

Minutes
DEFIANCE TOWNSHIP TRUSTEES
August 30th, 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 August 30th, 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, Tom Mick 21389 Hammersmith Rd – Zoning Bd of Appeals, Ruth Ann Schofield & Joe Kolb 16492 Cullen eq operator.

Visitors present: Carl Wagner 24815 Watson Rd, Mike Schlachter 21682 Hammersmith Rd. Ed Steffel 15829 State Route 111, Allen & Nancy Killion 15805 State Route 111, Penny Bakle 1204 Wayne Ave., & 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 July 26th, 2011, regular session.

Mayer moved to approve.

Peck seconded.

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

The minute's for the July 26th session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - i) Ed Steffel 15829 State Route 111, was recognized. Mr. Steffel stated he had issues with activities on property across the river from his property. The property, according to Mr. Seffel, is owned by Don Bendele – no address was provided. The issues of concern were:
 - (1) Noise from work using heavy equipment late at night
 - (2) The building of a movie screen just up from the embankment of the property (movie screen is alleged to be in a flood plain and appears to be permanent per Mr. Steffel.)
 - (3) Part of the property is being used for the storage of construction material such as –
 - (a) Stone,
 - (b) Soils and
 - (c) has what appears to be construction trailers on this parcel
 - (4) Mr. Steffel wants to know how long the construction material is allowed to be in place on this parcel. He stated he thinks the parcel is zoned agriculture or residential.
 - ii) Mr. Allan Killion 15805 State Rte 111 stated he also has concerns with the issues noted by Mr. Steffel.
 - iii) Jason Shaffer – Twp Zoning-nuisance inspector responded:
 - (1) The stone and soils were from the Defiance-Paulding Auglaize sewer construction project. The property was provided by Mr. Bendele to the Co project. That is also the reason the construction trailers are in place on this property. Shaffer noted that some of the stone and soils are also from the windmill farm that was and is being constructed in Paulding County.
 - (2) It was, Mr. Shaffer's opinion, that the materials will be held on this site until the constructions of those projects are completed. The sewer project is in place in Defiance County and is just beginning to proceed into Paulding County along State Rte 111.
 - iv) Trustees instructed Mr. Shaffer to investigate for details relative to the noted concerns and if there are any violations of the Twp's zoning or nuisance codes & as to how long the material is to be kept

on this parcel and if the alleged construction is in a flood plain.

- b) The Chair asked if there were any other issues:
 - i) Tom Mick 21389 Hammersmith Rd – was concerned with “garbage trucks” using Hammersmith road to access the landfill. He noted the volume of such truck traffic increased given that Canal road – (normal truck route to landfill) was closed by the County engineer for re-construction.
 - ii) Tim Houck, Twp fiscal officer and the county landfill manager – responded that trucks that meet the weight criteria per the ORC are allowed to use any road in the state. The landfill’s customers have been advised by posting of the current alternate routes to the landfill which are Krouse to Powers to Canal to the landfill.
 - iii) Mr. Mick that noted that the trucks are causing additional litter along Hammersmith. He stated that a mattress was laying alongside the road just west of his property.
 - (1) Tim Houck (also program manager for the County’s environmental program) stated he would assign the public works crew of his office to pick up the litter.
- c) The Chair again asked if there were any public concerns.
 - i) 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 \$158,813.54 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for August 2011 were \$77,916.14.
 - ii) Payments for August (bills & payroll) totaled \$12,159.06.
- c) The Cash fund summary through August 31st, 2011, showed an “ending cash balance” of \$926,179.48.
 - i) The unencumbered cash balance “cash available” was \$602,580.84 which is the balance after encumbrances are subtracted from the cash balance.
- d) Appropriation Status showed that through August 31st, 2011, 14% 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 08-31-11 was \$703,004.49.
- f) The fiscal officer reported that the Twp received from the Def Co Auditor’s office the 2012 anticipated and approved amount the Twp is to receive from the County’s General Property tax receipts & the Twp’s fire levy. These amounts are to fund the Twp’s Gen fund, fire fund & Road and Bridge Fund. The notice estimates the amount the Twp can expect from Inside the 10 mill limitation and from outside the 10 mill limitation (see schedule A of the resolution.) The Twp can expect to receive a total for both the general fund and road and bridge (road funds) of \$92,500 from the millage in 2012. This being \$22,500 (down from \$23,000 in 2011 for general fund) and \$70,000 (up from the \$69,500 in 2011 for the road accounts). The fire levy will provide a slight increase to \$72,500 in 2012 from \$71,500 in 2011.
- g) The fiscal officer provided an historical prospective:
 - i) In 2011 the general fund and road tax receipts were projected at \$92,500 – the fire levy at \$71,500.
 - ii) In 2010 The general fund and road tax receipts were projected at \$91,000 – the fire levy at \$70,000.
 - iii) In 2009 the estimates were \$99,000 for general fund & road acc’ts and \$80,000 from the Fire levy.
 - iv) Houck continued that the Twp should receive a Total of \$165,000.00 in 2012 compared to the \$164,000 in 2011, \$161,000 in 2010 and \$179,000 in 2009.
 - v) Funding is anticipated to be constant after a slight increase in 2011 and 4 straight previous years of reduction.
 - vi) Trustees reviewed exhibit 3-i which is – resolution 2011-090 accepting the projected appropriated amounts.

Mr. Bakle the requested a motion to adopt resolution 2011-09 accepting the amounts and rates as determined by the Co Budget committee and authorizing the necessary tax levies and certifying them to the County auditor.

MOTION by: Diana Mayer

SECOND by: Dan Peck

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

The resolution was adopted

- h) Again, the fiscal officer reported that he had received from the Def Co Auditor's office notice of the anticipated distribution of the 2012 "Local Gov't Fund monies". The Twp can expect to receive a total of \$25,522.70 in 2012. This compared to \$37,186.05 in 2011; \$35,278.93 in 2010 and \$41,914.80 in 2009 from this funding source.
- i) As projected this is roughly a 32% reduction. According to Houck, the Trustees can expect another reduction in 2013 per the State's budget which was adopted effective July 1, 2011 for the 2 year biennium
- i) Trustees then reviewed exhibit 3-j which was resolution 2011-10 accepting the Co Auditor's anticipated "Local Gov't Fund" distribution amount for 2012.

Mr. Bakle requested a motion to adopt resolution 2011-10 accepting the amount as defined by the County Budget Commission - \$25,522.70.

MOTION by: Dan Peck
 SECOND by: Diana Mayer
 YEA(s) 3 NAY(s) 0 Passed X Failed

The resolution was adopted

- j) Trustees reviewed and signed the August bills without comment.
- k) Trustees reviewed and signed the August payroll –
 - i) Trustees had, prior to the session, been provided the employee time cards for review.
- l) Mr. Bakle requested a motion to accept the August financial reports.

MOTION by: Dan Peck
 SECOND by: Diana Mayer
 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. Jason Shaffer provided the following electronic copy of this report.
 - i) report for August 2011.
 - (1) Gave out Building Permits to:
 - (a) Defiance Township Trustees for a shed at the Defiance Township Barn on Hammersmith Road. (Storage)
 - (b) David Mick on Hammersmith Road for a reconstruction of basement, and residence.
 - (c) Allen Killion on SR 111 for a Variance/Building Permit for a garage.
 - (2) Gave out a Permit application to Bill Voirol on Harding Road for a new home construction. Waiting on Defiance Water and Soil for their packet.
 - (3) Returned a call to David Houghes, on a property on North Clinton St. Advised him that he was in the City and to contact them for his permit.
 - (4) Talked to Lisa form ADOT Services about the Flemming residence on Williams Road. Advised her that it was R1. (Appraisal Company in Toledo)
 - (5) Talked with David Hancock of Wells Bowen Reality reference property on St Rt 15. The property parcel is under acre in size. Per Twp Zoning codes they cannot build on property under an acre.
 - (6) Working issues pertaining to Commercial Properties in the Township with the Defiance County Prosecutors Office.
 - (7) End August report
- b) Mr. Shaffer then reported that the Defiance Township zoning appeals board met just prior to the Trustee session. The issue was:
 - i) A request for a "variance" relative to set back requirements for the construction of an out building has been made by Allen Killion 15805 State Rte 111, Defiance, Ohio, 43512. The parcel is located in the

Sudholtz Park subdivision, on the southeast side of State Route 111, comprised of LOTs 28 & 29 PT, 27, 26 PT, 7 PT, 8, 9, 10 PT -- ALL COMBINED PER PLAT in section 17, range 4 of Defiance Township, Defiance, County, Ohio. The parcel ID is B1100-17-C-036-00.

- ii) The Appeals Bd approved the request.
- c) Mr. Bakle 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) It was noted that the hydraulic line on the grader was to be replaced and that the line was on order. Michael Daniel is to install once it arrives.
 - ii) Jason Shaffer stated that the shelving for the storage building will be installed by the end of next week.
 - iii) Ed Young – noted that there were no fire extinguishers in the maintenance building.
 - (1) Trustees approved the purchase of two fire extinguishers for the maintenance building.
 - iv) Trustees directed that the license plate and reflective safety signage be placed on the old Twp trailer. This trailer will be used to move signs to work projects in the future.
 - (1) Twp employees had removed the license plate when the new trailer was purchased – thinking the old trailer would be taken out of service.
 - v) 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 Bakle was reviewed.
 - i) Mr. Bakle noted that the Defiance-Paulding Co Auglaize sewer construction resulted in damage to Twp roads especially Link, Schroeder, Cromley & Hammersmith.
 - (1) Link rd's damage- should in Mr. Bakle's opinion - required more than a "chip & seal" repair.
 - (2) Schroeder rd – Mr. Bakle reported that he thinks Commissioners should fund a micro re-surface. This road was recently paved by the Twp (several years ago) and should have a better fix.
 - (3) Cromley – Mr. Bakle thinks a chip & seal is in order.
 - (4) Hammersmith – Mr. Bakle said the most severe damage was to the east end of this road and that the damage appeared to be around \$26k.
 - (a) Mr. Bakle noted that he had spoken to the County Engineer and the Engineer will present the Twp's concern to the Commissioners. The Engineer believes the Commissioners will want the Twp to pay a portion of any work that would add life to the road. The Engineer will report back to Mr. Bakle after he gets a response from the Commissioners.
- b) Fiscal Year 2011 CDBG formula application program. Update –
 - i) The 2011 CDBG grant prepared and submitted to the County Commissioners on the Twp's behalf by the Def Co Engineer was approved by the Comm. This was noted in the Twp july session.
 - ii) The grant is for a paving project on Indian Bridge lane
 - (1) The Twp was approved to receive \$15,800 in 2012 towards the paving project in grant funds
 - (2) The Twp is pledged to provide \$5,200 towards paving
 - (3) Per the Co Engineer a drainage project must precede the pavement project.
 - (a) 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.
 - (b) 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.
 - (4) The paving portion is the east side of the boulevard.
 - iii) Trustees determined in the July session to revisit the project with the Co Engineer to determine if the citizens should first be required to repair/replace their drive pipes. Some of these have failed and are believed to be the cause of the drainage issues.
 - iv) The Chair asked for a determination by the Board as to how to or whether or not to proceed with this project.
 - v) Mr. Peck was opposed to funding the drainage portion of the project. He stated that first the property owners should be required to replace their drive pipes per Twp policy before the Twp should consider undertaking the funding of drainage work. Further, Mr. Peck stated that to do drainage work first may set

precedent issues.

The Chair asked for a motion.

It was moved by Mrs. Mayer to proceed with the drainage project as proposed by the County Engineer and that the Twp would fund the cost estimated at \$9k to \$12k.

It was seconded by Mr. Bakle; and the roll was called.

Mrs. Mayer – yea, Mr. Peck – nea Mr. Bakle – yea

The vote being 3 to 2 in favor – the motion passed.

c) Up-date on existing projects:

i) The 2011 Project list final was reviewed in the April meeting. 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

(ii) The list of work 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 8-30:

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)

iii. Laid Dura patching was completed and noted on an invoice dated July 14 – \$2,475.

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

a. For portion of ditch west of Singer rd

b. Mr. Mick asked how much longer this project was going to be delayed.

c. Trustee's responded that:

i. Last year two property owners held up the project – they only signed off on right of way this past spring; and

ii. The engineer's office informed the Trustees that the project is to be done this year. The Engineer's office has responsibility for County roads and will then do Twp work – staffing and weather permitting. The Twp saves considerable expense by utilizing the Co Engineer's office and is somewhat at the Engineer's will.

d. 2nd Hammersmith ditch proj between St Rt 111 and Twp maintenance building – also scheduled in 2011 – estimated cost unknown as of this session.

i. It was noted in past sessions that an informal private company quote was over \$19k.

ii. At this time (August 11 session) there are no plans to do this portion of the ditch. Trustees thought it may be done when the new pavement is placed.

3. Indian Bridge lane: - paving project for 2012 with CDBG grant and OPWC grant - \$5,200

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

b. Drainage project – is approved by Trustees \$9k to \$12k

(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) Estimated cost – unknown as of this session.

(iii) Trustees believe the County Engineer and the Co Soil & Water office will have a plan which shapes drainage to a swale that runs through the field in question ready for construction this fall. The offices are waiting for the corps to be removed.

(iv) 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 is now complete.

(3) The Chair asked if there was any other road projects to be discussed>

(i) Trustee's noted that Ball road near the intersection of Canal has a significant depression. It is at this location that a 60" tile crosses under the road. This cross over drains significant acreage to the south of Ball rd.

- a. Mr. Peck will be the lead on this issue and will contact the Co. Engineer's office to ascertain the problem and a cost to repair.
- b. No known cost as of this session.

(ii) Trustee's were informed by Mr. Young – that Bowman rd between Campbell and Williams (east of the bridge about .5 miles east of Campbell) has a large hump in the road.

- a. Trustees will do a site review.
- b. No known cost as of this session.

(4) Total (known or estimated) for agreed upon projects by Co Engineer as of 8-30-11 is estimated to be \$69,102 more or less – including the grant funds which must be posted to the Twp accounts.

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

(6) Anticipated total projected rd work expense in 2011 now stands at \$169,102.

(a) No estimates are yet available on the new projects:

- (i) Ball –
- (ii) Bowman -

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

d) As reported in the June session --- the following is unchanged for August; and is an accounting by the Co Eng office 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.

- (1) There was none..

e) In the July session 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.

f) The September Rd review is to be by Trustee Peck.

g) 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) Monthly (August 11) GrassRoots clippings – exhibit 7a was distributed without comment.

b) Exhibit 7-b was a letter from the Defiance County board of Commissioners requesting funding of a proposed bike path. The request is for \$40,000.

- i) Trustees express their appreciation of the proposed project but decided that at this time of reduced funding and the more important Twp projects of road repair/ maintenance and fire safety contracts that participation in the "bike path" project is not wise.

- ii) Trustees determined to send a letter to the Board of Commissioners expressing moral support for the project and declining to participate with Twp fiscal resources.
- c) The Chair asked if there were any other comments on the hand outs of this session.
 - i) there was none.

ORDER OF BUSINESS NO. 8 – Old Business

- a) “New storage facility for Twp records” - A progress report on the by the fiscal officer noted:
 - i) The Twp Trustees approved this purchase in their Jan 2011 session.
 - ii) Construction was completed in July.
 - iii) As of the August 2011 session Twp employees are to install shelving and then the move of twp records from their rental storage area to the new building.
 - iv) The fiscal officer noted that the move must be completed before Sept 19th or the Twp will owe another month’s rent.
 - v) There was no further discussion
- b) Up-date on “Fire-Rescue” regionalization discussion by Twp’s and the City of Defiance. Mr. Peck represents Defiance Twp.....
 - i) The Chair asked Mr. Peck for any updates.
 - ii) Mr. Peck noted:
 - (1) Meetings with the City continue.
 - (2) Mr. Peck asked those citizens of Defiance Twp present if they had an opinion on the issue and what their feeling were if the Twp opted to contract with a volunteer department instead of the City dept.
 - (a) The response from the residents was that they felt the City of Def fire-safety forces were very good and would provide a better response time to emergencies.
 - (3) Mr. Peck then explained the cost factor -
 - (a) City raised rescue rates by over 1700% as of Jan 2010 and in 2011 wish to increase those rates again this year. The increase if approved by Trustees would required citizens of Twp precincts A & B to approve a property tax increase of nearly double (approximately 2 mills) the current rate to pay for both the fire and the rescue contract.
 - (b) Citizens present were then in basic agreement that the Twp Trustees should continue to assess all options.
 - (c) Tom Mick was recognized and asked – “If the Twp agrees to the newest proposed increase in rates; how long would it be before the City again sought another increase?”
 - (i) Mick was referring to the timeframe between the last increase and the most recent request for another large increase which was just over one year.
 - iii) Trustees took all comments under advisement.
- c) Trustees then reviewed exhibit 8-c which was a packet of possible new time cards for use by the Twp. Chairman Bakle has requested this review.
 - i) The Trustees packet contained:
 - (1) A work assignment form
 - (2) A newly designed time and materials work sheet based on that used by the County Engineer’s Office
 - (3) A newly designed time and materials work sheet based on that used by ODOT.
 - (4) A newly designed snow removal work sheet based on that used by ODOT
 - (5) Job descriptions from the Co Engineer’s office and from ODOT to be used to write job descriptions for the Twp’s part time positions.
 - ii) The chair asked for discussion.
 - (1) There was some review of past work efforts between employee Ed Young and the Trustees.
 - (2) Mr. Mick wanted to know why the Trustees were not doing some of the mowing, berming and snow removal which he said is done by Trustees of other Twps.
 - (3) Trustees responded that they supervise and assign.

Mr. Peck then moved to adopt the “work assignment sheet” for a three month period.

Mrs. Mayer seconded

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

The motion to adopt the "assignment sheet" was approved.

iii) Mrs. Mayer then suggested that the other items be reviewed at a future session so that Trustees would have more time to study how the forms would work best to facilitate greater fiscal control of the Twp's funds.

iv) Trustees Peck and Bakle concurred.

d) 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) Mrs. Mayer asked if anyone would object to moving the start time of the Twp sessions from 7:30 p.m. to 7:00p.m.
ii) There was no objections.

Mrs. Mayer then moved that all future regular Twp meeting sessions will at 7:00 p.m.

Mr. Peck seconded

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

The motion to adopt the new 7:00 p.m.start time for Twp regular meeting sessions was approved.

iii) The fiscal officer will post the notice on the public bulletin board in the Commissioners building hallway and in the August Twp meeting news release. A classified ad will also be run in the Crescent news.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – September 27th, 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 August 30th, 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