

Minutes
DEFIANCE TOWNSHIP TRUSTEES
November 27th, 2012 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, November 27th, 2012 at 7:00 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. 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, Brian Grant 15168 Williams Rd, Mike McKibben 28678 Steinmaier Rd, & Joe Kolb 16492 Cullen Rd., - Defiance, Ohio.

Visitors present: Rhonda Shaffer 13386 St. Rte 15, Penny Bakle 1204 Wayne Ave, & Warren Schlatter Defiance County Engineer.

ORDER OF BUSINESS NO. 1

Reviewed and approved the minutes of the previous session.

Chairman Peck requested a motion for the approval of minutes from the October 23rd, regular session.

Bakle moved to approve.

Mayer seconded.

The vote being 3 Yea(s) 0 Nea(s)

The minutes for the October 23rd, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- 1) The chair asked for citizen concerns from the floor.
 - a) There were none.

ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for October – noted a primary checking reconciliation balance of \$270,981.85 balance is minus the outstanding checks and Township investment funds.
- b) Receipt report:
 - i) Receipts for November were \$14,039.65.
- c) Payment reports:
 - i) Payments for November 2012 were \$7,332.90.
- d) The Cash fund summary through November 30th, 2012, showed an “ending cash balance” of \$980,177.58.
 - i) The unencumbered cash balance “cash available” was \$738,062.95 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through November 30th, 2012, 30% of the years’ appropriations had been expended. All reports will be on file in the Fiscal Officer’s office.
- f) The fund status report (money market) showed:
 - i) The money market investment fund balance as of 11-30-12 was \$703,967.74.
- g) The fiscal officer reminded all Twp personnel that the fiscal year 2012 is coming to a close(December 31st), and as usual, the Twp accounts will need to be closed so that the December meeting can be prepared (12-18-12). All account activity will be closed as of 12-14 so that all bills can be processed for year end. Once the books are closed then no spending is allowed until the Trustees adopt the 2013 budget at their re-organizational session tentatively scheduled for January 8th.
 - i) Employees and Trustees should make sure that the fiscal officer has all bills by the 14th of December and that no new billing is created.

(1) Up to Dec 14th Twp personnel making purchases must notify the fiscal officer and should acquire an invoice with the purchase and take to tjh asap.

h) Trustees then reviewed exhibit 3-h which was a packet of information documenting an amended certificate indicating the value in dollars of the work performed by the Def Co engineer's office for Def Twp and funded with "Ohio Public works Commission" (OPWC) grant funds (formerly issue 2 and LTIP). The value amount has increased the previous (original) amended certificate amount of \$1,235,447.93 approved January 4th, 2012. The new amended certificate (#2) dated November 16, 2012 is for \$1,335,460.13. The additional amount is \$100,012.20. By law this is required to be posted into and out of the Twp fiscal records.

Resolution 2012-15 approves the amended certificate.

i) The packet contains:

(1) The amended certificate#1 dated January 4, 2012

(2) Amended certificate #2 dated November 16th, 2012

(3) Resolution 2012-13

(4) Information packet to the co auditor requesting the amended certificate – with documentation for the request

(5) A memo receipt noting the posting of the grant funds to the proper account (4401-538-000)- & the expenditure of the funds from the proper (4401-330-360-000) account line.

(6) A "Then & Now" purchase order to expend the funds- needs Trustee signatures.

ii) The Chair asked for discussion...

Trustee Bakle moved to approve resolution 2012-15 (approving the amended certificate dated 11-16-12).

Trustee Peck second

The vote being 3 Yea(s) 0 Nea(s)

The resolution approving the new amended certificate in the amount of \$1,335,460.13 was approved.

i) Trustees reviewed and signed the November bills without comment

j) Trustees, having prior to the meeting been provided with Twp employee's time cards had reviewed same and then, signed the November 2012 payroll without debate.

Mr. Peck then requested a motion to accept the November financial reports.

MOTION by: Bakle

SECOND by: Mayer

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

The November 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) report for November 2012.

(1) Issued a building permit to Jeff Schaffer at 14428 Singer Rd for an addition to his pole barn.

(2) I received 4 calls from mike Gomez reference Zoning on properties.

(3) Called Venessa Fickel back reference, county money for her house to be torn down.

(4) Talked to Asst. Chief Tim Bowling reference the house that was burned on Parkview Dr. I was advised by Tim who stated that the Ohio EPA was going to cite the home owner for open burning. I have not received a copy of the report as of this time.

(a) I advised Tim to mail a copy to Clerk Tim Houck for twp records.

Jason A. Shaffer

Zoning Inspector

Defiance Township

Defiance, Ohio 43512

- b) Mr. Peck 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.
- b) The Township continues to seek informal quotes to purchase:
 - i) A replacement truck for the recently sold 95 Dodge – straight pick up;
 - ii) There was no progress reported on this acquisition since the October session.
 - (1) Trustee Peck is checking with local dealers.
 - (2) Trustee Bakle is monitoring ODOT for any of their equipment that might meet the Twp's needs.
- c) Trustee Bakle reported that the Twp's Ford 1 ton is in need of some parts and these parts are on back order, however, the Truck is usable as is.
- d) Trustees asked if Twp employees had any comments or concerns
 - i) None were voiced.

ORDER OF BUSINESS NO. 6 - Trustee Report – Monthly Twp Rd inspection

- a) Trustees reviewed exhibit 6-a monthly Twp Rd inspection by Trustee Bakle.
 - i) There was no major issues of concern noted and employees were instructed to follow the work order of November if there was a need for snow removal in December.
 - ii) Trustee Peck will be conducting the monthly road inspection for December.
- b) Trustees discussed the drainage concern at the intersection of Hammersmith Rd and Singer Rds. Storm water backs up and flows over Singer and Hammersmith during heavy rain events. This is believed to be caused from a collapsed tile under a private farm field. The field is also impacted as it does not drain properly. This project has been on hold since the spring of 2011. The project requires acquisition of right of way along Hammersmith and Singer Rds. Trustee Peck had been designated to discuss this with the County Engineer.
 - i) County Engineer Warren Schlatter was present to discuss propose project details.
 - (1) Mr. Schlatter stated that presently there is a tile under a field that abuts the east side intersection of Singer and Hammersmith roads. This tile is either plugged or collapsed. However, the tile is on private property and there is no history to document any agreement of maintenance or even how the tile came to be placed under this private farm field. The field is owned by George Newton 14309 Singer rd. The farm land is rented to Andy Schinninger 16158 Bostater Rd, Ney, Ohio. Mr. Shinninger proposed the plan which was prepared in part by Defiance County Soil and Water and is being presented by the County Engineer.
 - (2) The plan is based on the need for certain property owners along Hammersmith and Singer to give up some land for right of way in order to expand the ditch system. Property owners are the County Commissioners, Walter Nickerson, George Newton, Joe Wiseman and Scott Galbraith. Each property owner would be asked to donate the right of way land.
 - (3) The Farm Service Agency (FSA) would provide a grant to construct a swale over the farm property.
 - (4) A 30" tile would be placed under Singer rd replacing the current 15" tile.
 - (5) The drainage area into the tile would be enhanced.
 - (6) The ditches would be widened and possibly a new title would be placed under Hammersmith near the Nickerson property.
 - (7) As Hammersmith and Singer are Twp rds the Twp was asked to commit to expending \$11,200.
 - (8) Mr. Schlatter noted that the Twp would need to place another tile along Hammersmith as well and that price was not part of this detail. Mr. Schlatter was asked by the Trustees what the total amount might be to the Twp. Mr. Schlatter responded that approximately \$20,000 to \$22,000.
 - (9) Trustees noted that the present 15" tile under Singer road appears to be draining properly and that the problem exists on the private field. Trustees asked if a swale were constructed wouldn't that address the problem?
 - (10) Mr. Schlatter stated that there needed to be significant shaping & removal of soil from the east side drainage point of Singer rd. and a deeper swale in the field for the drainage to work properly. Also that FAS required a 30" tile. The FAX grant is not available without the 30" tile. That tile and the construction necessary to facilitate its proper drainage requires the cash outlay by the Twp.

- ii) Trustees determined to table the project for further study until their December 2012 session.
- c) Trustees reviewed the status of the proposed & completed 2012 projects as of this session.
 - i) The Trustees & the Co Engineer have confirmed the project list for 2012 with the County Engineer's office.
 - ii) As of 11-27-2012 this list is as follows – see co engineer's exhibit 6-b from the April Twp session- see minutes from Feb thru July for project history:
 - (1) purchase orders of 2012 that will fund the projects listed.
 - (a) P.O 9-2012 &
 - (b) B.C. 29-2012
 - (2) Trustees are referred to the minutes of the August session for a list of completed projects. Those projects that have not been posted to the Twp acc'ts remain on this agenda.
 - (3) Hammersmith road – ditch work – estimated cost \$20k –
 - (a) For portion of ditch west of Singer rd
 - (b) Project was awarded to Webb Const of Defiance.
 - (c) The project is complete, as of the August session and the Twp continues to await billing through the Co Engineer's Office.
 - (d) Warren Schlatter – Defiance County Engineer affirmed that this project is yet to be billed as of the November Twp session.
 - (4) The remaining .7 mile of Hammersmith from Singer to State Route 111- Trustees are reminded to review the minutes from 2011 forward for history:
 - (a) County Engineer Warren Schlatter and the Trustees determined to address this .7 mile rebuild project over the next three year period anticipated to begin in 2013.
 - (i) The entire .7 miles will be widen in 2013 and the drainage ditch is to be constructed. Property acquisition for right of way to widen the road and construct the ditch will be done by the County engineer. The engineer's office will also contract or construct the ditch in 2013.
 - (ii) .7 mile will be initially constructed and rough paved in 2014
 - (iii) And the final smooth paving will be applied in 2015.
 - (iv) Cost estimates are being prepared by the Co Eng and should be provided to the Trustees by the January County Engineer's elected officials session.
- (2) Indian Bridge lane:
 - (a) A proposed future effort - on Indian Bridge lane:
 - (i) Pavement of the west side of the boulevard.
 - (ii) Trustees will apply for a 2013 CDBG grant for construction in 2014.
- (3) Cromley Road
 - (a) A planned chip and seal on the portion from Krouse east for approximately 1450' - estimated cost \$3,204 – was tabled in the June session. See minutes from Jan 2012 for proj history.
 - (i) Trustees determined in the July session to cancel the project for 2012.
 - (ii) Trustees will discuss alternative pavement material with the Co Engineer as residents of the road – having been canvassed by Trustees - are opposed to the use of a chip and seal.
 - (b) Trustee Peck was to meet with a sales representative to review possible road projects that could be addressed through an application of a "micro surface product". The company was SCI Inc of Hamilton, Ohio.
 - (i) Mr. Peck stated he has yet to set up this meeting.
 - (ii) This maybe a 2013 project.
- (4) Defiance-Paulding Co line road #10 – Twp portion. From the Sept 2012 session, Trustees noted a section of the road was failing probably due to the summer's drought. Trustees were working with the County Engineer's office to have the failed area repaired before year's end. No cost estimate was provided in the Sept session...
 - (a) In the Oct session Trustees noted that the County Engineer was not able to get a contractor to address this project in the remaining months of 2012 without significant mobilization costs. The price would also be higher due to the small size of the project.
 - (b) Trustees in previous discussions with the county engineer's office opted to address the repair in 2013 and have the County Engineer do patching and maintenance until the permanent repairs can

be made in 2013. (will be part of the 2013 county engineer road project list – with more work the price is anticipated to be less).

- d) A financial impact review was presented by the fiscal officer:
- i) The total amount of expenditures proposed for 2012 special projects by the County Engineer's office through this session is \$245,920.20 (not including the Def-Paulding Co line rd #10 repairs). This includes \$100,012.20k in OPWC grants.
 - (1) With the Engineer's update and the end of the construction season the fiscal officer's analysis is changed slightly: (see minutes from Jan thru October for details).
 - (2) Trustees are reminded that:
 - (a) Regular twp expenses are estimated – base on historical review, at between \$70,000 and \$100,000
 - (b) Anticipated total projected rd work to be posted to the Twp road funds in 2012 to date were - \$200,000 this is down from the originally projected \$226,000 more or less (not including OPWC grant funds.) based on the expenses that have so far been posted to the Hammersmith rd project. This project came in under budget.
 - (i) Actual 2012 expenses paid with twp funds through November is \$140,091.15
 - (ii) Actual 2012 OPWC grant funds posted were \$100,012.20
 - (iii) Note the Twp is still waiting for the ditch widening expense anticipated at \$20K.
 - (c) Anticipated revenues as noted in the 2012 amended certificate from the County Auditor for road work was \$156,345.00
 - (i) At present it is estimated that exp and revenue for the road acct's will nearly balance out.
 - (ii) It was previously projected that the Twp rd acct's would be in deficit by nearly \$50k
 - (3) The 2012 OPWC grant report update from the Co Engineer's Office –updated 11-7-12 by the County engineer's office. Trustees were referred to exhibit 3-h of this session regarding the amended certificate. The engineer's update is in that packet. This update includes expenditures from future OPWC grants that the Twp might receive. If the Twp fails to receive such grants the twp road funds will be accountable. (see minutes from 2011 forward thru October 2012 for history).
 - (a) 2012 OPWC postings:

(i) Indian Bridge Lane – culverts	\$11,057.52
(ii) Hammersmith rd – widening contractor and engineering	\$81,275.00
(iii) Hammersmith rd – widening (by county)	<u>\$ 7,679.68</u>
(iv) Total OPWC grant posting in 2012	<u>\$100,012.20</u>
 - (b) Current status – the OPWC has utilized future grants in the amount of **\$(34,398.20)**
 - (c) The Chair asked for discussion..... There was none.
- e) The Chair asked if there were any other projects/issues?
- i) There were no additional projects discussed.
- f) The November work assignments for the Twp crew where verbally discussed.
- i) Trustees informed employees present to anticipate snow removal efforts and to follow the assignments relative to that effort which were previously distributed.
- g) The Chair asked if there were any Twp cemeteries issues–
- i) There were no new issues.
 - ii) In the September 2012 session - Trustees noted that Twp staff had been resetting head stones. There remain more head stones to be reset. This work will again be addressed when conditions allow in 2013.

ORDER OF BUSINESS NO. 7 – Personnel:

- i) Trustee Bakle moved to go into “executive session” for the purpose of discussing a possible employee disciplinary action.
- ii) Trustee Mayer seconded.

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

The motion to move into executive session was approved.

- i) Trustees returned from “executive session”
- ii) Trustee Bakle moved to return to regular session.
- iii) Trustee Mayer seconded.

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

The motion to return to regular session was approved.

- i) Trustee Bakle stated that the left hand side cab door of the Twp’s John Deere tractor was destroyed while the unit was being operated by Twp employee Ed Young. Mr. Young was placing salt in the Twp salt bins at the maintenance building on Hammersmith rd on 11-6 when the eq was damaged.
- ii) Mr. Bakle continued that employee Young has had a history of failing to implement Twp work in an expected manner. Mr. Bakle noted that this is the second time a cab door on this unit was damaged/destroyed and both times it was by Mr. Young. Mr. Bakle also noted that Mr. Young has twice been disciplined – one verbal and one written warning having been issued - for destroying flowers on private property while conducting road side mowing work and for erecting road signage which resulted in the cutting of a phone cable having not notified OUPS as is required before doing such work. With this work history Mr. Bakle recommended that Mr. Young not be assigned Twp work for the months of December 2012 and January 2013. The time is due to the fact that all Twp employees are part time and there is no guaranteed hours or set schedule. It was also noted that as all employees are part time they are also “at will employees”.

iii) Trustees concurred with the recommend action.

iv) Mr. Bakle moved to issue the suspension of work order as noted above.

v) Mrs. Mayer seconded.

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

The suspension order was approved.

- vi) The fiscal office noted that the Twp’s two newest employees, Mike Mckibben and Brian Grant have completed their probationary period. Per their hire in resolution Trustees were to determine if their hire in pay rate was to be increased. The probationary period ended October 31st.
- vii) Trustee Bakle move to increase the hourly rate of both McKibben and Grant from the hire in rate of \$11.60 to the rate of all other Twp part time employees which is presently \$13.00 effective November 1, 2013.
- viii) Trustee Mayer seconded.

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

The motion to increase the pay rate effective November 1, 2013, of the Mckibben and Grant was approved.

- ix) Twp employee Mike McKibben was recognized and provided Trustees with exhibit 7-b. This is a notice from the Ohio Dept of Agriculture that Mckibben must participate in a continuing education program in order to maintain his “chemical applicator” certification.
- x) Mckibben has from 10-1-12 to 9-30-15 to complete the five hours of training required.
- xi) Trustees were asked to approve the training and to pay the expenses incurred while completing the training.

- xii) With the understanding that Mckibben must seek travel approval before traveling to attend such training – Trustee Mayer moved to approve the request.

xiii) Trustee Bakle seconded

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

The motion to allow the requested training was approved.

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

- a) The monthly (November 12) GrassRoots clippings – exhibit 7a was distributed.
- b) Co Engineer Warren Schlatter informed Trustees that the annual County Engineer’s “elected officials” session will be held on January 24th, 2013, at the EMA building in Brunersburg at 6p.m.

ORDER OF BUSINESS NO. 9 – Old Business

- a) Up-date on “Fire-Rescue” regionalization discussion by Twp’s and the City of Defiance. Mr. Peck represents Defiance Twp.
 - i) Chairman Peck reported on the latest Fire Rescue Regionalization Committee meeting. Mr. Peck anticipates that the City will again ask for an increase in charges for fire and rescue services provided to the Townships. This would, if made official, be the 3rd increase in the last four years.
 - ii) Mr. Peck noted the cost per run for both Defiance City residents and Def Twp residents. Mr. Peck stated that if the cost per run is calculated on the total budget of the fire department divided by the number of runs, that city residents are presently paying \$834 per run and that Twp residents are now paying \$1,100. The Twp figure is calculated by the number of runs divided into the amount assessed by the City that the Twp pays for these services (approximately \$84,910.)
 - iii) Mr. Peck again suggested that the hospitals of Defiance should be charged for at least a portion of the transport charges. According to his research hospitals everywhere use government paid for rescue services to provide transportation of emergency patients to the hospital emergency room. This free for hospital transportation service, creates a large revenue stream for the hospital. It is reasoned that if the hospitals revenue is enhanced by providing medical care through the emergency process then hospitals should be charged for at least some of the expense of getting their patients to their facility.
 - iv) Mr. Peck continued that the City of Defiance has promoted a regionalization of fire and rescue services. This is due to their ever increasing costs to maintain fire and rescue services. The City has increased its charges to Townships that have contracted for City services twice in the last two years. Trustees noted that Defiance Twp now pays \$84,910 more or less per year - \$54,910 for fire service and \$30,000 for rescue service. In addition the City charges the insurance of each patient transported up to \$600 depending on the service rendered.
 - v) Mr. Peck also noted that in Williams Co the City of Bryan provides fire and rescue services to Pulaski, Center and Jefferson Twp. The costs to those Twps are \$25k, \$35k, and \$11k respectively.
 - vi) Mr. Peck will continue to report to the Trustees on the developments.
- b) The Chair asked if there is any other old business.
 - i) There was none.

ORDER OF BUSINESS NO. 10 - New Business.

- a) The Chair asked if there was any new business to come before the board?
 - i) there was none

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: **Tuesday – December 18th, 2012.**
Time: 7:00 p.m.
Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC

ORDER OF BUSINESS NO. 12 – Adjournment:

Mr. Peck requested a motion to adjourn the meeting of November 27th, 2012

It was moved by: Bakle

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