

Minutes
DEFIANCE TOWNSHIP TRUSTEES
June 27th, 2023 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, June 27th, 2023 at 6:30 p.m. Answering as present were Dan Peck, & Jason Shaffer. Trustee Diane Mayer passed away on June 21st. With two (2) of three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: Steve Buchholz 1615 S Clinton St., Harry Railing 14951 Power Dam Rd., Denny Batt 14854 Power Dam Rd., & John Diemer 23361 Defiance-Paulding Line Rd. all of Defiance, Ohio.

Visitors present: Stacie Wagner- 308 Tiedeman St., Matt Killion 14809 St. Rte 111, Rhonda Shaffer 13386 State Rte 15, Patti Diemer 23361 Defiance-Paulding Co. 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 May 23rd, 2023 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) Denny Batt was recognized. Batt stated he has returned with his concern about campers being placed on property just south of his. That property is owned by Ron Kuhn. Batt states he believes that a camp grounds is being established. Batt said that a camper is on site with a hook up for a second. A boat is on site and a jet skis. Further, a small building has been erected. Batt asks that the zoning codes be reviewed to see if there is a violation. Batt specifically sited his review which he said that the Kuhn property is classified as an access property. It is not his primary residence so therefore Kuhn cannot keep campers on site. He referred Trustees to sec 1003 article 10 page 139 of the Twp Zoning codes. Both Mr. Killion and Mr. Batt stated the rule prohibits camp grounds and their belief is that this is now a camp ground.
 - b) Mr. Batt stated that he feels his property value is being diminished in value.
 - c) Mrs. Patti Diemer stated she is a licensed appraiser and that in her experience property values do not decrease under the described conditions. (personal use of a property).
 - d) Trustees stated that they will send the Zoning/Nuisance inspector to discuss the intent of Mr. Kuhn. (is he establishing a camp grounds or is the activity for personal use).
 - e) Trustee Peck is to review this issue with the County Prosecutor's office.
 - f) Trustees note that the property is zoned agricultural not residential and therefore it is possible that the above noted section of zoning code does not apply.

ORDER OF BUSINESS NO. 3 - FINANCES –

- 1) The following financial reports provided to the Board were reviewed.
 - a) The Reconciliation for May - noted a primary checking reconciliation balance of \$404,357.86 - 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 \$27,827.20.
 - c) Payment reports:
 - i) Payments for June (UAN software-) were \$52,089.98.
 - d) The Cash fund summary through- June 27th, 2023 (UAN software) showed an "ending fund balance" of \$1,554,655.44.

- i) The “cash available” for encumbrances (unencumbered fund balance- UAN software) was \$1,006,780.74.
- e) Appropriation Status showed that through June 27th, 2023 (UAN software), 9% 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 06-27-2023 was \$1,183,921.26.
- g) American Rescue Plan Act – Def. Twp – refer to mins of Twp sessions from July 2021 forward for details.
 - i) The Ohio Office of Budget Management (OBM) is managing the grants for many of Ohio’s political subdivisions.
 - (1) As of this session the Def. Twp award is for \$176,505.54 + \$353.32 from OBM received in April 2022.
 - (a) Total expended to date is \$176,358.85.
 - (b) Remaining is \$500.01.
 - (2) In the January 17th, 2023, Twp session Trustees approved resolution 10-2023 which designates use of the remaining grant funds on the 2023 Bowman Rd rebuild project – 4th mile segment.
 - (3) As of this session (6-27-23)
 - (a) Twp check 6514 dated 6-27-23 to def co eng for contractor widening of the 4th and final mile of the project was issued. This check included \$32,611.06 of ARPA funds.
 - (4) Required April 30th fiscal report to US Dept of Treasury –
 - (a) The fiscal officer has e filed (on 4-17-23) the required fiscal report due April 30th to the US Department of Treasury. (e filed without attachments)
 - (b) The US Dept of Treasury was called for assistance in attaching documentation - the fiscal officer is awaiting a response.
 - (c) As of the June 27 – 2023 session there has been no contact from US Treasury. This section of the ARPA report will be removed from future agendas until US Treasury contacts us.
 - (d) The fiscal officer also notes that the grant has a balance which includes funds from the State of Ohio (see item (1) above; and recommends no additional expenses be posted to this fund line. The US Treasury has not acknowledged the OMB funds.
 - (5) The chair asked if there are any questions?
 - (a) There were none.
- h) ODOT grant “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) The fund line in the UAN system has been set up and the award/grant has been posted to the fund.
 - ii) As of this session:
 - (1) The money is appropriated as the project is to take place in 2023.
 - (2) The Trustees are utilizing the County Engineer as project coordinator.
 - (3) The County Engineer is working with the City of Defiance preparing bid specs.
 - (a) The Engineer’s Jeff Timbrook stated there was no work on the project in June.
 - (b) The chair asked for any discussion?
 - (i) There was none.
- i) June bills through the 26th, – Trustees Review – Discussion and Signature.
- j) Payroll & June time cards – Trustees Review – Discussion and Signature.
- k) Mr. Peck requested a motion to accept the June financial reports.

MOTION by: Shaffer

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) June monthly Zoning report -

- i) permits issued:
 - (1) 1965 to Mark Lampert pond St Rt 15
 - (2) 1966 to Chase Black Pond Bowman rd
 - (3) 1967 to Brad Beining shelter house – Power Dam rd
- ii) Zoning issues:
 - (1) None
- iii) Nuisance violations:
 - (1) None
- iv) Site reviews:
 - (1) Josh Schlegel
- v) Misc :
 - (1) Signed land split for Dave Kellermeyer – St Rt 66
 - (2) Purchasing Nuisance signs

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- b) The Chair again asked if there were any other zoning or nuisance issues to come before the Board.
 - i) Harry Railing was recognized.
 - (1) Railing said there is a camper behind and just north of the Power Dam Inn bar. Railing believes someone is living in this camper and that is not permitted per the Twp Zoning code.
 - (a) Trustees assigned the zoning inspector to investigate.
 - (b) John Diemer said he has driven by this in the past and has never seen any activity. He stated if he sees someone he will investigate.
- c) The Chair again asked if there were any other zoning or nuisance issues to come before the Board.
 - (a) 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) Possible new truck to replace 2005 F550 – refer to mins from July 2022 Twp session forward for details.
 - (a) As of this session:
 - (i) Exhibit 5-1 contained emails and data regarding the process to purchase a truck for the Twp.
 - 1. Email from Jeremy Magrum of Kalida Truck and is a section of HB 204 which he believes allows public entities to accept a bid on the same specified unit that is lower then the DAS or Sourcewell price as meeting public bid requirements. This exhibit has been forwarded to the Co. Prosecutor for his review and approval.
 - (ii) **Exhibit 5-1** also contains an email from the Co. Prosecutor’s office of their review of the above information - which states acquiring a bid from a vendor not using DAS or Sourcewell that is lower than DAS or Sourcewell price does not meet public bid requirements.
 - (iii) **Exhibit 5-1** also contains an email from DAS that states no contacts are available for 2023 units and 2024 unit contracts should be available in late August.
 - (iv) The Twp has membership in both DAS and Sourcewell – Trustees would need to contact a vendor of either DAS or Sourcewell or public bid a truck.
 - 1. Jeremy Magrum of Kalida truck is available to answer any questions regarding addons to the cab and chassis – 419-233-3232
 - (v) **Exhibit 5-2** contains two versions of an ad for a public bid for the unit.
 - (vi) The fiscal officer can prepare a public bid spec seeking sealed bids and post in the paper.
 - (vii) Trustees decided to seek bids:
 - 1. The Twp is seeking a 1.5 ton heavy duty truck – cab and chassis upon which a dump bed, plow blade, salt spreader and appropriate safety lights will be placed.
 - 2. Discussion
 - a. Trustees asked the Fiscal officer to prepare a request for sealed bids for a 1.5 ton cab and chassis and for bids for a snow plow, stainless steel dump bed, salt spreader and safety lighting. The ad is to be run asap with bids to be received by 6:30p on July 25th, when sealed bids will be opened and read and taken under advisement.
- ii) The Chair asked if there are any other equipment or safety concerns.
 - (1) There were none.

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 Shaffer.
 - i) Mr. Shaffer noted all roads looked good.
 - ii) The July review is to be by Trustee Peck.
- b) 2023 Road projects:
 - i) Trustees are to refer to exhibit 6-b dated 4-11-23 of the 4-25-23 session, which is an update to the project list dated 1-20-23 from the Co. Engineer’s office. This is the 2023 list of projects for the Co. Engineer & includes the estimates of expenses for the 2023 4th mile of the Bowman Rd rebuild project.
 - ii) 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.

(1) Co. Engineer road maintenance projects approved are as follows for 2023:

	Est.	Actual cost
(a) Paving: - no paving projects for 2023.		
(i) Total paving	\$0	
 (b) Chipseal:		
(i) Kiser Road – from Krouse to Keller - 5325'	\$12,998.00	\$
(ii) Kiser Road – from Keller to Canal – 5,316'	\$12,982.00	\$
(iii) Parkview Drive – 2,560'	\$ 3,389.00	\$
(iv) <u>Schroeder Street – 1,182'</u>	<u>\$ 1,562.00</u>	<u>\$</u>
(v) Estimated total exp. of chip seals	\$30,931.00	\$
 (c) Patching: for 2023 –		
(i) none proposed.		
 (d) Crack Seal- none in 2023		
 (e) Pavement Markings:		
(i) Kiser rd – Krouse to Canal – 10,641;	\$6,321.00	\$
(f) Total est and final expenses for 2023-	\$37,252.00	\$

- iii) Re-build and widen 4 miles of Twp’s portion of Bowman Rd. – see mins from Feb. 2018 for history.
 - (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) Approximately 1 mile of the 4 mile project was completed in 2022.

(e) TOTAL ESTIMATED ON BOWMAN PROJECT IN 2023 is \$160,895.00

(f) Proposed 2023 effort is the final mile of this project - **5448'** or approximately the 4th mile.- Campbell to Power Dam

(i) **Prep work by Co Eng.** Warren est. 30k +/- will be posted to OPWC

a. Est. cost	Actual cost
i. 30k +/-	\$

(ii) **PAVING:** -

a. Est. cost	Actual cost
i. \$107,286.00	\$

(iii) **Pavement Markings:** -

a. Est. cost	Actual cost
i. \$2,979.00 -	\$

(iv) **WIDENING:** -

a. Estimate	Actual cost
i. \$50,630.00	\$42,602.08 – completed June 2023.

(v) TOTAL CASH ESTIMATED ON BOWMAN PROJECT IN 2023 is \$160,895.00

- 1. Trustees have determined to dedicate the Twp’s remaining 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.

iv) Twp projects by Twp staff or other contractors for 2023:

(1) The Chair asked if there are any proposed or in progress projects for the Twp staff or private contractors for 2023?

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

(i) Estimated project cost is: \$162,296.49.

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

(iii) As of 03-29-22 an ODOT stimulus grant written by Co. Eng. Schlatter on the Twp's behalf was approved for funding this project.

1. The grant award is for \$175k

(iv) This grant has been posted to Twp fund lines as of this session.

(b) This project is scheduled for 2023.

(c) The County Engineer and the City of Def are working on a bid spec packet as of this session.

(d) Jeff Timbrook of the Co Eng staff stated no work was done in June.

(e) Discussion:

(i) none

(3) 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) none

(4) Trustee Shaffer noted in the May 2023 session that there is a drainage issue at Lowel and Brand Rds. The County Engineer can no longer take on these efforts per Mr. Shaffer. Shaffer suggests the Twp contract with Russ Steffel Excavating.

(a) The fiscal officer has inform Trustee Shaffer that the Twp needs the required I-9 and Non OPERS forms on file before payment can be made. The forms were provided to Mr. Shaffer.

(b) Discussion

(i) Shaffer to take forms to the contractor.

c) **2023 financial impact review by the fiscal officer:**

i) The fiscal officer reported:

(1) Total road fund revenues year date are **\$139,259.17**

(2) Total road fund expenses year to date are **\$ 29,839.35**

(a) These figures are tracking road tax revenues regularly received and expended by the Twp.

(b) These figures do not include the grant money- American Rescue Plan or ODOT stimulus.

(c) Road salt purchased - 2023– total \$0

ii) Anticipated road funds revenue (tax receipts) for 2023 – based on the January 6th, 2023 1st Twp amended certificate was:

(1) \$227,400 more or less

iii) Anticipated expenses for 2023 – as of this session:

(1) Regular twp. expenses anticipated for the year, baring emergencies. The estimate for 2023 – 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) 37k +/- Road maintenance program by Co. Engineer - has been estimated by Co Engineer refer to item 6-b of this agenda - proposal from Co. engineer.

(3) \$160k – estimated for Bowman Rd rebuild in 2023 – refer to exhibit 6-B dated 4-11-23.

(a) To be funded in part by American Rescue Plan grant per Trustee resolution 10-2023.

(4) 40k savings towards Carter rd rebuild - project - unless Trustees determine another project.

(a) 40k was earmark in the 2022 budget so at end of 2023 80k should be available.

(5) Possible truck purchase to replaces F550 – set aside is \$165k

iv) Total est. exp for 2023 is between \$380 and \$500k –

v) Discussion;

(1) none

d) **A recap of the OPWC grants (LTIP & Issue 2)**– see minutes of previous sessions for history. An update was last received from the Co Engineer’s Office dated 2-8-23- refer to exhibit 6-d of the February 28th meeting.

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 2 years (2023 & 24) or a total of \$50k remaining give or take.

(2) The 2023 grant of \$18,000.00 is posted to Twp grant as of 2-8-23 as noted on the 2-8-23 exhibit.

(a) Grant fund balance as of 02-08-23 is minus (\$9,910.73) as noted on the exhibit.

(3) –OPWC grant work anticipated for 2023

(4) Prep by co eng staff on final mile of the Bowman rd rebuild project.

(a) 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%.

(5) Discussion:

(a) none

e) 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.

b) The Chair asked if there are any cemetery issues for discussion?

i) There was none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

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

b) Name Trustee to replace the position of Trustee Diane Mayer who had passed away on 6-21-2023.

i) Trustees should refer to exhibit 8-1 – this exhibit contains:

(1) Emails from the Co. Prosecutor and the Bd of Elections – it appears that per Ohio Law (ORC 503.24) per exhibit 8-1 Trustees should name a replacement within 30 days of the vacancy; and the appointment is through the next general election when the position would be on the ballot for the unexpired term (to 12-31-2025).

(2) The head of the Bd of Elections is out of country and the staff defer to her for these questions.

(3) The Bd of Elections is to inform the Twp how to proceed regarding placing the position on the ballot for this November.

(4) Discussion:

(a) **Resolution 15-2023** appointment of John Diemer to Def. Twp. Board of Trustees to fill term of Diane Mayer till the 2023 general election.

(b) Trustee Shaffer moved to adopt resolution 15-2023 appointing John Diemer to fill the unexpired term of Trustee Mayer per the Board of Elections requirements.

(c) Trustee Peck seconded.

The roll was called:

Shaffer yea Peck yea

The resolution to appoint John Diemer to the unexpired term per ORC requirements was approved.

Diemer assumed the Trustee position.

c) Zoning Commission – appoint to alternate Bd. position. This opening occurred when Trustees appointed Patti Diemer to the regular Board to fill the seat of Richard Wagner who had passed away.

d) Nominations if any to fill the unexpired Alternate term of Patti Diemer?

i) ZONING COMMISSION

Randy Wilde	14726 St Rte 111- Defiance	419-393-2897	jjyold@artelco.com	12-31-25
Sam Bok	11310 Krouse Rd - Defiance	419-782-0012	jawscows@defnet.com	12-31-25

Ed Steffel	15829 State Rt. 111 Defiance, Ohio 43512	419 393 2357 home		12-31-23
Tom Mick	21389 Hammersmith Road - Defiance		twmick@defnet.com	12-31-23
Patti Diemer	23361 Def. Paulding Co. Line Rd 10 – Defiance, Ohio 43512	419-439-3181 cell 419-393-2009 home	Pdiemer1961@gmail.com	12-31-24
ALTERNATES				
Donald Gorrell	15656 South St. Rt. 66 – Defiance, Ohio 43512	419 399 7699 cell 419 393 2076 home	Gorrell1155@gmail.com	12-31-23
Open position				12-31-24

- (1) Trustee Peck was appointed to consult with the Def. High School to get a recommendation of a student for this position. Trustees believe this to be an educational opportunity for the named student.
- (2) Update-
 - (a) There was none.

ii) Mr. Peck asked if there were any other personnel issues.

- (1) Trustees having appointed the Twp's Zoning Inspector John Diemer to the unexpired term of Diane Mayer, determined to fill the Zoning Inspector's position- now vacant - by appointing Twp operator Chris Harrow to the Zoning Inspector's position. Harrow had agreed to take the position if appointed.

Resolution 16-2023 appoints Chris Harrow as the Twp's Zoning Inspector beginning salary is \$500 per month.

MOTION by: Shaffer to adopt resolution 16-2023 appointing Harrow Twp Zoning Inspector

SECOND by: Diemer

YEA(s) 3 NAY(s) 0 Passed X Failed

The resolution was approved.

iii) Mr. Peck asked if there were any other personnel issues.

- (1) There were none.

ORDER OF BUSINESS NO. 9 - Handouts.

- a) Monthly (June 23) GrassRoots clippings – **exhibit 9-a**
 - i) Discussion.
 - (1) There was none.

ORDER OF BUSINESS NO. 10 - Old Business

a) The Chair asks if there is any old business to come before the Board?

i) Defiance Twp is to host the 3rd quarter Defiance Co. Township Association meeting- July 20th..

- (1) 3rd qrt session –Trustee Peck notes the meeting will be held in the:

- (a) Emergency Management Agency building
22491 Mill Street
Defiance, OH 43512

- (2) Food?

- (3) Budget from Association?

- (4) Meeting notification from Association Secretary?

- (5) Trustees are coordinating with Association President Ted Penner – 419-576-9726 – email noble43512@yahoo.com.

- (6) Discussion..

- (a) Peck reported that the Co. Association informed him that the budget is \$400.

- (b) There will also be a speaker who will talk about the total eclipse that is scheduled for this area in 2024. Local government is preparing for large crowds.

b) The Chair asked if there was any other old business to come before the Board.

i) There was none.

ORDER OF BUSINESS NO. 11 - New Business.

- a) The Chair asked if there is any new business to come before the Board?
 - i) There was none.
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ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- 1) The next regular session.
 - a) The next session.

Date: Tuesday, July 25th, 2023 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 – June 27th, 2023.
 - It was moved by: Shaffer
 - SECOND by: Diemer

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