

Minutes
DEFIANCE TOWNSHIP TRUSTEES
August 25th, 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 August 25th, 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: Jason Shaffer 13386 St Rte 15, Joe Kolb 16492 Cullen Rd & Mr. James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave.

Other(s) present were: Junior & Connie Duerk 1585 South Clinton St, Brad A. Short salesman for Lietchy Farm Implements Archbold, Ohio, Diane Mayer 500 Harrison St, Penny Bakle 1204 Wayne Ave. Edward Young 23013 Watson Rd, & Mike Schlachter 21682 Hammersmith Rd.

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 July 28th, regular Twp session.

Mr. Bakle moved to accept the mins

Mr. Ankney seconded

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

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

ORDER OF BUSINESS NO. 2 - Citizen concerns:

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

- i) Mrs. Duerk was recognized. She asked; "are you going to have a stone berm placed on the newly constructed section of Kiser Road?"

(1) Trustee Peck responded:

- (a) This question was brought up in the July Trustee meeting and Trustees as promised followed up and discussed this with the County engineer's office. The Co Eng was contracted by the Township to design and supervise construction of the project.
- (b) The Engineer's office stated that all the safety and design features required were used in this project. The road is of such width that a stone berm is not required and would have been an unnecessary expense. Therefore, a stone berm was not bid as part of the project.
- (c) Further, the County has numerous County roads of this design (without a stone berm).
- (d) Therefore, in answer to your question there will not be a stone berm on this section of Kiser road.

- ii) Mr. Peck asked if there were any other concerns to be discussed.

(1) There were none.

ORDER OF BUSINESS NO.3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for July – noted a primary checking reconciliation balance of \$23,192.27 .. balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
- i) Receipts for August 2009 were \$72,692.23. Payments for August (bills & payroll) totaled \$9,663.44.
- c) The Cash fund summary through August 31st, 2009, showed an "ending cash balance" of \$785,774.75.
- d) The unencumbered cash balance "cash available" was \$483,794.93 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through August 31st, 2009, 30% of the years' appropriations had been

expended. The budget is in line with the goals set by the Trustees 2009. 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 08-31-09 was \$700,701.92.

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

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

The August 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 provided the following electronic copy of this report.
 - i) August 2009
 - (1) Worked on three complaints of High Weeds on Hammersmith Rd - Two are complete the other is a headache unable to locate the owner at this time but still working on it. Sent a certified letter and 8 days later it was returned undeliverable.
 - (2) Was contacted by a Real Estate Appraiser ref previous zoning of new school on Carter Rd
 - (3) Contacted ref a pad for motor home on Power Dam Rd this will be on a separate lot. Does not seem to create a problem.
 - (4) Filed and returned an application for a minor subdivision split on SR 66. Maumee Valley Planning will handle this. Meets all Twp Setbacks.
 - (5) Rob Ceregan from the city called ref some type of wash out he advised he spoke with Joe Clemens and this was taken care of. He might be talking Noble Twp.
 - (6) Site review Power Dam Rd out building Permit Issued
 - (7) Site Review Lakeview New Garage Permit Issued
 - (8) Appraiser for ODOT called he had questions as he is working on property along new US24, Old Stykeman Bldg & McCann property. McCann's is inaccessible. He was advised to have new owner if any to submit plans on future construction and we will look at this at that time.
 - (9) Site Review on Bowman for a Pond & Accessory Building this may have to be rezoned as he wants a living area in building till home is built.
- b) Mr. Peck asked if there are any other zoning issues to come before the Board?
 - ii) 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) Jason Shaffer noted the safety switch on the Ford mower tractor needs replaced, repaired or adjusted.
 - (1) Trustees by voice acclamation instructed Shaffer to have the item fixed.
 - ii) Shaffer stated that the fuel gauge on the International Dump Truck was not working.
 - (1) Mr. Peck noted that this has been a problem on this unit in the past. This seems to be an inherent problem with International Trucks of this type as he has had similar experience with these types of trucks at his company.
 - (2) It was noted that now that Shaffer is aware of the problem he should know when to refuel the truck.
 - iii) Shaffer asked for approval to purchase a new "commercial grade" weed whip and some additional shovels and some Roundup.
 - (1) Trustees by acclamation approved the proposed purchases with the proviso that Shaffer acquire at least 2 informal quotes on the weed whip and purchase the one with the lower cost.
- b) Mr. Peck asked if there were any other equipment issues from Twp employees.
 - i) There were none.
- c) Trustees then discussed the proposed purchase through State Bid department of administrative services of a new tractor for the Twp and a boom mower attachment.
 - i) Trustees reviewed Exhibit 5-b which was a packet containing three state bid (DAS) priced tractors & a state (DAS) bid priced mower attachment. All tractors have a rated horse power of at least 100. The three bids were as follows:
 - (1) a state bid price from Homier and Sons for a New Holland 6050 – \$47,730 (tractor only)

- (2) a state bid price from Archbold Eq for a Case IH 125 - \$51,296 (tractor only)
- (3) a state bid price from Liecthy Eq for a John Deere model 7130 w optional eq of 2nd SCV 3-detents coupler & a 3rd scv 2 detent coupler - \$50,350.27
 - (a) bid without additional couplers - \$49,045.86
- (4) the fourth item was a state bid priced (DAS) on a "Diamond" boom arm type mower attachment for the tractor purchased – bid through Kalida Truck - \$37,500

ii) Chairman Peck asked for discussion & a motion to purchase

- (1) Mrs. Duerk was recognized: She stated that the Trustees should only buy an American made tractor in support of our workers.
- (2) Mr. Schlatter was recognized: He said he new several people that owned John Deere's and that the John Deere tractors were reported to be very reliable.
- (3) Citizens present stated their belief that the New Holland and the Case tractors are foreign made.
- (4) The John Deere sales representative- Mr. Short was recognized and stated that the engine in the John Deere sits in the frame and is a very solid and dependable tractor.
- (5) Mr. Peck said he agreed with Mrs. Duerk that the Twp should buy a tractor that is American made if possible. Peck continued : "we have not researched that yet, however, we should make a decision on this purchase due to the fact that our current tractor is breaking down and costing large amounts of funds for repairs.

Mr. Peck moved to purchase the New Holland as the best and lowest bid at a state bid price of \$47,730 and the Diamond boom mower attachment at a state bid price of \$37,500 with the understanding that the Trustees will buy the tractor that is mostly American made. If the New Holland does not fit this criteria then one of the other units will be purchased.

- d) Mr. Bakle stated that the John Deere's are used by the State and he recommends that the John Deere be purchased. Further, Mr. Bakle said that the New Holland is made in England and that getting parts could be a problem. ~~He also thought Case was foreign made.~~ Mr. Bakle said he does not trust the reliability of the ~~Case or the~~ New Holland. (strike through indicates minute correction at Trustee Bakle request in the Sept session).

Mr. Ankney seconded the motion to purchase the New Holland.

The roll was called.

Mr. Peck yea Mr. Bakle nay Mr. Ankney yea

The vote being 2 yea's and 1 nay the motion to purchase the New Holland tractor was approved.

The fiscal officer was instructed to confirm the state bid prices and Mr. Peck was to check on the country of manufacture.

- e) Mr. Peck asked if there were any other equipment issues to be discussed..
 - i) 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 Bakle 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. Bakle's report noted:
 - (1) Some additional mowing is needed on Bowman rd
 - (2) Cromley road has a section with waves in the pavement and needs repaired.
- b) The September - Rd review will be by Trustee Peck
- c) Project(s) review: –
 - i) Trustees discussed 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) – this project is complete except for the release of the retainer. The Twp awaits authority to release the retainer from the project engineer – the Defiance County Engineer. A project history follows:
 - (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 8-25-09:
 - (i) The project is complete and the Twp awaits the Co Eng's (Twp proj manager) direction to release the retainer funds.
 - (ii) Twp payments to date:
 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
 3. Bill #3 in July is for \$187,575.15 – remaining Zachrich budget w change orders is \$10,201.73 – this is the required retainer – the twp awaits its release by the project engineer(Def co Eng office).
 - (iii) Project bid at \$250,775.50
 - (iv) Change orders of \$4,267.69
 - (v) Total project cost w change orders \$255,043.19
 - (d) This item will remain on the agenda until completed

- (2) **Additional 2009 rd projects** –refer to feb exhibit 6-c-ii
 - (a) Chipseal Karnes Rd from Bowman to Watson - \$8,554.88
 - (b) Chip seal Def. Paulding Co line from SR 66 west 1.5 miles - \$14,344.35
 - (c) Hot Mix Patching – Karnes Rd from Bowman to Watson - \$3,337.22 - completed
 - (d) Hot Mix Patching – Def Paulding Co line from SR 66 west 1.5 miles - \$4,360 - completed
 - (e) Pavement marking – Karnes from bowman to Watson - \$400
 - (f) Pavement marking – Def Paulding co line from SR 66 west 1.5 miles - \$700
 - (g) Total \$31,806.
 - (i) Progress report if any?
 - (ii) This item will remain on the agenda until completed

- (3) A catch basin and pipe near Larry Mick residence @ 21639 Hammersmith rd
 - (a) Soil and Water is conferring with Twp on this project relative to size of culvert.
 - (i) Trustees noted this item was completed August 24th.

- (4) Trustees noted in the July 09 session that a culvert is being replaced by the co Engineer at the direction of the Trustees on the Twp section of Def Paulding Co line rd #8.
 - (a) Trustees noted this item was completed in August.

- ii) The chair asked if there were any other possible road projects; or any discussion on current projects.
 - (1) Mr. Bakle said he continues to pursue a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane – this could be a 2010 project... He is waiting for income surveys from residents.
 - (2) Trustees noted that a catch basin needed replaced on Carter road approximately .25 mile west of State Route 66. Mr. Peck will speak with the City of Defiance as one side of the road is in the city and the other is in the Twp.
 - (3) Trustees were reminded to check their list of road projects – from Feb 09 session provided by co engineer.
 - (a) The Twp is awaiting a fall review of this list by the county engineer's office; at which time a priority will be assigned to the projects as determined by the Trustees.
 - (4) There was no further project discussion

ORDER OF BUSINESS NO. 7 – Twp cemeteries –

- a) See Trustee road review.
 - i) It was noted that Mr. Randy Ball was buried this month in Cromley cemetery.

ORDER OF BUSINESS NO. 8 – Handouts were distributed as noted below:

- b) the monthly (August 09) GrassRoots clippings – exhibit 7a was distributed.

ORDER OF BUSINESS NO. 9 – Personnel – Trustees reviewed an application for possible hire of another part time road crew person. Trustees determined that it was prudent to discuss the possibility of hiring another for part time work..

- 1) review of an application – **exhibit 9a-** for possible hire of another part time road crew person – Ed Young of 23013 Watson Rd.
 - a) Chairman Peck asked for a motion to go into executive session for the purpose of discussing/reviewing the application for the Twp's road crew – Part time position & the establishment of a pay rate for same.
MOTION by: Mr. Ankney
SECOND by: Mr Bakle

YEA(s) 3 NAY(s) 0 Passed x Failed
 - b) The Trustees moved into executive session for the purpose of reviewing the application and interviewing the applicant Ed Young & wage discussion for the 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: Ankney
SECOND: Peck
YEA(s) 3 NAY(s) 0 Passed x FailedThe Trustees moved back into regular session..
 - d) The Chair asked for any discussion on the hiring of additional staff to a part time position on the Twp road crew.
 - i) Trustees noted that the applicant had agreed to acquire a CDL at his expense by Nov 09.
 - ii) With that understanding:
Mr. Peck moved to offer the part time position to:
 - (1) Mr. Young at the established starting rate of pay of (\$11.60)
Mr. Bakle 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 August 25th, 2009. Young will not be allowed to work for the Twp until insurance coverage is established.

- 2) The fiscal officer provided a status report on the current road crew operator staff:
 - i) Daniels, Michael – hired Nov 08 - inactive since Feb 09
 - ii) Palmer Howell – hired May 09 – failed to file OPERS paper work and can not work
 - iii) John Bowers – hired June 09 – failed to file OPERS paper work and can not work
 - iv) Jim Schlegel – has indicated he will work his zoning position only at present
 - v) Active members of staff;
 - (1) Jason Shaffer – hired May 09 – he is working – somewhat limited hrs
 - (2) Joe Kolb – working very limited hrs
 - (3) John Diemer – working very limited hrs
 - (4) Ed Young – hired this date – expected to be able to work in early September
- a) The fiscal officer asked for direction relative to Howell and Bowers. Both were hired in by the Twp, neither has ever turned in the required paper work so that they could be placed in the OPERS system or insured.
 - i) Trustees determined that as they have failed to provide appropriate information their hiring should be rescinded. The fiscal officer was directed to contact the prosecutor's officer to determine the proper procedure.

- 3) The Chair asked if there was any other personnel issues to come before the Board?
a) There were none.

ORDER OF BUSINESS NO. 10 - Old Business

- a) The Trustees then reviewed the status of the fiscal officer-clerk's assignment to prepare a "Request for Proposal" document to accept bids for the Twp to sell a more or less 1 acre parcel of Twp Property on Harding rd –
- i) Parcel #b-110003000900
- (1) Mrs. Duerk asked to be recognized. She said that when she was clerk the Trustees at that time determined this property should be used to build a new Twp Office building. She objected to the sale of this property.
- (2) Mr. Peck responded that the Twp had recently had the property appraised and with the recent improvements and widening of Harding road the property is not large enough to be improved according to the appraisal.
- (3) Mrs. Duerk said she wondered of what value decisions are of previous boards of Trustees if they are ignored by new Boards?
(a) Trustees did not respond.
- (4) Mr. Bakle stated that if a public water becomes available to this area, the Twp may want to erect a Twp house and garage.
(a) It was noted by the other Trustees that residential homes surround this small parcel and such construction may not be suitable.
(b) There was no further discussion of this issue.
- b) The fiscal officer-clerk reported he is also in the process of preparing a "Request for Proposal" document to accept bids for the Twp to sell a computer system which was donated to the Twp from the State Auditor's office when computer's were changed in 2007.
(1) There was no discussion of this issue.
- c) Mr. Peck asked if there is any other old business to come before the Board
i) There was none.

ORDER OF BUSINESS NO. 11 -- New Business.

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

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: Tuesday September 29th, 2009.
Time: 7:30 p.m.
Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC
500 Court Street - Defiance, Ohio

Mr. Peck then requested a motion to adjourn the meeting of August 25th, 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