

Minutes
DEFIANCE TOWNSHIP TRUSTEES
May 21st, 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, May 21st, 2019 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 employees present were: John Diemer 23361 Defiance Paulding Co. Line Rd. 10, & Harry Railing 14951 Power Dam Rd. - Defiance, Ohio.

Visitors present: Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10, from 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 April 23rd, 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 April - noted a primary checking reconciliation balance of \$289,409.95-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for May (UAN software-) were \$16,465.15.
- c) Payment reports:
 - i) Payments for May (UAN software-) were \$40,538.07.
- d) The Cash fund summary through May 20th, 2019, (UAN software) showed an "ending fund balance" of \$972,502.38.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$551,568.55.
- e) Appropriation Status showed that through May 20th, 2019 (UAN software), 9.8% 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 05-20-19 was \$724,769.41.
- g) Trustees signed and reviewed May bills.
- h) Payroll & May time cards (time cards provided trustees prior to session) – Trustees Reviewed & Signed.

Mr. Shaffer requested a motion to accept the May 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) May report
 - i) Permit applications provided to:
 - (1) No permit applications were issued
 - ii) Permits:
 - (1) No permits issued.
 - iii) Site reviews:
 - (1) Received 2 site reviews from Soil and Water-
 - (a) Ashley Walter - Kiser Rd for Home and pond
 - (b) Sarah Walbolt- Campbell Rd for enlarging pond
 - (c) Signed off on land spilt for Fred Mansfield – Bowman rd property.
 - iv) Zoning/nuisance issues
 - (1) Talk to Paul Hawk about zoning issues
 - (2) Chris Jones for zoning violations on 24509 Watson Road

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 Twp. operators reported that at a recent funeral at Cromley cemetery – traffic on State Rte 111, which runs along Cromley cemetery, was hazardous, as travelers could not see the funeral cars due to the hilly terrain before the cemetery entrance.
 - (1) Shaffer suggested traffic signs be purchased. Signage would then be placed an appropriate distance from the entrance to Cemeteries of the Twp., to make travelers aware of a funeral in progress.
 - (2) Trustees concurred and asked the fiscal officer to order two signs with movable stands.
- 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 Report (exhibit 6-a) – was presented by Trustee Shaffer.
 - i) The report noted:
 - (1) trees need trimmed back from roads
 - (2) pot holes- numerous roads
 - (3) stone need to fill in drop offs
 - (4) berming needed
 - ii) Operators are to use the report as a work order in June.
 - iii) Mayer suggested a dura patch to repair wash out of berm at corner of Carter and Ginter.
 - (5) Shaffer to contact Co. Engineer to have this addressed.
 - iv) The June Rd review is to be by Trustee Mayer.
- b) **2019 Road projects:**
 - i) Trustees have approved the Co. Engineer’s proposed Twp road maintenance projects for 2019 at the March 19th Trustee session. Trustees should refer to exhibit 6-b dated April 2nd from the Co. Engineer, which was an update of expenses anticipated for the 2019 road maintenance program. The original 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: – patching is now complete for 2019.		\$16,681.66
(i) 2019 Patching exp was \$917.08 below estimate.	\$17,598.74	
1. Completed by contractor.		
(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./actual expenses for 2019- as of June 2019	<u>\$51,311.16</u>	<u>\$16,681.66</u>

- 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 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(2019).
 - (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 asks if there is any additional discussion regarding the Bowman Rd re-build project?
 - (a) None was offered.
- 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 proposed to rent a saw and cut loose the grating. This will be done utilizing Twp. personnel.
 - (ii) Trustees approved.
- (b) Some storm water drains (twp catch basins) are filled with leaves - Shaffer has asked the Co. Engineer 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) May update....
 - 1. Shaffer noted the Eng. does not have a vacuum. – this item to be removed from future agendas.
- (c) Dura Patching on Wilhelm Rd – about 500' south of McAlistar and on Co. Line Rd 10 east of 66 and again 100' further west.
- (i) The work on Co. Line road 10 was completed in April 2019 – see bill of this session.
 - (ii) Pd w check 5460 – cost was \$150.00.
 - (iii) Discussion?
 - 1. There was no discussion, this item will be removed from future agendas.
- (d) 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	\$81,530.54
(2) Total road fund expenses year to date are	\$43,587.82

- 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 – refer to item 6-b-1 of this minute – (other than Bowman Rd. rebuild).
- (3) Bowman Rd. rebuild - \$140,000
- (4) 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 has posted to Def Twp. grant in 2019 so far –
 - (i) An expense of \$600.00 (1-7-19) dura patch on Krouse rd.
 - (ii) an expense of \$408.54 (2-15-19) for tree trimming and chipping on Garman Rd.
 - (iii) Total grant dollars used by the Co. Eng. on behalf of the Twp. to date in 2019 is \$1,008.54.
 - (c) As of the Engineer's last posted work to the 2019 grant dated 2-7-19 – provided to Trustees at the Feb. Twp. session - 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 is any other discussion regarding the fiscal impact report?
 - 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) 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) During the April 2019 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) Mrs. Kastler 419 739 6202 or Mrs. Hussey 419 393 2207.
 - (3) The fiscal officer will then prepare the deed(s) and sales invoices.
 - vi) The Chair asked if there is any further discussion???
 - (1) Trustees noted that the lots must still be marked at Taylor. If weather permits this should be done in June.
- b) The Chair asks if there were any other cemetery issues for discussion?
 - i) At the April session 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 were to contact ODOT to determine which entity has responsibility for the trees in question.
 - (3) Shaffer noted that ODOT confirmed the trees are on Twp. property.
 - (a) There was no work done in May due to weather. These trees will be taken down in June if weather and time permits.
- c) May burial of Mrs. Sally Fuller in Cromley cemetery.
 - i) Trustees to adjust Twp charge for grave open and close. – see exhibit packet 7-c
 - (1) **Exhibit 7-c packet contains:**
 - (a) Emails to trustees regarding twp fees for burials – emails dated 5-17
 - (b) Twp invoice to Smith Funeral Home in Hicksville for monitoring of fuller grave open and close
 - (c) Resolution 2019-12 – establishing twp grave monitoring of open and close
 - (d) Resolution 2008-12 – establishing twp grave open and close fee of \$275
 - (e) Resolution 2009-11 – establishing twp fee for grave open and close of an urn
 - (2) Fee established in twp resolution 2008-12 was for \$275 –
 - (3) Twp will now only monitor grave open and close.
 - (4) Funeral Home(s) will coordinate contractor to dig grave with the decedents' estate/family with the Twp.
 - (a) Funeral Home will charge estate/family.
 - (b) The Twp will charge funeral home for its monitoring fee.
 - (c) See resolution 2019-12 dated May 21st, 2019.
 - (d) This resolution – if adopted – is affective retroactive to May 1, 2019.
 - (5) Chair asked for discussion....
 - (a) Mayer stated the Twp. had more then \$100 in the most recent burial.
 - (b) Mayer suggested that the Twp. henceforth, have the funeral homes collect the Twp.'s \$275 charge for monitoring grave open and closes.
 - (c) The Funeral Home(s) will coordinate the contractor to dig the graves with the decedent's estate/family – that charge will also be borne by the estate/family.
 - (6) Trustees concurred.

- (7) Trustees instructed the fiscal Officer to void the \$100 invoice for the Fuller funeral, as Trustees declined to adopt the resolution (2019-12) that adopts this fee.
 - (8) Further, Trustees determined not to assess the Fuller estate the \$275 charge due to the time that has passed since the Fuller burial.
 - (a) For all future burials the Twp. will charge the \$275 fee for monitoring open and close of graves in all Twp. cemeteries.
 - (9) Chair asked if there was any other discussion concerning Twp. charges for burials in Twp cemeteries.
 - (a) There were none.
- d) The Chair again asked if there were any other cemetery issues for discussion?
- ii) There were none.

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

- a) Monthly (May 19) GrassRoots clippings –
 - i) There was no May GrassRoots handout as this item did not yet arrive by meeting day.
- b) **Exhibit 8-b** is notice from Ohio division of Liquor Control –
 - i) Hermillier holdings of 20308 CR 424 is requesting a new liquor permit.
 - ii) Discussion if any??
 - (1) There was none.
- c) **Exhibit 8-c** is notice from the Joint Four Co. Solid Waste Management district.
 - i) The District as required by law is issuing the notice that it intends to designate certain solid waste facilities that can accept solid waste from the District.
 - ii) Def. Co. is part of said District.
 - iii) The Chair asked if there are any questions or discussion??
 - (1) There was none.

ORDER OF BUSINESS NO. 9- Old Business

- a) The Chair asks if there is any old business to come before the Board?
- b) The fiscal officer emailed Trustees on May 9th a form from Maumee Valley Planning, which asked if there were any “Long Range Transportation Plan projects” desired by the Trustees for Def. Twp. The response required than an electronic PDF form be filled out and submitted to MVP.
 - i) Discussion if any??
 - (1) There was none.
- 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 hired Marc Warncke ESQ. of the Clemens, Korhn, Liming & Warncke Law Office, Defiance, Ohio, to represent the Twp.
 - (3) Update if any?
 - (4) Mr. Warncke was present - Trustees determined to enter into executive session.

Mrs. Mayer moved to enter into Executive session to discuss the litigation.
Mr. Peck seconded.

The roll was called – with all 3 Trustees concurring – the Board of Trustees and their Attorney entered into executive session.

Trustees returned to the meeting room.

Trustee Peck moved to return to open session with no decisions having been made in executive session.
Trustee Mayer seconded.

The roll was called – with all 3 Trustees concurring the Board returned to Open session.

- 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.
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ORDER OF BUSINESS NO. 11 - NEXT MEETING:

- a) The next regular session.

Date: Tuesday – June 25th, 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 May 21st, 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