

Minutes
DEFIANCE TOWNSHIP TRUSTEES
February 28th, 2023 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, February 28th, 2023 at 6:30 p.m. Answering as present were Diana Mayer, Dan Peck, & Jason Shaffer. With three (3) of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: Harry Railing 14951 Power Dam Rd. & John Diemer 23361 Defiance-Paulding Line Rd. all of Defiance, Ohio.

Visitors present: none.

ORDER OF BUSINESS NO. 1

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

The Chair requested a motion for the approval of minutes from the January 24th, 2023 regular session.

Mrs. Mayer moved to approve the minutes as presented.

Mr. Shaffer 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) There were none.

ORDER OF BUSINESS NO. 3 - FINANCES –

- 1) The following financial reports provided to the Board were reviewed.
 - a) The Reconciliation for January - noted a primary checking reconciliation balance of \$302,182.58 - balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
 - b) Receipt report:
 - i) Receipts for February (UAN software-) were \$29,074.68.
 - c) Payment reports:
 - i) Payments for February (UAN software-) were \$48,148.03.
 - d) The Cash fund summary through- February 27th, 2023 (UAN software) showed an "ending fund balance" of \$1,435,802.82.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$841,314.08.
 - e) Appropriation Status showed that through February 27th, 2023 (UAN software), 3% 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 02-27-2023 was \$1,164,209.49.
- a) American Rescue Plan Act – Def. Twp – refer to mins of Twp sessions from July 2021 forward for details.
 - i) The Ohio Office of Budget Management (OBM) is managing the grants for many of Ohio's political subdivisions.
 - (1) As of this session the Def. Twp award is for \$176,505.54 + \$353.32 from OBM received in March 2022.
 - (a) Total expended to date is \$158,703.95. per resolution 10-2022 on the Bowman Rd rebuild 3rd mile segment.
 - (2) In the January 17th, 2023, Twp session Trustees approved resolution 10-2023 which designates use of the remaining grant funds on the 2023 Bowman Rd rebuild project – 4th mile segment.
 - (a) Remaining funds in this fund line is \$32,154.00.
 - (3) The chair asked if there are any questions?
 - (a) The fiscal officer noted that once the funds have been expended the grant will be closed out.

- b) ODOT grant “Twp Stimulus Program”. Funding provided by Federal government – part of covid relief to states. See mins of sessions from August 2021 forward for details.
 - i) On November 23rd, 2021, the County engineer prepared grant applications:
 - (1) The Twp was awarded a grant of \$175k for the reconstruction of Ginter Rd. (joint project with the City of Defiance).
 - (a) The fund line in the UAN system has been set up and the award/grant has been posted to the fund.
 - ii) As of this session:
 - (1) The money is appropriated as the project is to take place in 2023.
 - (2) The Trustees are utilizing the County Engineer as project coordinator.
 - (3) The County Engineer is working with the City of Defiance preparing bid specs.
 - (4) The chair asks for any discussion?
 - (a) There was none.
- c) Bank Depository for township funds is presently the State Bank and Trust.
 - i) Said agreement was renewed by the Trustees on January 23rd, 2018 and is in effect from November 24th, 2017 to November 25th, 2022.
 - (1) The agreement pledges the bank’s assets to cover the Twp funds which are on deposit at this institution.
 - (2) The bank per agreement – is matching the Star Ohio interest rate on the money market account (investment account).
 - (3) The agreement is due for renewal.
 - (4) **Exhibit 3-j** is the draft agreement and the Prosecutor’s review email for Trustee review and signatures.
 - (a) Trustees signed the agreement and directed the fiscal officer to email a copy to the State Bank.
- g) February bills through the 27th, – Trustees Review – Discussion and Signature.
- h) Payroll & February time cards (time cards provided trustees prior to session) – Trustees Review – Discussion and Signature.
- i) Mr. Peck requested a motion to accept the February 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) February monthly Zoning report -
 - i) permits issued:
 - (1) Andy Bok permit for hay barn on May Road
 - ii) Zoning issues:
 - (1) None
 - iii) Nuisance violations:
 - (1) Nuisance on Parkview- Dan Peck addressed that
 - iv) Site reviews:
 - (1) None
 - v) Misc :
 - (1) Phone conversation with Sam Switzer about from Bendele Property
 - (2) Talked to a gentleman about a Property on Bowman Road that was up for auction

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- b) The Chair again asked if there were any other zoning or nuisance issues to come before the Board.
 - (1) It was noted that Roger Ashbrough 21107 Parkview Drive complained that a neighbor was parking cars on his property and leaving them for extended periods of time.
 - (a) The Trustees assigned Mr. Diemer – Township nuisance officer – to look into the issue.

- c) Zoning issue by certain citizens along Auglaize river – concern is with Camper and RV's. Refer to mins of 7-28-22 & 1-24-23 Township sessions.
 - i) Exhibit 4-b of this session is an email from Co Prosecutor noting additional restrictions on campers and rv's that is in the current plan. Email was forwarded to Trustees on 1-25-23.
 - (1) Trustees believe this should address the citizens stated concerns.
 - (2) Trustees instructed the Zoning Inspector to provide a copy of the section provided by the Prosecutor to Mr. Bruce Standley who was at the January session representing those with concerns regarding this issue.
 - ii) It was reported that a Dan Dunlap (Def Twp resident) complained of high grass and weeds at the former DAV and Scotty's restaurant properties owned by Charlene Grant.
 - (1) John Diemer, Twp Zoning/nuisance inspector, stated Mrs. Grant has been notified and he is following the Twp's notification steps as noted by the Co. Prosecutor's Office.
 - (2) There was no further discussion.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Comments or concerns from Twp employees/Trustees on current or proposed new eq &/or safety items.
 - i) Possible new truck to replace 2005 F550 – refer to mins from July 2022 Twp session forward for details.
 - (a) As of this session we await the bid specs from Stykemain's Paulding store - The sales rep is Brian Davis – brian@stykemainchevy.com.
 - (i) bid spec document is to be in word formatting to the Township. Said specs must be modified to allow for other brands to bid.
 - (ii) Stykemain's were informed that the Twp would like to begin the public bid process as soon as possible in the new year.
 - (iii) Shaffer has spoken with Kalida Truck rep Jeremy –
 - 1. Kalida truck is a DAS vendor.
 - 2. Kalida Truck can order a truck for the Twp (expect long delays at this time) or Kalida Truck could put a bed and salt and plow equipment on a truck cab and chassis from another vendor.
 - (iv) Update if any?
 - 1. Trustees will recontact Stykemain's Paulding Store for a status on the bid specs.
 - ii) The Chair asked if there are any other equipment or safety concerns.
 - (1) There were none.

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

- a) Trustee Report (**exhibit 6-a**) – Monthly Twp Rd inspection by Trustee Shaffer.
 - i) It was noted that:
 - (1) That Emerald Twp in Paulding Co is going to pave its section of Def.Paulding Co Line rd 8. Emerald has asked Def Twp if Def Twp wants to do it portion of this road.
 - (a) Trustees will discuss this with the Def. Co. Engineer to determine a coarse of action.
 - (2) Wilhelm rd needs tree branches trimmed at corner of Wilhelm and Garmin.
 - (3) Trustees order that berm stone be placed on Ginter rd where needed.
 - ii) Operators were instructed to use the inspection report as a work order for March work.
 - iii) The March review is to be by Trustee Peck.
- b) 2023 Road projects:
 - i) Trustees are to refer to exhibit 6-b of this session which is an update to the original project list dated 1-20-23 from the Co. Engineer's office. This is the 2023 list of proposed projects for the Co. Engineer & now includes the estimates of expenses for the 2023 4th mile of the Bowman Rd rebuild project.
 - ii) The road maintenance program is tracked separately in this agenda from the Bowman Rd rebuild or other Twp road expenses assigned by Trustees to Twp personnel or other private contractors.

(1) Co. Engineer road maintenance proposals as follows for 2023:

	Est.	Actual cost
(a) Paving: - no paving projects for 2023 per the 2-28-23 session.		
(i) Total paving	\$0	
(b) Chipseal:		
(i) Kiser Road – from Krouse to Keller - 5325'	\$12,072.86	\$
(ii) Kiser Road – from Keller to Canal – 5,316'	\$12,053.83	\$
(iii) Parkview Drive – 2,560'	\$ 3,102.99	
(iv) Schroeder Street – 1,182'	\$ 1,433.13	
(v) Estimated total exp. of chip seals	\$28,662.81	\$
(c) Patching: for 2023 –		
(i) none proposed.		
(d) Crack Seal- none in 2023		
(e) Pavement Markings:		
(i) Kiser rd – Krouse to Canal – 10,641;	\$5,694.94	
(f) Total est and final expenses for 2023-	\$34,357.75	

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

- (a) There was no construction work done in 2019 due to scheduling issues.
- (b) Approximately 1 mile of the 4 mile project was completed in 2020:
- (c) Approximately 1 mile of the 4 mile project was completed in 2021.
- (d) Approximately 1 mile of the 4 mile project was completed in 2022.

(e) TOTAL ESTIMATED ON BOWMAN PROJECT IN 2023 is \$156,746.50

(f) Mike Weihrauch of the Co Eng Office provided this est in a 1-23-23 email.

(g) Proposed 2023 effort is the final mile of this project - 5448' or approximately the 4th mile.- Campbell to Power Dam

(i) **Prep work by Co Eng.** Warren est. 30k +/- will be posted to OPWC

a. Est. cost	Actual cost
i. 30k +/-	\$

(ii) **PAVING:** -

a. Est. cost	Actual cost
i. \$112,195.92	\$

(iii) **Pavement Markings:** -

a. Estimate	Actual cost
i. \$2,910.58	\$

(iv) **WIDENING:** -

a. Estimate	Actual cost
i. \$41,640	\$

(v) TOTAL CASH ESTIMATED ON BOWMAN PROJECT IN 2023 is \$156,746.50

- 1. Trustees have determined to dedicate the Twp's remaining American Rescue Plan grant to this project. Refer to item 3-g above.

(2) Per past practice, the County Engineer's Office will coordinate all activity.

iv) Twp projects by Twp staff or other contractors for 2023:

(1) The Chair asked if there are any proposed or in progress projects for the Twp staff or private contractors for 2023?

(2) Re-build Ginter Rd. from Jefferson Ave. (St. Rt 66) to Carter Rd - see mins from Jan 2020 forward for details.

(a) Trustees and the City agreed to a rebuild project. An agreement is on file and prints out a summary of the work to be performed.

(i) Estimated project cost is: \$162,296.49.

(ii) this is for road reconstruction only – the City has agreed to pay for the proposed sidewalk-bike path.

(iii) As of 03-29-22 an ODOT stimulus grant written by Co. Eng. Schlatter on the Twp's behalf was approved for funding this project.

1. The grant award is for \$175k

(iv) This grant has been posted to Twp fund lines as of this session.

(b) This project is scheduled for 2023.

(c) The County Engineer and the City of Def are working on a bid spec packet as of this session.

(d) Discussion:

(i) None.

(3) Rebuild of Carter Rd. refer to mins of 8-24-21 Twp session.

(a) Trustees to determine timeframe based on available road dollars in the Twp road funds:

(b) Discussion:

(i) None.

c) **2023 financial impact review by the fiscal officer:**

i) The fiscal officer reported:

(1) Total road fund revenues year date are \$ 26,909.51

(2) Total road fund expenses year to date are \$ 6,512.08

(a) These figures are tracking road tax revenues regularly received and expended by the Twp.

(b) **These figures do not include the grant money- American Rescue Plan or ODOT stimulus.**

(c) Road salt purchased - 2023- total \$0

ii) Anticipated road funds revenue (tax receipts) for 2023 – based on the January 7th, 2022 1st Twp amended certificate was:

(1) \$227,400 more or less

iii) Anticipated expenses for 2023 – as of this session:

(1) Regular twp. expenses anticipated for the year, barring emergencies. The estimate for 2023 – based on historical review, is placed at between \$70,000 and \$100,000 – would include Twp projects estimated or completed so far this year.:

(2) 35k +/- Road maintenance program by Co. Engineer - has been estimated by Co Engineer refer to item 6-b of this agenda - proposal from Co. engineer.

(3) \$160k – estimated for Bowman Rd rebuild in 2023 – refer to exhibit 6-B of this session.

(a) To be funded in part by American Rescue Plan grant per Trustee resolution 10-2023.

(4) 40k savings towards Carter rd rebuild - project - unless Trustees determine another project.

(a) 40k was earmark in the 2022 budget so at end of 2023 80k should be available.

(5) Possible truck purchase to replaces F550 – set aside is \$165k

ii) Total est. exp for 2023 is between \$380 and \$500k –

iv) Discussion;

(1) None.

d) **A recap of the OPWC grants (LTIP & Issue 2)–** see minutes of previous sessions for history. An update was last received from the Co Engineer's Office dated 2-8-23- refer to **exhibit 6-d** of the February 28th meeting.

i) Exhibit includes status report on grant, bill for prep for Bowman rd completed miles and a chart of this year and previous year opwc grants for the Twp.

ii) Current status as reported by the fiscal officer

(1) The Engineer had 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 2 years (2023 & 24) or a total of \$50k remaining give or take.

(2) The 2023 grant of \$18,000.00 is posted to Twp grant as of 2-8-23 as noted on the exhibit.

(a) Grant fund balance as of 02-08-23 is minus (\$9,910.73) as noted on the exhibit.

(3) –OPWC grant work anticipated for 2023

(4) Prep by co eng staff on final mile of the Bowman rd rebuild project.

(a) Trustees are reminded that there is no longer a discount in effect from the Co. Engineer for work done on the Twp's behalf by Engineer staff.. Use of funds is 100%.

(5) Discussion:

(a) None.

e) Exhibit 6-E – was the annual 2022 Twp Highway Mileage Certification from the Co. Eng.

- i) Trustees are to review and sign. The fiscal officer will then send the certification back to the Co. Engineer.
- ii) Total twp road miles are 22.875 – no change from 2021 certification completed in 2022.
- iii) Discussion.
 - (1) Trustees signed the certification without comment.
- f) Exhibit 6-f – is an email from the Co. Commissioners regarding the proposed abandonment of a portion of Ashwood road in Def. Twp. see exhibit for details.
 - i) The Co. Engineer has proposed this action for both Delaware and Def Townships – as explained the section to be abandoned is a boundary line road and is no longer useful since the Co Engineer has built a new road (all in Delaware Twp) which avoids crossing the CSX Railroad tracks.
 - ii) The Chair asks for discussion;
 - (1) Trustees agreed with the proposal.
 - iii) The Chair asked the Trustees desires regarding the adoption of resolution 12-2023 to abandon said section of Defiance Twp’s portion of Ashwood Rd as described in the Engineer’s plat attached as a part of exhibit 6-f.
 - (1) It was moved by Shaffer to adopt the resolution to abandon the described section of Twp road.
 - (2) Seconded by Mayer

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

The resolution was approved as presented. Trustees signed the resolution which the fiscal officer will submit to the County Commissioners as directed.

- g) 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) There was none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

- a) The Chair asked if there are any personnel issues for discussion.
- b) Zoning Commission – appoint regular Bd. member to fill unexpired term of Richard Wagner who has passed away.
 - i) **ZONING COMMISSION**

Randy Wilde	14726 St Rte 111- Defiance	419-393-2897	jjyold@artelco.com	12-31-25
Sam Bok	11310 Krouse Rd - Defiance	419-782-0012	jawscows@defnet.com	12-31-25
Ed Steffel	15829 State Rt. 111 Defiance, Ohio 43512	419 393 2357 home		12-31-23
Tom Mick	21389 Hammersmith Road - Defiance		twmick@defnet.com	12-31-23
Richard Wagner	15530 Power Dam- Defiance	419 393 2543	rkwags@bright.net	12-31-24
ALTERNATES				
Donald Gorrell	15656 South St. Rt. 66 – Defiance, Ohio 43512	419 399 7699 cell 419 393 2076 home	Gorrell1155@gmail.com	12-31-23
Patti Diemer	23361 Def. Paulding Co. Line Rd 10 – Defiance, Ohio 43512	419-439-3181 cell 419-393-2009 home	Pdiemer1961@gmail.com	12-31-24

- ii) Discussion
 - i) There were none.

ORDER OF BUSINESS NO. 9 - Handouts.

- a) Monthly (February 23) GrassRoots clippings – **exhibit 9-a**
- b) Exhibit 9-b – is a notice from Stone-co of a price increase for certain aggregates.
- c) Exhibit 9-c – is notice from the Prosecutor’s office dated 2-14-23 that political subdivisions may receive notice of funds that may be received per the opioid settlement agreement reached as captioned in the letter.
- d) Exhibit 9-d – is an email from Maumee Valley Planning regarding the CDBG prog for 2023. This email was forwarded to Trustees by the fiscal officer on 2-4-23.
- i) Discussion.
 - (1) There was none.

ORDER OF BUSINESS NO. 10 - Old Business

- 1) The Chair asked if there was any old business to come before the Board?
 - i) OTARMA conducted its annual “risk management” review on 11-02-22.
 - ii) The Twp is working on the response to recommendations – as of this session:
 - (1) A draft has been started by Trustee Peck
 - (2) One of the recommendations was the adoption of a sexual harassment policy.
 - (3) a draft “sexual harassment” policy #016 (**exhibit 10-3**) of this session was submitted to Co Prosecutor for review – per recommendation of OTARMA.
 - (4) The prosecutor made recommended changes – these have been made.
 - (a) Refer to prosecutor’s review email – part of exhibit 10-3.
 - (5) Review and discussion?
 - (a) Trustees determined to review another policy for possible adoption.
 - iii) Exhibit 10-04 (def twp policy 016) is another draft harassment policy. This is based on the County Commissioner’s current policy. This is provided for Trustees to have an option as to format.
 - (1) Discussion.
 - (a) Trustees agreed to adopt this policy.
 - (2) It was moved by Shaffer to adopt Def Twp policy 016 - presented as exhibit 10-04 - as the Def Twp’s sexual harassment policy.
 - (3) Seconded by Mayer

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

The Def Twp policy regarding sexual/harassment presented as exhibit 10-04 was approved.

- b) The Chair asked if there was any other old business to come before the Board.
 - i) There was none.

ORDER OF BUSINESS NO. 11 - New Business.

- a) The Chair asked if there was any new business to be discussed....
 - i) Exhibit 11-a is notification from the Buckeye Community Hope Foundation noting that the Foundation plans to modify and expand its low income housing development (defiance Ridge Apartments located at 1221 Ayersville Ave. Defiance, Ohio.
 - ii) Trustees may offer commits regarding the projects impacts on the community.
 - iii) Criteria for submittal is noted on page 2 of the exhibit.
 - iv) Discussion.
 - (1) There was no objection.
- b) Defiance Twp is to host the 3rd quarter Defiance Co. Township Association meeting.
 - i) This was noted at the 1st qrt session which was part of the Annual Elected Officials meeting hosted by the Co. Engineer on January 19th, 2023.
 - ii) 3rd qrt session – location?
 - iii) Food?
 - iv) Trustees should coordinate with Association President Ted Penner – 419-576-9726 – email noble43512@yahoo.com.
 - v) Trustee Peck is to find a location.
 - (1) There was no further discussion.

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- 1) The next regular session.
 - a) The next session.

Date: Tuesday, March 28th, 2023 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:

- 1) Mr. Peck requested a motion to adjourn this meeting of – February 28th, 2023.
It was moved by: Mayer
SECOND by: Shaffer

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