

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**AUGUST 31<sup>ST</sup>, 2010 MEETING**

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday August 31<sup>st</sup>, 2010 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: James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave., Ed Young - 23013 Watson Rd., Joe Kolb 16492 Cullen rd., & Jason Shaffer -13386 St Rte 15.

Visitors present: Penny Bakle 1204 Wayne Ave, & JoEllen Houck 8 Deville Drive – all of Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

Review and approval of minutes of the previous session.

Chairman Bakle requested a motion for the approval of minutes from the July 27<sup>th</sup>, 2010 session.

Peck moved to approve.  
Mayer seconded.

The vote being   3   Yea(s)   0   Nea(s)  
The MINUTE'S for the July 27<sup>th</sup>, session were approved.

**ORDER OF BUSINESS NO. 2 - Citizen concerns:**

- a) The chair asked for citizen concerns from the floor.
- 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 \$68,514.97 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
  - i) Receipts for August 2010 were \$78,021.88. Payments for August (bills & payroll) totaled \$10,645.85.
- c) The Cash fund summary through August 31<sup>st</sup>, 2010, showed an “ending cash balance” of \$836,637.22.
- d) The unencumbered cash balance “cash available” was \$559,689.83 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through August 31<sup>st</sup>, 2010, 18% of the years' appropriations had been expended. 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 08-31-10 was \$702,050.23.
- g) Trustees reviewed and signed the August bills without comment.
- h) Trustees reviewed and signed the August payroll without comment.
- i) Transfer of funds – exhibit 3-g
  - i) Due to unanticipated hours of work by Twp staff the funding line for salaries for the road crew for 2010 was exhausted with the August payroll. To meet the payroll and based on expenses of the first 8 months an additional 10,000 dollars was transferred to cover payroll through the end of the year.
  - ii) Exhibit 3-g is the transfer and a history of payroll exp for the first 8 months comparing 2010 to 2009, 2008 and 2007.
  - iii) Trustees noted concerns with the number of hours that the road crew was utilizing in 2010.
    - (1) Trustees acknowledged that they have asked the road crew to do a lot of work, however, the budget

and economy require that we now cut back on this expense.

- iv) Trustees agreed to limit hours that the crew could expend on road projects per month without seeking approval from 2 of 3 Trustees.
  - (1) As of Sept 2010, the crew is limited to 55 hrs per month in aggregate.
  - (2) The crew is to post a log at the Twp maintenance building and write their hours worked per month – in this manner when someone comes in to work they check the log and see if there remains sufficient hours to do the project.
  - (3) If work assignments require more that 55 hrs then the road crew is to contact and acquire approval from at least two of the Three Trustees.
  - (4) The 55 hour limit does not apply to work on the cemeteries which are not posted to road funds.
- v) Jason Shaffer of the road crew was recognized and noted that to mow all the Twp roads takes 3 days. He stated that the crew mow to the utility poles and that significant time could be saved if we mowed just the first 7' from road edge.
- vi) Trustee Peck suggested that the Twp crew mow just the 7' for now.
- vii) There were no objections.
- j) Trustees then reviewed exhibit 3-j which was a review from a CCAO August news letter of the issues and conditions facing the state on its budget gap projection for the bi-annum 2011 to 2012. The state's effort to adopt a required balance budget may have a significant impact on local government funds that come from the State and Federal governments.
  - i) The fiscal officer recommended that the Trustee's should make every effort to reduce expenditures until the state budget issue is resolved.

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

MOTION by: Diana Mayer

SECOND by: Dan Peck

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 2010
    - (1) Rittenhouse request for zoning change all paperwork is turned in.
    - (2) New barn on Carter Rd. Permit issued. AG Baden
    - (3) Complaint from Diane Mayer of people living in a camper on Williams Rd People moved to Hicksville. Cp Sheila Gallager
    - (4) Approved a land split on Bowman Rd approved - Emerling
    - (5) Site review Power Dam Rd for possible New Home
      - (a) Another call this date 8/31/10 still working on this.
    - (6) Diane Mayer called with complaint of high grass @ 85 Lakeview. This parcel is owned by Secretary of Veterans Affairs Having difficulty getting someone to contact me from that office. No returned calls. Sent certified Notice of Zoning Violation.
    - (7) Charlie Bakle called advised someone at Chief wanted to know what was Rittenhouse doing to his property on CO RD 24. I contacted him he advised he has not started anything yet. Is waiting till after Zoning Hearing.
    - (8) Approved a 2 acre split on SR 66 for TimCor, returned to attorney
    - (9) Site review ST RT 111 ref zoning classification.
    - (10) Site review Hammersmith Rd, ref zoning classification
- b) The Zoning Inspector reported on the re-zoning application and hearing held by the Appeals Bd just prior to

the Trustees session this evening.

- i) Rod Rittenhouse requested a re zoning from ag to residential r-1 for property located on the north side of co rd 424 (former us 24) east of Ashwood for the purpose of constructing a home.
  - ii) The Appeals Board rejected the requested based on their determination that approving such a request constituted “spot Zoning” – “spot zoning is objectionable relative to the Twp Zoning Plan. There were no other contiguous or near-by parcels that were zoned r-1 residential. The Appeals Bd suggested that a more appropriate designation would be Agriculture –“conditional use” for signal family home construction.
- c) Tim Houck, clerk to the Twp’s Zoning Commission reported per the July Trustee session. He and the Twp Zoning Inspector continue to work with Soil & Water to incorporate the edits approved by the Zoning Commission and by the Trustees in the July Trustee session into the Zoning Plan.
- i) Note: Trustees approved resolution 2010-09 adopting the changes in the June session pending the prosecutor’s review and approval.
  - ii) The fiscal officer will now work with Schlegel and Soil & Water to insert the approved edits into the Twp’s Zoning Plan and redistribute the Plan revisions to the Trustees, Zoning Commission, Zoning Appeals and repost the revised plan to the Twp web page.
- d) Mr. Bakle asked if there are any other zoning issues to come before the Board?
- i) Schlegel was recognized – He voiced a concern with “Trustee interference with his doing his job”. He referred to an email from Trustee Mayer to the Prosecutors’ office. (was provided to fiscal officer at this session for inclusion in the meeting minutes file). Schlegel suggested he must have certain information relative to complainants when he is investigating a complaint. There is often follow up or contradictory statements which must be corroborated. It is important to have the name of the person who is initiating the complaint. The mere signing of the complaint form by a Trustee puts him (Schlegel) in jeopardy when he goes to investigate – if he doesn’t know who originated the concern. He noted he has been threatened several times while investigating complaints. He also noted that the ORC states that a Trustee cannot be a zoning inspector. It is his opinion that the Trustees are interfering with his ability to do his job.
  - ii) Trustee Mayer stated that neither she nor any of the Trustees have taken on the role of Zoning Inspector. She does not object to providing all the information to the zoning inspector but there are times people fear reprisal and she intends to keep their names from the public record in order to protect them, therefore, she will sign the complaint form.
  - iii) After some continued discussion Trustees agreed to leave the current Twp policy unchanged. Said policy is that a complaint form must be filled out before the Zoning – nuisance inspector will investigate. The form requires the name of the person filing the complaint.
- e) 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) During the past several months the Trustees have been discussing the possibility of purchasing a lawn tractor-mower for its cemeteries and Twp building mowing. The Chair referred Trustees to:
    - (1) Exhibit 5-a-1 (3 parts) which is a list of quotes from Brush Creek Sales and rental in Archbold, Oh for 3 John Deere mowers.
    - (2) Model # Z910A with 22 hp 48”cut zero turn - \$7,438.99
    - (3) Model # Z710A with 23 hp 48”cut zero turn - \$6,818.99
    - (4) Model # Z225 with ? hp 42”cut zero turn - \$2,948.99
      - (a) Trustee Bakle noted these are commercial grade mowers and the quotes are state bid prices.
  - ii) Quotes acquired by Twp employee Shaffer presented in July were:
    - (1) Arps quoted a Simplicity ZT 3000 46” cut was \$4300 – hp not reported – reported as residential grade
    - (2) McCabe’s quoted two units: - reported as residential grade
      - (a) A Titian Z 48” cut was \$3591 hp not reported &;
      - (b) A TimeCutter \$2015 – hp not reported
      - (c) All units were zero turn
  - iii) The chair asked for discussion
    - (1) Mr. Peck reported that he acquired an informal quote on having the Twp cemeteries mowed by a

contractor to determine if there might be a cost savings. Quote was for \$7400 for 10 mowings per year.

- (a) It was determined that the Twp crew saves the Twp approximately \$1,970 per year.
- (2) Mr. Bakle said he thinks we should buy a mower now, due to the unreliability of the current craftsman tractor-mower.
- (3) Trustees noted that the expense would be from the General funds of the twp which are in better condition than the road accounts.
- (4) Trustees asked the Twp workers if the John Deere mower with the 48" cut could get through and between the tombstones in our cemeteries.
  - (a) They responded they believed the 48" cut would be able to maneuver in and around the tombstones.

Mr. Peck moved to purchase Model # Z710A with 23 hp 48" cut zero turn – for the bid amount of \$6,818.99 – after it was determined that the unit could indeed maneuver in and around the tombstones.

Seconded by: Diana Mayer

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

The motion to purchase was approved.

- b) Exhibit 5-b was then reviewed. This was a notice from Kalida Truck of a "Special Pre-season" price on snowplow service. Both of the Twp plows were purchased through Kalida Truck..
  - i) The Chair asked for discussion...
    - (1) Mr. Bakle stated that the Twp employs Michael Daniel who is an ODOT mechanic. Bakle suggested Daniel does this type of work for us and would be less expensive than Kalida Truck.
    - (2) Trustees agreed and noted that all mechanical work on equipment that the operators feel is beyond their expertise should be first assigned to Daniels. Trustees so instructed their operators.
- c) Jason Shaffer was recognized:
  - i) he said the Twp's Ford F550 needs a hydraulic leak fixed.
    - (1) Trustees directed he contact Michael Daniels.
  - ii) Shaffer noted that the weed whip handle is broken and needs to be replaced.
    - (1) Trustees approved ordering a replacement handle
  - iii) Shaffer asked that after the mowing season the recently purchased John Deere tractor for road mowing-- be taken to Homier and Sons (from where it was purchased) to have the electrical short issue fixed. This would be a Twp expense.
    - (1) Trustees approved.
- d) Ed Young was recognized:
  - i) He stated that he had fixed a jammed gear on the International and then on a Sunday Michael Daniel worked on this same problem for 2 hrs. the question is what did Daniel do?
    - (1) Trustee Bakle said he would check into this issue.
- e) The Chair asked if there were any other equipment issues to be discussed.
  - i) 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) Trustees noted that with the new policy of limited hours the priority from this review would be to grade off high berm spots on Kiser road and add berm from Keller to Canal
  - ii) Trustees continued to reviewed the report with the Twp staff and instructed the Twp crew to address the work noted on the inspection report within the limited hours policy.
  - iii) Twp employees present were provided a copy of the report.
  - iv) The September - Rd review is to be done by Trustee Peck.
- b) Project(s) review: – Up-date on existing projects:
  - i) The 2010 Project list of work to be done for the Twp by the Co Engineer's office was finalized in the April 2010 session. For a history see agendas from Feb 09 through April 10.
    - (1) The 2010 project list cost is now \$91,655.29
      - (a) Projects are listed below. Projects that are completed and paid are noted by strikethrough

1. Cement stabilization – Krouse rd
2. Berming – kibble & def Paulding co line
3. Pavement markings – bowman, ashwood, kibble
4. Hot mix patching – ashwood, hammersmith & winn
5. Chipseal – ashwood, kibble & winn
6. Crackseal – kibble.

(2) The work continues by the Engineer's office.

- (a) Expenses to date total \$43,889.75
- (b) Remaining work exp totals \$45,905.72
- (c) Project is on schedule to come in under budget by \$1,859.82

ii) It was also noted that the Twp's normal road maintenance expenses averaged between \$70,000 and \$100,000. This amount includes eq maintenance and purchases/payments on eq debt and work crew salary & benefits.

(1) Estimated rd revenues for 2010 are approx \$235,000.

(2) Estimated expenses for 2010

- (a) \$91,655 co eng work
- (b) \$ 20,000 (estimated by Bakle) Hammersmith rd – re-build (acquire set back right of way and const drainage ditches).
- (c) \$100,000 – normal twp road work, eq, road crew salaries etc.
- (d) \$211,655 – total 2010 anticipated road expenses

1. Year to date expenditures on all road projects \$91,528.64 through August 31<sup>st</sup>
2. Year to date revenues for all road accounts \$133,298.53 through August 31<sup>st</sup>

(3) The Chair asked for any additional comments...concerning the engineer's work for the Twp in 2010.

(a) There were none.

iii) Trustees continued discussion on Twp projects noting that in the Sept 09 Trustee session – there is a need for trimming of overhanging tree branches along McCollister rd. It was noted in the June & July session of 2010 that the Co Engineer's office will address this for the Twp in the fall of 2010.

iv) Mayer is working on Twp long range planning with Dr. Philip Russo, PhD of the Department of Political Science Miami University, Oxford, Ohio, as approved by the Twp Trustees in the Feb 2010 session:

(1) She will report when her review of the Twp source books is complete.

c) - Other possible projects- were discussed.

i) During the July 2010 session Trustees reviewed information that OPWC grant money is being applied for by the County Engineer to be applied to the Hammersmith rd reconstruction project. Those dollars will be available in 2012. The 2011 budget is hoped to generate a surplus in road account revenues – this surplus capital is planned to be designated for the Hammersmith rd reconstruction project costs in 2012 and for the projects 2<sup>nd</sup> half to be built in 2013. The project is to be divided into a two year effort. (see exhibit 6 of the July 2010 trustee session).

ii) The Chair asked if there are any questions or concerns regarding the Hammersmith rebuild project.

(1) There were none

d) The chair asked if there were any other Twp cemetery issues.

i) There were none.

ii) The chair asked if there were any other projects to be discussed.

(1) The chair then asked that the Trustees have the Co Engineer address at least part of the flooding issues on Indian Bridge Lane.

(a) Bakle noted it is his opinion we have the funds to do at least the part that eliminates the flooding on the south end of the lane. This would be half the cross over pipes that the engineer proposed in the CDBG grant application which was rejected by the County Commissioners.

(b) Bakle estimated the cost to the Twp would be \$8,000 for this proposed work.

(2) Peck responded that he is not in favor of incurring this expense as in the past the citizens rejected the

work to address the flooding issues. Work at that time would have been grant funded.

(a) Bakle noted that the project design took away considerable property from home owners for right of way.

(3) Peck stated that he is in favor of trying to get another CDBG grant in 2011.

(4) Mayer noted that it is her understanding that the citizens are applying for annexation. If that occurs the city would then address the flooding issues.

(a) Bakle noted that the annexation process takes time and the Twp should do something now.

(5) Mayer said she supports writing another CDBG grant for this project in 2011 especially given the economy of the time. The Twp needs to see how the future funding is going to be impacted by the economy and the state budget issues.

(6) The discussion concluded with no action taken.

iii) The chair asked if there were any other projects to be discussed.

(1) There were none.

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

a) The monthly (August 10) GrassRoots clippings was distributed as exhibit 7a

b) Exhibit 7b was a notice from the State Auditor's office of an accounting software re-write.

i) Fiscal officer reported that this is not an update -- but is a complete program rewrite.

(1) Note there is mandatory training required.

(2) The fiscal officer believes there will (editorial note) be a cost increase to the Twp once this rewrite is in place. Current quarterly fee is presently \$645 (this includes software program maintenance, support, & equipment).

#### **ORDER OF BUSINESS NO. 8 – Old Business**

a) Mr. Bakle asked if there is any old business?

i) The fiscal officer reported that Trustees ordered the purchase of 100 tons of road salt through the Co engineer's office in early 2010. The engineer's office has contacted the fiscal officer and noted the salt is in storage at their facility.

ii) The Twp bins at the Twp maintenance building are full and have mixed salt 2:1 (2 parts salt 1 part grit)

iii) The co mixes at 2:1 and as we get salt in the 2010-2011 season our crew will get that mix

iv) Exhibit 8-a -- an email from the Co with which the fiscal officer concurs -- noted the beginning salt inventory for the Twp for the winter season 2010 – 2011 as of 8-04-10 is;

(1) 200.6 tons of mixed salt which is totaled by adding the carryover salt from spring 2010 plus the 100 tons of salt purchased this summer plus the mix material at a 2:1 ratio.

b) The proposed new storage facility for Twp records was discussed.

i) The Chair asked if there were any comments on the process to acquire a storage out building to be set at the Twp Maintenance building on Hammersmith rd for the storage of the Twp records.

(1) There were none.

c) Trustees then reviewed Exhibit 8-b which were the minutes of the Liquor license public hearing held in Def on 8-19 for the Defiance Inn on Baltimore Ave. (Trustees were emailed these mins during the week of the 23<sup>rd</sup>). The Twp was represented at this hearing by the Prosecuting attorney's office. The license will be issued. Trustees may appeal within 30 days of the date on the minutes – 8-23-10- if Trustees wish to appeal they need to contact the prosecutor for direction.

i) The chair asked the wishes of the Board.

ii) There will be no appeal.

d) The chair asked if there was any other old business for discussion.

i) There was none brought forth.

#### **ORDER OF BUSINESS NO. 9 -- New Business.**

a) The Commissioner's Office and the County Sanitary Engineer's office provided information on the Auglaize Sewer project which will construct sewer lines throughout much of Def Twp. ORC requires hook up if a property has an onsite treatment system (leach field, holding tank etc).

ii) Trustees reviewed the data presented as exhibit 9-a.

- iii) The Chair asked if there are any comments or questions
    - (1) There were none.
  
  - b) The Chair asks if there is any new business to come before the board?
    - i) It was noted that on the Twp web page the meeting schedule states the Twp sessions are the 4<sup>th</sup> Tuesday of each month. This should be listed as the last Tuesday of each month.
    - ii) The fiscal office will get the correction made.
  
  - a) The Chair again asked if there was any other new business to come before the board?
    - i) There was none.
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**ORDER OF BUSINESS NO. 10 - NEXT MEETING:**

**Date:** Tuesday – September 28<sup>th</sup>, 2010  
**Time:** 7:30 p.m.  
**Place:** 2<sup>nd</sup> floor of the Defiance County Commissioners building – conf room EMOC  
500 Court Street - Defiance, Ohio

- d) Mr. Bakle requested a motion to adjourn the meeting of August 31<sup>st</sup>, 2010

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