

Minutes
DEFIANCE TOWNSHIP TRUSTEES
April 26th, 2022 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, April 26th, 2022 at 6:30 p.m. Answering as present were Dan Peck, Diane Mayer. Trustee Jason Shaffer was excused (medical), with two (2) of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Vice-Chair Peck conducted the meeting.

Township employee(s) present were: Steve Buchholz 1615 South Clinton St., Harry Railing 14951 Power Dam Rd., & John Diemer 23361 Defiance-Paulding Line Rd. all of Defiance, Ohio.

Visitors present: Patti Diemer 23361 Defiance-Paulding Line Rd. & JoEllen Houck 8 DeVille Dr. all of Defiance, Ohio.

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 March 29th, 2022 regular session.

Mrs. Mayer moved to approve the minutes as presented.

Mr. Peck 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) Professor Mark Zeller Professor from Wright State University – 3640 Colonel Glenn Highway, Dayton, Ohio, was recognized.

i) Professor Zeller stated he has been retained by his brother Kevin Zeller Lakeview Dr. Defiance, Ohio, to study the energy production possibilities of lands owned by Kevin with the possibility of proposing a Twp Public Utility. Professor Zeller stated his brother has been contacted by solar companies and has been offer money for the use of his land for a solar field.

ii) The Zellers believe that these energy companies are approaching numerous land owners and offering low bids for possible energy production use of lands.

iii) The Zellers think that an energy production study focused on all forms of energy (gas, oil, wind, solar) should be conducted to determine the viability of such resources and to find a true value so landowners are not giving away a valued commodity.

iv) The Zellers will conduct such a study and provide the information to the Twp Trustees and Trustees may determine that a public energy utility maybe worth creating for the benefits of the citizens of Def. Twp.

v) Professor Zeller stated he would return and present his finding at a future session.

ORDER OF BUSINESS NO. 3 - FINANCES –

1) The following financial reports provided to the Board were reviewed.

a) The Reconciliation for March - noted a primary checking reconciliation balance of \$567,969.65-- 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 \$19,034.86.

c) Payment reports:

i) Payments for April (UAN software-) were \$12,407.60.

d) The Cash fund summary through- April 25th, 2022 (UAN software) showed an "ending fund balance" of \$1,259,897.37.

i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$686,617.93.

- e) Appropriation Status showed that through April 25th, 2022 (UAN software), 5.2% 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 04-25-2022 was \$742,487.42.
- g) American Rescue Plan Act – Def. Twp application
 - i) OBM is managing the grants for many of Ohio's political subdivisions.
 - (1) The Def. Twp award is for \$176,505.54
 - (2) There will be two payments the first was for 88,252.77- rec'd in Sept. 2022.
 - (3) The second payment will be processed by the Ohio Office of Budget and Management (OBM) in September of 2022.
 - (4) In March 2022 the Twp received an additional \$352.32 from OBM from a proportional distribution of unrequested grant funds.
 - (a) Total grant is now \$176,857.86.
 - (5) In Jan 2022 the Federal Government issued a new final rule regarding use of the grant funds.
 - (a) All funds received by Defiance Township will be eligible for use for "general government services". (roads, equipment, fire, rescue etc.).
 - (6) **Exhibit 3-g-1** of the April 26th session was a draft resolution that must be adopted when Trustees determine a project or purchase that complies with Federal rules for the use of these grant dollars.
 - (a) A resolution is needed for each project that American Rescue Plan Act funds are used.
 - (7) **Exhibit 3-g-2** of the April 26th session was the Federal Government's' required "Procurement Policy" all projects must adhere to these guidelines.
 - (8) The fiscal officer will contact OBM to determine what is required for submittal to the OBM to proceed with the use of these funds once Trustees determine a project or purchase.
 - (9) The Chair called for discussion...
 - (a) Trustees decided to apply the grant funds to the Bowman Rd reconstruction project for work in 2022 and 2023.

The Chair requested a motion to approve the use of these grant funds for the Bowman road rebuilding project.

Mrs. Mayer moved to approve.

Mr. Peck seconded.

The vote being 2 Yea(s) 0 Nea(s)

The use of the American Rescue plan grant for the Bowman Rd rebuild was approved.

- (b) The fiscal officer was asked to contact the County Engineer and inform him of the Trustee determination as the Engineer's office is in charge of the Bowman Rd. project on the Twp's behalf.
- (c) A copy of the resolution and the Federal Government's Procurement Policy (exhibit 3-g-2) will be provided to the Co. Engineer.

- h) grant from ODOT "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).
 - (2) As of this session we await the distribution of the grant from ODOT.
 - (3) Discussion if any...
 - (a) There was none.
 - i) Possible grant for Twp Road signs:
 - i) At the March 2022 session Trustees submitted the application packet to the Co. Engineer, as the Engineer is contracted by the Twp with maintenance of the Twp road signs via the required reflectivity signage agreement between the Co. Eng. And the Twp.
 - ii) The Engineer emailed that the grant was not necessary for 2022.
- j) April bills through the 28th, – Trustees Review – Discussion and Signature.
- k) Payroll & April time cards (time cards provided trustees prior to session) – Trustees Review – Discussion and Signature.

- l) Mr. Peck requested a motion to accept the April financial reports.

MOTION by: Mayer

SECOND by: Peck

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) Zoning Bd. of Appeals met at 6p. 4-26
- i) A request for a “variance – from setback requirements” (from 10’ to 2.5’ from a property line) for the construction of a garage/storage building on a portion of parcel B11-0008-A-005-00, of approximately .9 acres more or less of land from Defiance Township zoned “residential” has been made by Dave Musch. The parcel is located in Def. Twp. section 8 – in the NE section of the SE quarter in Chapmans 1st addition Lot 4 pt & 3pt on State Route 111, with an issued house number of 14697.
- (1) The Zoning Bd approved the request.
- b) April monthly Zoning report -
- i) permits issued:
- (1) R & J Burk Enterprises - Permit for building on County Road 424
- (2) Brett Newman - Power dam Road for carport
- (3) David Musch - Building on St RT 111- pole barn
- ii) Zoning issues:
- (1) Sherrie Gorrell for zoning on a property
- (2) Hearing for D Musch for Variance on building – held 4-26.
- iii) Nuisance violations:
- (1) None
- iv) Site reviews:
- (1) John Miner for a building on St Rt 111
- v) Misc :
- (1) Signed land split for Jeremy Seip on Hay Maker Road
- (2) Erie Construction for roof permit-

Respectfully submitted

John Diemer, Twp. Zoning Inspector

- c) The Chair asked if there were any other zoning or nuisance issues to come before the Board.
- i) There were none.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Comments or concerns from Twp employees/Trustees 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 Road Report - Twp Rd inspection by Trustee Peck.
- i) The reported noted all roads appeared to be good.
- ii) The May review is to be by Trustee Shaffer.
- b) 2022 Road projects:
- i) Trustees should refer to **exhibit 6-b** dated March 31st, 2022, from the Co. Engineer presented at the April 26th session. This is the 2022 list of Trustee approved projects for the Co. Engineer.
- (1) 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.
- (2) Trustees approved the Co. Engineer proposals as follows for 2022:

	Est.	Actual cost
(a) Paving:		
(i) Link Rd. 1124’ – from Power dam to Power Dam	\$16,864	
(b) Chipseal:		
(i) Kibble Road – from Canal to Winn - 2652’	\$5,078	

(ii) Winn Rd – from Kibble to dead end – 718'	\$1,388
(iii) Estimated total exp. of chip seals	\$6,466

(c) Patching:

(i) Ball –	
1. from Krouse to Canal – 5 patches	\$2,446
(ii) Bowman – from St. Rte 66 to Twp line – 1 patches	\$ 542
(iii) Hammersmith rd – f Krouse to state rte 111 – 2 patches	\$2,440
(iv) Karnes rd. – from Bowman to Watson – 3 patches	\$3,530
(v) Sponseller rd – from def pauld co line to Bowman –	
1. 3 patches	\$3,933
(vi) Estimated total patching exp -	\$12,891

(d) Crack Seal-

(i) None in 2022

(e) Pavement Markings:

(i) None in 2022

(f) Total est and final expenses for 2022- \$36,221

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) 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) Proposed 2022 effort is 5280' or approximately the 3rd mile.- Williams to Campbell

(i) PAVING: -

1. 1 mile to be determined per mike – 5280'

a. Est. cost	Actual cost
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i. \$97,894

(ii) **Pavement Markings: - Williams to Campbell 5321'**

i. \$2,995

(iii) **WIDENING: - f Williams to Campbell – 5317'**

a. Estimate	Actual cost
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i. \$34,431

(iv) TOTAL ESTIMATED ON BOWMAN PROJECT IN 2022 is \$135,320

1. Trustees have determine to dedicate the Twp's 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.

c) Twp projects by Twp staff or other contractors for 2022:

i) The Chair asked if there are any proposed or in progress projects for the Twp staff or private contractors for 2022?

(1) **Exhibit 6-c-1** is an email from Auglaize Twp regarding proposed work on the Def. Paulding Co. Line Rd. #10.

(a) They request a guard rail on the curve based on recent accidents.

(b) Discussion..

(i) Trustees determined that per their understanding of the accident, that a great rate of speed was the cause of the accident. Trustee will add additional signage warning of the curve, indicating the need to reduce speed.

(ii) Operator Buchholz was assigned this task.

(2) Mr. Buchholz was recognized; he stated that the DEAD END signage at Krouse and Hammersmith for Krouse was stolen. He replaced it.

(3) 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. The Twp agreed to commit its remaining OPWC funds and \$81,148.24 in cash from Twp Rd funds.

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

path.

(ii) An agreement is on file and prints out a summary of the work to be performed.

(iii) Schlatter has informed Trustees that the OPWC grant application was to be submitted in 2021, the award will be made in 2022 and the construction will begin in 2023.

(b) The Co. Engineer submitted an additional grant application to ODOT for funding of this project – refer to exhibit 3-h-1 above.

(c) As of 03-29-22 Twp session the grant as submitted on the Twp behalf by the Co. Engineer was approved for funding in the amount of \$175,000 for this project. Trustees should refer to item 3-h of this agenda.

(d) Discussion:

(i) Trustees await distribution of the grant.

(4) 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) There was none.

d) A City of Def and Def. Twp road share Maintenance Agreement –see mins from August 2021 session:

i) April 2022 update:

(1) Per Trustee direction at the March 22 session the fiscal officer emailed the draft MEU to the City Administrator on April 2nd, Trustees were cc'd

(2) On April 22nd, 2022, the City Administrator acknowledged receipt of the MEU noting the City will review and contact the Twp.

e) **2022 financial impact review by the fiscal officer:**

i) The fiscal officer reported:

(1) Total road fund revenues year date are **\$90,056.71**

(2) Total road fund expenses year to date are **\$17,684.69**

(a) Road salt purchased - 2022– total \$3,587.50

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

(1) \$227,450 more or less

iii) Anticipated expenses for 2022 – as of this session:

(1) Regular twp. expenses anticipated for the year, baring emergencies. The estimate for 2022 – 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) 36 k Road maintenance program by Co. Engineer - has been estimated by fiscal officer - in 2022 – refer to proposal from Co. engineer – exhibit 6-B of the 3-29-22 Twp session.

(3) \$136k – estimated by fiscal officer for Bowman Rd rebuild in 2022 - exhibit 6-B of this session.

(4) savings towards the Ginter rd project- project cost to Twp is remaining OPWC grants and \$81,148.24 cash anticipated to be expended in 2023.

(a) the savings is being redirected to Carter rd build project – project date to be determined.

(i) it is anticipated that 40k per year will be earmarked in 2022 and 2023.

(1) Estimated total exp for 2022 - \$270 to 300k.

(a) There is also the question of a truck replacement – funding could come from road accounts or the “American Rescue Plan Act” grant.

(i) Trustees will continue to study their options.

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 01-06-2022 (exhibit 6-f of the Jan. 25th session).

i) 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 3 years (2022, 23 & 24) or a total of \$75k remaining give or take.

(2) The 2022 grant of \$48,700.00 is posted to Twp grant as of 1-6-22.

(a) Grant fund balance as of 1-6-22 is \$73,444.92.

(3) –OPWC grant work for 2022-

(a) culvert/regrading of Bowman rd rebuild project area- \$27,585.50.

(b) Ginter Rd project \$79,000 +/-.

(c) Krouse rd - Tile or ditch work - unknown amount at this time. (per co. eng)

(d) 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%.

(4) Discussion:

(a) The fiscal officer noted that with the ODOT Stimulus grant award for the Ginter Rd project, the amount of 175k will/should cover all of the Twp's expenses for this project. The OPWC funds and the committed road fund money may now be available for other projects.

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 asks if there are any cemetery issues for discussion?

i) Buchholz stated that a headstone base recently placed in Cromley cemetery is already failing. He is trying to contact the family to notify them.

ii) The Chair again asked if there are any other issues.

(1) ing There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

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

(a) There were none.

ORDER OF BUSINESS NO. 9 - Handouts.

a) Monthly (April 22) GrassRoots clippings – **exhibit 9-a**

i) Discussion:

(1) There was none.

ORDER OF BUSINESS NO. 10 - Old Business

a) The Chair asked if there was any 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) It was noted that Ben Webb is asking the Twp to build an access to one of his farm fields.

(1) Trustees will advise Webb to contact soil and water noting:

(a) The Twp does not provide access to private property; and

(b) Soil and Water along with the County Engineer's office manages access.

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

1) The next regular session.

a) The next session.

Date: Tuesday, May 24th, 2022 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 – April 26th, 2022.

It was moved by: Peck

SECOND by: Mayer

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