

Minutes
DEFIANCE TOWNSHIP TRUSTEES
June 26th, 2018 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, June 26th, 2018 at 6:30 p.m. Answering as present were Diana Mayer, Dan Peck & Jason Shaffer. With all three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: Brian Grant 15168 Williams Rd. & Steve Buchholtz 1615 S. Clinton St., all of Defiance, Ohio.

Visitors present: Stan Strausbaugh of the Defiance Co. Sheriff's Office, Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10, Lee Martinez Assistant Policy Chief Defiance City, Morris Murray Defiance County Prosecutor, Rhonda Shaffer 13386 State Rte 15 & Wes Moats 1680 Bridgewood Court all of 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 May 22nd, 2018, regular session & from the June 18th, special session held at the Prosecutor's Office.

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 sessions 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 May - noted a primary checking reconciliation balance of \$242,255.53 - balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for June (UAN software-) were \$18,808.09.
- c) Payment reports:
 - i) Payments for June (UAN software-) were \$63,078.65.
- d) The Cash fund summary through June 23rd, 2018, (UAN software) showed an "ending fund balance" of \$894,850.25.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$335,664.90.
- e) Appropriation Status showed that through June 23rd, 2018 (UAN software), 14% 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 06-23-18 was \$710,194.62.
- g) Trustees reviewed and signed bills through the 26th.
- h) Payroll & June time cards (time cards provided trustees prior to session) – Trustees Reviewed & Signed.

Mr. Shaffer requested a motion to accept the June 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) June report –
 - i) Permits issued
 - (1) Joe Sisco – pond on Power Dam Rd.
 - (2) Kurt Beecher – pole barn on Power Dam Rd.
 - (3) Matt Seibert – room addition on home St. Rte 15
 - ii) No Site reviews:
 - (1) Talk to Bob Thornell – lean-to on barn.
 - iii) Zoning questions
 - (1) Dan Steingass – questions about building on his property.
 - (2) Sharon – works w Sally Mae asking about properties and possible zoning violations.
 - (a) All were within the City and I provided City contact information.
 - (3) Mark Rau – questions on building on his property.
 - iv) Nuisance issues
 - (1) none
 - v) Spoke with County Prosecutor about completing the Twp portion of a State of Ohio permit application for a Medical Marijuana dispensary proposed for Def. Twp.

Respectfully submitted
John Diemer, Twp Zoning Inspector

- b) Mr. Shaffer asked if there are any other zoning/nuisance issues to come before the Board?
 - i) None were offered.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Comments or concerns from Twp employees on current or proposed new eq &/or safety items.
 - i) Twp Operator Brain Grant said that he and Steve Buchholtz would be able to perform maintenance services on most of the Twp's eq. specifically address service on the John Deere skid steer during July.
 - (1) Trustee's approved them to address services.
 - ii) At the May session Trustees agreed to put gates on the salt bin shed. Trustees instructed operators to acquire quotes for "farm gates".
 - (1) This was not accomplished in June and Operator's are to do this in July.
- b) At the May session it was noted that the street drain covers in the Lakeview addition need repaired.
 - i) Trustees approved Shaffer to discuss with the County Engineer.
 - ii) Shaffer stated the engineer will address this issue for the Twp.
- c) Some storm water drains are being filled with leaves - Shaffer 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.

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 Peck.
 - i) Roadside mowing remains a priority.
 - ii) It was suggested that the Twp asked the Co. Engineer to Dura patch Krouse rd where needed.
 - (1) If the Eng. cannot, then Twp Operator's are to cold patch the area(s) in question.
 - iii) The July Rd review is to be by Trustee Mayer.
- b) **2017 Road projects:**
 - i) At the February 2018 session Trustees approved the County Engineer's 2018 project list.
 - ii) At the April 2018 session an amended estimate was provided dated 4-6-18 – as **exhibit 6-b.**

(1) Chipseal	cost estimates	old	revised
(a) Link Rd – Powerdam to Powerdam – 1,126'		\$1,732.94	\$1,870.00

- | | | |
|--|------------|----------|
| (b) Ball rd – Krouse to Canal – 5,338' | \$9,221.97 | 9,965.00 |
|--|------------|----------|
- (2) **Crackseal**
- | | | |
|---|-----------------------|---------------------|
| (a) Hammermsith rd – krouse to singer – 5,217' | \$2,500.00 | 2,545.00 |
| (b) Hammersmith rd – singer to krouse – 4,224' | \$2,500.00 | 2,060.00 |
| (c) Kiser rd – krouse to keller – 5,346' | \$2,500.00 | 2,600.00 |
| (d) Kiser rd – keller to canal – 5,317' | \$2,500.00 | 2,600.00 |
| (e) Ball rd – krouse to canal – 5,338' | \$2,500.00 | 2,610.00 |
- (i) The fiscal officer reported that a bill for the crackseal work was received this day and will be processed for payment in the July meeting.
- (ii) Crackseal work is complete.
- (3) **Hot Mix Patching – wrk completed awaiting billing.**
- | | | |
|--|-----------------------|---------------------|
| (a) Ball rd – over replaced culvert – 200' | \$2,325.43 | 2,445.00 |
| (b) Bowman rd – Campbell to Williams – 200' 1 patch | \$2,462.22 | 2,585.00 |
| (c) Bowman rd – campbell to Williams – 200' 1 patch | \$2,462.00 | 2,585.00 |
| (d) Bowman rd – Karnes to st rt 66 – 1 patch | \$2,462.22 | 2,585.00 |
| (e) Bowman rd – st rt 66 totwp line – 1 patch | \$2,462.22 | 2,585.00 |
| (f) Cromley rd – st rt 111 to dead end – 2 patches – 1 | \$2,188.64 | 2,300.00 |
| (i) 2nd patch | \$2,188.64 | 2,300.00 |
| (g) Karnes rd – Bowman to Watson – 2 patches – 1st | \$2,188.64 | 2,300.00 |
| (i) 2nd patch | \$2,188.64 | 2,300.00 |
| (h) Keller rd – kiser to powers – 1 patch | \$1,709.88 | 1,795.00 |
| (i) Kiser rd – krouse to keller 3 patches – 1st | \$1,551.20 | 1,630.00 |
| (i) 2nd patch | \$1,846.67 | 1,940.00 |
| (ii) 3rd patch | \$2,462.22 | 2,585.00 |
| (j) Kiser rd – keller to canal – 3 patchces – 1st | \$1,846.67 | 1,940.00 |
| (i) 2nd patch | \$2,462.22 | 2,585.00 |
| (ii) 3rd patch | \$2,462.22 | 2,585.00 |
- (4) **Paving – wrk completed- Pd June session w check 005020 - \$34,588.50.**
- (a) **This item will be removed from future agendas.**
- | | | |
|---|------------------------|----------------------|
| (b) Lakeview drive – 2,645.28' | \$29,273.21 | 34,575.00 |
|---|------------------------|----------------------|
- (5) **Projects completed are crossed out and will be removed from the agenda once the bill is processed.**
- (6) At the May session it was stated that 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) Trustee Shaffer was to discuss with Co. Engineer to see if this is still possible in 2018.
- (ii) Shaffer reported that the engineer's staff will address this project.
- (7) **Total est expenses for co work on twp behalf in 2018 -\$87,998.07 -- \$95,870.00**

c) Twp projects by Twp staff or other contractors for 2018:

- i) Discussion...if any twp projects for 2018 :
- ii) No additional projects were offered.

d) Future major Twp road projects – first discussed at the Feb. 2018 session.

- i) Due to expenses, these project(s) will be implemented over several years, which will allow the Twp to save toward funding for such major projects.
- iii) See agendas from Feb 2018 forward for details:
- (1) The Board is discussing with the County Engineer the following projects:
- (2) rebuild of Bowman Rd – initially planned to start in 2019.
- (a) prep and purchase of right of way if necessary for the rebuild of Bowman Rd.
- (b) this would be over several years with the construction project beginning in 2021 dependent upon available cash.
- (c) As this road is several miles long the cost will be much greater.
- (d) Trustees noted they would need a plan from the Co. Engineer to break this project down with cost estimates.
- (e) Trustees will then determine when to proceed.
- (3) As of the June 2018 session – Mr. Shaffer reported the engineer's office will prepare a multiyear plan with estimated costs for the Twp to review and plan for financing this project.

e) A 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	\$95,088.99
(2) Total road fund expenses year to date are	\$70,707.51

ii) Anticipated revenue for 2018 – based on the January 2nd, Twp amended certificate was:

(1) \$171,715.00 more or less

iii) Anticipated expenses for 2018 – 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:

(2) \$95,870.00 for Co Eng work- see co eng. est cost for twp wrk in 2018 dated 4-6-18 by Co Eng proj list.

(3) Total anticipated expenses base on the above:

(a) from \$150,000 to 200,000k if there are no major Twp projects undertaken.

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 1-16-2018. That update includes the posting of the 2018 OPWC grant funds of Def Twp.

i) Current status – the OPWC report from the County Engineer's office as of 1-16-2018 indicates that:

(1) The Def Twp has posted to its grant line for 2018 \$43,455. (money is with the Co Eng – any used in 2018 will be posted to Twp fund lines as pass through money and an amended certificate will be required to account for the expenditure of these funds on behalf of the Twp. Said amended certificate is generally applied for in November of each year that grant funds are used by the co eng on the Twp's behalf.

(2) the Twp has \$10,924.32 of current grant dollars available for use.

(3) There are no future grant dollars used as of this session.

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 7 years or a total of \$175k remaining give or take.

g) The Chair asked if there was any other discussion regarding the fiscal impact report.

i) None were offered.

h) The Chair asks if there are any cemetery issues for discussion...

i) There were none.

ORDER OF BUSINESS NO. 7- Personnel

a) Review of proposed Twp Policy #013 – **exhibit 7-a** with email of Prosecutor's office review of draft policy – Defiance Township Driving Criteria Standards Policy

i) See mins from Jan 2018 forward for history.

ii) Policy is in response to Ohio Plan – Twp insurer - regarding concerns with potential high risk drivers (if any) working for the Twp.

iii) Trustees adopted the Policy.

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

a) Monthly (June 17) GrassRoots clippings – **exhibit 8a**

b) **Exhibit 8-b** – notice from the Def. Co. Twp Association of the 3rd qrt 2018 meeting.

i) 6 p.m. EMA building in Brunersburg.

ii) Rsvp if attending – email noble43512@yahoo.com.

c) Trustees noted that Defiance Twp is scheduled to host the 4th qrt 2018 County Twp Association meeting.

i) Trustee Shaffer asked the fiscal officer to prepare a letter to be sent to the Defiance Eagles Aerie 373 asking that Defiance Twp be allowed to host the 4th qrt Co. Twp Association at the Eagles located at 711 W 2nd Street, Defiance, Ohio.

(1) The letter is to be sent to John Auer – Club Manager.

(2) Trustees will work to acquire a caterer.

ORDER OF BUSINESS NO. 9- Old Business

- a) The Chair asked if there was any old business to come before the Board?
- b) **Exhibit 9-b** – was reviewed. The exhibit was draft Resolution 12-2018: Prohibition/Restriction on number of cultivators, processors, or retail dispensaries under the State of Ohio Medical Marijuana control program. In addition, exhibit 9-b-2 was reviewed. This exhibit was a letter from the law firm of Ickes/Holt of Stow, Ohio. The firm is representing Jamie Ridenour – who is seeking a permit to establish a medical marijuana dispensary in Defiance twp.
- i) The letter requests information regarding the form for a State permit to open a Medical marijuana dispensary in Defiance Twp. which was submitted to the Twp's Zoning officer John Diemer. Mr. Diemer had turned the form over to the Prosecutor for guidance.
 - ii) Resolution 12-2018 was provided by the Prosecutor's office. For history details see mins of May and Oct. 2017 when Trustees tabled the resolution.
 - iii) The Chair called for discussion:.....
 - (1) Def. Co. Prosecutor Morris Murray was recognized and stated he was here to assist with the proposed Twp resolution 12-2018 .
 - (a) Murray also explained that the law is in the process of being implemented.
 - (b) Murray notes he sits on the Defiance County Drug Free Coalition.
 - (c) The Prosecutor believes the law has flaws in its implementation process – noting Doctors do not write prescriptions but instead issue recommendations.
 - (d) Also, it is the Prosecutor's opinion that these establishments bring into a community an unsavory group which tends to lead to increased crime.
 - (e) He noted the Def. Co. Drug Free coalition is in support of the resolution which prohibits the establishment of marijuana cultivators, processors and dispensaries.
 - (2) Wes Moats – Moats Ford of Defiance stated he is in support of the resolution as his place of business is already being vandalized and vehicles are being broken into. Mr. Moats was also concerned that the Twp should not reject the resolution in anticipation of collecting additional tax revenue.
 - (3) Trustee Peck responded, the Trustees are not concerned with the tax revenue, but with allowing access to a pain management drug that has been approved by the State Legislators and voters of Ohio.
 - (4) Mr. Murray stated the support for the resolution is not protesting the use of medical marijuana, which is now lawful, but with the implementing of the law, which as noted earlier brings an unsavory element and greater crime to the communities that have allowed these businesses.
 - (a) Murray noted that the US24 corridor passing through Defiance is already a traffic area for heroin etc.
 - (5) Assistant Police Chief Lee Martinez stated that “we believe there will be an element that will come to Defiance if this dispensary is allowed to become active, said element will increase crime and take additional resources to combat the increased crime.
 - (6) Trustee Mayer stated that she spoke with two nurses who are both in favor of allowing the dispensary to operate in Def. Twp. stating there are people who need this extra pain prevention drug.
 - (a) Mayer also said she polled 50 people – mostly elderly – 35 were for allowing the dispensary and 15 were opposed to the dispensary.
 - (7) Again, Prosecutor Murray stated we don't oppose the law only the process that establishes the dispensary.
 - (8) Trustee Shaffer noted he had spoken with numerous businesses along the US 24 corridor in Defiance and they support the resolution banning the establishment of the dispensary.
 - (9) Trustee Peck stated this pain relief drug – according to the Ohio website helps with pain management for cancer, MS, crohns, Parkinson, Alzheimer, glaucoma, epilepsy, Lou Gehrig's disease.
 - (10) It is Peck's opinion that the medical benefits outweigh the state objections.

Mr. Peck then moved to adopt a new resolution 12-2018 approving but limiting to 1 permit each for Def. Twp. for a cultivating, processing and dispensary business allowed to operate in Defiance Township. Further, Peck wants the resolution to note that the Defiance Twp Trustees are opposed to “recreational use” and that should recreational use of marijuana become legalized Trustees would support opposing establishing such activity in Defiance Township.

Mrs. Mayer seconded

A roll call vote was taken:

Mayer – yes, Shaffer – no, Peck – yes.

The Resolution approving the allowance of three permits – 1 for cultivating, 1 for processing and 1 for a dispensary to operate in Defiance Twp was approved.

c) Dead Tree issue – Hammersmith Twp building from August 2017:

- i) At the Jan 9th 2018- budget session Trustee Peck stated that Mary Mick owner of property abutting Co. property, which abuts Twp, leased ground from the Co. where the Twp maintenance building is located on Hammersmith rd., has again contacted him with a request for reparations for dead trees.
- ii) Mick believes that at least some of the dead trees are on her property and that the trees are dead due to salt water runoff from the Twp's salt bins.
- iii) At the Jan 23, 2018, session Trustees turned the issue over to the Ohio Plan.
- iv) the Ohio Plan determined the ins does not cover this incident.
- v) Trustees to review with the Co. Prosecutor's Office.
- vi) During April 2018 trustees contracted for agent applications to mitigate saline from the soils in question.
- vii) During May the Co. Prosecutor wrote a letter (dated 5-2-18) to Mick's attorney's (Richards & Walker, LTD group of Bryan, Ohio), noting the efforts the Twp Trustees have taken to date to address the issue.
 - (1) The letter was emailed by Trustee Peck to all Trustees on May 7th.
- viii) Also during the May 18 session:
 - (1) Exhibit 8-b-2 was provided to Trustees – this was a tree replacement plan from Kreative Solutions of Def.
 - (a) this is a 4 year project.
 - (b) The affected area will be chemically treated to neutralize the saline in the soils.
 - (c) Trees will be removed and stumps ground out.
 - (d) Replant 38 – 6 to 8' trees.
 - (e) See plan for greater detail.
 - (f) Estimated cost as proposed is between 45 and 50k.
 - (2) Trustee Peck noted that the Twp could purchase the affected area – for far less money – given the cost per acre when the ground was acquired by the current owner from the Co. in 2016.
 - (a) Peck reminded Trustees that the sales agreement noted the land was being sold as is and that most of the trees were already dead at the time of the sale..
- ix) June update:
 - (1) Mr. Peck noted that exhibit 9-c is a second Mr revised plan, which should be less expensive.
 - (a) However, there was no cost estimate provided.
 - (b) The plan calls for monitoring the plant health – conducting checks in June and September of each year.
 - (c) Soil tests each June and November to determine if saline content is dissipating.
 - (2) Tjh noted he has emailed Kreative solutions requesting the plans timeframe and an annual cost.
 - (3) No additional action was taken.

- 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) The Chair asked if there is any new business to be discussed....
 - i) There was none.

ORDER OF BUSINESS NO. 11 - NEXT MEETING:

- a) The next regular session.

Date: Tuesday – July 24th, 2018 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:

Mr. Shaffer requested a motion to adjourn the meeting of June 26th, 2018.

It was moved by: Mayer

SECOND by: Peck

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