

Minutes
DEFIANCE TOWNSHIP TRUSTEES
October 28th, 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 October 28th, 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, Penny Bakle 1204 Washington Ave, Patty Diemer - 23361 Defiance-Paulding Co Line Rd, Morris Murray candidate for Defiance County Prosecutor, 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 September 30th, regular session as amended.

MOTION: Charles Bakle

SECOND: Dan Peck

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

The MINUTE'S for the September 30th, session was approved as amended.

ORDER OF BUSINESS NO. 2 - citizens concerns

- a) The chair asked for citizen concerns from the floor.
- i) There were none.
- b) The Chair recognized Mr. Morris Murray.
- i) Mr. Murray stated he is running for Prosecutor and is making a visit to each Twp Bd of Trustees and asking for their support and for any ideas or recommendations as to how the Prosecutor's Office can better serve the Townships.
- ii) It was suggested that the Prosecutor's office might coordinator training for:
- (1) Zoning – of all Twp Trustees and Zoning Officials about zoning regulations per the ORC; and
- (2) Any other areas of law that would be of general interest and need of the Trustees.

ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The September monthly Reconciliation – noted a primary checking reconciliation balance of \$174,716.48 as of September 30th, 2008..... balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
- i) Receipts for October 2008 were \$16,804.65. Payments for October (bills & payroll) totaled \$12,043.99.
- c) The Cash fund summary through October 31st, 2008, showed an “ending cash balance” of \$897,160.29.
- d) The unencumbered cash balance “cash available” was \$699,910.62 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through October, 2008, 16% 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 2nd 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 10-31-08 was \$719,117.80.
- g) The Trustees reviewed and signed the bills for the month.
- h) payroll for October was then reviewed and checks signed by the Trustees.
- i) Trustees then reviewed an in line transfer. The fiscal officer explained that the "Operating supply lines" have insufficient funds to purchase the recent order of road salt. In order to pay for road salt for this winter season a transfer of funds is necessary.
 - i) The fiscal officer provided the Trustees with Purchase order 21-2008 which was presented to address payment for road salt. The funds were transferred from contracted services to operating supplies and the p.o. was specific for the road salt purchase. The transfer was within the 2011 (Motor Vehicle License Tax) fund. There is no change to the fund totals – just to the lines within the fund. This process is per the State auditor's comments of the Twp audit and of the Trustees directive from a re-organizational session.

Mr. Ankney requested a motion to approve the in line transfer.

MOTION by: Charles Bakle

SECOND by: Dan Peck

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

The motion to approve the in line transfer of funds passed.

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

MOTION by: Charles Bakle

SECOND by: Dan Peck

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

The October 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) October 2008
 - (1) 937 Indian Bridge Ln Trash owner complied
 - (2) 931 Indian Bridge Ln High weeds this is a bankruptcy case. Repoed by Beneficial Finance. Numerous attempts to resolve they keep pushing me on to another office. Problems getting a reply from Beneficial Finance, Co Auditor advise it takes over one to two years for all to catch up.
 - (3) Site Review Power Dam Rd Moninger plans to build garage in spring.
 - (4) Garage addition Power Dam Kilpatrick Permit issued
 - (5) Out Building Watson Rd Brown Permit
- b) Fiscal officer – Tim Houck reported he continues to work to acquire non-commercial wind turbine zoning data. See agendas and minutes from May 08 forward.
 - i) If zoning rules exist in other entities the Def Twp Zoning Commission will meet to review and adjust the Twp's zoning rules if deemed necessary. 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.
- 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) Mr. Diemer stated they will be working to prepare the equipment (F350 and the International dump truck) for the coming winter snow removal needs.
 - (1) The international will be taken to defiance truck sales and service for service.
 - (2) 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 Ankney was reviewed.
 - i) It was noted that most Twp roads need mowed – (mower was recently repaired – mowing to take place weather and conditions permitting).
 - ii) Mr. Ankney stated the road embankment on the north side of Bowman near 22039 needs repaired &:
 - (1) Twp Rd 10 ½ mile east of State Rte 66 needs a 12” crossover.
 - iii) The Twp crew was provided a copy and instructed to complete the work as noted.
 - iv) The November - Rd review will be by Trustee Bakle

- b) 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 10-31:
 - (i) the engineer's cost estimate remains \$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's noted that trees are being removed under a contract by the Co eng to prepare for ditch work.
 - (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) It was noted that the portion of Beetree ditch which accepts water from Sponseller has been cleaned by Defiance Co Soil & Water.
 - (b) As of this session:
 - (i) Trustees had agreed the Twp project will consist of:
 - i. Placing 1 cross over drainage tile to facilitate drainage to Beetree
 - ii. Mr. Joe "Webb created a ditch to connect to existing drainage which will accept water from this "cross over pipe".
 - iii. Estimated project cost per Trustees in April 08 session is \$1,000 to \$2,000.
 - iv. Trustees said they are now waiting to see a water flow to determine what size pipe to place.
 - (c) 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.
 - (b) Trustees instructed the twp crew to place some of the grindings on this road. These grindings were delivered by ODOT to the Twp garage.
 - (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.

 - (4) **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) Mr. Ankney noted that a new grate is needed and the third catch basin should be rebuilt soon if possible.
 - (b) There was no further discussion.

 - (5) **Twp cemeteries** –
 - (a) No new projects were proposed.

- c) The Chair asked if there were other possible road projects or comments.

- i) There was no other project discussion.

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

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

ORDER OF BUSINESS NO. 8 - Old Business

- a) Trustees addressed the possible hiring of a part time Twp operator. Trustees reviewed a packet of applications.
 - i) Mr. Schlegel asked to be considered for this position.
 - (1) Schlegel is currently the Twp Zoning Inspector and also serves as a third road crew member when needed. Schlegel holds a required CDL and has a tanker endorsement.
 - (2) Note: the position of part time road crew member is open as the Twp primary worker has taken a position with ODOT.
- b) Chairman Ankney asked for a motion to go into executive session for the purpose of discussing & reviewing applications for the part time position.

MOTION by: Mr Bakle

SECOND by: Mr. Peck

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

The Trustees moved into executive session for the purpose of personnel review.

- i) The Trustees returned from the executive session chambers
 - (1) Chairman Ankney asked for a motion to return to the regular meeting.

MOTION: Bakle

SECOND: Peck

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

The Trustees moved back into regular session..

- ii) Mr. Ankney then described the position..
 - (1) Part time no benefits hourly pay rate. Must be able to plow snow as needed and mow Twp roads.
 - (2) Mr. Ankney then asked Schlegel if he could meet the needs the Twp and if he wanted the position.
 - (3) Schlegel replied that he could and did want the work.
 - (4) Trustees then promoted Schlegel from the third back up position to the primary Twp road crew position.
- iii) Trustee Bakle suggested that the Trustees interview several of the candidates whose applications the Trustees reviewed this evening with the purpose of hiring a replacement for the third position now vacant with the promotion of schlegel.
 - (1) Trustees agreed to meet on November 18th 7:30p.m. to interview 2 or 3 candidates.
 - (2) Mr. Peck volunteered to contact the candidates for interview.
 - (3) Trustees instructed the fiscal office to make the special meeting arrangements.

- c) 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) Mr. Peck reported that he attended the Ayersville Water and Sewer board (AWSD) meeting of Friday the 24th.
 - (1) He learned that the Health dept has mandated that the Kevin Fackler (resident who sought Twp support to avoid being forced into the AWSD. See mins of June and May 08 sessions) residence be connected to the sewer system. The fackler property is not in the district but the district water and sewer lines run or will run in front of this property.
 - (2) Mr. Peck reports that fackler will dispute this order through the courts.
 - (3) There were no further comments on this issue.

- b) Chairman Ankney then stated that the Twp recently had to contract to excavate a grave at Cromley cemetery. The chair suggested that the Trustees consider setting a charge for such work and noted he had contacted the City of Defiance and that the charge by the city for opening and closing a grave is \$275.
 - i) Mr. Ankney asked for discussion and a motion.
 - ii) Trustees Peck and Bakle agreed with the proposal.

It was moved by Mr. Bakle

Seconded by Mr. Peck

To charge \$275 for the opening and closing of a grave in the Twp cemeteries.

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

The charge is established.

- c) The Chair again asked if there was any new business to come before the Board?
 - i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: **Tuesday December 30th, 2008.**
Time: 7:30 p.m.
Place: 2nd floor of the Defiance County Commissioners building – conf room EMOOC
 500 Court Street - Defiance, Ohio

Mr. Ankney then requested a motion to adjourn the meeting of October 28th, 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