

Minutes
DEFIANCE TOWNSHIP TRUSTEES
July 28th, 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 July 28th, 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: John Diemer – 23361 Defiance-Paulding Co Line Rd, Jason Shaffer 13386 St Rte 15 & Mr. James Schlegel (equipment operator and zoning inspector) – 220 Pinewood Ave.

Other(s) present were: Junior Duerk 1585 South Clinton St, Tom Mick 21389 Hammersmith, Penny Bakle 1204 Wayne Ave., Don Brown 20472 Kiser Rd., Jereme Magrum -- Kalida Truck salesman, Mike Schlachter 21682 Hammersmith Rd., & JoEllen Houck of 8 Deville Drive, Defiance, Ohio.

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 June 30th, regular Twp session.

Mr. Bakle moved to accept the mins

Mr. Ankney seconded

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

The MINUTE'S for the June 30th, session were approved.

ORDER OF BUSINESS NO. 2 - Citizen concerns:

- a) The chair asked for citizen concerns from the floor.

- i) Mr. Mick was recognized. He asked; "when are they going to address the repairs to Hammersmith Rd?" He noted the road is very rough and in his opinion dangerous.

(1) Trustees responded noting they addressed this issue in the recent past sessions.

(a) Hammersmith is a designated haul road for the US 24 project and will be repaved and repaired by ODOT after the project.

(b) Trustees agree that the road is rough and will again contact the State Project director noting the citizen concern.

(i) Mr. Ankney said he had spoken with the Project director. Mr. Ankney said he to does not like the timeframe of this issue but we must follow the process.

(ii) Trustees will have Twp crew work on the berm and patch with grindings any holes. Trustees note this is just temporary and the work will not last. It is hoped the State will begin permanent repairs this fall.

- ii) Mr. Mick then asked what the Twp will do about ground hog holes at a culvert on the west end of the Twp section of Hammersmith.

(1) Trustees replied they will have the Twp crew attempt to address the ground hog issue and;

(2) that a replacement culvert has been ordered. The culvert is scheduled to be replaced as soon as it arrives.

- iii) Mr. Mick then asked what the Twp was doing about high weeds growing on two vacant properties on Hammersmith Rd.

(1) Trustee Bakle noted that the Twp policy is for a citizen to fill out the Twp complaint form. This is necessary in order for the Twp to take any action which will result with the Twp placing a bill on the property taxes. Bakle noted that the Twp can not just send its crew onto private property.

- iv) Mr. Mick then questioned the Trustees about their efforts to deal with the storm water drainage problems he and others had defined several months ago.

(1) Mr. Peck responded, as he had in past sessions:

- (a) Mr. Peck said he had called Adams, Delaware, Farmer, Hicksville, Mark, Tiffin, Washington & Richland Twps and all addressed ditch issues as they became known to the Board. There was no defined maintenance program but all thought of their system as a Plan.
- (b) Concerns were addressed when noted either through meetings or road reviews done each month by Twp personnel.
- v) The discussion then degraded to multiple concerns/complaints about:
 - (1) The Auglaize Sewer project – a County project
 - (2) Water rates –
 - (3) Berm width on Hammersmith Rd
 - (4) Cromley Rd
 - (a) The discussion was brought to a close.

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 \$194,133.85 .. balance is minus the outstanding checks and Township investment funds.
- b) Receipt & Payment reports
 - i) Receipts for July 2009 were \$9,804.84. Payments for July (bills & payroll) totaled \$202,733.78.
- c) The Cash fund summary through July 31st, 2009, showed an “ending cash balance” of \$723,472.35.
- d) The unencumbered cash balance “cash available” was \$420,891.63 which is the balance after encumbrances are subtracted from the cash balance.
- e) Appropriation Status showed that through July 31st, 2009, 28.8% of the years’ appropriations had been expended. The budget is in line with the goals set by the Trustees to pay in 2009 the cost to rebuild the 2nd half of the Kiser Road. The funds for this project have been encumbered for expenditure during this year. 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 07-31-09 was \$723,486.86.
- g) Trustees then reviewed a notice from the County Auditor’s Office presented as **exhibit 3-g**. This exhibit revised estimates of income for the 2009 budget. All estimates were revised downward.
 - i) Defiance Twp will lose \$6,314.99.
 - ii) The fiscal officer has reviewed the impact on budget and finds our proposed current allocations do not need to be adjusted as we have planned for such an eventuality.
 - (1) It should be noted the Twp must closely monitor any new (unplanned) proposed expenses so as to be able to provide long term basic services. We have the remainder of 2009 for such discussion.
- h) The Twp also received from the Def Co Auditor’s office the 2010 anticipated and approved tax amounts the Twp is to receive from the County’s General Property tax receipts & 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 the Inside 10 mill limitation and from the outside 10 mill limitation (see schedule A of the resolution.) The Twp can expect to receive a total of \$91,000 inside millage in 2010 for its road accounts and \$70,000 from the Fire levy (an outside millage). In 2009 the estimate was \$99,000 inside for road acc’ts and \$80,000 from the 2008 Fire levy.
 - i) The Twp should receive a Total of \$161,000 in 2010 compared to \$179,000 in 2009.
 - ii) This is the fourth straight year of anticipated reduced income.
 - iii) Review of exhibit 3-h which is – resolution 2009-12.

Mr. Peck requested a motion to adopt **resolution 2009-12** (on file in the clerk’s office) 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.

Mr. Bakle moved to accept and approve the resolution

Mr. Ankney seconded

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

Resolution 2009-12 was approved. A signed copy is on file in the clerk’s office.

- i) The fiscal officer provided the Trustees with an update on the Twp audit of 2007 & 08 –
 - i) The fiscal officer received an email from State Auditors that the audit is drawing to a close. The Twp

will receive 2 minor comments in the management letter. See notice provided as **exhibit 3-i**. The exhibit is to be filed in the audit file.

- ii) The audit also found a typo on the Twp "fee schedule"- provided to the Trustees as **exhibit 3-ii**
 - (1) The charges for permits to construct New Homes and for installing Mobile Homes had an error.
 - (a) The Zoning Inspector confirmed – the charge is .10 per sq foot not \$10 for new home const and .08 not \$8 per sq foot for mobile homes
 - (b) The fiscal officer has corrected the typo and will post to the web page.
- iii) The State Auditor's provided the Trustees with a draft of the audit comments and an option to dispense with the "Exit Audit" interview. The State noted the Twp had very good records and the two issues to be noted were minor in nature. (the items are confidential until the release of the management letter by the State Auditor's office).
 - (1) Trustees agreed:

It was moved by Mr. Ankney to waive the "exit audit and sign the wavier letter provided by the State.

Seconded by Mr. Bakle

YEA(s) 3 NAY(s) 0 Passed x Failed
The motion was adopted and the letter was signed.

- j) Trustees were next presented with a Kiser Rd project bill (see bill) which contained two change orders - the Trustees had been made aware of these change orders earlier by the County Engineer. Both change orders are being processed and had been signed by the Trustee President. Both change orders are now being signed by the contractor. This notation is made for the record. The total amount of both change orders is \$4267.69.

The Chair asks for a motion to approve the change orders.

It was moved by Mr. Bakle

Seconded by Mr. Ankney

YEA(s) 3 NAY(s) 0 Passed x Failed
The Change orders were approved.

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

MOTION by: Charles Bakle

SECOND by: Richard Ankney

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:

- 2) The Chair asked for the Monthly Zoning report - Inspector's Report - Mr. Jim Schlegel
 - a) July 2009
 - i) A Survey Company called Ref ability to build in Power Dam Park. This being a subdivision there are some reductions in Setbacks will follow up as request to build are received.
 - ii) Site Review Cromley Rd Out Building Permit Issued
 - iii) Site Review Singer Rd Home Addition Permit Issued
 - iv) Site Review New Home Parkview Dr sent Zoning Application
 - v) Zoning Permit Issued for Out Building Keller Rd, Zoning Board of appeals voted in favor of a variance of setback.
 - vi) Amy Meyers Metal Mgmt. called ref recycling permit fee. Before I got back with her (4 hrs) she contacted a trustee whom stated we have none right now but are working on it. I know nothing of this and will question Trustees at Twp Meeting
 - (1) end inspector's report
 - 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.
 - i) Jason Shaffer noted the Ford mower tractor had a front flat tire.
 - (1) Trustees directed him to take a used tire from the garage and have it mounted
 - (2) There were no other issues from the employees.
- b) Trustees again discussed the purchase through a State Bid – “department of administrative services”, a new tractor for the Twp with certain attachments (mower, berm reclaimer, ?)
 - i) **Exhibit 5-i** was a state bid price from Homier and Sons for a New Holland 6050 – \$47,730 (tractor only)
 - ii) **Exhibit 5-ii** was a state bid price from Archbold Eq for a Case IH 125 - \$51,296 (tractor only)
 - iii) The Chair asked for discussion....
 - (1) Mr. Bakle wanted to know if the Twp had acquired a bid on a John deere.
 - (a) Mr. Ankney said he did not have one at this time but had contacted them.
 - (2) Mr. Mick – noted that the Trustees should not buy an off brand referring to the New Holland bid –
 - (a) It was confirmed by both Mr. Ankney and Jeremy Magrum -- Kalida Truck salesman, that New Holland is manufactured by Ford and is a standard tractor used by many Twps.
 - (i) Mr. Magrum noted that New Holland and Case are made by the same company; only the name plates are different.
 - (ii) The Trustees asked Mr. Magrum if attachments such as a boom mower, berm reclaimer etc would fit on either unit.
 - 1. he responded – yes. However, the Twp berm reclaimer would require some minor alterations to fittings.
 - (b) Mr. Bakle stated he would be more comfortable if the Twp also acquired a bid from John Deere.
 - (i) Trustees agreed to this proposal and a bid will be acquired and provided at the August meeting.
 - (3) Trustees then discussed the purchase of a “boom – Diamond mower”.
 - (a) Mr. magrum was recognized.
 - (i) He present the Trustees with a packet noting the mower and a state bid purchase price.
 - (ii) The Diamond mower – is more versatile then a pull behind unit.
 - 1. it can reach over to the far side of a ditch and mow behind shrubs and mail boxes. The unit can also be used to trim trees.
 - 2. the state bid price quote was \$37,500 without joy stick.
 - 3. It was noted that a tractor with at least 100 horse power is required to operate this mower. (all tractors being reviewed meet this requirement according to Trustee Ankney).
 - (b) Trustees determined to take the bid under advisement and will review again at the August session.
 - (4) There was no more discussion on this issue.
 - iv) Mr. Peck asked if there were any other equipment issues to be discussed..
 - (1) There were no other issues noted.

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) See report on file with the meeting minutes.
 - ii) This report is a work order for the Twp crew and was distributed to the crew.
 - iii) Mr. Ankney’s report noted:
 - (1) Road side mowing was progressing but much still needed done.
 - (2) Ashwood rd is badly damaged from ODOT’s work on US 24.
 - (3) Cromley road has a swale which makes vehicles traveling on this road bottom out.
 - (4) Indian Bridge lane has hole – needs patched
- b) The August - Rd review will be by Trustee Bakle
- c) Project(s) review: –
 - i) Trustees discussed 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) The project was awarded to RG Zachrich of Defiance for their low bid of \$250,775.50 on Jan 27th at the Def Co Engineer's recommendation.
- (c) As of 7-28-09:
 - (i) The budget is in place and purchase orders have been prepared.
 - (ii) Twp has received a 3rd project invoice in the July bills
 - 1. bill #1 was in May for \$6,900 posted – remaining Zachrich budget \$243,875.50
 - 2. bill # 2 in June is for \$50, 366.32 – remaining Zachrich budget \$193,509.18
 - 3. Bill #3 in July is for \$187,575.15 – remaining Zachrich budget w change orders is \$10,201.73 – this is the required retainer – the twp awaits its release by the project engineer(Def co Eng office).
 - (iii) Project bid at \$250,775.50
 - (iv) Change orders of \$4,267.69
 - (v) Total project cost w change orders \$255,043.19
- (d) Mr. Don Brown was recognized.
 - (i) Mr. Brown stated he was asked to bring to the attention of the Trustees the following issues:
 - 1. he and several other residents of Kiser rd had asked the contractor supervisors for any soil from the construction project that the contractor might need to get rid off. They were told by the contractor supervisor that they could have some.
 - a. all of the soil that was removed was taken to a single resident on kiser (Duerks).
 - b. Trustees said they would discuss this with the Co Eng – the co engineer is the project coordinator for the Twp. Some one would then get back to mr. Brown with an answer.
 - 2. Mr. Brown then questioned why there was not a stone berm on this section of Kiser rd.
 - a. Again Trustees said they would discuss this question with the Co engineer and get back to Mr. Brown.
- (e) This item will remain on the agenda until completed

ii) **Additional 2009 rd projects –refer to feb exhibit 6-c-ii**

- (1) Chipseal Karnes Rd from Bowman to Watson - \$8,554.88
- (2) Chip seal Def. Paulding Co line from SR 66 west 1.5 miles - \$14,344.35
- (3) Hot Mix Patching – Karnes Rd from Bowman to Watson - \$3,337.22
- (4) Hot Mix Patching – Def Paulding Co line from SR 66 west 1.5 miles - \$4,360
- (a) Items 3 & 4 are completed as of this session
- (5) Pavement marking – Karnes from bowman to Watson - \$400
- (6) Pavement marking – Def Paulding co line from SR 66 west 1.5 miles - \$700
- (7) **Total \$31,806.**
 - (a) The Chair asked if there was any other Progress report to be made at this time?
 - (i) The fiscal officer noted that the Twp was billed for a portion of this work in july – see bill for details.
 - (ii) Patching to Karnes and Co line is in place.
 - (b) This item will remain on the agenda until completed

- (8) A catch basin and pipe near Larry Mick residence @ 21639 Hammersmith rd was to be installed.
 - (a) Soil and Water is conferring with Twp on this project.
 - (b) Mr. Ankney noted the items have been ordered and will be placed as soon as they are available.
 - (i) There was no other discussion?....

iii) **Twp cemeteries –**

- (i) See Trustee road review. It was noted that cemeteries needed mowed and there was some trimming of trees to be done.

iv) Other possible road projects???

- (1) Mr. Bakle is pursuing a CDBG grant through Maumee Valley Planning for road work to Indian bridge Lane – this could be a 2010 project.....
- (2) Mr. Bakle noted the surveys have been sent out by MVP. He expects the results to be favorable.
- (3) The fiscal officer noted that he had been informed that a grant for 2010 had to have been submitted in

June of 09. It is possible that this project may be delayed until 2011 if the grant dollars are available due to the time of submittal.

(4) There was no further discussion

v)

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

- a) the monthly (July 09) GrassRoots clippings – **exhibit 7a** was distributed.
- b) A notice – **exhibit 7- b** - from the Def. Co. Health Dept was reviewed.
 - i) They have grant funds for low income residents for sewer replacements.
 - ii) This is informational only – for Trustees should they be contacted for such help.
 - iii) The health dept is doing public education.
- c) **Exhibit 7-c** was a notice from the County Prosecutor's Office of proposed Twp education training
 - i) Trustees are asked to fill out the survey which asked if trustees desire a Co wide trustee training session on zoning or other topics – the clerk will forward your surveys to the prosecutor.

ORDER OF BUSINESS NO. 8 – – Personnel – Trustees reviewed an application for possible hire of another part time road crew person. The Township determined to acquire applications for a part time road crew member position when Mr. Schlegel informed the Trustees in the May meeting that he no longer could fulfill the duties as the primary part time rd crew member. In May the clerk posted the opening on the bulletin board of the Commissioners building per the adopted public notice procedure of the Township. Trustees determined that it was prudent to discuss the possibility of hiring another for part time work..

- 1) review of an application – **exhibit 8a-** for possible hire of another part time road crew person.
 - a) This person was not in attendance and Trustees tabled the issue.
- 2) The fiscal officer provided a status report on the current road crew operator staff:
 - i) Daniels, Michael – hired Nov 08 - inactive since Feb 09
 - ii) Palmer Howell – hired May 09 – failed to file OPERS paper work and can not work
 - iii) John Bowers – hired June 09 – failed to file OPERS paper work and can not work
 - iv) Jim Schlegel – has indicated he will work his zoning position only at present
 - v) Active members of staff;
 - (1) Jason Shaffer – hired May 09 – he is working – somewhat limited hrs
 - (2) Joe Kolb – working very limited hrs
 - (3) John Diemer – working very limited hrs

ORDER OF BUSINESS NO. 9 - Old Business

- a) Trustees continue to review a list of road projects – from Feb 09 session provided by co engineer.
 - i) See list of road projects – from Feb 09 session provided by co engineer.
 - ii) The Twp is awaiting a fall review by the Eng at which time a priority will be assigned to the projects as determined by the Trustees.
 - iii) Trustees noted that a culvert is being replaced by the co Engineer at the direction of the Trustees on the Twp section of Def Paulding Co line rd #8.
 - iv) There was no additional discussion.
- b) Mr. Peck asked if there is any other old business to be discussed. There was none.

ORDER OF BUSINESS NO. 10 -- New Business.

- a) The Chair asks if there is any new business to come before the board?
- b) There was none.

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

Date: Tuesday August 25th, 2009.
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 July 28th, 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