

Minutes
DEFIANCE TOWNSHIP TRUSTEES
September 27th, 2010 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 September 27th, 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: Jason Shaffer (equipment operator and zoning inspector) – 13386 St Rte 15, Ed Young - 23013 Watson Rd. eq operator, Ruth Ann Schofield -15968 Campbell Rd, Twp Zoning Commission, Roy Perez - 812 Indian Bridge Lane, Twp Zoning Appeals Bd.

Visitors present: Penny Bakle 1204 Wayne Ave, Richard Ankney, 19133 Hammersmith Rd., Rod Rittenhouse, P.O. 382, & 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 August 31st, 2010 session.

Trustee Mayer raised a concern with the wording of the minutes under Zoning in section 4-d-iii which stated in part:

“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.”

Trustee Mayer wanted it understood that this did not mean the person that was initiating the complaint if they felt intimidated.

The fiscal officer said he will present a re-written policy for Trustees to review at the next Twp session.

Peck moved to approve.
Mayer seconded.

The vote being 3 Yea(s) 0 Nea(s)
The MINUTE'S for the August 31st, 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 August – noted a primary checking reconciliation balance of \$134,598.48 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for September 2010 were \$29,930.21. Payments for September (bills & payroll) totaled \$57,491.41.
- c) The Cash fund summary through September 30th, 2010, showed an “ending cash balance” of \$807,589.40.
- d) The unencumbered cash balance “cash available” was \$583,938.71 which is the balance after encumbrances

- are subtracted from the cash balance.
- e) Appropriation Status showed that through September 30th, 2010, 24% 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 09-30-10 was \$702,142.55.
- g) Trustees reviewed and signed the September bills without comment.
- h) Trustees reviewed and signed the September payroll without comment.

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

MOTION by: Diana Mayer

SECOND by: Dan Peck

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

The September 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) September 2010
 - (1) Rod Rittenhouse re-applied for a conditional permit to build his house on CR 424
 - (2) Brian Campbell 2356 South Clinton is building a pole barn. Permit issued.
 - (3) Roy Perez 812 Indian Bridge Lane is building a garage. Permit issued.
 - (4) Bruce Hahn 15967 Sponseller Rd. is building an addition to garage. Permit issued.
 - (5) Greg Baldrige Powers Road is digging a pond. Permit not issued per water and soil
- b) The Zoning Inspector reported on the Appeals Bd hearing for a "conditional use" home construction on ag zoned parcel - held just prior to the Trustees session this evening.
 - i) Rod Rittenhouse requested a "conditional use" to construct a home on an ag zoned parcel. The property is located on the north side of co rd 424 (former us 24) east of Ashwood.
 - ii) The request was approved.
- c) Per the ORC and the Township's Zoning plan - the Trustees must accept or modify the 8-31-10 decision of the Appeals Bd that rejected the Rittenhouse application to acquire a zoning change from Ag to r-1. The Zoning Bd met on the following request:
 - i) A request for a "zoning change" for home construction has been made by Rod Rittenhouse P.O. Box 382, Defiance, Ohio, 43512. Rittenhouse requests changing a parcel now designated agriculture to R-1 residential. The parcel is located on the north side of County road 424 (former US 24) east of Ashwood Rd in the southeast corner of the northwest quarter of section 30 of Defiance Township, Defiance County, Ohio. The parcel ID is B1100-30000-602.
 - ii) exhibit 4-c which is a packet that contained the following was provided to Trustees:
 - (1) The minutes of the Zoning Bd session that rejected the request
 - (2) copy of application for the re-zoning –
 - (3) a copy of the legal description as received by the clerk
 - (4) a Soil & Water review
 - iii) The Chair noted that the issue appeared to be moot given the actions of the Zoning Appeals Bd earlier this evening.
 - iv) Mr. Rittenhouse said the issue was not moot that in his opinion the "best use" of the property would allow for his original request which was a zoning designation of residential (r-1).

Trustee Mayer moved to accept the August 31st ruling of the Zoning Bd. which denied the request to provide an r-1 zoning to the property based on that Boards interpretation that to affirm the request would be to allow for "spot zoning".

Bakle seconded:

The roll was called:

Mayer yea

Peck nea

Bakle yea

The motion carried 2 yeas to 1 nea.

Ruth Ann Schofield was recognized and noted that hearings that would change the Plan (this includes requests to change a property's zoning designation) should be heard by the Zoning Commission.

- d) The fiscal officer again reported that the Zoning Commission had completed its task of reviewing and editing the Twp's Zoning Plan. This effort included review and edits to the text, and to the Twp Zoning Map and the Twp land use (planning) map. The Plan was then reviewed by the County Prosecutor. The Prosecutor found the work of the Commission to be within their legal purview.
 - i) Shaffer and Houck are working with Soil & Water to revise the Plan per the approved changes. All changes are effective as of Trustee approval on July 27th 2010.
 - ii) The fiscal officer past out to the Trustees copies of the July 2010 approved and revised "Land Use" and "Zoning" Maps. These maps were part of the 2010 Twp Zoning Commission's Zoning Plan review and rewrite.
- 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) Jason Shaffer was recognized, he noted:
 - (1) The reserve fuel tank view glass on the F550 1 ton is leaking. He has contacted Mike Daniels as directed by the Trustees and is waiting for the issue to be fixed.
- b) 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.
 - i) Trustees had reviewed several informal quotes and in the August session voted to purchase a State of Ohio Dept of Administrative Services (DAS) bid mower. That mower being a:
 - (1) Model # Z710A with 23 hp 48"cut zero turn - \$6,818.99
 - (2) The fiscal officer reported: that during the August session, it was noted that the units were DAS bid. This was not in fact the case. Only one of the three John Deere units was DAS bid. The model selected by the Trustees was not that one. As the unit selected by the Trustees is below the required amount for a formal public bid Trustees need only to re- confirm their desire to purchase. exhibit 5 was a list of John Deere tractor mowers provided by Mr. Bakle at the August session.

The Chair asks for the wishes of the Board.

Trustee Peck moved to purchase the Model # Z710A with 23 hp 48"cut zero turn for the bid price of \$6,818.99

Trustee Mayer seconded

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

The motion to purchase was approved.

- c) 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 Peck was reviewed.
- i) Mr. Peck noted that it was the same report as last months and that Township employees should continue working on those assignments.
 - (1) Mr. Shaffer was recognized and informed the Trustees that he is likely to be hired by ODOT in the next several weeks. He would like to stay on as a Twp eq operator but once hired by ODOT he would have less time available for Twp work.
 - (2) Peck asked Young if he can handle the work and especially the upcoming snow removal needs of the Twp.
 - (3) Young replied he could if Joe Kolb was still going to help.
 - (4) Trustees to contact Kolb to get a sense of Kolb's commitment.
 - (5) Trustee Bakle said the Twp should hire another part time person or maybe even two.
 - (6) Trustees will continue to study this issue.
 - ii) Twp employees present were provided a copy of the monthly road report.
 - iii) The October - Rd review is to be done by Trustee Mayer.
- 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 31st
 2. Year to date revenues for all road accounts \$133,298.53 through August 31st
 - (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) The chair asked if there were any other Twp cemetery issues.
 - i) Trustees noted that Cromley has brush that should be removed. Brush is growing up between tomb

stones. Shaffer to address.

ii) Trustee Peck noted he had contacted Bower Monuments to get a cost to straighten head stones. This company had not yet responded with a quote.

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

i) There were none.

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

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

b) Exhibit 7b was distributed. This exhibit was an updated Twp Directory. (notes newly appointed zoning inspector).

ORDER OF BUSINESS NO. 8 – Old Business

a) The Chair asks if there are 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.

i) This acquisition would eliminate monthly rental fees currently being paid; occasional late fees on payments made due to timing of the Twp monthly meeting and when the vendor requires payment, better access to Twp records, more room for new records and an area (at least until the space is filled with records) to review records.

ii) The fiscal officer noted there has been no new information since the last Trustee session.

iii) Trustee Peck suggested that the Twp contact 4 county vocational school to get a bid price to construct a building.

(1) Trustees agreed and Mr. Peck will make the contact.

b) The Chair ask if there is any other old business

i) There were none.

ORDER OF BUSINESS NO. 9 -- New Business.

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

b) The Chair noted that the Defiance County Township Association's quarterly session is scheduled for October 21st. The meeting will be held at the Def Co EMA building in Brunersburg. Defiance Twp is the host and Kim's Catering is providing food service.

c) Trustee Peck stated he is attending the Defiance City Police and Fire Committees. This group is discussing the Fire/rescue fees being charged by City to Twp for those services.

i) The city feels they are subsidizing Twp residents for this service.

ii) Trustee Peck said he and other Trustees contracted with Def City for this service feel that the Twp's are being forced to pay for inefficiencies in the City services; such as no use or lack of use of volunteer personnel, inefficiencies in the contract management etc.

iii) Trustee Peck noted he will continue to keep the Def Trustees abreast of developments.

a) The Chair again asked if there was any other new business to come before the board?

i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – October 26th, 2010

Time: 7:30 p.m.

Place: 2nd 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 September 28th, 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