

Minutes
DEFIANCE TOWNSHIP TRUSTEES
September 29th, 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, Ed Young 23013 Watson Rd, Mike Daniels 21786 State Rte 637 & Mr. James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave.

Other(s) present were: Connie Duerk 1585 South Clinton St, Diane Mayer 500 Harrison St, Penny Bakle 1204 Wayne Ave., Mike Schlachter 21682 Hammersmith Rd., Don Brown 20472 Kiser Rd., Roy Perez 812 Indian Bridge Lane, Robert Layne 13373 Harding Rd., and JoEllen Houck 8 Deville Dr.

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 August 25th, regular Twp session.
- b) Mr. Bakle stated that the minutes reflected he had commented that “the Case tractor was foreign made” and that “he did not trust the reliability of the Case tractor”. Mr. Bakle said he did not make those comments about the Case only about the New Holland.
 - i) The fiscal officer – clerk agreed to amend the minutes of the August session by striking those comments. See August session minutes.

Mr. Bakle then moved to accept the mins of the August session as amended.

Mr. Ankney seconded

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

The MINUTE'S for the August 25th 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; “Mr. Peck what do you consider to be your duties as a Twp Trustee? She also asked Mr. Ankney the same question.
 - (1) Both Trustees replied that they see their responsibilities to be good financial stewarts of the citizens money.
 - ii) Mrs. Duerk then asked if they considered safety to be a primary responsibility?
 - (1) Both replied in the affirmative.
 - iii) Mrs. Duerk then said; “why hasn't Kiser rd been mowed?” “Grass is 3' high”.
 - iv) Mr. Peck said he just completed the road inspection and thought Kiser was ok, he agreed there were some areas of high grass but not 3'.
 - v) Mr. Don Brown was recognized. He said that the residents have been mowing to the road and the grass was very high.
 - vi) Mr. Peck explained that the Twp has hired new part time personnel and they are getting the job done and he believes conditions will improve as the staff acquires more experience.
 - vii) The discussion then centered on challenges to the Trustees efforts to keep the roads mowed to the standards of the citizens who were proclaiming the issue. There was also discussion about scheduling of the mowing.

- (1) Trustees explained that the monthly inspection report is given to each Twp employee and they are expected to work on the issues noted. Again, Trustee Peck said: "our part time employees work other full time jobs and there maybe times this summer when all the mowing couldn't be kept up. Mr. Peck also said the Twp had hired two other people earlier this year and they never turned in all the required paper work and are deemed to have quit. Peck said; "we had a staffing problem which is now solved not a scheduling problem. However, last month we hired another part time employee who is retired and we are confident that we have staff that can and will do the job."
- viii) Twp employee Mike Daniels 21786 State Rte 637 was recognized and asked why he had not been called in to work this summer.
- (1) Mr. Peck said it was the Trustee's understanding that your full time position with ODOT didn't leave you any time to do Twp work.
- (2) Daniels again said he had not been called and had he been called he would have been able to work.
- (3) Mr. Peck replied: this is a two way street, you should have called us and asked if we had any work for you. Our employees are all part time and most attend the meetings and know from the road report what work needs to be done.
- (4) Daniels asked what his status is with the Twp.
- (5) Mr. Peck said – we want you to work when you can. We intend to keep you on as long as you show an interest. We ask that you work when you can.
- (6) Daniels said that just as before I am available after 4:30p.
- ix) Mrs. Duerk then said; " I would like to see salt placed down on all the roads of the Twp this winter. Last winter only the intersections were salted".
- x) Mrs. Duerk then said; "when I was clerk, we bought an International dump truck. Mr. Ankney hated that truck because he could not drive it as he didn't have a cdl. The Twp had the belly plow removed and you devalued the truck.
- (1) Mrs. Duerk asked; "Mr. Peck, why do you always vote with Mr. Ankney"?
- xi) Mr. Peck, replied that he has found Mr. Ankney to have volunteered much time to work on Twp projects. Ankney has many years experience as both a Twp employee and as Trustee. "Mr. Ankney is a working Trustee; and I admire that. I also find that I just agree with his take or that he agrees with mine.
- xii) The discussion then reverted to a review of past issues with Mrs. Ankney who had served as the Twp cemetery sextant and when retiring had some of her service time challenged by the Twp. See mins of 2006 for details.
- xiii) Mr. Peck then asked Mrs. Duerk if she would be at this session if there wasn't an election coming up soon.
- (1) Mrs. Duerk replied that she would be raising these issues anyway.
- xiv) This general back and forth moved onto equipment issues. This part of the discussion is noted under equipment in these minutes.
- xv) 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 August – noted a primary checking reconciliation balance of \$85,077.73.. balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for September 2009 were \$34,537.81. Payments for September (bills & payroll) totaled \$24,050.37.
- c) The Cash fund summary through September 30th, 2009, showed an "ending cash balance" of \$795,516.64.
- d) The unencumbered cash balance "cash available" was \$512,568.23 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through September 30th, 2009, 32% 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 09-30-09 was \$700,910.65.

- g) Trustees then reviewed the 2009 Defiance Township share of the 2010 distribution of "Local Gov't Fund monies" as submitted by the Defiance County Auditor's office. The distribution notice stated that the Twp can expect to receive a total of \$35,278.93 in 2010. The Twp received \$41,914.80 in 2009 from this funding source.
- i) exhibit 3-g is – resolution 2009-10 adopting the sum for the Twp's 2010 budget.

Mr. Peck requested a motion to adopt resolution 2009-13 accepting the amount as defined by the County Budget Commission noted in the County Auditor's notification letter - \$35,278.93.

MOTION by: Richard Ankney

SECOND by: Charles Bakle

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

Resolution 2009-13 was adopted.

- h) Trustees then reviewed and signed the September bills.
- i) Trustees then reviewed and signed the September Payroll.

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

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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. Jim Schlegel provided the following electronic copy of this report.
- i) September 2009
- (1) Kiser Rd Complaint -- burning Debris from Colwell Ditch Project. I was advised that Contractor said it was ok to burn. No burning within 1000 ft of a occupied dwelling.
 - (2) Met with Russ Herman of the Prosecutor's office, ref high weeds on Hammersmith. Trustees are to decide if they want to mow and post the bill for the mowing the the property taxes.
 - (3) Up date on zoning violation.
 - (4) New Home info site review Harding & Power dam will need rezoned.
 - (5) Contacted by appraisal company ref property on Bowman Rd & Karnes.
- ii) Mr. Peck asked if there were any other zoning issues to come before the Board?
- iii) The Bd then discussed the nuisance issue of high weeds and grass on Hammersmith Rd. the property in question is located at 20419 Hammersmith and is parcel b110005000804.
- (1) The Trustees determined that the Twp crew should mow the property and a bill should be prepared and presented to the County Auditor's office to be posted to the property tax assessments.

The motion as noted was approved.

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

- b) Mr. Peck then 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) There were none.
- b) Mrs. Durek asked: "what tractor did you buy"?

- i) Mr. Peck said the Twp ordered the New Holland as the lowest and best bid.
- ii) Mr. Bakle said; “the New Holland is a piece of junk”.
- iii) discussion ensued:
 - (1) points were made that the New Holland was foreign made.
 - (2) Mr. Peck countered that all three tractors that the Twp had DAS pricing on were foreign made and that all three companies (New Holland, Case, and John Deere) had employees in the states; but all three tractors were built in Europe.
 - (3) Mr. Bakle said that John Deere was UAW represented.
 - (4) Mr. Peck countered that New Holland employees were also UAW represented. Mr. Peck had data from the company confirming this.
 - (5) Mr. Bakle said the corporate headquarters of John Deere was in the US.
 - (6) The discussion continues and retraced in general the comments noted above
- iv) Mr. Peck said: “the New Holland was ordered and will arrive in Feb. It was purchased by the Twp on a 2 to 1 vote and was bought through the Ohio Department of Administrative Services – state bid program.
 - (1) the state bid price from Homier and Sons for a New Holland 6050 was \$45,999.00(tractor only)
 - (2) a state bid price (DAS) on a “Diamond” boom arm type mower attachment for the tractor was ordered through Kalida Truck - \$37,500.
 - (3) Both items were voted on in the August Twp meeting.
- c) 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 Peck 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. Peck noted that:
 - (1) Bowman needed mowed as did Ball in places.
 - (2) Berm was needed on Def Paulding co line #10
 - (3) Crossovers on Indian Bridge lane needed stone cover
 - iv) The October - Rd review is to be by Trustee Ankney
- b) Twp Rd projects were 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 accept 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 9-29-09:
 - (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) Mr. Peck asked if there were any issues.
 - (i) The fiscal officer noted that he had just received prior to the meeting a letter from the project engineer (Defiance Co Engineer’s Office) authorizing the release of the retainer. With the release of the retainer the project is deemed completed and this item will be removed from the agenda.

- (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) Trustees noted that per the Co Engineer’s office – this project was completed, except for pavement markings.
 - (ii) This item will be removed from future agendas.

(1) Trustees noted that there is a preliminary list of road projects – from Feb 09 session provided by co engineer.

- (i) The Twp is awaiting a fall review by the Eng at which time a priority will be assigned to the projects as determined by the Trustees.

(2) Trustee Ankney reported that the cross-over pipe replacement on Carter road was completed on 9-29-09. the pipe was provided by the Twp and the labor was provided by the City of Defiance. This is a shared road.

ii) Mr. Peck asked if there were any other possible road projects?

(1) Mr. Don Brown 20472 Kiser Rd – said there was a problem where Ball and Canal meet by the landfill.

- (a) Trustees noted that the issue he is referring to is on Canal which is a County Road. He will need to contact the county engineer.

(2) It was noted that tree branches are or may cause a possible hazard along McCollister Rd.

- (a) Twp employee, Jason Shaffer noted that the Twp does not have any equipment that can address this problem. However, the Boy Scout Camp Lakota (the scout camp property borders this road) maintenance dept has volunteered to trim back the over hanging branches at no charge to the Twp.

- (i) Trustees noted their appreciation for this work.

(3) Mr. Bakle reported his efforts in pursuing a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane – this could be a 2010 project.....

- (a) They are still working on acquiring household income survey data to prove low income eligibility.

ii) Again, Mr. Peck asked if there were any other possible road projects to be discussed.

- (1) There was no further project discussion

ORDER OF BUSINESS NO. 7 – Twp cemeteries –

- a) See Trustee road review.

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

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

ORDER OF BUSINESS NO. 9 – Old Business

a) The fiscal officer-clerk is in the process of preparing 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
- ii) The fiscal officer noted he has not yet completed the document for the prosecutor’s review.
- iii) The Chair asked for discussion.
 - (1) There was none.

b) The fiscal officer-clerk reported he also remains 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.

- i) Again, the document is not yet ready for submittal to the prosecutor’s office for review.
- ii) There was no further discussion.

- c) Mr. Peck asked if there is any other old business??
 - i) There was none.

ORDER OF BUSINESS NO. 10 -- New Business.

- a) The Chair asks if there is any new business to come before the board?
 - b) The fiscal officer stated he had just received in this evenings mail a notice of the 4th quarter County Twp Association meeting. This meeting will be held at St Mike's Golf club restaurant on Oct 8th.
 - i) The fiscal officer-clerk was requested to make reservations for Trustees Ankney and Bakle.
 - c) There was no other new business brought forth.
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ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: Tuesday October 27th, 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 September 29th, 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