

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
**July 23<sup>rd</sup>, 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, July 23<sup>rd</sup>, 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, Brian Grant 15168 Williams Rd., Steve Buchholtz 1615 S. Clinton st. & Harry Railing 14951 Power Dam Rd. - Defiance, Ohio.

Visitors present: Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10, & JoEllen Houck 8 Deville drive, all 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 June 25<sup>th</sup>, 2019, regular session.

Mr. Peck moved to approve the minutes as presented.

Mrs. Mayer 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 June - noted a primary checking reconciliation balance of \$272,235.72-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
  - i) Receipts for July (UAN software-) were \$15,905.10.
- c) Payment reports:
  - i) Payments for July (UAN software-) were \$21,231.93.
- d) The Cash fund summary through July 21<sup>st</sup>, 2019, (UAN software) showed an "ending fund balance" of \$978,614.16.
  - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$441,808.77.
- e) Appropriation Status showed that through July 21<sup>st</sup>, 2019 (UAN software), 12% 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 07-21-19 was \$727,744.37.
- g) Trustees signed and reviewed July bills.
- h) Payroll & July time cards (time cards provided trustees prior to session) – Trustees Reviewed & Signed.

Mr. Shaffer requested a motion to accept the July 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) The Zoning Bd of Appeals met earlier this evening to review requests for conditional use permits.
  - i) **Item 1:** A request for a “conditional use” permit for the construction of a new home on 1.5 acres more or less of land from a Defiance Township parcel zoned “agricultural” has been made by Ana Marie Bakle. The parcel is located in section 12 – Twp 3 North, Range 4 East, Def. Twp., also part of a 132.093 acre track of land as recorded in Co. record volume 405, page 1181, on the south side of Watson Road with Co. issued house number of 24630.
    - (1) The portion of land being petitioned for conditional use is parcel ID #B11-0012-000-100 (split) which contains 1.5 acres more or less.
  - ii) **Item 2:** A request for a “conditional use” permit for the construction of a new home on 1.5 acres more or less of land from a Defiance Township parcel zoned “agricultural” has been made by Diana L. Bakle. The parcel is located in section 12 – Twp 3 North, Range 4East, Def. Twp., also part of a 132.093 acre track of land as recorded in Co. record volume 405, page 1181, on the south side of Watson Road with Co. issued house number of 24660.
    - (1) The portion of land being petitioned for conditional use is parcel ID #B11-0012-000-100 (split) which contains 1.5 acres more or less.
  - iii) The Appeals Board approved both requests.
  - iv) The Chair asked if there were any comments.
    - (1) There was none.
- b) July Monthly Zoning report -
  - i) 2 permits issued-
    - (1) Ed Steffel - St Rt 111- Pole barn
    - (2) Ashley Walters for pond on Kiser Rd
  - ii) 2 High grass issues-
    - (1) Kiser Rad - Fannie Mae- was mowed
    - (2) Power Dam- Regina Newsman- was mowed
  - iii) Went to Russ Herman's office to discuss zoning issues
  - iv) Talked on phone to Planning and Survey out of Toledo for set backs on Walters property on Kiser Road
  - v) Got address's for conditional use and application forms for D Bakle and A Bakle
    - (1) 2 Permits issued-after hearing for conditional use permits 7-23 by Appeals Bd.
  - vi) The Chair asked if there were any other Zoning/nuisance issues to be discussed?
    - (1) There was none..

Respectfully submitted

John Diemer, Twp. Zoning Inspector

- c) The Chair asked if there were any other Zoning/nuisance issues to be discussed.
  - i) Mrs. Diemer was recognized. She asked if Trustees could pass a resolution to address repeat offenders regarding high grass and weed issues.
    - (1) It was noted that the Prosecutor's Office has stated in the past that the Twp is governed by the ORC which specifies the enforcement process. However, Trustees understand the frustration with continuing to receive complaints concerning high grass and weeds from the neighbors etc of repeat offenders. Trustees stated they will discuss this with the Prosecutors' Office.
  - ii) The Zoning –Nuisance Inspector – Mr. Diemer was recognized.
    - (1) Mr. Diemer stated it was his intention to submit a letter of resignation as he feels this position is taking more and more of his time and he feels frustrated with the process that seems to allow repeat offenders.
    - (2) Trustees suggested Mr. Diemer reconsider -
    - (3) Mr. Diemer stated he would stay on until Trustees found a replacement or at least until the end of August 2019.
    - (4) Trustees thanked Mr. Diemer for this consideration.
  - iii) The Chair again asked if there were any more zoning or nuisance questions.
    - (1) 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) Twp operators present noted:
    - (1) The 2004 International is down – an alternator issue which is being repaired.
    - (2) The John Deere road mowing tractor has a slow leak in the right rear tire. Tire will be taken to Schnipke's tire sales and service in Cloverdale, Ohio, Putnam Co. for repair- 20986 Road M, Cloverdale, OH 45827 · (419) 532-3999 -
    - (3) Operator's asked Trustees for approval to purchase a harness for the Twp's weed whip.
      - (a) Trustees verbally approved the purchase request.
  - ii) The Chair again asked if there were any other eq. or safety concern's?
    - (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 Peck.
  - i) Report notes operators need to continue to mow and berm where needed as noted on the report.
  - ii) The report is to be used as a work assignment by Twp Operator's in August.
  - iii) The August Rd review is to be by Trustee Shaffer.
  - iv) The Chair asked if there was any additional discussion?
    - (1) There was none.

**b) 2019 Road projects:**

- i) Trustees had approved the Co. Engineer's proposed Twp road maintenance projects for 2019 at the March 19<sup>th</sup> Trustee session. Trustees should refer to past minutes for history of changes to the March 19<sup>th</sup> project list. The current 2019 project cost estimate is for \$51,341. (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:

<b>(a) Chipseal:</b>	<b>Est.</b>	<b>Actual Cost</b>
(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	<b>\$26,173.18</b>	

**(b) Patching: patching was completed in May for 2019.**

- (i) total exp. patching **\$17,598.74 \$16,681.66**
- (ii) 2019 Patching exp was \$917.08 below estimate. Completed by contractor.

**(c) Crack Seal- completed with billing attached to this session:**

- (i) Ball rd – from krouse to canal- 5,338' \$3,397.21 \$1,367.99
- (ii) Kibble rd – from canal to winn – 2,652' \$1,500.51 \$3,101.74
- (iii) Winn rd – from kibble to dead end – 718' \$ 406.33 (part of ii)
- (iv) Singer rd – from st. 111 to hammersmith – 2,639' \$1,306.51 \$2,874.11
- (v) Estimated total exp. crack seal **\$6,610.56 \$7,343.83**
- (vi) **The 2019 Crack seal exp was \$733.27 more then estimated.**

**(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 May 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 this 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 had previously been provided to Trustees 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. 18<sup>th</sup>, 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.
  - (5) Trustees have approved his recommendation to widen the road to 20'.
  - (6) Trustees also agreed to adopt the engineer's office policy regarding the moving of drive drain pipes.
    - (a) Drive pipes replaced free – if pipe is for drive only. (open ditch on remainder of property.)
      - (i) \$1 per foot for a 12" diameter pipe - if land owner wants pipe instead of open ditch across the property.
    - (b) Trustees agreed that the Engineer will manage the project based on the funding the Twp commits, at the Engineer's discretion.
  - (7) The Engineer's Office did not provide a project update for July's session.
  - (8) Mr. Shaffer asked if there is 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) dura patch to repair wash out of berm at corner of Carter and Ginter.
    - (a) See past mins for details.
    - (b) Co. Engineer to addressed.
    - (c) Update...
      - (i) There was no work done on this in July.
- iv) 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 asks if there were any proposed projects other than those noted above?
  - (1) None were presented.

**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	<b>\$100,580.30</b>
(2) Total road fund expenses year to date are	<b>\$56,192.95</b>

- ii) Anticipated revenue for 2019 – based on the January 2<sup>nd</sup>, 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 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 were 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 28<sup>th</sup>, 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) As of this session the sale of 6 lots to Mrs. Rose Hussey is complete.
    - (1) All data regarding the sales is on file with the fiscal officer.
    - (2) Trustees to sign thank you letter to Joe Butler for donation of time and talent to survey lots for sale in Taylor and prepared a drawing of this now available space.
    - (3) Deeds for Trustee signatures and notary are ready for signing.
      - (a) This item will be removed from future agendas
      - (b) Discussion if any....
        - (i) There was none
- b) The Chair asked if there were any other cemetery issues for discussion?
  - i) At the April 2019 session it was noted that there were several (3 or 4) dead or dying trees at Cromley cemetery.
    - (1) Trustee Shaffer noted he contacted ODOT to determine which entity has responsibility for the trees in question.
      - (a) ODOT confirmed the trees are on Twp. property.
      - (b) There was no work done in May/June due to weather & other job priorities.
      - (c) July update....

- (i) This project was not addressed in July – if weather permits the project will be addressed in August.
- c) 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 (July 19) GrassRoots clippings – **exhibit 8a**
- b) **Exhibit 8-b** was a letter from the Defiance Co. Twp. Association – noting the organization's 3<sup>rd</sup> qrt session will be:
  - i) On July 25<sup>th</sup>
  - ii) At Ney American Legion – 6 p.m.
  - iii) Cost is \$10
  - iv) Trustees were emailed this letter on July 11<sup>th</sup>, and texted a reminder on July 17<sup>th</sup>.

**ORDER OF BUSINESS NO. 9- Old Business**

- a) The Chair asked if there was any old business to come before the Board?
- b) 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?
      - (a) No update.
- c) The OTRMA loss control coordinator kim Arnold reviewed the Twp's safety program (policies and practices) on July 23<sup>rd</sup> 11 a.m. She will also conduct a safety review of the Twp building on Hammersmith rd. She will submit to the Twp recommendations.
  - (1) Emails were exchanged in June regarding this issue –.
  - (2) The Chair asked if there was any discussion...
    - (a) There was none.
- d) 2019 Possible Grant notice regarding flood mitigation – from def. Co. EMA:
  - i) This was presented to Trustees at the June 2019 session.
  - ii) See mins of June for details.
  - iii) Discussion if any..
    - (1) A Twp grant, if written, will be done by Maumee Valley Planning. Maumee Valley Planning is researching the success possibilities based on Trustee's desired projects. Once that assessment is complete Maumee Valley's Matt Spiess will write the grant.
    - (a) Trustees are looking for tornado sirens, a safe room and possibly rising a flood prone Twp rd,
- e) 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 other 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 – August 27<sup>th</sup>, 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 July 23<sup>rd</sup>, 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