

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**September 30<sup>th</sup>, 2008 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 September 30<sup>th</sup>, 2008 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: John Diemer – 23361 Defiance-Paulding Co Line Rd, Joe Kolb 16492 Cullen Rd, and James Schlegel (zoning inspector) – 220 Pinewood.

Other(s) present were: Ruth Ann Schofield 15968 Campbell Rd, Connie Duerk 1585 South Clinton St, Penny Bakle 1204 Washington Ave, Joel Wiseman 21369 Hammersmith rd, Emily Palmer 2012 Shawnee Drive, Allie Rosebrock 14289 Krouse Rd, David Mick 21639 Hammersmith Rd & JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

**Review and approval of minutes of the previous session.**

- a) Chairman Ankney requested a motion for the approval of minutes from the August 26<sup>th</sup>, regular session.

MOTION: Charles Bakle

SECOND: Dan Peck

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

The MINUTE'S for the August 26<sup>th</sup>, session was approved.

**ORDER OF BUSINESS NO. 2 - citizens concerns**

- a) The chair asked for citizen concerns from the floor.
- i) Joel Wiseman 20832 Hammersmith Rd was recognized and stated the ditch in front of his property is flooding his property every time it rains. Dave Mick 21639 Hammersmith noted he farms property OWNED BY ~~adjacent to the Wiseman property~~ and confirms the flooding issue. – *AMENDED FROM 9-30 SESSION PER TRUSTEES.*
- ii) Chairman Ankney noted he viewed the ditch recently and said the whole ditch needs cleaned out from Singer to 20832 Hammersmith.
- iii) The Chair asked for the Trustees wishes.

MOTION: Charles Bakle -- to address this issue by cleaning the ditch for the 900' as noted above.

SECOND: Dan Peck

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

Trustees will contact Bendele for an estimate.

**ORDER OF BUSINESS NO. 3 - FINANCES –**

The following financial reports provided to the Board were reviewed.

- a) The August monthly Reconciliation – noted a primary checking reconciliation balance of \$160,912.61 as of August 31<sup>st</sup>, 2008..... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
- i) Receipts for September 2008 were \$35,117.18. Payments for September (bills & payroll) totaled \$21,389.65.
- c) The Cash fund summary through September 30<sup>th</sup>, 2008, showed an “ending cash balance” of \$892,405.00.
- d) The unencumbered cash balance “cash available” was \$696,240.66 which is the balance after encumbrances

- are subtracted from the cash balance.
- e) Appropriation Status showed that through September, 2008, 15% of the years' appropriations had been expended. The budget is in line with the goals set by the Trustees to put aside a cash reserve to be applied to the 2<sup>nd</sup> half of the Kiser Road re-build project which is scheduled for the 2009 construction season. 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 09-30-08 was \$717,764.86.
- g) The Trustees reviewed and signed the bills for the month.
- h) payroll for September was then reviewed and checks signed by the Trustees.
- i) Trustees were then presented from the Def Co Auditor's office the 2009 anticipated appropriation of "Local Gov't Fund monies. The Twp is to receive an estimated \$41,914.80. The Twp received \$42,332.57 in 2008 from this funding source. Trustees reviewed exhibit 3-i which is – **resolution 2008-10.**

Mr. Ankney requested a motion to adopt resolution 2008-10 accepting the amounts and rates as determined by the Co Budget commission.

It was moved by Mr. Peck to adopt funding resolution 2008-10 as presented from the County auditor's office.

Seconded by Mr. Bakle

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

The resolution was adopted.

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

MOTION: Daniel Peck

SECOND: Charles Bakle

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
  - i) September 2008
    - (1) Scribner Krouse Rd Pond & Out Bldg permit issued
    - (2) Price Cromley Rd Sign permit issued
    - (3) March Power Dam Rd home addition permit issued
    - (4) Issue with neighbor putting up a fence on Bowman Rd
    - (5) Wiseman new out bldg. Hammersmith permit issued
    - (6) Wagner Complaint Watson Rd Church putting up electrical pole on his property. Church will try to work with Toledo Edison.
    - (7) Price Sign SR 111 & Cromley Permit issued
    - (8) Stevens Fence -- Campbell Rd -- met with prosecutor. Schlegel stated the prosecutor said that due to location this can be allowed if ok w/ trustees.
      - (a) Mr. Schlegel told Trustees and twp zoning regulations prohibits fences in front of a house facing the road. However, this proposed fence (is in front of the house) would be 400' back from the road and there are no homes close to either side of this house. There are farm fields on both sides.
      - (b) Schlegel asked for Trustees decision.

It was moved by Mr. Peck to allow the for an exception to the Twp Zoning code relative to this issue.

Seconded by Mr. Bakle

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

The exception was approved.

- b) Fiscal officer – Tim Houck reported he continues to work to activate the Twp Zoning Commission. The Trustee’s in the May 08 meeting directed the Zoning commission to study the possible adoption of zoning rules relative to the construction of wind-turbines in Defiance Twp.
  - i) Trustee Ankney attended a County forum on this item in Sept. – Mr. Ankney reported that it is his understanding that large commercial wind turbines are considered public utilities and the Twp has no zoning authority.
  - ii) The Fiscal Officer is to continue to search for zoning rules for the non-commercial wind turbines.
  - iii) Notice of Petition for Annexation – exhibit 4-c was reviewed by the Trustees. This exhibit indicated that the area to be annexed is 6.3 acres more or less in the northwest quarter of section 36, town 4 north of Defiance Twp. This area is adjacent to the southeast corner of Hillcrest 2<sup>nd</sup> Addition, city of Defiance.
  - iv) Trustees will not object to the annexation.
- c) Chairman Ankney asked if there is 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 Twp road ~~John Deere~~ Ford Tractor mower – tractor remains down. – *AMENDED FROM 9-30 SESSION PER TRUSTEES.*
  - ii) Mr. Ankney suggested that the unit be taken to Streaker Implement in Findlay to be repaired. The Twp employees have invested some time and money in attempting repairs.
  - iii) Trustees agreed.
- b) There was no further equipment discussion.

**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) It was noted that most Twp roads need mowed – (mower is not yet repaired).
  - ii) The Twp crew was provided a copy and instructed to complete the work as noted.
  - iii) The October - Rd review will be by Trustee Ankney
- b) Trustees then reviewed Exhibit 6-c from the Co Engineer's Office
  - i) It reports that chip & seal was placed on singer rd for its entire length – the cost was \$3,239.75 and was posted to the 08 Twp grant from the Issue 2 – LTIP funds. There remains a balance of \$31,115.25 which will be assigned to a future def twp rd project.
  - ii) This expense will be posted to the twp acc'ts in the public works fund as pass through money. This is required by ohio law.
- c) Project(s) review: –
  - i) 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) – to be done in 2009.
      - (a) See minutes forward from the Jan 07 session for project details.
      - (b) As of 9-30:
        - (i) the engineer's cost estimate is now \$270,000 to \$350,00 including engineer's office project expense for engineering and project management.
        - (ii) the Engineer is coordinating some of the drainage work which is to take place this fall and cost is limited to \$24,000.
        - (iii) The Trustees voted in the July session to re-bid the project in Jan – Feb 09.
      - (c) This item will remain on the agenda until completed
      - (d) Trustee Bakle said he discussed the project with the Engineer's Office and reports that the Engineer is still planning to doing preliminary earth work this fall in house or under contract as noted above.
      - (e) There was no further discussion on this project.
    - (2) **"Sponseller Rd** drainage project - drainage will be to Bee-Tree ditch. This item has been on Twp agenda's from March 07. see past agendas for history.
      - (a) Chairman Ankney reported that Soil & Water has completed there portion of the clean out of Bee-

- Tree ditch (as of Sept 08).
- (b) The Township will now begin to address the drainage issues on Sponseller – the ditch from Sponseller flows into Bee-Tree.
- (c) Trustees stated they will wait to determine how the current drainage is so as to be able to place the correct sized cross over pipe.
- (d) the Twp crew is assigned to place a new drainage tile which is to allow storm water to cross from one side of the road to the other.
  - (i) Trustees had agreed the Twp project will consist of:
    - i. 1 cross over drainage tile will be constructed
    - ii. Mr. Joe “Webb created a ditch to connect to existing drainage which will accept water from this “cross over pipe”.
  - b. Estimated project cost per Trustees in April 08 session is \$1,000 to \$2,000.
- (e) There was no further discussion.

(3) Maintenance issues with **Krouse Road** (no estimated cost)

- (a) The twp is building the base for future long term repair.
- ii) Trustees had contacted ODOT for grindings from 08 ~~east~~ *maintenance* projects. – *AMENDED FROM 9-30 SESSION PER TRUSTEES.*
  - (a) The Twp has purchased stone and placed stone on this road in 08; to date just over \$1,000.
  - (b) Trustees report that ODOT has delivered grindings to the Twp building. These will be placed on Krouse by Twp road crew.
  - (c) Once complete this project is completed and this item will be removed from the agenda until Trustees determine that finances are in place to do a complete road rebuild.

(2) Maintenance issues with **Cromley Road** (no estimated cost)

- (a) Stone to date in 08 -- \$800
- (b) Trustees noted that this road has been repaired and patched with black top. This project is complete and will be removed from the agenda.
  - (i) Project cost was \$4500

(3) **Lakeview Drive** – replacement of catch basins on lakeview– approved by Trustees in Feb session) (no estimated cost) 2 of 3 had been replaced as of the June meeting..

- (a) The Twp crew reported there has been no work on this project since the last session.
- (b) There was no further discussion.

(4) **Twp cemeteries** –

- (a) Trustees noted there was some illegal dumping at Taylor cemetery. Crew was assigned to pick this up.
- (b) The Trustees instructed the fiscal officer to order a new name sign for “Tuttle Cemetery”.
- (c) There was no other discussion.

- d) The Chair asked if there were other possible road projects or comments.
  - i) It was noted that the May road stop sign has be erected. (by ODOT).

e) There was no other project discussion.

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

- a) The Monthly (September 08) GrassRoots clippings was presented as exhibit 7-a

**ORDER OF BUSINESS NO. 8 - Old Business**

- a) The Trustees reviewed a copy of the ad being run with timeframe to accept employment applications for the part time operator’s position being filled by the Twp. **Exhibit 8-a**
- b) The Chair asked if there was any old business.
  - i) There was none.

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

- a) The Chair asks if there is any new business to come before the board?
  - i) A notice from the County Twp Association noting that the 3<sup>rd</sup> quarter meeting is Oct 2<sup>nd</sup> 6:30p at

Hicksville's Eagles Lodge. – **exhibit 9-a**

- ii) Trustees attending to be rsvp by tjh were Richard Ankney and Dan Peck.
  - b) **Exhibit 9-b** was information from the Ohio Twp Association on “New Line or Partition Fence Procedures” as defined in the ORC. This was received without comment.
  - c) A public notice from the Joint Four County Solid Waste Management District was then reviewed.
    - i) This was a notice indicating the “District” has a revised “Waste Management Plan” and that a public comments period seeking comments on the revised district “Waste Management Plan” is in progress through Oct 27th.see **Exhibit 9-c**.
    - ii) There was no further discussion.
  - d) Mr. David Mick 21639 Hammersmith Rd was recognized. He complained about unsightly trash being built up on the Mullinex property - 20495 Hammersmith Rd.
    - i) The Twp Zoning Inspector will check into this matter.
  - e) It was noted by Mr. Peck that he has completed the NIMS training on line and has submitted a copy of his certificate to the county ema and to the Twp Fiscal Officer – clerk for the record.
    - i) Mr. Peck was requested by the Bd in the August meeting to be the Twp representative for EMA response in the Twp during a disaster. This training was required so that in the event of a disaster the Twp will now be eligible for FEMA funding.
    - ii) A copy of the certificate will be on file.
  - f) The Chair 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 October 28<sup>th</sup>, 2008.  
**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

Mr. Ankney then requested a motion to adjourn the meeting of September 30<sup>th</sup>, 2008.

It was moved by: Mr. Bakle

SECOND by: Mr. Peck

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