

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**January 28<sup>th</sup>, 2020 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, January 28<sup>th</sup>, 2020 at 6:30 p.m. Answering as present were Dan Peck, Diana Mayer & Jason Shaffer. With three of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: John Diemer 23361 Defiance-Paulding Co. Line rd 10, Brian Grant 15168 Steve Buchholtz 1615 S. Clinton St., - Defiance, Ohio.

Visitors present: Jeff Leonard, Defiance City Administrator, Melinda Sprow Defiance City Engineer, David Kern candidate for Defiance County Commissioner, Stan Strausbaugh Defiance County Deputy Sherriff assigned to Defiance Township, Warren Schlatter Defiance County Engineer, Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10, & JoEllen Houck 8 Deville drive, all from Defiance County - Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

Reviewed and approved the minutes of the previous session(s).

Mr. Peck requested a motion for the approval of minutes from the January 14<sup>th</sup>, 2020 budget-re-organizational & regular session.

Mr. Shaffer moved to approve the minutes as presented.

Mrs. Mayer seconded.

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

The minutes for the session were approved.

**ORDER OF BUSINESS NO. 2 - Citizen concerns:**

1) The chair asked for citizen concerns from the floor.

a) David Kern was recognized. Mr. Kern noted he was introducing himself to the Trustees, as he is a candidate for the Defiance County Commissioner seat now held by Mr. Plotts. Kern noted that Plotts is running for Defiance County Sherriff and cannot serve in both capacities. The Commissioners term for Plotts seat begins January 1<sup>st</sup>, 2021. Mr. Kern is running in the March primary to be the republican representative for the November general election.

i) Kern stated his reasons for seeking office;

(1) He is very involved in his community and wishes to further serve his community.

(2) He desires to give back for all that his community has done.

ii) Kern noted his is a lifelong resident of Defiance County – he is an Ayersville High grad, and a grad of Northwest State Community College.

(1) He has worked in the private sector for over a decade;

(2) He currently operates his own construction company;

(3) He worked at the County Correctional facility of Northwest Ohio (CCNO);

(4) He is a member of the Ayersville Board of Education;

iii) Kern asked for the Trustees support in the upcoming election.

b) Trustees thanked Mr. Kern for his information and wished him well.

c) Trustees then recognized Deputy Strausbaugh;

i) Deputy Strausbaugh asked if Trustees had any issues he should be aware of:

(1) Trustees noted no issues at this time; and thanked Deputy Strausbaugh for addressing the parking issue that was causing some damage at Taylor cemetery.

(2) Refer to November 2019 meeting minutes for details.

**ORDER OF BUSINESS NO. 3 - FINANCES –**

The following financial reports provided to the Board were reviewed.

a) The Reconciliation for December - noted a primary checking reconciliation balance of \$276,496.52-- balance

is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.

- b) Receipt report:
  - i) Receipts for January (UAN software-) were \$15,391.83.
- c) Payment reports:
  - i) Payments for January (UAN software-) were \$11,036.88.
- d) The Cash fund summary through January 27<sup>th</sup>, 2020, (UAN software) showed an "ending fund balance" of \$1,014,183.03.
  - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$369,115.86.
- e) Appropriation Status showed that through January 27<sup>th</sup>, 2020 (UAN software), .8% 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 01-27-20 was \$735,919.98.
- g) The Fiscal Officer reviewed gas tax revenues comparing revenue after the additional gas tax increase passed the Ohio Legislature in July 2019 as requested by Trustees.
  - i) The Co. Auditor informed the fiscal officer that there is a delay from when collections start and distributions begin – about two months.
    - (1) Collections started in July 2019 and she believes the first distribution of the new tax started in Sept. 2019.
    - (2) **Exhibit 3-g-1** showed gas taxes in total for 2019
    - (3) **Exhibit 3-g-2** showed gas taxes in total for 2018
    - (4) the final four months of 2019 is when the new gas tax was distributed. This period shows an increase of 11K more or less or an average of \$2,700 per month.
      - (a) The County Auditor noted that there are other factors impacting the amount collected:
        - (i) Lower gas prices tend to have more gallons sold.
        - (ii) A stronger general economy also increases gas tax collections. (more gallons sold)
        - (iii) The tax increase on gas as of July 2019 was 11 cents per gallon.
  - ii) The fiscal officer per Trustee request will continue to monitor income and provide 2020 monthly updates.
    - (1) **Exhibit 3-g-3** is gas taxes posted through January 28<sup>th</sup>. 2020 v Jan 2019.
      - (a) 2020 rev was \$11k more or less
      - (b) 2019 rev was \$400.00 more or less – difference is due to when gas taxes were posted by the Auditor's office.
    - (2) The Chair asked if there was any discussion.
      - (a) There was none.
- h) January bills through the 28<sup>th</sup>, – were then reviewed & signed by Trustees.
- i) Payroll & January time cards (time cards provided trustees prior to session) – were reviewed and signed by Trustees Review.
- j) Mr. Peck requested a motion to accept the January financial reports.

MOTION by: Shaffer

SECOND by: Mayer

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

The financial reports were approved.

**ORDER OF BUSINESS NO. 4 – Zoning** - Status update on the following zoning Issues as of this session:

- a) During the November 2019 session Trustees asked that the Twp expenses for mowing the nuisance issue with high grass and weeds on property owned by Larry Moore estate – 14036 St. Rte 111, be sent to the property care taker – Butler Realty of Defiance.
  - i) This was sent by the fiscal officer via email on 12-6-19.
  - ii) The Twp awaits receipt of payment.
  - iii) There was no further discussion..
- b) January Monthly Zoning report - was presented by Mr. Diemer.
  - i) permits issued-
    - (1) Mike Girlie - Bowman Rd for a pond
    - (2) Andy Davis- Bowman Rd for a home

- ii) Zoning issues:
  - (1) Signed a land split for Bob Spyker on Campbell Rd at Weaner's office
- iii) Nuisance violations:
  - (1) No new issues in Jan..
- iv) Site reviews:
  - (1) None in Jan.

Respectfully submitted  
John Diemer, Twp. Zoning Inspector

- c) The Chair asked again if there were any other zoning issues to come before the Board.
  - (1) There were none..

**ORDER OF BUSINESS NO. 5 -- Equipment;**

- a) Comments or concerns from Twp. employees on current or proposed new eq &/or safety items.
  - i) It was noted that the 04 International has an hydraulic leak. This is to be repaired.
  - ii) Trustee Shaffer said that Twp operators had concerns with seeing while plowing at night in the F550. The issue is head lights.
    - (1) Trustees agreed to replace the headlights on this unit at a cost of approx. \$600.
  - iii) Trustee Shaffer also asked that a new set of ratchets be purchased for the twp.
    - (1) Trustees approved.
- b) The Chair again asked if there were any other equipment issues to be discussed?
  - i) There was none.

**ORDER OF BUSINESS NO. 6 - Trustee Report – Monthly Twp. Rd inspection and road projects.**

- a) Trustee Report – Monthly Twp Rd inspection by Trustee Peck.
  - i) Crew to address when possible pot holes noted on/in County Rd. 10.
  - ii) Trustee Shaffer asked that Twp operators purchase drive reflector/markers and set along the edge of Haymaker rd so that during plowing operations Twp equipment won't inadvertently drive off the road and get stuck.
    - (1) Trustees approved the purchase and placement of these markers.
  - iii) The February report is to be by Trustee Mayer.

**b) 2019 Road projects:**

- i) Defiance County Engineer Warren Schlatter presented Trustees with the 2020 Twp Rd. maintenance program as prepared by his office on the Twp's behalf: **exhibit 6-b**
    - (1) The projected total cost is \$60,257.00  
After review, Trustee Shaffer moved to accept the proposed 2020 Twp. road maintenance program in total as presented.  
Mrs. Mayer seconded  
YEA(s) 3      NAY(s) 0      Passed X      Failed
- The proposal was approved.

- (2) (this is the Twp. road maintenance program and does not include major reconstruction projects – i.e. Bowman Rd re-build.

- (3) 2020 Def. Twp. rd. maintenance program from Eng. estimates dated Jan 28<sup>th</sup> :

(a) <b>Chipseal:</b>	<b>Est.</b>	<b>Actual cost</b>
(i) Karnes – from Bowman to Watson- 5328'	\$9,759	
(ii) Keller – from Powers to Kiser – 2640'	\$2,667	
(iii) Sponseller – Def/Pau Co. line to Bowman – 5303'	\$5,999	
(iv) Estimated total exp. of chip seals	<b>\$18,425</b>	

**(b) Patching:**

(i) Bowman –	
1. from Campbell to Williams – 4 patches	\$5,447
2. from St. Rt 66 to Twp line – 2 patches	\$4,085
(ii) Carter Rd –from Ginter to St Rt 66 – 2 patches	\$2,931
(iii) Def-pau line #10 – from st rt 66 to Holly rd – 2 patches	\$2,118
(iv) Garman – from Harding to Wilhelm – 1 patch	\$1,059

(v) Ginter rd. – from Carter to Def. City limit – 2 patches	\$3,518
(vi) Keller rd – from Powers to Kiser – 1 patch	\$ 945
(vii) Kibble rd – from Canal to Winn – 1 patch	\$1,210
(viii) Kiser – f keller to canal – 3 patches	\$4,083
(ix) McCollister rd – f Wilhelm to dead end – 1 patch	\$ 983
(x) Singer rd – f St rt 111 to Hammersmith – 1 patch	\$1,059
(xi) Sponseller rd – f def/pau co line to Bowman – 3 patches	\$3,177
(xii) Wilhelm rd – f Watson to McCollister – 1 patch	\$1,588
1. From McCollister to Garmin – 1 patch	\$1,059
(xiii) Estimated total patching exp -	<b>\$33,270</b>

**(c) Crack Seal-**

**(i) Def/Pau Co Line :**

1. f .5mile east of Campbell to Williams – 2640'	\$1,689
2. f Williams to St Rt 66 – 5306'	\$3,395
3. St. Rt 66 to Holly – 5359'	\$2,857
4. Estimated total exp. crack seal	<b>\$7,943</b>

**(d) Pavement Markings:**

<b>(i) Karnes Rd – f Bowman to Waton – 5228'</b>	<b>\$618.00</b>
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**(e) Total est and final expenses for 2020- \$60,257**

ii) Re-build and widen 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.

(1) As of this session:

(a) In 2019:

- (i) There was no work billed the Trustees by the Co. Engineer.
- (ii) No construction work was done in 2019 due to bid scheduling and engineer's field personnel dedicated to other tasks (no prep work).

(b) Co. Engineer Schlatter asked for an amount that the Twp will spend on this project in 2020:

- (i) Trustees agreed to dedicate \$190k of its 2020 road funds towards this project.
- (ii) Trustees agreed that the Engineer will manage the project at the Engineer's discretion based on the funding the Twp commits,.

**c) Twp projects by Twp staff or other contractors for 2020:**

i) The Chair asked if there were any proposed projects for the Twp staff or private contractors 2020?

**d) Re-build Ginter/Carter Rd.from Jefferson Ave. (St. Rt 66) to at Carter Rd to Ginter and Jefferson (St. Rt 66)**

- i) City Administrator Jeff Leonard, City Engineer Malinda Sprow and County Engineer Warren Schlatter were recognized:
- ii) Mr. Leonard said the City was attempting to secure a grant which will fund much of this project. The effort also includes a use path (sidewalk).
- iii) The road will be rebuilt using cement stabilization, the walk way will be on the west side of the road (Boy Scout Camp side).
- iv) Sprow noted the project will widen the road and the use path will be wide as well.
- v) Schlatter stated he rec'd a call from a citizen complaining that the road is deteriorating. Schlatter noted that about half the distance of the road is in the city.
- vi) Leonard and Schlatter thought a joint project might be advantageous.
- vii) Schlatter said he has prepared a project cost estimate:
  - (1) Road rebuild using cement stabilization with a 2" asphalt cover - \$550,000
  - (2) Use path (side walk) - \$100,000
  - (3) Each party would need a local contribution of approx. 130 to 150k
- viii) Schlatter stated the following time line and estimated costs for the Twp:
  - (1) If approved by the end of June 2020 – by both the city and Twp
  - (2) A grant proposal and approval would be written in late summer – fall of 2020 and submitted. The grant is then reviewed and approved in 2021 for construction in 2022.
  - (3) For the Twp portion (road only – 275k) – the OPWC grant could be used – if used this would take all the remaining grant funds the Twp would acquire in this grant cycle (next 5 years before law must be re-voted).
  - (4) The Twp's actual cash outlay for this project would be 130k to 150k depending upon the bid pricing in 2022.

- ix) Leonard stated that they are not looking for a decision tonight but would like to have a decision by June for grant writing purposes.
- x) Trustee Peck said that the Twp.'s concern is that once this project is complete the City will annex the entire road. This would cause the Twp concerns given that the Twp could use these funds on road rebuilding elsewhere in the Twp for roads that will remain under the jurisdiction of the Twp.
- xi) Trustees thanked everyone for their presentation and noted that the Trustees will study the project over the next several months and will let them know if the Twp. will participate or not.

**e) 2020 financial impact review by the fiscal officer:**

i) The fiscal officer reported that total road expenses year to date are:

(1) Total road fund revenues year date are	<b>\$12,765</b>
(2) Total road fund expenses year to date are	<b>\$ 1,990</b>
(a) Road salt purchased winter 2019 – 2020 – total \$3,015.	

xii) Anticipated revenue for 2020 – based on the January 2<sup>nd</sup>, Twp amended certificate was:

(1) \$181,850 more or less

xiii) Anticipated expenses for 2020 – as of this session:

(1) Regular twp. expenses for this report are anticipated to be for the year baring emergencies – the estimate for 2020 – based on historical review, is placed at between \$70,000 and \$100,000 – would include Twp projects listed above & also any work completed so far this year.:

(2) \$60k as of this session for Co Eng work- in 2020 – refer to item 6-b-1 of this agenda – (other than Bowman Rd. rebuild).

(3) 190k - Bowman Rd. rebuild – .

(4) Total road fund(s) expenses through the Jan. 28<sup>th</sup>. session:

(a) Were \$1,990.00

(b) Total expenses from Twp rd acc'ts estimate for 2020 is based on the completion of all noted above.

**(i) \$350,000**

f) **A recap of the OPWC grants** – see minutes of previous sessions for history. An update was last received from the Co Engineer's Office dated 01-16-2020 provided at the Jan. Co. Twp./Elected Officials session.

i) **See exhibit 6-e** of this session dated 1-16-2020..

ii) the OPWC report from the County Engineer's office as of 01-16-2020 indicates that:

(1) any grant work done in 2020 will be posted to Twp. fund lines as pass through money.

(2) The Engineer's Office has posted to Def Twp. for 2020 –

(a) 0 expenses

(3) The engineer's office has posted a 2020 grant of \$48,700 to the Def. Twp. grants line.

(a) the Twp. has \$66,353.35 in grant funds unspent from this and previous grants.

iii) The Engineer has previously informed the Trustees that with the passage of issue 1 several years ago the law promises the grants. The average annual grant for Def Twp. is \$25k for the next 5 years or a total of \$125k remaining give or take.

(1) The Chair asked if there is any discussion?

(2) There was none.

g) Mileage certification from the Co. Engineer for 2019 signed in 2020.

i) **See exhibit 6-f** – from the Co. Engineer's office dated December 2019.

(1) Trustees to review and sign.

(2) The Twp acquires certain revenues from this reported number of Twp. highway miles.

(3) Trustees signed the report without discussion...

(4) The fiscal officer will forward the report to the Co. Engineer.

h) The Chair asked if there was any other discussion regarding the fiscal impact report or other road issues?

i) There was none.

**ORDER OF BUSINESS NO. 7 - Cemetery issues for discussion.**

a) The Chair asked if there are any cemetery issues for discussion

- i) Tree branches overhanging Twp. Road –
  - (1) At the April 2019 session it was noted that there were several (3 or 4) dead or dying trees at Cromley cemetery.
    - (i) Trustee Shaffer has confirmed with ODOT that the trees are on Twp cemetery property (responsibility of the Twp).
  - (2) At the Oct 2019 session Trustees determined to have the Co. Engineer address this issue and the issue of overhanging branches from trees along Cromely, Hammersmith, Bowman and Parkview.
  - (3) At the November session..
    - (a) Twp. Operator Buchholtz stated if weather allowed the operators may attempt to remove the trees at Cromley cemetery.
  - (4) At the December session.
    - (a) No work was done on this project.
  - (5) January update:
    - (a) Trustee Mayer asked that Mr. Peck or Mr. Shaffer again request the Co. Engineer's office to address this issue.
- (2) Trustees also informed Twp operators that there is – what appears to be – a foam mattress on the grounds of Taylor cemetery.
  - (a) Operators were instructed to remove this from Taylor for proper disposal.
- b) The Chair asked if there were any other cemetery issues for discussion?
  - i) There were none.

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

- a) The Twp received notice (**exhibit 8-a**) from the Ohio Dept of Job and Family Services of an unemployment claim of Twp. operator John Rivers:
  - i) Rivers is no longer working for his primary employer “One Source Waste Solutions” and has filed for unemployment.
    - (1) Per ORC all employers contribute to the unemployment benefit. The cost to the Twp of this claim is 1.1212% of total allowance. This will be billed monthly to the Twp.
  - ii) The Chair if there was any discussion – there was none.
- b) Trustees were informed by Brian Grant that during a recent snow removal operation – part time operator John Rivers fell on the ice in the parking area near the Twp. maintenance building. Grant thought this might become a BWC claim. Twp. Operator Steve Buchholtz stated he saw the fall.
  - i) Trustee Peck thought that the Twp should purchase a pair of adjustable ice cleats and have these placed in each of the Twp. Trucks, for use by Twp. operators.
    - (1) Trustees concurred.
    - (2) Mr. Grant will purchase these and place 1 pair in each truck.
- c) The Chair asked if there was any personnel business to be discussed?
  - i) Trustees discussed an incident involving Twp Operator Harry Railing.
    - (1) On Sat. 01-18-20 during snow removal operations, Railing backed the 2004 International from the Maintenance building into Brian Grant's truck which was parked outside the maintenance building.
    - (2) Trustees noted this is a concern as Trustees have counseled Railing in the past about his work failing to meet expectations.
    - (3) Grant noted that Railing had recently taken the International on May road. This is a stone rd not suited for such large trucks. The unit became stuck and needed pulled out.
    - (4) It was also noted that Railing, after being instructed not to take the international down to the dead end of Krouse rd during salt/plowing ops did so anyway.
    - (5) Trustees decided to speak with the Prosecutor's office to seek guidance as to disciplinary action Trustees may wish to impose in order to do so properly. Trustee Peck will contact the prosecutor.
- d) The Chair asked if there were any other personnel issues to be discussed.
  - i) There was none.

#### **ORDER OF BUSINESS NO. 9 - Handouts were distributed as noted below:**

- a) Monthly (January 19) GrassRoots clippings – **exhibit 9a**
- b) **Exhibit 9-b** was a notice from Paulding Co. Engineer – there will be an increase to the base charge of taxes collected for the Proxmire Joint County Ditch – this ditch collects storm water from Def. Twp. parcels.
  - i) Def. twp parcel b110011001300 –
  - ii) See handout for details;
- c) Exhibit 9-c was a letter from Twp resident George Newton, thanking the Trustees for clearing visual

obstructions at the corner of Singer and St. Rte 111.

- i) Mr. Newton brought the issue forward earlier after having experienced a near collision at this intersection.

#### **ORDER OF BUSINESS NO. 10- Old Business**

- a) The Chair asked if there is any old business to come before the Board?
- b) Dead Tree issue – Hammersmith Twp building from August 2017:
  - i) Litigation – issue:
    - (1) Jilene Richards, Attorney at Law – has filed a lawsuit naming the Defiance County Commissioners and the Def. Twp. Trustees as defendants – alleging property damage caused by Twp. snow and ice removal operations to property owned by Mary and Larry Mick on Hammersmith rd in Def. Twp.
    - (2) Trustees have hired Marc Warncke ESQ. of the Clemens, Korhn, Liming & Warncke Law Office, Defiance, Ohio, to represent the Twp.
    - (3) Update if any?
      - (a) Mr. Peck reported no update.
- c) Recommendations of OTARMA at Twp. maintenance building – refer to exhibit 10-d-2 of the Dec. 17, 2019 session:
  - i) OTARMA's Kim Arnold conducted a safety review of the Twp in July 2019.
  - ii) The fiscal officer received recommendation letters on November 21st, 2019
    - (1) Trustees instructed operators at the 12-17-19 session to modify the welding cart as recommended. Photo the modified cart and email to fiscal officer. The fiscal officer will email to OTARAMA.
    - (2) Project update:
    - (3) Mr. Grant noted he has acquired the steel to be placed on the cart and is looking for the proper recommended signage this project should be completed shortly.
      - (a) When completed Grant will submit documentation to the fiscal office for filing and submittal to OTARMA.
- d) The Chair asked if there was any other old business to be discussed....
  - i) There was none.

#### **ORDER OF BUSINESS NO. 11 - New Business.**

- a) The Chair asked if there is any other new business to be discussed....
  - i) Co. Commissioner's have provided information soliciting abandoned properties for demolition. This is an annual program. Exhibit 11-a is a notice from the Commissioner's office explaining the program and a form for Trustees to fill out if there is a property in the Twp. that meets the qualification requirements.
    - (1) Trustees will review any potential property but noted there were none last year and as of this session are unaware of any that meet the criteria.
- a) **Exhibit 11-b** – was is a Def. City Fire Dept. inspection report of the Twp's Hammermsith rd maintenance building.
  - i) Building passed
  - ii) There was no discussion:
- b) An incident involving the Twp's International and the private vehicle of Twp. scheduler Brian Grant.
  - i) During snow removal and salting operations on Jan.18<sup>th</sup>, Twp operator Harry Railing backed the international into the grant vehicle.
  - ii) This resulted in an insurance claim.
  - iii) The fiscal officer has submitted to OTARMA
    - (1) The estimate of repair ; and
    - (2) The S.O. accident report.
    - (3) Refer to **exhibit 11-c**.
  - iv) See personnel section of this minute for further details.
- c) The fiscal officer noted he had received an email from the Maumee Valley Planning Group regarding a meeting to discuss preparations for the upcoming 2020 census. The meeting will be held Feb. 18<sup>th</sup> 2 p.m. in the 2<sup>nd</sup> floor conference room at the Defiance County East building at 1300 2<sup>nd</sup> St., Def. Ohio.
  - i) Trustees are urged to attend.
  - ii) Rsvp at 419 784 3882.

- d) The Chair again asked if there was any other new business.
    - i) There was none offered.
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**ORDER OF BUSINESS NO. 12 - NEXT MEETING:**

- a) The next regular session.

**Date:** Tuesday, February 25<sup>th</sup>, 2020 regular business session.  
**Time:** 6:30 p.m.  
**Place:** Defiance County Commissioners building  
2nd floor conference room  
500 Court St.  
Defiance, Ohio 43512

**ORDER OF BUSINESS NO. 13 – Adjournment:**

- a) Mr. Peck requested a motion to adjourn the meeting of January 28<sup>th</sup>, 2020.
  - 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