

Minutes
DEFIANCE TOWNSHIP TRUSTEES
August 27th, 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, August 27th, 23rd, 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 employee(s) present were: Steve Buchhotlz 1615 S. Clinton st. - 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 July 23rd, 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 July - noted a primary checking reconciliation balance of \$264,099.88-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for August (UAN software-) were \$111,261.61.
- c) Payment reports:
 - i) Payments for August (UAN software-) were \$38,496.33.
- d) The Cash fund summary through August 25th, 2019, (UAN software) showed an "ending fund balance" of \$1,051,379.44.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$545,939.18.
- e) Appropriation Status showed that through August 25th, 2019 (UAN software), 15% 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 08-25-19 was \$729,389.26.
- g) The fiscal officer reported that the Twp had received from the Def Co Auditor's office the 2020 anticipated and approved tax amount the Twp is to receive from the County's General Property tax receipts & the Twp's fire levy. These amounts are to fund the Twp's Gen fund, fire fund & Road and Bridge Fund. The notice estimates the amount the Twp can expect from Inside the 10 mill limitation and from outside the 10 mill limitation (see schedule A of the resolution.)
 - i) The Twp can expect to receive a total for both the general fund and road and bridge (road funds) of \$105,000.00 from the inside millage in 2020. This is roughly a \$700.00 increase from the amount projected to be received in 2019.
 - ii) The fire levy (fire combat/ems service levies) (outside millage) will receive a projected \$120,900.00 – This is approximately \$900.00 more than projected in 2019.
 - iii) Recent history of this revenue source: revenues continue to increase slightly each year.
 - (1) The road and bridge fund. – increasing
(a) 2020 \$80,300

- (b) 2019 \$80,100
- (c) 2018 \$76,400
- (d) 2017 \$75,800
- (e) 2016 \$73,900
- (2) The general fund – increasing
 - (a) 2020 \$24,700**
 - (b) 2019 \$24,200
 - (c) 2018 \$22,800
 - (d) 2017 \$22,600
 - (e) 2016 \$23,000
- (3) The fire fund: - increasing slightly
 - (a) 2020 \$120,900** (fire/ems levy \$76,000 and ems/levy of 2015 \$44,900)
 - (b) **2019 \$120,000** (fire/ems levy \$75,500 and ems/levy of 2015 \$44,500)
 - (c) 2018 \$118,800** (fire/ems levy \$74,700 and ems/levy of 2015 \$44,100)
 - (d) 2017 \$117,800 (fire/ems levy \$74,000 and ems/levy of 2015 \$43,800)
 - (e) 2016 \$114,800

iv) **exhibit 3i** was – **resolution 13-2019**.

v) Mr. Shaffer requested a motion to adopt resolution 13-2019 (attached) accepting the amounts and rates as determined by the Co Budget committee and authorizing the necessary tax levies and certifying them to the County auditor.

It was moved by Mr. Peck
Seconded by Mrs. Mayer

YEA(s) 3 NAY(s) 0

The resolution was passed - Trustees then signed and dated the resolution.

- b) The fiscal officer then reported that the Twp awaits – from the County Budget Committee - the draft resolution noting the anticipated distribution of the Local Gov't Fund monies for 2020.
- c) August bills through the 26th, – were then reviewed & signed by Trustees.
- d) Payroll & August time cards (time cards provided trustees prior to session) were reviewed and signed by Trustees Review.

Mr. Shaffer requested a motion to accept the August 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 a request for a conditional use permit.
 - i) Item 1: A request for a “conditional use” permit for the construction of a new home on 2.5 acres more or less of land from a Defiance Township parcel zoned “agricultural” has been made by Ashley Walter. The parcel is located in section 32 – Part of SW corner of N half, Def. Twp., issued house number of 20465.
 - ii) The portion of land, being petitioned, for conditional use is parcel ID #B11-0032-0-007-19.
 - iii) The Zoning Appeals Bd. approved the request.
 - iv) The Chair asked if there were any comments.
 - (1) There was none.
- b) August Monthly Zoning report - was read aloud by the fiscal officer. (Zoning Inspector was absent due to an injury).
 - i) 4 permits issued-
 - (1) Annamarie Bakle – home construction
 - (2) Diana Bakle – home construction

- (3) Melchor – addition to a barn.
- (4) Jake Wathen – home construction.
- ii) Nuance violations:
 - (1) None issued in August
- iii) Zoning issues:
 - (1) Signed a land split for Dan Schaffer and Baumle (represented by Weaner’s Law Office) on property along Haymaker Rd.
 - (2) Accepted a request for a “conditional use hearing” for home construction on ag ground on Kiser rd. A request for a hearing was made by Ashley Walters. (hearing held 8-27 prior to Twp Trustee regular monthly meeting. See item A of this section for details.
- iv) Site reviews:
 - (1) Robert Williamson – for a pole barn/garage
 - (2) Dave Alvarado – new home construction

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- v) The Chair asked if there were any other Zoning/nuisance issues to be discussed?
 - (1) It was noted by Trustees that Mr. Diemer has verbally rescinded his July stated intention to resign his Zoning/nuisance officer position with the Township.
 - (a) Trustees accepted this verbal withdrawal of the resignation.
 - (b) Trustees noted they were appreciative of Mr. Diemer’s reconsideration.
 - (2) Trustees were provided a letter from Kiser Rd resident Sylvia Brown (exhibit 4-c) – this letter stated there was a potential of a neighbor’s property being in violation of a zoning/nuisance code due to a build-up of material “junk” on this property.
 - (a) Mrs. Brown desired that the Twp monitor the situation taking action when appropriate.
- vi) Trustees noted that the Defiance City Fire Dept., for possible business fire hazards, has recently investigated the now closed DAV and the former Scotty’s Restaurant (property now closed) for possible fire hazards. These properties owned by Charlene Grant have had continued high grass violations issued by the Def. Twp. Zoning/nuisance inspector.
 - (1) Trustees are hopeful the Fire Departments concerns will encourage better property maintenance so as to avoid continued nuisance violations.
- vii) The Chair again asked if there were any other Zoning/nuisance issues to be discussed?
 - (1) There was 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 presented to the Board a bid for a new Bob Cat which he proposed be purchased to replace the Township’s John Deere skid loader.
 - (1) Shaffer stated the John Deere is constantly breaking down and the Twp is having a problem finding a repair shop that will work on this unit.
 - (2) Shaffer also noted that over the many years of use – especially the loading of salt during winter snow and ice removal efforts has severely corroded the unit.
 - (3) Mr. Shaffer stated the quote he acquired is an Ohio Department of Administrative services contract quote and no public bid is required.
 - (4) Trustees reviewed the quotes provided by Clark Eq. of Lima, Ohio, as exhibit 5-a-1 and 5-a-2.
 - (a) 5-a-1 is for a 2019 Bob Cat – state bid cost \$47,120.86.
 - (b) 5-a-2 is for a “soil conditioner hydraulic attachment” - \$7,116.60.
 - (5) Trustees agreed the John Deere should be replaced.
 - (a) Trustees agreed to trade the John Deere skid loader in on the purchase of a new Bob Cat.
 - (b) Trade in value is \$6,500.
 - (6) Total purchase price of the Bob Cat & soil conditioner, minus trade, is \$47,734.46
 - (7) The fiscal officer noted that the Twp road funds are being heavily utilized.
 - (a) The fiscal officer noted data from the UAN accounting system showing that over the past six (6) years the Trustees have expended 12k more than the incoming road fund revenue; further
 - (i) The Trustees are participating in an annual road maintenance program with the Co. Engineer which is costing 50k +/- per year.
 - (ii) Trustees have committed to the rebuild of Bowman rd for the next 4 years anticipating an

annual expense of \$140k.

- (iii) Trustee's have expressed a desire to purchase a new salt/plow truck anticipated cost 180k +/- ;and
- (iv) The road fund is projected to use more than its anticipated income over the next four years which may eliminate the rainy day amount.
- (v) However, there are funds available, as of this session, for this purchase. Trustees should be aware that future new purchases and projects should be carefully studied so that finances are available.

(8) The Chair asked for the wishes of the Board.

- (a) Mrs. Mayer moved to approve resolution 13-2019 to purchase of the Bob Cat via DAS bid and the attachment.
- (b) Mr. Peck seconded

YEA(s) 3 NAY(s) 0

The resolution was passed - Trustees then signed and dated the resolution.

(9) Trustees directed that the necessary paper work be submitted to Clark Eq. of Lima to complete the purchase.

ii) The Chair 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 Shaffer.

- i) Noted some roads need berm.
- ii) Mowing of roads should continue – 1 final round before winter.
- iii) There is a berm issue on Hammersmith rd between Signer and Krouse. Trustees will have operators fill in the berm. It was noted that Twp officials have observed that school busses and running on the berm causing the berm to be pushed into the ditch.

(1) Township officials will contact the City Schools to ask if bus drivers can keep the bus on the blacktop.

- iv) The road report should be used as a work order by Township operators in September.
- v) The September Rd review is to be by Trustee Mayer.

b) The Chair asked if there were any other concerns or issues?

- i) Mr. Shaffer stated he has spoken with Andy Bok, owner of property along May road. Shaffer wanted to know if the owners of the property bordering May road might not want to acquire the road.

(1) May Rd. is a dead end road off Co. Rd 424 in Twp. section 29.

(2) Trustees approved Mr. Shaffer to review this possibility with the Co. Prosecutor.

c) The Chair again asked if there were any other issues for discussion?

- ii) There was none.

d) **2019 Road projects:**

- i) Trustees had approved the Co. Engineer's proposed Twp road maintenance projects for 2019 at the March 19th Trustee session. Trustees should refer to past minutes for history of changes to the March 19th 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:

(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) Mr. Shaffer noted the chipseal work in Defiance Township is complete.

- (i) The Twp awaiting billing from the Co Engineer.

(c) 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.		
(d) Crack Seal- completed & paid in August:		
(i) Estimated total exp. crack seal	\$6,610.56	\$7,343.83
(ii) The 2019 Crack seal exp was \$733.27 more then estimated.		
(e) 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	
(f) Total est. expenses for 2019- as of May 2019	<u>\$51,311.16</u>	

- 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. 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.
 - (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 the August 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) Trustees stated this item has been complete and should be removed from future agendas.
- 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.

e) 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?
(1) There were none.

f) 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	\$140,504.11
(2) Total road fund expenses year to date are	\$58,542.98

- 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
(a) It is unlikely that this amount will be expended in 2019 – as there has been no work observed or reported on as of the August session.
(b) With the approved purchase of the bob cat and if the Bowman money is not spent the following projected road fund expenses remain unchanged:
(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..

- g) 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.

- h) 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 are any 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) August update....
(i) Trees have not yet been removed.

- ii) During August, the fiscal officer was contacted by Regina Belton (419-439-0125). Mrs. Belton stated her mother Sally Fuller was buried in the wrong location in lot 22 of Cromley cemetery. She stated she had considerable expense in the head stone, which she was told, that Sally Fuller was buried on the right and Charles Fuller on the left of Sally Fuller.
 - (2) The Township's records (cemetery drawing) shows Charles Fuller on the left side and Sally Fuller on the right.
 - (3) The fiscal officer referred Mrs. Belton to the Trustees.
 - (4) Mr. Peck stated he had spoken with Mrs. Belton. Peck said he reminded her that she was at the burial & that Mr. Fuller was buried on the left side of Mrs. Fuller when the grave site is viewed facing towards the river. Mrs. Belton had made the arrangement for the burial with the funeral home.
 - (a) Mr. Peck stated he had informed her that the Township bore no responsibility regarding the tombstone issue.
- b) The Chair again asked if there were any other cemetery issues for discussion?
 - i) There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

- e) Twp staffing –
 - i) The Chair asked for a motion for executive session to discuss:
 - (1) Employment/dismissal of staff
 - (2) Compensation

Peck moved to go into executive session on the above noted issues:

Mayer seconded

The roll was called: 3 yeas 0 neas

The Bd. moved into executive session.
-approximately 15 minutes -

The Board returned from the executive session chambers:

Mr. Peck moved to return of open session

Mrs. Mayer seconded

The roll was called: 3 yeas 0 neas

The Board returned to open session with no decisions having been made.

- f) Trustees noted that it is difficult to get responses from the Twp part time operators when the scheduler (Grant) calls them. Twp Operators often do not return phone calls.
- g) Trustees desire to send a letter to all Twp operators noting that if an operator fails to respond to a call or declines a work assignment for three (3) successive times in a 6 month period, said fail will be considered a resignation from their position.
 - i) The fiscal officer will prepare the letter and a policy for Trustee adoption at the Twp September 2019 meeting.

ORDER OF BUSINESS NO. 9 - Handouts were distributed as noted below:

- a) Monthly (August 19) GrassRoots clippings – **exhibit 9a**
- b) **Exhibit 9-b** is a notice from the Ohio Ethics Division of a training session to be held at the Defiance County EMA building – 22491 Mill Street, Defiance, Ohio – (Brunersburg).
 - i) Date is Wednesday Oct. 2nd
 - ii) Time is 1:30p to 3:30p.
 - iii) No registration is required.

ORDER OF BUSINESS NO. 10- 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) There was no update.
- c) 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) The Twp received an email from Maumee Valley Planning's Matt Spiess – see **exhibit 10-C**.
 - (1) Email notes items that are most likely to be funded and invites Trustees to work with him if Trustees desire to pursue these grant dollars.
 - (2) There was no further discussion.
- d) The Chair asked if there was any other old business to be discussed....
 - i) There was none.

ORDER OF BUSINESS NO. 11 - New Business.

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

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- a) The next regular session.
- b) Trustees noted that all future Twp meetings will be held at the Co. Commissioners building at 500 Court Street, in the 2nd floor conference room.

Date: Tuesday – September 24th, 2019 regular session.
Time: 6:30 p.m.
Place: Defiance County Commissioners' Building
 500 Court Street, 2nd floor conference room
 Defiance, OH 43512

- c) Trustees then discussed moving the December session which falls on Christmas eve, Dec. 24th.
 - i) It was agreed to move this session to Tuesday December 17th, same time and location noted in line b of this section.

ORDER OF BUSINESS NO. 13 – Adjournment:

- a) Mr. Shaffer requested a motion to adjourn the meeting of July 23rd, 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