

Minutes
DEFIANCE TOWNSHIP TRUSTEES
December 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 December 29th, 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, John Diemer 23361 Def. Paulding Co Line Rd, Joe Kolb 16492 Cullen Rd, & James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave.

Other(s) present were: Penny Bakle 1204 Wayne Ave., Tom Mick 21389 Hammersmith rd, Patty Diemer 23361 Def. Paulding Co. Line Rd, Doug Layne 22584 Garman Rd, Robert Layne 13373 Harding Rd, James Ehlinger 14074 Power Dam Rd, Ruth Ann Schofield 15968 Campbell Rd, Don Brown 20472 Kiser Rd., Defiance County Engineer Warren Schlatter, Ohio Plan Ins representative Conrad Beck of Beck Insurance, Archbold, Ohio, 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 November 24th, regular Twp session.

Mr. Bakle then moved to accept the mins of the November session.

Mr. Ankney seconded

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

The MINUTE'S for the session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

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

ORDER OF BUSINESS NO.3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for November – noted a primary checking reconciliation balance of \$78,307.61. balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for December 2009 were \$16,944.78. Payments for December (bills & payroll) totaled \$22,753.26.
- c) The Cash fund summary through December 31st, 2009, showed an “ending cash balance” of \$772,620.69.
- d) The unencumbered cash balance “cash available” was \$536,390.07 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through December 31st, 2009, 40% 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 12-31-09 was \$701,350.50.
- g) Trustees then reviewed and signed the December bills.
- h) Trustees then reviewed an Amended certificate – presented as exhibit 3-I. The amended certificate indicated the value in dollars of the receipt of 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 was \$10,353.60. The fiscal officer prepared the amended certificate which by law is required to be posted into

and out of the Twp fiscal records. Resolution 2009-16 approves the amended certificate.

- i) Mr. Peck asked for discussion.
- ii) It was noted that this amended certificate was in addition to one for the same purpose but a different amount which was addressed in the November session.
- iii) There were no other comments on this issue.

Mr. Peck requested a motion to adopt the resolution which increased the 2009 Twp budget to \$1,249,075.73.

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

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

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

The December 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) December 2009
 - (1) Kelly @ Butler Mohr wanted info on constructing a Barn & Mobile Home Powers Rd.
 - (2) Tim & Cheryl Rosebrock new home on Harding Rd. This needs to be rezoned from AG. He has chose to apply for a conditional use permit. All paper completed and turned in.
 - (a) Appeals bd approved this request 12-29-09.
 - (3) Site review Power Dam Rd Gary Reese has a buyer but wants to raise goats. This parcel is zoned residential. Also neighbors called and complained about this goat possibility. They are strongly opposed to the idea.
 - (4) Site Review Power Dam Rd barn construction Permit issued.
- b) Mr. Schlegel reported that the Zoning Appeals Bd met at 7 p.m. this evening and entertained a request for a "conditional use" permit for Tim Rosebrock for the construction of a home on ag zoning property on Harding rd, parcel #B11-000-300-1604.
 - i) That request was approved without issue or dissent.
- c) Mr. Schlegel then reported that as directed he was preparing a list of items to present to the Zoning Commission for discussion and to amend the Twp Zoning codes if the Zoning Commission concurs.
 - i) The proposed items will first be presented to the prosecutor to ensure that the proposals are within the purview of the Zoning Commission's authority. This is in hopes of not wasting the Commission's time.
- d) Mr. Peck asked if there are any other zoning issues to come before the Board?
 - i) Mrs. Schofield was recognized. She asked why the Zoning Commission is not being involved in the review of the proposed changes to the zoning codes?
 - ii) Schelgel responded that they are. He was directed to prepare a list which he had developed over the past number of years due to the experiences he has had in the field. And as noted earlier the prosecutor will be provided an opportunity to review the list to eliminate anything that may be under the ORC and is simply not under the authority of the Commission.
 - (1) The Commission – according to Schlegel – will then be asked to meet and review his proposals for their input and determination. The required public hearings will be scheduled and if a majority agrees the Zoning Commission will amend the Zoning codes.
- e) Mr. Peck again asked if there were any other zoning issues to be discussed.
 - 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) None were offered.
- b) The purchase of a replacement mower and tractor for the Twp. was then discussed.
 - i) Project history:
 - (1) In the August session the Trustees authorized the purchase through a State Bid (department of administrative services) of a new tractor and boom type mower for the Twp. The units were ordered in September.
 - (2) In the November session Trustees voted to cancel both orders due to economic constraints.
 - (3) Trustees moved to seek used equipment and all Trustees and the Trustee elect were to solicit such information and report at a future Twp session.
 - ii) Mr. Peck calls for any updates on this matter:
 - (1) Bakle noted he had contacted ODOT
 - (2) Peck asked the Co Engineer if the Co had any used eq to sell.
 - (a) Schlatter said they are in the process of doing an eq inventory and review and may have something his department may determine to replace or upgrade. His dept will contact the Twp after their review.
 - (3) Peck asked the Trustees to continue their search and to report back at the Jan Twp meeting.
- c) The Chair asked if there was any other equipment discussion....
 - i) There was 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 Peck was reviewed.
 - i) Peck noted that during his review roads were mostly snow covered due to recent snow events. Crews had been out and salted but for salt to work temps must be between 15 and 20 degrees, however, there were spots of roads that were clear. Peck offered kudo's to the road crew.
 - ii) Twp employees present were provided a copy of the report and instructed to work on the items noted.
 - iii) The January - Rd review is to be done by Trustee Mayer
- b) Twp Project(s) were then reviewed: –
 - i) Up-date on existing road projects:
 - (a) County Engineer Warren Schlatter was present to update the Trustees on the proposed list of projects submitted to the Trustees for their consideration in the November 09 Trustee meeting. (this was the first item discussed as a courtesy to the Engineer). This list was provided to the Trustees in November and again in December and was attached to the agenda as exhibit 6-b. For a history of this process see agendas from Feb 09 through Nov 09 for details.
 - (i) Co engineer Warren Schlatter asked the Trustees if they had any questions. The proposed cost for the project list for 2010 totaled \$194,000.
 - (ii) Bakle stated he did not like the use of chip & seal as proposed for the Hammersmith rd repairs.
 - (iii) Schlatter said after 10 to 15 years roads need some repairs and that the use of chip and seal extends road life and is the least expensive repair method. Schlatter continued by stating that the County can't afford not to use chip & seal process on its roads.
 - (iv) Schlatter also noted that a complete rebuild is averaging \$120,000 per mile. Def Twp has 23 miles more or less so the expense to rebuild each road after 10 to 15 years is probably prohibitive. He again reminded Trustees that some maintenance must be done.
 - (b) Peck asked the fiscal officer if there are sufficient funds to do the proposed projects.
 - (i) Houck responded that there is, however, Trustees should note last month's meeting discussion on budgets. If Hammersmith is to eventually be rebuilt then the Twp will need to start planning and saving for that project.
 - (ii) Note: Funds – for the 2010 list are available with the expenditure of carryover funds (deficient spending on the road acc'ts in 2010).

The chair asked for the Trustees wishes:

It was moved by Peck to accept the Engineer's proposal for 2010 road work as presented in exhibit 6-b.

Seconded by Ankney.

The vote was called:

YEA(s) 2 NAY(s) 0 Passed X - Bakle abstained.

The motion passed.

- (c) The Chair then asked Co Engineer if there was any grant funds or other fiscal help for the Twp to repair and or rebuild Hammersmith Rd. Peck noted that the Trustees were under the opinion earlier this summer that Hammersmith was a designated ODOT haul road for the US 24 project and as such would be rebuilt by ODOT.
 - (i) Schlatter said that information was not accurate. Hammersmith had not been designated a haul route for the US 24 project. He suggested Trustees drive the designated routes. They will find the roads are completely destroyed and ODOT will but has not yet rebuilt those roads. Travel on those roads is very rough. Further, Schlatter said – what should have happened was to have sent the Sheriff out and check trucks using Hammersmith for over-weight. Also, unless a vehicle is overweight there is no way to legally keep them off a public road.
 - 1. Schlatter noted there were no grants available that he is aware of at this time other then the Ohio Public Works Commission (OPWC) money.
 - a. Def Twp is not eligible for this money until 2011 and also the next round of LTIP which Def Twp is believed to be eligible is in 2011.
 - 2. Discussion continued as to other possible venues to recoup costs of repair-rebuild. This included a possible suit against the contractor. That option was thought to be impossible to prove since it would have to be proved that only the contractor trucks destroyed the road. That could not be done.
 - 3. Trustees determined there did not appear to be any recourse and that the Twp would simply have to pay for the road repairs-rebuild.
 - 4. Trustees then discussed the replacement of a culvert on Hammersmith rd.
 - a. Engineer Schlatter was asked to estimate the cost of this replacement project.
 - i. Schlatter said that if his office did the work the cost would be around \$8,000 or 9,000.
 - ii. Schlatter also noted the Twp could use future OPWC funds for this project and do the project in 2010

Mr. Peck requested a motion to assign the culvert replacement project to the Co Engineer's Office and to use future OPWC grant funds to pay for the project and further to do the project in 2010. .

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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

The motion passed.

- (d) The 2010 Co Engineer road project participation letter (exhibit 6-c) is to be signed and returned to the County Engineer's office by Feb 5th, 2010. this work is based on the discussion and final list of road projects noted in item 6-b above.
 - (i) Trustees Ankney and Peck signed the road participation letter which notes all the projects proposed on the 2010 list discussed in item 6-b.
- (e) The chair then asked the Twp road crew if any work had yet been accomplished on the overhanging tree branches on McCllister rd. this item was first noted in the Sept 09 Trustee session – trimming of overhanging tree branches along McCollister rd. This project was to be

completed by the Boy Scout Camp Lakota maintenance dept on a volunteer basis.

1. Jason Shaffer – Twp rd crew – noted that the scouts have not yet moved their equipment back to the Def Camp. This work will be done when the eq returns.
 2. There was no other discussion on this issue.
- ii) The chair asked if there were other possible road projects to be discussed.
- (1) Tom Mick was recognized and asked the County Engineer if the culvert recently put under Hammersmith road (just west of State Rte 111) was undersized or not.
 - (2) The Engineer said he had just been on Hammersmith to assess the road for this session and had observed the culvert. He thinks that on first glance the culvert appears to be about 80% or so of what it should be. However, a larger culvert would require an assessment. The Twp can only replace existing sized culverts.
 - (a) Schlatter suggested that a possible fix to the issue would be to install grates over the catch basin to allow for overflow.
 - (3) Trustees agreed to the Engineer's proposed solution.
- (4) Mr. Bakle is pursuing a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane.
- (a) Bakle asked the County Engineer to attend a public session to determine the project size and scope. Bakle said he hopes to hold this session in February or March.
 - (b) Schlatter noted that the CDBG funds which the Trustees propose to use for this project are assigned through the Defiance County Commissioners. Trustees should consider making contact with the Commissioner's office.
 - (c) Bakle noted that the area was just notified that it met funding eligibility for use of CDBG grant dollars (this is a low income area grant).
 - (d) – this could be a 2010 project.....
- (5) Tom Mick was again recognized and asked if signs could be put up on Cromley and Krouse road where the roads enter into a dead end. Mick said – cars go down the road and at the dead end there is no turn around so vehicles must back out.
- (a) Trustees noted that there are already signs up that say dead end.
 - (b) No action was taken.
- (6) Trustee Ankney noted that he was contacted by Pete Schlegel who requests the Twp to clean out the ditch along Sponseller road. (Schlegel plans to farm this land)
- (a) Note: this is the ditch the Twp had cleaned several years ago -- the person farming the ground adjacent to the ditch at that time had disc the ditch full of sediment.
 - (b) Ankney said he relayed this history to Schlegel. Ankney said Schlegel will come to a future Twp session to make his request.
 - (c) There was no further discussion of this issue.
- i) 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) No issues were brought forth at this session.

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

- a) Monthly (December 09) GrassRoots clippings was distributed as exhibit 8a
- b) Trustees then reviewed Exhibit 8-b which was a notice from the County Engineer of the annual "Def Co Trustees and Elected Officials" meeting hosted by the County Engineer. This session will be at the Co EMA building in Brunersburg on Jan 21st @ 6 p.m.
 - i) The clerk will phone in the RSVP's & dinner order -
 - ii) Bakle & Peck signified they plan to attend.
- c) An invitation (exhibit 8-c) from the County Commissioners to Trustees to attend the annual "County Employee Recognition dinner on January 23rd at the VFW Post was distributed. Trustees were to contact the Commissioner's office for tickets.

ORDER OF BUSINESS NO. 9 – Personnel

- a) A notice from the Ohio Dept of JOB & Family Services Office of Unemployment Compensation (exhibit 9-a) was distributed to Trustees. The notice states Def Twp is responsible for \$66.82 in unemployment weekly benefits costs for Jason Shaffer.
 - i) There was no further discussion.

ORDER OF BUSINESS NO. 10 – Old Business

- a) Defiance city has proposed a contract to Def, Noble & Tiffin Twps for the purpose of providing rescue services.
 - i) Trustees have been provided a copy of the proposed contract which essentially raises the charge for runs into the Twp (rescue only) from the current \$30 to \$650 for a rescue unit that treats and transports. A second unit would incur a similar charge for similar service.
 - (1) Peck noted he had been in recent contact with MedCorp (the company that made a presentation to possibly provide said services to def twp in the November Twp session). Peck stated that due to economic issues MedCorp is unlikely to be able to perform the service as they proposed.
 - (2) Bakle said all contracts are negotiable and that the Twp should attempt further discussion with the City.
 - (3) It was noted that the City intends to implement their proposed contract or stop services.
 - (a) The city has stated that the contract must be signed by the end of December, however, the Chair stated he had contacted the City and the Twp has until Jan to sign and return the contract.

- b) Public bids opened for the sale of Twp property on Harding rd. This item was addressed first in this session – per legal notice of time of opening bids received. the property is a more or less 1 acre parcel –
 - i) Parcel #b-110003000900
 - ii) The ad has been reviewed and approved by the prosecutor's office and was run on two consecutive weeks prior to the December Twp meeting.
 - (1) The ad solicited sealed bids submitted to Twp by 7:30 p.m. on dec 29th to be opened and read aloud.
 - (2) Those who have submitted a sealed bid which had been read will be afforded the opportunity to raise their bid at that time.
 - iii) The Chair requested the fiscal officer-clerk to open and read allowed the submitted bids.
 - iv) One bid was received and opened.
 - (1) A Bid for \$4,,850 was submitted by Doug Layne of 22584 Garmin Rd.
 - (2) Trustees determined to take the bid under review.

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

ORDER OF BUSINESS NO. 11 -- New Business.

- a) The annual State Twp Winter conf is Feb 18th, 19th, 2010, was noted.
 - i) Trustee Bakle indicated his intention to attend.
 - ii) The fiscal officer will submit reservations.

- b) 2010 Ohio Plan Insurance renewal was then studied. (this was item 3 discussed at the session as a courtesy to the presenter).
 - i) The annual renewal of the Twp's insurance was discussed. Ohio Plan representative Conrad Beck made a presentation to the Trustees. He presented copies of the 2010 plan. The cost for the 3rd straight year declined. This is in part due to the safe operations and lack of incidents and also as noted; the plan has a de-escalator clause for renewal. The Twp also participated in several safety events which provided a premium reduction.
 - ii) The 2010 proposed insurance coverages are the same as in past years and the cost of premium was approximately \$155 less than in 2009.
 - iii) Premium costs for 2010 were \$3,275.

The chair asked the wishes of the Trustees.

It was moved by Mr. Ankney to accept the proposal for 2010 for Twp Ins to remain with the Ohio Plan.

Seconded: by Mr. Peck

A vote was called

YEA(s) 2 NAY(s) 0 Passed X - Bakle abstained.

The motion passed.

- a) The Chair asked if there is any new business to come before the board?
 - i) There was no other new business brought forth.

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: **Tuesday January 12th, 2009 – The Township’s Annual re-organizational meeting.**
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 December 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