

*Minutes*  
***DEFIANCE TOWNSHIP TRUSTEES***  
***November 30<sup>th</sup>, 2010 MEETING***

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday November 30<sup>th</sup>, 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, Joe Kolb 16492 Cullen rd., Roy Perez - 812 Indian Bridge Lane, Twp Zoning Appeals Bd. & Ruth Ann Schofield -15968 Campbell Rd, Twp Zoning Commission.

Visitors present: Steve Buchholz 1615 South Clinton St., Richard Ankney 19133 Hammersmith Rd., & JoEllen Houck 8 Deville Drive – all of Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

Reviewed and approved the minutes of the previous session.

Chairman Bakle requested a motion for the approval of minutes from the October 26<sup>th</sup>, 2010 session.

Mayer moved to approve.

Peck seconded.

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

The MINUTE'S for the October 26<sup>th</sup>, 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 October – noted a primary checking reconciliation balance of \$97,014.82 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
  - i) Receipts for November 2010 were \$23,803.46. Payments for November (bills & payroll) totaled \$5,208.75.
- c) The Cash fund summary through November 30<sup>th</sup>, 2010, showed an “ending cash balance” of \$816,719.57.
- d) The unencumbered cash balance “cash available” was \$595,999.37 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through November 30<sup>th</sup>, 2010, 26.5% 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 11-30-10 was \$702,312.81.
- g) Trustees reviewed and signed the November bills without comment.
- h) Trustees reviewed and signed the November payroll without comment.
- i) The fiscal year is coming to a close, per usual, the Twp accounts will be closed as of 12-15-2010, to allow for the payment of all December bills in December and a reconciliation of the accounts.
  - i) There should be no purchases after 12-15-2010.
  - ii) I need the invoice for any purchases made between the 1<sup>st</sup> and the 15<sup>th</sup> when the purchase is made. (employees should asked the vendor for an invoice and bring the invoice to the fiscal officer asap).
  - iii) There can be no purchases until the Trustees approve the 2011 budget which is tentatively scheduled

during the re-organizational session on January 11<sup>th</sup>.

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

MOTION by: Diana Mayer

SECOND by: Dan Peck

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) November 2010
    - (1) Dennis Scott SR 111.(Scotties Club 111) addition to building. Permit issued.
- b) Shaffer was again recognized and informed the Board that a Donna Anderson had called him and requested assistance with acquiring AEP power to a structure. He informed her that he was not a building inspector and had no authority to issue permits for acquiring utility or noting a structures integrity. His responsibilities are zoning and nuisance issues. He referred Anderson to the County Planning Commission.
  - i) Trustees acknowledged the report and Shaffer's explanation of his area of responsibility.
- c) 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 were working with Soil & Water to revise the Plan per the approved changes. Soil & Water made recommendations in a Nov 15<sup>th</sup> email. Houck is now working to make the changes in the Plan.
  - ii) All changes are effective as of Trustee approval on July 27<sup>th</sup> 2010.
- d) 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) Exhibit 5 was reviewed which was an estimate to reattach the bracket which holds the belly plow to the 2004 International dump truck. The estimate was sought by Trustee Bakle.
    - (1) Mr. Bakle supports placing the belly plow back on this truck. The estimated cost for the bracket repair-reattachment is \$1,500. There was no estimate for remounting the plow or its controls.
      - (a) Mr. Bakle said he would be amicable to plowing snow if the Twp reattached the belly plow to this unit.
      - (b) Mr. Peck responded that in his opinion the plow is to big for Twp roads, it tears up the crown. Peck continued; the Twp had several times in the past had to pay hundreds of dollars to get this unit pulled from ditches. The plow would catch on the berm or ditch and swing the truck into the ditch along side the road. Peck also stated he spoke with the Co Engineer who as he had in the past stated the truck is to big for Twp roads and that his department would not and does not have a truck with this set up. The Engineered continued – according to Mr. Peck – by stating the Twp unit is designed more for State and Federal routes.
      - (c) Mr. Bakle noted his disagreement with Mr. Peck and the County Engineer's assessment. Mr. Bakle stated that in his opinion our operators were not properly trained and that the previous engineer (Mr. Gaylon Davis) was about to buy a unit of similar set up and size before he left his office.
      - (d) Mrs. Mayer said she felt the budget issues were to serious at this time to warrant this additional expense. She said she was not in favor of this proposal at this time.
      - (e) The discussion ended.
  - ii) Twp operator Ed Young was recognized. He said that at the last Twp session Trustees were going to have part time employee Michael Daniels winterize the equipment and service the units for snow

removal. Young reported that this has not happened.

(1) Mr. Bakle said he would again contact Daniels.

(2) Young then requested a larger sized battery charger @ least a 400 amp unit. He also said we only have one pair of jumper cables and should have a set for each unit.

Mr. Bakle asked the Trustees if they approve of the requests to buy the charger and the jumper cables.

Mr. Peck moved to purchase

Mrs. Mayer seconded

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

The motion passed.

iii) Young then stated that the heater is out on the Twp's Dodge truck.

(1) Mr. Bakle said he would contact Michael Daniels to fix this problem.

iv) Mr. Peck noted the Twp has a plow and salt auger it wishes to sell. Trustees concurred that the plow and auger were of scrap value and less then \$2,500 in value. Trustees then directed the fiscal officer to contact the Prosecutor's office to get the proper procedure to sell the items. The Twp has an offer of \$250 from Tom Mick.

Mrs. Mayer moved to sell the equipment to Mr. Mick pending the prosecutor's approval of the sell as to form.

Mr. Peck seconded

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

The motion passed.

v) Mr. Peck stated that the Twp's John Deere tractor per the last session was taken to Kalida Truck for repairs to the electrical system. Mr. Peck noted the unit has been repaired and wished to instruct the crew to go and get the tractor. This would be less expensive than paying Kalida Truck to deliver the unit back to the Twp.

(1) Trustees agreed.

b) 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 Bakle was reviewed.

i) Mr. Bakle noted that trees need trimmed back from the road edge on McCollister, Bowman, & Keller.

ii) Twp employees present were provided a copy of the monthly road report and instructed to use as a work order.

iii) The December - Rd review is to be done by Trustee Peck.

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 is complete and was presented to the Trustees at the Oct session.

ii) A proposed 2011 project list was also presented in Oct for Trustee review and prioritization. The Engineer's depart road proj list estimates project expenses for 2011 of \$121,926. This does not include an Indian Bridge Lane project.

(1) The list must be finalized by the annual Co Engineer-Trustee meeting to be held in January 2011.

(2) The chair asked if there was any discussion:

(a) Mr. Bakle noted that the Hammersmith rd rebuild project should probably be divided up over three years..

(i) 2011 construct the ditch and maintain – this is carry over work from 2010

(ii) 2012, 2013 & 2014 for the remainder of the project.

- (iii) This would help the Twp with cash management.
  - (b) Mr. Bakle then suggested that Indian Bridge Lane's drainage issue be addressed in 2011. He noted the total road project (drainage and re-surface) would be approximately \$58,000 and the Twp would need to pay about half if it were successful with acquiring a CDBG grant for the entire project. Mr. Bakle continued that the Twp should at least attempt to address the drainage issue with an application for a CDBG grant similar to last year's effort.
    - (i) Mrs. Mayer suggested the residents might be best served if they applied for annexation into the City.
    - (ii) Trustees verbally agreed to at least apply for a CDBG grant for the drainage portion of the project – estimated at \$9k just as was tried last year.
  - (c) Mr. Bakle then noted the engineer's proposal for Lakeview Drive and suggested that the Twp should re-pave with 1.5" of asphalt approx cost \$50K vs Eng proposed patch and micro surface est cost \$21,237.
    - (i) Mr. Peck said he supports the Co Engineer's proposal.
  - (d) Trustees have on their priority list for the County Engineer's work to be performed on behalf of the Township; the following road projects as of this session:
    - (i) Hammersmith – ditch work – est expense \$20,000
    - (ii) Lakeview Drive –
    - (iii) Indian Bridge Lane drainage with CDBG grant
  - (e) The Engineer's project list and prioritization issue will continue to be discussed at the December Twp session.
- iii) 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 and work crew salary & benefits.

(1) Estimated rd revenues for 2010 are approx \$235,000.

- 1. Year to date expenditures on all road projects \$184,131.54 through November 30<sup>th</sup>
- 2. Year to date revenues for all road accounts \$172,739.08 through November 30<sup>th</sup>

- iv) Snow removal-plowing was discussed.
- (1) Trustees directed the Twp crew to use best judgment as to when to begin salt and plowing operations.
  - (2) Mr. Peck is to get a list of towing company phone numbers so the crew can call if – when a unit gets hung up. Crew is to try to rotate the business among the Defiance vendors.
  - (3) Mrs. Mayer suggested that Twp operators be paid time and one half when they work on holidays.
    - (a) After some discussion the approved time and one half pay when Twp operators work on:
      - (i) Christmas Eve
      - (ii) Christmas Day
      - (iii) New Year's Eve
      - (iv) New Year's Day

Mr. Bakle asked the Trustees if they approve of the proposal to pay time and one half work work on the holidays noted..

Mrs. Mayer moved to approve  
Mr. Peck seconded

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

The motion passed.

- (4) Ed Young noted that the crew still doesn't have safety vests.
  - (a) Trustees instructed the crew to purchase from a local vendor – suggesting Menards, Lowes, Sears etc..

- c) 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 (November 2010) GrassRoots clippings was distributed as exhibit 7a

### **ORDER OF BUSINESS NO. 8 – Personnel**

- a) An application – exhibit 8-a – for part time employment submitted through Mr. Bakle for Steve Buchholz was reviewed.

Chairman Bakle asked for a motion to go into executive session for the purpose of discussing/reviewing the application.

Mrs. Mayer moved to go into 'executive session' .

Mr. Peck seconded

- b) The Trustees moved into executive session for the purpose of reviewing the application & wage discussion for the possible part time Twp road crew position.
- c) The Trustees returned from the executive session chambers
- d) Chairman Bakle asked for a motion to return to the regular meeting.  
MOTION: Mr. Peck  
SECOND: Mrs. Mayer  
YEA(s) 3      NAY(s) 0      Passed x      Failed  
The Trustees moved back into regular session..
- e) The Chair asked for any discussion on the hiring of additional staff to part time positions on the Twp road crew.
  - i) Mr. Buchholtz was asked to define his qualifications. He noted he has a CDL and although a CDL is not needed he is a retired Defiance City Fireman and has many hours of large equipment experience.

Mr. Peck moved to hire in a part time capacity at the direction of the Trustees or their designee Mr. Buchholz at the established Twp probationary hire in rate of \$11.60 per hour.

Mrs. Mayer seconded

YEA(s) 3      NAY(s) 0      Passed x      Failed  
The motion to hire was approved.

- f) Trustees then reviewed a “notice of Defiance Twp unemployment cost liability” – exhibit 8-b - for James Schlegel. Mr. Schlegel resigned from the Twp and the fiscal officer had requested input from the prosecutor’s office as to the liability obligation of the Twp for the portion noted in the ODJFS determination report.
  - i) Trustees believe that as Mr. Schlegel resigned his position with the Township the Township should not be responsible for unemployment compensation. Trustees determined that Mr. Peck will contact ODJFS to reason the Township’s position.

### **ORDER OF BUSINESS NO. 9 Old Business**

- a) The effort to acquire a new storage facility for Twp records was discussed.
  - i) In the Oct 2010 Twp session, Trustees asked the fiscal officer to work with Twp crews to acquire a price for the unit which will be utilized to house Twp records.
  - ii) The Fiscal officer is working on this effort. There is no cost estimate yet available.
  - iii) Trustee Peck and Twp employee Ed Young contacted a local vendor from Okolona, Ohio. They stated that a building 10 x 16 could be constructed and placed at the Hammersmith road site for approximately \$2,800.
  - iv) It was discussed that a 10x20 or 12 x 16 might be a more appropriate sized unit for the Township purposes of storing records on Twp property. Another contact was to be made.
- b) An up-date on “Fire-Rescue” regionalization discussion by Twp’s and the City of Defiance was presented. Mr. Peck represents Defiance Twp
  - i) Mr. Peck noted that the recent discussions centered on the Fire fighting portion of the issue. Townships involved do not seem to be receptive to the City of Defiance proposals. These proposals all request more

funding for the City services to the Townships.

- (1) Mr. Peck noted that there are three options being discussed at this time for firefighting:
  - (a) A hybrid use of the full time Def City dept with the part time and or less staffed Township depts..
  - (b) To keep this service as is – with the City asking for more financial support from Townships
  - (c) Privatization of the service.
  - (d) Mr. Peck noted discussions will continue and the “rescue service” will be on the next agenda.
- (2) Def Trustees again reiterated their concern with the expense of these services.
  - (a) The Def expenses went from \$30 per run in 2009 to \$650 per run in 2010 for rescue service limited to two victims another \$650 for each additional two victims.
  - (b) The Twp pays over \$13,000 per quarter for fire service.
  - (c) This discussion concluded.

- c) The Chair ask if there is any other old business .....
  - i) There were none.

**ORDER OF BUSINESS NO. 10 -- New Business.**

- a) The Chair asks if there is any new business to come before the board?
  - i) Exhibit 10 - a ballot from the Defiance, Fulton, Paulding Williams Joint Solid Waste Management District (SWD) that proposes Mr. Charles Bakle, a Defiance Twp Trustee and – or a write in candidate to be elected to represent Defiance County Trustees on the SWD’s Policy Committee. The Trustee position on this committee is one of 7 positions representing Def Co and is a statutorily required position. The policy committee is responsible for writing and monitoring the SWD waste management plan. The Solid Waste District’s Waste Management Plan must have elements that can meet the State’s goals and objectives and must be approved by the District’s political subdivisions and the Ohio EPA. The plan is re-written every 5 years. The work includes proposing budgets to the Bd of Directors of the District within the Plan writing process.
  - ii) The Chair asked if there is any discussion... there was none.
  - iii) The Chair called for a vote....

Mrs. Mayer moved to support Mr. Bakle’s election to the SWD’s Policy committee.

Mr. Peck seconded

YEA(s) 3      NAY(s) 0      Passed x      Failed  
The motion to elect Mr. Bakle was approved.

It was noted that 7 of the 12 Township’s in the County must approve a candidate in order to fill the position.

- b) 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. 11 - NEXT MEETING:**

Date:            Tuesday – December 28th, 2010  
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. Bakle requested a motion to adjourn the meeting of November 30<sup>th</sup>, 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