

***Minutes***  
***DEFIANCE TOWNSHIP TRUSTEES***  
***March 19<sup>th</sup>, 2019 MEETING***

The Defiance Township Trustees met in regular session at the offices of Northwest Realty – 618 South Clinton Street, in Defiance Township, Defiance, Ohio, on Tuesday, March 19<sup>th</sup>, 2019 at 6:30 p.m. Answering as present were Diana Mayer, Dan Peck & Jason Shaffer. With three of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employees present were: John Diemer 23361 Defiance-Paulding Co. Line Rd. - Defiance, Ohio.

Visitors present: Warren Schlatter Defiance Co. Engineer, 510 Court St., Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10 & JoEllen Houck 8 Deville Dr., Defiance, Ohio.

**ORDER OF BUSINESS NO. 1**

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

Mr. Shaffer requested a motion for the approval of minutes from the February 26<sup>th</sup>, 2019, regular session.

Mrs. Mayer moved to approve the minutes as presented.

Mr. Peck 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 –**

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for February - noted a primary checking reconciliation balance of \$197,801.67-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
  - i) Receipts for March (UAN software-) were \$122,715.72.
- c) Payment reports:
  - i) Payments for March (UAN software-) were \$24,684.14.
- d) The Cash fund summary through March 17<sup>th</sup>, 2019, (UAN software) showed an "ending fund balance" of \$996,312.25.
  - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$391,663.00.
- e) Appropriation Status showed that through March 17<sup>th</sup>, 2019 (UAN software), 4.6% 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 03-17-19 was \$721,714.66.
- g) Trustees signed and reviewed March bills.
- h) Payroll & March time cards (time cards provided trustees prior to session) – Trustees Reviewed & Signed.

Mr. Shaffer requested a motion to accept the March financial reports.

MOTION by: Mayer

SECOND by: Peck

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) March report
  - i) No Permits issued
    - (1) Talk to Ed Wisda- about a permit for building
    - (2) Talked to Mr Oakley about an in-ground pool permit
  - ii) Site reviews:
    - (1) No site reviews
  - iii) nuisance issues
    - (1) none

Respectfully submitted  
John Diemer, Twp. Zoning Inspector

- b) The Chair asked if there were any other Zoning/nuisance issues to be discussed.
  - i) 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) There were none.

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

- a) **Trustee Monthly Twp. Rd** report - inspection by Trustee Mayer.
  - i) The report (exhibit 6-a) noted that most roads are in need of some berming. This is to be addressed as weather conditions permit.
  - ii) Operators are to use the report as a work order in April when conditions allow for berming or cold patch application.
  - iii) The April Rd. review will be by Trustee Peck.

**b) 2019 Road projects:**

- (1) The Chair asks if there is any discussion.....
- ii) Exhibit 6-b was the 2019 road repairs, recommended by the Co. Engineer's Office, for Def. Twp. roads. (this is the Twp. road maintenance program and does not include major reconstruction projects – i.e. Bowman Rd re-build.
  - (1) The Co. Engineer was present to discuss the proposals.
    - (a) Schlatter noted that the Engineer's Office has already bid for material & projects for contractors for 2019.
    - (b) Schlatter stated that the projects listed for road maintenance for Def. Twp. can be addressed in 2019 – as much of the work could be done in house (by the Co. Engineer's staff) if the Trustees wish to spend the estimated funds.
    - (c) Trustee's approved the list as presented.
  - (2) 2019 Def. Twp. rd. maintenance program:

(a) <b>Chipseal:</b>	<b>Est.</b>	<b>Actual Cost</b>
(i) Cromley – from st. rte 111 to dead end - 4473'		
1. double chip seal 3400'	\$17,527.76	
2. single layer of chip seal - 1073'	\$ 1,662.46	
(ii) Def. Paul. Line rd #8 - .45 n of hammersmith to powers		
1. 2,407'	\$3,515.99	
(iii) Haviland – from co rd 424 to May rd –		
1. 1,958'	\$2,662.82	
(iv) Estimated total exp. of chip seals	<b>\$25,369.00</b>	
 <b>(b) Patching:</b>		
(i) Ball Rd – from krouse to canal -1 patch 75'	\$969.00	
(ii) Bowman rd – Campbell to Williams		
1. 4 patches 75'	\$3,448.00	
2. & 1 patch from sr 66 to twp line – 200'	\$3,448.00	
(iii) Karnes rd. from bowman to Watson – 7 patches of 75'	\$5,280.00	
(iv) Wilhelm rd from Watson to garman –		
1. 1 patch of 100'	\$1,005.00	

(v) Garman rd from Harding to Wilhelm –	
1. 2 patches of 100'	\$2,011.00
<b>(vi) Estimated total exp. patching</b>	<b>\$16,595.00</b>
<b>(c) Crack Seal:</b>	
(i) Ball rd – from krouse to canal- 5,338'	\$3,397.00
(ii) Kibble rd – from canal to winn – 2,652'	\$1,500.00
(iii) Winn rd – from kibble to dead end – 718'	\$ 406.00
(iv) Singer rd – from st. 111 to hammersmith – 2,639'	\$1,306.51
(v) Estimated total exp. crack seal	<b>\$4,898.00</b>
<b>(d) Total est. expenses for 2019</b>	<b>\$48,575.00</b>

- iii) Re-build of 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.
- (1) Trustees had confirmed with the Co. Engineer as of the Annual Co. Trustees Assoc. – Elected Officials meeting of Jan. 17<sup>th</sup>, 2019, that the Engineer's Office will manage a rebuild of up to 1 mile of Bowman Rd. of the four (4) miles of Twp responsibility; or what the Engineer can accomplish in 2019.
    - (a) the following information and cost estimates were from the Co. Eng. from fall of 2018:
      - (i) There is no need to acquire right of way.
      - (ii) The Engineer's office has sent out construction notices (Jan./Feb. 2019) to all residents of Bowman Rd. along the 4 miles of Twp. responsibility.
      - (iii) Grading and seeding will cost approximately \$30k per mile and can be done in sections.
      - (iv) Widening of the road will cost an estimated \$55k per mile –
      - (v) Engineer noted that the Twp could break this down 1 side at a time.
    - (b) Paving and striping is estimated to cost \$55k per mile –
      - (i) Again, this can be broken into sections.
  - (2) The engineer is aware of the dollar limit (\$140k) set by the Trustees via an email from the fiscal officer on Jan. 18<sup>th</sup>, 2019, to the Engineer and Trustees documenting the Trustees' desires and budgeted funds.
  - (3) Trustees will budget as funds allow to rebuild all four miles over a yet to be determined number of years dependent upon available funds.
  - (4) Co. Engineer Schlatter was called upon to review his proposal for 2019.
    - (a) Schlatter noted that his office has sent out notification letters to all residents. There has been no major opposition response from any of the residents as of this date.
    - (b) Also,
      - (i) He would anticipate grading at least parts of the entire length of the project (4 miles) this summer.
      - (ii) He thought – as the bids for projects and materials have already been let for 2019 by his office - it would be difficult to place any pavement this year.
      - (iii) He asked the Trustees for directions including a final width to be reached.
        1. He noted that 20' width is his recommendation.
        2. Trustees agreed to a 20' width for the project.
      - (iv) Trustees also agreed to adopt the engineer's office policy regarding the moving of drive drain pipes.
        1. Drive pipes replaced free – if pipe is for drive only. (open ditch on remainder of property.)
        2. \$1 per foot for a 12" diameter pipe - if land owner wants pipe instead of open ditch across the property.
    - (c) Trustees agreed that the Engineer will manage the project based on the funding the Twp commits, at the Engineer's discretion.
    - (d) Mr. Shaffer asked if there was any additional discussion regarding the Bowman Rd re-build project.
      - (i) There was none.
- iv) From past 2018 sessions, Trustees had approved the Co Engineer to do the following:
- (1) Repair street drain covers in the Lakeview addition.
    - (a) No cost estimate provided.
      - (i) Mr. Shaffer was to discuss with co. eng.
      - (ii) Trustees noted there was no work in Feb.
      - (iii) March update.....
        1. No work in March

- (b) Some storm water drains (two catch basins) are filled with leaves - Shaffer has asked the Co. Engineer to use the jet vac to remove this debris.
  - (i) It was agreed that the work will be done in Oct. or early Nov. after the leaves have fallen.
  - (ii) No cost estimated provided.
  - (iii) Trustees reported no activity as of the Feb. Twp meeting.
  - (iv) March update....
    - 1. Trustees noted there was no work in March.
- (c) Dura Patching is needed on Wilhelm Rd – about 500’ south of McAlistar and on Co. Line Rd 10 east of 66 and again 100’ further west.
  - (i) No cost estimates acquired.
  - (ii) As this item was not completed in Oct the project will be moved to 2019 due to weather conditions.
  - (iii) Trustees noted there was no work in Feb.
  - (iv) March update....
    - 1. No work in March.

**(d) Total est . expenses for co Eng work on twp behalf in 2019 as of this session is \$140k + \$48,574.46 from project list from the Co. Engineer – see exhibit 6-b of the Feb. 2019 session.**

**c) Twp projects by Twp staff or other contractors for 2019:**

- i) The Chair asked if there are any proposed projects other than those noted above.
  - (1) There were none.

**d) 2019 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>\$58,220.54</b>
(2) Total road fund expenses year to date are	<b>\$20,596.01</b>

- ii) Anticipated revenue for 2019 – based on the January 2<sup>nd</sup>, Twp amended certificate was:
  - (1) \$177,700.00 more or less

- iii) Anticipated expenses for 2019 – as of this session:

- (1) Regular twp. expenses are estimated – based on historical review, at between \$70,000 and \$100,000 – would include Twp projects listed above & also completed so far this year.:
- (2) \$48,574.46 as of this session for Co Eng work- in 2019 – (other than Bowman Rd. rebuild).
- (3) Bowman Rd. rebuild - \$140,000
- (4) Salt purchases (in 2019) to-date:
  - (a) \$1,860
    - (i) Salt price for the fall – winter (2018 – 19) is \$62 per mixed ton.

- (5) Total anticipated road fund(s) expenses based on the above:
  - (a) from \$240,000 to 290,000k if there are no additional projects added..

**e) 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 02-20-2019 provided at the March 2019 session as exhibit 6-c.**

- i) Current status – the OPWC report from the County Engineer’s office as of 02-20-2019 indicates that:
  - (1) any grant work done in 2019 will be posted to Twp. fund lines as pass through money.
  - (2) The Engineer’s Office had posted to Def Twp. grant – an expense of \$510.68 for tree trimming and chipping on Garman Rd (2-15-19).
    - (i) Total grant dollars used by the Co. Eng. on behalf of the Twp. to date in 2019 is \$1,008.54.
    - (b) As of (3-19-2019) the Twp. has \$19,410.79 grant funds unspent from previous grants.
    - (c) An amended certificate will be needed in the fall of 2019 to account for the expenditures of these and any additional grant funds used on behalf of the Twp.
- ii) 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 6 years or a total of \$150k remaining give or take.

**f) The Chair asked if there is any other discussion regarding the fiscal impact report?**

- i) There was none.
- g) The Chair asked if there were any cemetery issues for discussion
  - i) Trustees noted that during the August 2018 session Trustees were requested to sell burial lots in Taylor cemetery. Trustees adopted lot fees passing resolution 14-2018. This resolution established lot sale prices for all Twp. cemeteries.
  - ii) Rhonda Kastler made the request for lot purchases in Taylor in August, 2018, on behalf of her father and mother Mr. and Mrs. Raymond Hussey 14721 Williams rd, Def. Twp. Defiance, Ohio.
  - iii) Lots have been surveyed and numbered in Taylor cemetery.
  - iv) During the Feb. 2019 Twp session, Trustees asked the fiscal officer to submit a draft deed form to the Prosecutor's office for review as to form.
  - v) **Exhibit 6-d** attached is the Prosecutor's deed approved as to form;
    - (1) If adopted, deeds will be used by the Twp to monitor lots sold.
    - (2) The Twp. will send an invoice to those buying lots and upon receipt of payment a deed will be issued.
    - (3) Resolution 10-2019 adopts the deed format and process. -
    - (4) The Chair call for discussion...

Trustee Mayer moved to adopt resolution 10-2019

Trustee Peck seconded

A voice vote was called.

YEA(s) 3      NAY(s) 0      Passed X      Failed  
 The motion was approved. Trustees then signed resolution 10-2019

- vi) Trustees will now contact either Mrs. Kastler 419 739 6202 or Mrs. Hussey 419 393 2207 to complete the sale of lots requested.

- h) The Chair asked if there were any other cemetery issues for discussion?
  - i) There were none.

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

- a) Monthly (March 19) GrassRoots clippings – **exhibit 7a**
- b) **Exhibit 7-b** was a notice from the Defiance County Twp Association of the association's 2<sup>nd</sup> qrt 2019 session.
  - i) Rsvp by 4-11
  - ii) Location is Delaware Twp fire station
  - iii) Meeting is:
    - (1) **4-18**
    - (2) **6 p..m**
    - (3) **\$10**
- c) **Exhibit 7-c** was a notice from the Ohio Dept. of Commerce – all liquor permits are up for renewal. If Trustees wish to object the notice provides instructions.
- d) Mr. Shaffer asked if there were any questions or discussion?
  - i) There was none.

**ORDER OF BUSINESS NO. 8- Old Business**

- a) The Chair asked if there was any old business to come before the Board?
- b) Trustees reviewed an ODOT safety sign grant notice-exhibit 9-c at the 2-26-19 session. Trustees had asked the fiscal officer to submit the application packet to the Co. Engineer. The Engineer's office monitors the reflectivity of the Twp. road signage. If additional or replacement signage is needed the Engineer's office would make that suggestion to Trustees.
  - i) The Engineer is evaluating the signage needs of the Twp and will get back with the Trustees.
- c) 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.

- (a) Trustees were provided copies via email.
- (2) The Co. Prosecutor's office also sent notice that due to a "conflict of interest" the Twp. and the County will need to seek outside council.
  - (a) Mr. Peck stated he has discussed the issue with a local attorney, Marc Warncke of the Clemens, Korhn, Liming & Warncke Law Office. Mr. Peck proposed to hire Mr. Warncke to be the Twp's legal representative in this case.
  - (b) Twp. resolution 11-2019 approved the hiring of Mr. Warncke as the Twp's legal council in this case.
    - (i) Trustee Peck moved to approve.
    - (ii) Trustee Mayer seconded.

A voice vote was called. YEA(s) 3 NAY(s) 0 Passed X Failed  
 The motion was approved. Trustees then signed resolution 11-2019

- (3) Exhibit 8-c was then reviewed. This was a notice from the law offices of Donald Theis 405 Madison Av. Suite 1000, Toledo, Ohio, that Attorney Theis will be the Defiance County Commissioners attorney in the Mick lawsuit.

- d) The Chair asked if there was any other old business to be discussed...
  - i) There was none.

**ORDER OF BUSINESS NO. 9 - New Business.**

- a) Mr. Shaffer asked if there was any new business to be discussed...
  - i) There was none.

**ORDER OF BUSINESS NO. 10 - NEXT MEETING:**

- a) The next regular session.

**Date:** Tuesday – April 23<sup>rd</sup>, 2019 regular session.  
**Time:** 6:30 p.m.  
**Place:** Northwest Ohio Real Estate Services - 618 S Clinton St, Defiance, OH 43512

**ORDER OF BUSINESS NO. 10 – Adjournment:**

Mr. Peck requested a motion to adjourn the meeting of March 19<sup>th</sup>, 2019.

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