

Minutes
DEFIANCE TOWNSHIP TRUSTEES
JULY 27TH, 2010 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 July 27th, 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: James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave., Ed Young - 23013 Watson Rd., Joe Kolb 16492 Cullen rd., Roy Perez 812 Indian Bridge Lane - Twp Zoning Appeals Bd member, & Jason Shaffer -13386 St Rte 15.

Visitors present: Penny Bakle 1204 Wayne Ave, Corrine Duerk 1585 S. Clinton St, & JoEllen Houck 8 Deville Drive – all of Defiance, Ohio.

ORDER OF BUSINESS NO. 1

Review and approval of minutes of the previous session.

Chairman Bakle requested a motion for the approval of minutes from the June 29th, 2010 session as amended..

Peck moved to approve.
Mayer seconded.

The vote being 3 Yea(s) 0 Nea(s)
The MINUTE'S for the June 29th, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.
 - i) Roy Perez was recognized:
 - (1) Perez provided pictures to the Trustees of storm water ponding in his neighborhood from a recent rain. He again asked for work on the drainage system for Indian Bridge lane.
 - ii) Trustees responded that they had presented the case to the Co Commissioners. The Commissioners are responsible for assigning projects to be funded by CDBG funds. Commissioners informed the Trustees that the Indian Bridge lane project as presented for funding in 2010's grant process was not selected.
 - (1) Trustee Mayer said she wrote a letter to the Crescent News noting her disagreement with the Commissioners decision – however – that letter has not been printed by the paper.
 - (2) Trustee Bakle said it may be that the residents of Indian Bridge need to apply for annexation into the city. This according to Bakle would get the residents an upgraded road and drainage system and lower water and sewer rates.
 - iii) Perez asked how the annexation process would work?
 - iv) Trustees suggested the residents should contact an attorney to get the proper guidance.
 - v) The chair asked if there were any other citizen issues.
 - (1) There were none.

ORDER OF BUSINESS NO.3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for June – noted a primary checking reconciliation balance of \$72,581.65 balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for July 2010 were \$14,140.29. Payments for July (bills & payroll) totaled \$16,638.35.
- c) The Cash fund summary through July 31st, 2010, showed an “ending cash balance” of \$770,472.33.

- d) The unencumbered cash balance “cash available” was \$488,962.50 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through July 31st, 2010, 17% 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 07-31-10 was \$701,963.69.
- g) Trustees reviewed and signed the June bills without comment.
- h) Trustees reviewed and signed the June payroll without comment.
- i) The fiscal officer reported that the Twp had received from the Def Co Auditor’s office the 2011 anticipated and approved amount the Twp is to receive from the County’s General Property tax receipts & the anticipated amount the Twp will receive from the Twp’s fire levy. These amounts are to fund the Twp’s Gen fund, fire fund & Road and Bridge Fund. The notice estimates the amount the Twp can expect from Inside the 10 mill limitation and from outside the 10 mill limitation (see schedule A of the resolution.) The Twp can expect to receive a total for both the general fund and road and bridge (road funds) of \$92,500 from the inside millage in 2011. This is \$23,000 for general fund and \$69,500 for the road accounts. The fire levy will provide \$71,500 in 2011.
 - i) The fiscal officer also noted that in 2010 the general fund and road tax receipts were projected to receive \$91,000 – the fire levy - \$70,000.
 - ii) In 2009 the estimates were \$99,000 for general fund & road acc’ts and \$80,000 from the Fire levy.
 - iii) The Twp should receive a Total of \$164,000 in 2011 compared to \$161,000 in 2010 and \$179,000 in 2009.
 - iv) After 4 straight years of reduction the Budget commission anticipates a slight increase in 2011.
 - v) Trustees reviewed exhibit 3-i which is – resolution 2010-10 that adopts the 2011 estimates as provided by the County.

Mr. Bakle requested a motion to adopt resolution 2010-10 (attached) accepting the amounts and rates as determined by the Co Budget committee and authorizing the necessary tax levies and certifying them to the County auditor.

MOTION by: Diana Mayer
 SECOND by: Dan Peck
 YEA(s) 3 NAY(s) 0 Passed X Failed

Resolution 2010-10 was approved.

- 2. The fiscal officer also reported that the Twp had received from the Def Co Auditor’s office the 2010 Defiance Township share of the anticipated 2011 distribution of “Local Gov’t Fund monies”. The Twp can expect to receive a total of \$37,186.05 in 2011. The Twp received \$35,278.93 in 2010. The Twp received \$41,914.80 in 2009 from this funding source.
 - i) Again the Budget Commission has for the first time in several years slightly increased the anticipated tax distribution from this source.
 - ii) Trustees reviewed exhibit 3-j which was – resolution 2010-11.

Mr. Bakle requested a motion to adopt resolution 2010-11 accepting the amount as defined by the County Budget Commission - \$37,186.05.

MOTION by: Dan Peck
 SECOND by: Diana Mayer
 YEA(s) 3 NAY(s) 0 Passed X Failed

Resolution 2010-11 was approved.

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

MOTION by: Diana Mayer
 SECOND by: Dan Peck
 YEA(s) 3 NAY(s) 0 Passed X Failed

The July 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) July 2010
 - (1) Site review Indian Bridge Lane New garage application sent & has not been returned.
 - (2) Site Review 1912 Baltimore Owner wants to remodel structure and open a carryout. He has not applied for permits. I met with him and explained the permit process. He is waiting for the Liquor Permit process to be completed.
 - (3) Site review Indian Bridge Lane for a Up Ground Pool. Permit Issued.
 - (4) A farmer on Powers Rd. called to discuss fence regulations. He advised a neighbor is planning to put up a fence along his 15 ft right of way. This will impede his ability to access his crops & field. I advised this appeared to be a legal interpretation. He advised he may contact his attorney.
 - (5) Site review Powers Rd Out Building Permit Issued.
 - (6) Thank you card from residents on SR 111 & Power Dam Rd ref high grass mowed.
 - (7) 7/26/10 Met with Russ Herman ref revised zoning regs. His only suggestion was to change some wording, report to be given to trustees and ask for acceptance.
 - (8) Site Review Co Rd 424 for a New Home & Pond. Owner was given all paper work for application a request for Zoning Appeals Hearing. This parcel is zoned AG he request it be rezoned to R1.
 - (9) Site Rivew possible new home Power Dam Rd sale pending
- b) Trustees noted 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 edits were submitted to the County Prosecutor in June.
 - ii) Schlegel and Houck met with the Prosecutor on Monday the 26th of July.
 - iii) Schlegel reported that the Prosecutor's attorney – Mr. Russell Herman – verbally confirmed that the changes met legal requirements.
 - (1) Note: Trustees approved resolution 2010-09 adopting the changes in the June session pending the prosecutor's review and approval.
 - (2) The fiscal officer will now work with Schlegel and Soil & Water to insert the approved edits into the Twp's Zoning Plan and redistribute to the Trustees, Zoning Commission, Zoning Appeals and repost the revised plan to the Twp web page.
- c) 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) Discussion took place relative to acquiring informal quotes to purchase a replacement lawn tractor. (see June 10 mins for initial discussion).
 - (1) Trustee Bakle stated we need to get prices on zero turn units. He had contacted Lowes and found that no gov't pricing was available.
 - (2) Shaffer said he has acquired quotes from Arps & McCabes of Defiance:
 - (a) Arps quoted a Simplicity ZT 3000 46" cut was \$4300
 - (b) McCabe's quoted two units:
 - (i) A Titian Z 48" cut was \$3591 &;
 - (ii) A TimeCutter \$2015
 - (c) All units were zero turn
 - (3) Bakle said he would get prices from Lichtey's of Archbold for review in the August session.
 - (4) Trustee Peck suggested that the Twp acquire a price to contract out the mowing.
 - (5) Bakle said we have employees to do this type of work.
 - (6) Peck said as we haven't yet purchased a replacement lawn tractor we should check out contracting the mowing needs...it might save the Twp money.
 - (7) The discussion on mower replacement concluded.
 - ii) Bakle then noted that he was aware that a safety pin that is to be inserted on the road mower attached to the John Deere had not been inserted and the mower which was in the up position came down. He reminded the crew to check and make sure the pin is always in place to lock the mower in the proper position.

- 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 Mayer was reviewed.
 - i) Trustees reviewed the report with the Twp staff and instructed the Twp crew to address the work noted on the inspection report.
 - ii) Twp employees present were provided a copy of the report.
 - iii) The August - Rd review is to be done by Trustee Bakle.

- b) The 2010 Twp Project(s) list was then reviewed. Trustees were updated on existing projects:
 - i) The 2010 Project list of work to be done for the Twp by the Co Engineer's office was finalized in the April 2010 session. For a history see agendas from Feb 09 through April 10.
 - (1) The 2010 project list cost is now \$91,655.29
 - (a) Projects are;
 - 1. Cement stabilization – Krouse rd
 - 2. Berming – kibble & def Paulding co line
 - 3. Pavement markings – bowman, ashwood, kibble
 - 4. Hot mix patching – ashwood, hammersmith & winn
 - 5. Chipseal – ashwood, kibble & winn
 - 6. Crackseal – kibble.
 - (2) The work continues by the Engineer's office.
 - (a) Expenses to date total \$41,292.31
 - (b) Remaining work exp totals \$48,503.16
 - (c) Project is on schedule to come in under budget by \$1,859.82
 - ii) The fiscal officer 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 debt and work crew salary & benefits.
 - (1) Estimated rd revenues for 2010 are approx \$235,000.
 - (2) Estimated expenses for 2010
 - (a) \$91,655 co eng work
 - (b) \$ 20,000 (estimated by Bakle) Hammersmith rd – re-build (acquire set back right of way and const drainage ditches).
 - (c) \$100,000 – normal twp road work, eq, road crew salaries etc.
 - (d) \$211,655 – total 2010 anticipated road expenses
 - 1. Year to date expenditures on all road projects was \$83,943.77 through July 27th.
 - 2. The Chair asked for any additional comments.....there were none.
 - iii) Noted in the Sept 09 Trustee session – trimming of overhanging tree branches along McCollister rd. It was noted in the June session that the Co Engineer's office will address this for the Twp in the fall of 2010.
 - iv) Trustee Mayer continues working on Twp long range planning with Dr. Philip Russo, PhD of the Department of Political Science Miami University, Oxford, Ohio, as approved by the Twp Trustees in the Feb 2010 session:
 - (1) She will report when her review of the Twp source books is complete.

- c) - Other possible projects???
 - i) Trustees reviewed Exhibit 6-c - the Hammersmith rd reconstruction project as outlined by the County Engineer's office.
 - (1) Page 1 is a total of the project work and cost.
 - (2) Page 2 is cost and work on a portion of the project – should the Trustees break the project down to a multi year effort relative to cash flow concerns.
 - (3) Page 3 is the cost and work on the 2nd half of the multi year project.

(4) The fiscal officer noted that:

- (a) The road acc'ts will have more expense posted than revenue received in 2010 – this is the 2nd straight year for that occurrence.
- (b) It is only estimated that road rev for 2011 will be slightly higher than the \$235,000 estimated in 2010.
- (c) Subtracting the \$100,000 estimated annual normal exps charged to the road acc'ts leaves \$135,000 for special projects and/or road re-construction. The engineer's cost estimate for on page 2 for the section from State Rt 111 to Krouse is ????????

d) Twp cemeteries – (were reviewed in the Trustee road report).

- i) Trustee Peck requested the crew not to mow on Sundays if at all possible. The concern is with visitors see such work performed on a Sunday.
- ii) The chair asked if there were any other cemetery issues.
 - (1) None were brought forth.

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

- a) The monthly (July 10) GrassRoots clippings was distributed as exhibit 7a

ORDER OF BUSINESS NO. 8 – Old Business

a) Mr. Bakle asked if there is any old business?

- i) It was noted by the fiscal officer that Trustees ordered the purchase of 100 tons of road salt through the Co engineer's office in early 2010. The engineer's office has contacted the fiscal officer and noted the salt was ordered. Billing to follow. 100 tons purchased @ \$51 per ton = \$5100 plus cost to mix grit.

b) Trustees reviewed the progress to acquire a new storage facility for Twp records.

- i) As suggested by Trustee Mayer the fiscal officer had asked B & B Storage to bill 1 month ahead. We await the additional billing.
- ii) The Twp is attempting to acquire a storage out building to be set at the Twp Maintenance building on Hammersmith rd.
- iii) At this session Trustees instructed Shaffer to acquire a price to have a shed constructed – size roughly 12 x 12.???
- iv) The chair asked if there was any other old business for discussion.
 - (a) There was none brought forth.

ORDER OF BUSINESS NO. 9 -- New Business.

a) The fiscal officer – per an informal poll of the Trustees in July had submitted to the Dept of Liquor control a request for a hearing on a liquor license request by the Defiance Inn 1912 Baltimore Rd – Defiance Twp, Defiance, Ohio.

- i) Trustees were provided with exhibit 9-a the copy of the request for the hearing.

b) The Chair asked if there was any other new business to come before the board?

- i) There was none.

ORDER OF BUSINESS NO. 10 - NEXT MEETING:

Date: Tuesday – August 31st, 2010

Time: 7:30 p.m.

**Place: 2nd floor of the Defiance County Commissioners building – conf room EMOC
500 Court Street - Defiance, Ohio**

d) Mr. Bakle requested a motion to adjourn the meeting of July 27th, 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