

Minutes
DEFIANCE TOWNSHIP TRUSTEES
April 23rd, 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, April 23rd, 2019 at 6:30 p.m. Answering as present were Dan Peck & Jason Shaffer - Diana Mayer was excused (personal). With two of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employees present were: Steve Buchholtz 1645 S. Clinton st. & Brian Grant 15168 Williams Rd. - Defiance, Ohio.

Visitors present: 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 March 19th, 2019, regular session.

Mr. Peck moved to approve the minutes as presented.

Mr. Shaffer seconded.

The vote being 2 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 March - noted a primary checking reconciliation balance of \$288,084.25-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.

b) Receipt report:

i) Receipts for April (UAN software-) were \$27,065.84.

c) Payment reports:

i) Payments for April (UAN software-) were \$26,879.69.

d) The Cash fund summary through April 20th, 2019, (UAN software) showed an "ending fund balance" of \$996,498.40.

i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$411,290.40.

e) Appropriation Status showed that through April 20th, 2019 (UAN software), 6.6% 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 04-20-19 was \$723,165.39.

g) Trustees signed and reviewed April bills.

h) Payroll & April time cards (time cards provided trustees prior to session) – Trustees Reviewed & Signed.

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

MOTION by: Peck

SECOND by: Shaffer

YEA(s) 2 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) April report
 - i) Permit applications provided to:
 - (1) Ed Wisda-St. rt. 111 for building
 - (2) Jermey Oakley – Bowman rd for in-ground pool permit
 - ii) Permits:
 - (1) Discussed with Tiffany Wilitzer – permit needs for opening a Day Care – Bowman rd.
 - (2) Discussed with Katrina Horvath – zoning rules for horse (fence) – Watson rd property.
 - iii) Site reviews:
 - (1) Signed off on land spilt for Fred Mansfield – Bowman rd property.
 - iv) nuisance issues
 - (1) Spoke with Gary Plotts – neighbors abandoned car – Bowman rd.
 - (2) Spoke with Paul Miller – leaves and dog issue on St. Rt. 111

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) Mr. Shaffer stated that all Twp. operators that acquire stone from the Paulding Stone-co quarry must view the Quarry's safety film when they next go for stone.
 - ii) Mr. Grant noted that a battery has been placed in the JD. Zero Turn mower – this unit is now ready for the mowing season.
 - iii) Trustees approved the Twp... Operators to:
 - (1) Repair slow leak in tire of 2016 J.D. tractor (right rear).
 - (2) Acquire new battery for the 2007 Dodge.
- b) Mr. Shaffer asked if there were any other equipment or safety issues.
 - 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 Peck.
 - i) The report (exhibit 6-a) noted that a patch is needed on Karnes and;
 - ii) There is ponding water at Kiser and Canal that should be addressed.
 - (1) Trustee Peck is to contact the Co. Eng. to have them review the issue and suggest a repair/fix.
 - iii) Operators are to use the report as a work order in May.
 - iv) The May Rd. review will be by Trustee Shaffer.

b) 2019 Road projects:

- i) **Exhibit 6-b** dated April 2nd from the Co. Engineer, is an update of expenses anticipated for the 2019 road maintenance program approved by the Trustees as proposed by the Co. Engineer at the Twp's March 19th session. This replaces the Feb. 26th Engineer's proposed 2019 road maintenance program for Def. Twp. roads. The Feb. estimate was for \$48,575.00, the April 2nd estimate is for \$51,341. The increase is \$2,736. (this is the Twp. road maintenance program and does not include major reconstruction projects – i.e. Bowman Rd re-build.
 - (1) 2019 Def. Twp. rd. maintenance program from Eng. estimates dated April 2:

(a) Chipseal:	Est.	Actual Cost
(i) Cromley – from st. rte 111 to dead end - 4473'		
1. double chip seal 3400'	\$17,801.76	
2. single layer of chip seal - 1073'	\$ 1,752.36	
(ii) Def. Paul. Line rd #8 - .45 n of hammersmith to powers		
1. 2,407'	\$3,811.70	
(iii) Haviland – from co rd 424 to May rd –		
1. 1,958'	\$2,807.36	
(iv) Estimated total exp. of chip seals	\$26,173.18	

(b) Patching:	
(i) Ball Rd – from krouse to canal -1 patch 75'	\$1,028.50
(ii) Bowman rd – Campbell to Williams	
1. 4 patches 75'	\$4,114.00
2. & 1 patch from sr 66 to twp line – 200'	\$3,656.89
(iii) Karnes rd. from bowman to Watson – 7 patches of 75'	\$5,599.58
(iv) Wilhelm rd from Watson to garman –	
1. 1 patch of 100'	\$1,066.59
(v) Garman rd from Harding to Wilhelm –	
1. 2 patches of 100'	\$2,133.18
(vi) Estimated total exp. patching	\$17,598.74
(c) Crack Seal:	
(i) Ball rd – from krouse to canal- 5,338'	\$3,397.21
(ii) Kibble rd – from canal to winn – 2,652'	\$1,500.51
(iii) Winn rd – from kibble to dead end – 718'	\$ 406.33
(iv) Singer rd – from st. 111 to hammersmith – 2,639'	\$1,306.51
(v) Estimated total exp. crack seal	\$6,610.56
(d) Pavement Markings:	
(i) Cromley from St. Rt. 111 – 4,473'	\$680.75
(ii) Patches on Ball, Bowman, & Karnes	\$247.93
(iii) Estimated total exp for pavement marking	\$928.68
(e) Total est. expenses for 2019- as of April 2019	\$51,311.16

- ii) Re-build of 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.
- (1) As of the March 2019 session, Trustees have approved the Co. Engineer to 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 provided to Trustees previously by the Co. Eng.
- (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 & grading of the road will cost an estimated \$55k per mile – 20' width.
 - (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. 18th, 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 has informed the Trustees that:
- (a) 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) Trustees have approved his recommendation to widen the road to 20'.
 - (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.

(5) Mr. Shaffer asked if there was any additional discussion regarding the Bowman Rd re-build project.

(a) There was none.

iii) From past 2018/2019 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) April update-

1. no work.....

(b) Some storm water drains (twp 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 was to have been addressed in Oct. or early Nov. of 2018 after the leaves have fallen.

(ii) No cost estimated provided.

(iii) April update....

1. No work

(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 of 2018 - the project was moved to 2019 due to weather conditions.

(iii) April update....

1. No work

(d) Trustees reviewed an ODOT safety sign grant -exhibit 9-c of the 2-26-19 session. Trustees had asked the Co. Engineer to evaluate the grant and the needs of the Twp's road signage.

(i) **Exhibit 6-d** is an email from the co. Engineer – the email notes the Twp does not have a need for new or additional signage.

(ii) The chair asks if there is any discussion.

(iii) There was none.

(e) Total est . expenses for co Eng work on twp behalf in 2019 as of this session is \$140k + \$51,311.00 from project list from the Co. Engineer – see exhibit 6-b of the April 23rd, 2019 session.

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

i) The Chair asked if there were any proposed projects other than those noted above.

ii) None were offered.

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	\$75,236.31
(2) Total road fund expenses year to date are	\$23,742.63

ii) Anticipated revenue for 2019 – based on the January 2nd, 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) \$51,311.00 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 as reported by the fiscal officer
 - (1) – the OPWC report from the County Engineer’s office as of 02-20-2019 indicates that:
 - (a) any grant work done in 2019 will be posted to Twp. fund lines as pass through money.
 - (b) 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.
 - (c) As of (3-19-2019) the Twp. has \$19,410.79 grant funds unspent from previous grants.
 - (d) 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 was any other discussion regarding the fiscal impact report?
 - 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) Trustees have 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 on August 28th, 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 & Rose Hussey 14721 Williams rd, Def. Twp. Defiance, Ohio.
 - iii) Lots have been surveyed and numbered in Taylor cemetery.
 - iv) During the March 2019 Twp session, Trustees adopted resolution 10-2019 which is the deed format that was reviewed and approved as to form by the Prosecutor.
 - v) Trustees will now contact either Mrs. Kastler 419 739 6202 or Mrs. Hussey 419 393 2207 to complete the sale of lots requested.
 - vi) Update by Trustees as of the April session.
 - (1) Mr. Peck noted that Merl Butler (surveyed the lots in Taylor) will work with Twp. operators to place iron pins with tag numbers on the surveyed lots in Taylor. When this is complete Trustees will review the Taylor drawing and have Mrs. Kastler and or Hussey select the lots they wish to purchase.
 - (2) The fiscal officer will then prepare the deed(s) and sales invoice.
- b) Exhibit 7-a was a letter from the Ohio Dept of Commerce. The Twp. must submit it rules and regulations relative to the operation of Twp. cemeteries to the Commerce Dept. by July 19th, 2019. This is per ORC chapter 4767. It is noted that last fall the Ohio legislature passed substitute HB 168. Said legislation increases the authority of the State over the management of cemeteries.
 - i) The fiscal officer submitted the Twp’s response via email on 4-19. Trustees were copied in on the email.
 - ii) The Chair asks if there was any additional comment.
 - (1) There was none.
- c) The Chair asks if there were any other cemetery issues for discussion?
 - i) It was noted that there were several (3 or 4) dead or dying trees at Cromley cemetery.
 - (1) These trees may be on St. Rte 111 right of way.
 - (2) Trustees will contact ODOT to determine which entity has responsibility for the trees in question.
 - (3) If the Twp. has the trees Trustees will instruct Twp. operators to remove the trees.
- d) The Chair again asked if there were any other cemetery issues for discussion?
 - i) There were none.

ORDER OF BUSINESS NO. 8 Handouts were distributed as noted below:

- a) Monthly (April 19) GrassRoots clippings – **exhibit 8a**
- b) **Exhibit 8-b** was a notice from Stoneco – that the annual customer appreciation cookout will be Wednesday May 15th, 10:30a to 1p at the Auglaize Quarry 13762 Rd 179, Oakwood, Ohio,

ORDER OF BUSINESS NO. 9- Old Business

- a) The Chair asked if there is any old business to come before the Board?
- b) Notice- **exhibit 9-b-** was rec'd from the Co. Commissioners. This exhibit noted that the joint Twp./City of Def. 2019 Demolition program grant – submitted in Feb. 2019 - was not funded. The City and Co. had submitted a request for funds to demolish a home located at 1407 Jackson Ave., Def.
- 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.
 - (2) Trustees have again asked the Ohio Plan, insurance agent at the time of the issue to reconsider their previous position that the issue was excluded from coverage.
 - (3) The Twp. rec'd a reply dated 3-21-19 – which was forwarded via email to Trustees.
 - (a) The reply again denied coverage.
 - (b) The Chair asks if there is any discussion.
 - (c) There was none.
- d) The Chair asked if there was any other old business to be discussed....
 - i) There was none.

ORDER OF BUSINESS NO. 10 - New Business.

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

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

- a) The next regular session.

Date: Tuesday – May 28th, 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. 12 – Adjournment:

- a) Mr. Shaffer requested a motion to adjourn the meeting of April 23rd, 2019.

It was moved by: Peck
 SECOND by: Shaffer

The roll was called and the vote was:

YEA(s) 2 NAY(s) 0 The motion: Passed X Failed

MEETING ADJOURNED
 Respectfully Submitted
 Timothy J. Houck, Fiscal Officer-Clerk