
 - (1) In the May session Trustees ordered the purchase of a new trailer to transport Twp eq. The trailer was purchased from FarmerCenter Equipment – Farmer, Ohio, for \$1,525.
 - (2) The fiscal officer received the certificate of manf after submitting a check for the purchase which was signed by Trustees in the June session. The certificate of Manufacture and a copy of the paid bill were then sent to the Ohio Bureau of Motor Vehicles to acquire gov't license plates. This was done in late June.
 - (3) Plates arrived in July and were provided to Twp staff just before this session
 - (a) Plates should be affixed to the trailer which is then allowed on State and local roads.
 - (i) There was no further discussion.....
 - ii) 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 Mayer was reviewed.
 - i) Twp employees present were provided a copy of the monthly road report and instructed to use as a work order.
 - ii) The Trustee report focused on the need to place and or re-claim berm.
 - iii) In the June Trustee session – Trustees determined 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 approved Trustee Peck to acquire 3 quotes and to approve the task to the lowest quote received.
 - (2) Mr. Peck stated he was still working to acquire the quotes. It will remain on the August agenda.
 - (3) Mr. Peck also reported that the tree on Sponseller was trimmed as approved by the Trustees. This work was done in July.
 - iv) The August Rd review is to be by Trustee Bakle.
- b) Trustees discussed the 2011 fiscal Year CDBG formula application program. 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.
 - ii) The Twp sought a \$15,750 towards the paving project in grant funds
 - (1) The Twp pledged to provide \$5,250 towards paving
 - (2) Commissioners awarded the Twp a grant in the amount of \$15,800
 - (3) The Twp will provided \$5,200 towards the project.
 - (4) 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 future OPWC grants. The drainage portion of this grant would provide for 9 of the 11 drain pipes.
 - (a) Estimated cost is \$9,000 to \$12,000 – possibly posted to future OPWC Twp grant funds. When work is done – if grant funds are used – the amount must be posted to the Twp accounts.
 - (5) The paving portion (that which was approved in the 2011 CDBG grant) is the east side of the

boulevard.

(6) This project would be scheduled in 2012's construction year.

iii) The chair asked if there were any comments.

(1) Larry Plummer was recognized and asked why the Trustees were paying for drainage, then asked for some history on this project.

(a) Trustees said that the area was low income and eligible for a CDBG grant. That the area had acquired a similar grant several years ago but the Co Engineer had required significant portions of property for permanent easements to accommodate the then proposed drainage design. That design depended on residents to have viable driveway drainage pipes. Residents rejected that request due to the amount of yard space that was to be placed under the permanent easement and opted to refuse the CDBG.

(b) At the Trustees request in 2010 the Engineer prepared a new design. This plan drains from the residents property to the center of the boulevard. A CDBG grant was submitted to the County Commissioners in 2010 for the drainage. The Commissioners rejected the application.

(2) Plummer said it looks like your addressing drainage problems that are caused by plugged drive pipes. If done for this area it should be done for others as well.

(3) Trustee Peck said he most is opposed to the drainage portion of the project based on the same concerns of Plummer. Before the paving takes place – funded by the 2011 CDBG grant; Indian Bridge Lane residents should first be required to replace and maintain their drive pipes which has and is the policy of the Twp & the County.

(4) Tom Mick was given the floor and stated that the Twp should require the residents of Indian Bridge Lane to replace their drive pipes just as the Twp has stated residents of Hammersmith must do. This would save the Twp taxpayers \$18,000.

(5) Trustees continued the discussion again noting the area is a low income area. Trustees concluded by stating the Twp would review the drainage plan with the County Engineer before proceeding.

iv) Discussion on this issue was then closed.

c) Up-date on other existing projects:

i) The 2011 Project list as finalized in the April meeting was reviewed. It was presented to Trustees as exhibit 6-c-1 in the April session.

(1) This list had a cover letter dated 3-24-2011 which notes the new road project(s) that the Co Engineer will undertake for the Trustees in 2011:

(i) Reconstruction of Lakeview – estimated cost as of 3-24-11 is \$31,902.43- was the only new project on the list.

(a) The list of work completed and 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. As of 7-28:

i. The co engineer's office has patched @ at cost of \$3,846.59 (posted June) &;

ii. Crack sealed around circle @ a cost of \$3,643.56 (posted June)

2. Hammersmith road – ditch work – estimated cost \$20k – carryover from 2010

a. For portion of ditch west of Signer rd

i. This is to be completed by year's end. It has been delayed due to some lengthy negotiations on right of way agreements with some of the property owners.

b. 2nd Hammersmith ditch proj between St Rt 111 and Twp maintenance building – also scheduled in 2011 –

i. Mr. Bakle noted that the Co Eng had acquired informal bids and the cost was \$19,000 more or less.

ii. Trustees needed to determine whether to continue with that project or hold for the Co engineer's staff to do when they had time. Due to the work the Co Engineer's is doing that segment of the ditch project may be delayed until 2012.

iii. Trustees determined to review with the Engineer to determine when to continue on with this ditch construction effort.

3. Indian Bridge lane: - with CDBG grant and OPWC grant - \$5,050

a. For proj detail see section 6-b of this agenda

(2) Other work by the Co Engineer on the Twp's behalf is:

(i) a proposed drainage project drawing for Hammersmith and Singer Rds discussed with Trustees at a Soil & Water session held at the Twp maintenance building on April 19th.

a. 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) Trustees reported that they still await a plan by Soil & Water.
- (iii) 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.
 - 2. This project remains scheduled for 2011.

(3) The cost for 2011 is estimated to total for agreed upon projects by Co Engineer as of 7-26-11 to be \$55,902.00 more or less – not including the OPWC grant funds used on Twp projects from the Co Engineer. The OPWC grant dollars must be posted to the Twp accounts. The figure also does not include any expenses for the 2nd Hammersmith rd ditch project – from State Rte 111 west to the Twp Maintenance building.

(4) Regular twp expenses are estimated – base on historical review at between \$70,000 and \$100,000

(5) Anticipated total projected rd work expense in 2011 now stands at \$155,902.00.

(6) Anticipated revenues as noted in the 2011 amended certificate from the County Auditor for road work is \$159,345.00

ii) There was no further discussion....

b) The fiscal officer noted that as reported in the June session --- the following is unchanged for July; and is an accounting of the OPWC grant funds being expended on the Twp’s projects

i) The 2011 grant includes carryover funds from previous OPWC grants–

- (1) The June exhibit listed 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

ii) The chair asked for discussion

iii) There was none.

c) Twp employee Ed Young said that a “School bus – stop ahead” sign still needs to be replaced on Carter Rd and that a “No Outlet” sign is need for McCollister road.

i) Trustees instructed the fiscal officer to order the two signs which should be 24” x 24”.

d) Trustees noted they will hire Benedele Excavating to re-place a cross-over in Taylor cemetery. They estimated the cost at \$300 to \$500. Mr. Peck is to coordinate this project.

e) The Chair asked if there are any other projects or questions or concerns...

i) There was none.

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

a) The monthly (July 11) GrassRoots clippings – exhibit 7a was reviewed.

a) Exhibit 7-b were the July time sheets of the Twp’s employees for Trustee review.

b) Exhibit 7-c was a notice from the County Engineer’s office of a number change for the Twp’s maintenance building on Hammersmith rd.

i) New number issued under the exhibit letter which was dated 6-30-11 is 21497 Hammersmith.

i) The Chair asked if there was any discussion...there was none.

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. Mr. Peck reported that the footer has been poured and the unit will be constructed shortly. A permit was prepared and issued by Twp

zoning inspector.

- ii) The temporary storage facility was purchased from Dave's Lawn Barns of Oakwood, Ohio, for \$3,575 to include set up. The building is to be 12 x 16
 - iii) The Twp crew is to construct shelving then contact the fiscal office who will coordinate the move of the records rental storage area.
- 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 asked those citizens present if any had concerns with changing service providers or with the cost increases being sought by the city.
- i) Citizens present in general support the service from the City of Defiance and were concerned with the proposed fee increase.
 - ii) They asked about the number of runs for fire and rescue.
 - iii) The Twp responded that history cannot predict the future in terms of the number of runs however the history is that the Twp has averaged 30 to 36 rescue runs per year. The Twp at present keeps the insurance that is collected and pays the city \$620 per run if only one rescue unit is used. That amount doubles if a second unit is sent out to the same incident.
 - iv) The Twp has average 5 fire runs per year the last several years.
 - v) The Twp pays the city \$55k for fire and in 2010 paid the city \$30k for rescue runs.
 - vi) Mr. Peck stated that another session will be held later in the week and it will seek information from the two local hospitals on their availability to provide rescue service.
 - vii) There was no further discussion.
- c) The Csx railroad crossing on Ashwood was discussed. This crossing was damaged and repaired by CSX. In May Trustees determined to asked CSX to take out the aggregate and repair with asphalt as was the condition before the CSX repair effort. CSX complied with the request and has sense replaced the aggregate with asphalt.
- i) The Trustees sent a thank you to CSX which is exhibit 8-c of this session. The thanks was emailed from fiscal officer – and also copied to trustees.
- d) In the June Trustee session, Mark Rau 21880 Parkview Drive, asked the Trustees to vacate certain non-constructed streets in the Parkview Subdivision. Trustees have since reviewed the area and are agreed to support the vacation request through a resolution to the County Commissioners.

Trustee Peck moved to adopt a resolution to abandon the unconstructed road as defined on the drawing submitted to the Trustees at their June session.

Trustee Mayer seconded.

The Chair called the role:

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

The resolution was approved.

The fiscal officer was directed to write the resolution for Trustee signature. The resolution will then be presented to the County Commissioners for action. The Co Commissioners are the body that has final authority on County and Twp roads. That body must then make a determination to abandon or not.

- e) Twp employee Ed Young asked for clarification as to the mowing on Ashwood road north of Powers, on the road's south side (which is technically in Delaware Twp) to Co rd 424 (the former US24). He wanted to know where to stop mowing as it was his understanding the Twp had an agreement with Delaware Twp.
- i) Trustees explained that the Def Twp responsibility for mowing stops where the pavement changes quality and is easily discernable.
- f) The Chair asked if there was any other old business
- i) There was none.

ORDER OF BUSINESS NO. 9 New Business.

- a) The Chair asked if there was any new business to come before the board?
 - i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – August 30th, 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 July 26th, 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