

Minutes
DEFIANCE TOWNSHIP TRUSTEES
September 24th, 2019 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, September 24th, 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. & 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 August 27th, 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 August - noted a primary checking reconciliation balance of \$363,559.87-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for September (UAN software-) were \$17,012.40.
- c) Payment reports:
 - i) Payments for September (UAN software-) were \$46,718.70.
- d) The Cash fund summary through September 22nd, 2019, (UAN software) showed an "ending fund balance" of \$1,021,898.47.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$555,813.69.
- e) Appropriation Status showed that through September 22nd, 2019 (UAN software), 18.7% 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 09-22-19 was \$730,816.05.
- g) **Exhibit 3g** – was reviewed. This was a cover letter from the Def Co Auditor's office and a *Twp resolution (15-2019)* regarding the Defiance Township' anticipated distribution share of the "Local Gov't Fund monies" for 2020. The Twp can expect to receive a total of **\$25,901.66 in 2020**. This Twp funding allocation was \$24,913.53 in 2019, \$23,598.49 in 2018, \$21,380.32 in 2017. & \$20,712.88 in 2016.
 - i) The fiscal officer reports:
 - (1) The 2020 estimated allocation is roughly \$970.13 more than in 2019.
 - (2) exhibit 3g – contains **resolution 15-2019**, to accept the 2020 local gov't fund distribution as proposed by the Defiance County's Budget Commission.

Mr. Shaffer requested a motion to adopt **resolution 15- 2019** accepting the estimated local government fund distribution as determined by the Co Budget committee for the 2020 Twp budget.

Peck moved to approve the resolution.

Mayer seconded

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

The resolution was approved.

- h) The fiscal officer noted that the State Auditor's Office has completed the audit of the Twp for fiscal years 2017 & 18.
 - i) Twp Trustees were emailed (sept 23rd) see **exhibit 3-h** – a draft copy of the report.
 - (1) This report is not ready for public release until the State Auditor completes its review.
 - (2) There were no findings, exceptions or comments.
 - ii) The Chair and fiscal officer must sign the representation letter for final posting of the audit.
 - (1) Anticipated audit cost is \$2,800 more or less.(see agreement letter sent to trustees 9-9)
 - (2) The Chair asked if there was any discussion?
 - (a) There was none.
- a) September bills through the 24th, – were then reviewed & signed by Trustees.
- b) Payroll & September time cards (time cards provided trustees prior to session) were reviewed and signed by Trustees Review.

Mr. Shaffer requested a motion to accept the September 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 Def. Twp. Zoning Board of Appeals – discussed the issue of a private air-field operating in Def. Twp. This discussion occurred at the Appeals Bd.'s 8-27 hearing.
 - i) Appeals Bd. member Mr. Tom Webb stated that a Mr. Dusty Dobbelaere appeared to have built an active air strip on a parcel of land – according to the Def. Co. Plat book owned by Laura Cashman - abutting to the west side of the Belden addition on State Rte 111. Webb stated that a Laura Lachman of Cromley Rd informed him of this and had asked if the Zoning Bd. approved this.
 - ii) The Appeals Bd. noted that this was never a subject of an Appeals Bd. hearing. Board members believe that the State or Federal government would need to have issued a permit to allow for an active landing strip.
 - (1) Further if such landing strip exists and is being used as a business (crop dusting etc), the Appeals Bd. believes it must hold a hearing to authorize a “cottage business”.
 - iii) The Appeals Board referred the matter to the Twp. Zoning- Nuisance Officer – John Diemer – and requested that Mr. Diemer contact the Prosecutor's office to determine what if any steps the Twp. needs to take regarding this matter.
 - iv) Further, the Board desired to have this issue placed on the September Twp. Trustees agenda.
 - v) The Chair asked if there was any update?
 - (1) Zoning/nuisance officer Diemer reported he had contacted the Co. Prosecuting attorney's office was confirmed that the Twp. had no zoning regulations regarding a private air strip unless it was being used as a business. Diemer stated he spoke with Dobbelaere and was told this was not a business.
 - (2) Diemer also stated that the Prosecutor's office told him any regulations regarding the air strip would be under the authority of the FFA.
 - vi) There was no further discussion.
- b) September Monthly Zoning report - was presented by Mr. Diemer.
 - i) 2 permits issued-
 - (1) Dave Alvarado- new home (Replacement)- Defiance Paulding County Line road
 - (2) Robert Williamson- pole barn on St Rt 111
 - ii) Nuisance violations:
 - (1) sent letter to require mowing of DAV and Scotty's for high grass.
 - (2) Tried to notify property manager of Moore Property on St RT 111 to have mowed for high grass and

- weeds.
- (a) called Solid Foundation – property management.
- iii) Zoning issues:
 - (1) Conditional use application to Andy Davis for new home on Bowman Rd
 - (2) Talk to Jim Morris for a land split on Power Dam Road
- iv) Site reviews:
 - (1) None.

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- c) The Chair again 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.
 - (1) At the August 27th, 2019, Twp. meeting; Trustees approved via Twp. resolution 13-2019 the purchase of:
 - (a) 5-a-1 is for a 2019 Bob Cat – state bid (DAS) cost \$47,120.86.
 - (b) 5-a-2 is for a “soil conditioner hydraulic attachment” (DAS) - \$7,116.60.
 - (2) As of this session the Twp. awaits delivery.
- b) **exhibit 5-b** – was then reviewed. This exhibit contained a copy of Def Twp policy #10 – pre-trip eq and vehicle inspection forms for Twp vehicles and eq and the mins of Feb. 2011, during which the policy was adopted.
 - i) This policy was among those reviewed during the State Auditor’s just completed audit of Twp records of 2017 & 18.
 - (1) The fiscal officer noted he has not rec’d any copies of the filled out forms, which are public record.
 - (2) Do Trustees wish to continue this policy?
 - (a) Trustees provided the forms to operator’s present with instructions to do pre-trip inspections per the policy and provide completed forms to the fiscal officer.
 - 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 Mayer.
 - i) Mayer noted that:
 - (1) Mowing is complete for the year, and;
 - (2) some berming needs to take place.
 - (3) Operators are to use the report as a work order in October.
 - ii) The October Rd review is to be by Trustee Peck.
- b) **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: is complete as of the 9-24th -2019 twp session- refer to Sept bills:**

	Est.	Actual Cost
(i) Cromley – from st. rte 111 to dead end - 4473’		
1. double chip seal 3400’	\$17,801.76	\$15,363.78
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	\$4,755.96
(iii) Haviland – from co rd 424 to May rd –		
1. 1,958’	\$ 2,807.36	\$3,056.01
(iv) Estimated total exp. of chip seals	\$26,173.18	\$23,175.74

(v) 2019 chipseal expense was \$2,997.44 below estimate. Completed by contractor.

(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) Estimated total exp. crack seal **\$6,610.56 \$7,343.83**
(ii) 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. 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 September session.
- (8) Mr. Shaffer asked if there is any additional discussion regarding the Bowman Rd re-build project?
- (a) There was none.
- iii) 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.
- (1) Discussion ??
- (a) There was none.
- c) At the August 2019 Twp. session, Trustees determined to review the possibility of transferring May road to private land owners bordering May road.

- i) May Rd. is a dead end road off Co. Rd 424 in Twp. section 29.
- ii) Trustees approved Mr. Shaffer to review this possibility with the Co. Prosecutor.
- iii) Update...
 - (1) There was no update.

d) 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 was none.

e) 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	\$150,055.01
(2) Total road fund expenses year to date are	\$82,628.08

- 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) The fiscal officer reports this amount is unlikely to be spent in 2019 – as Trustees have not reported any construction activity, nor has the engineer's office.
- (4) \$47k more or less for the purchase of a bobcat and soil reclaimer approved at the August Twp session.
- (5) Total anticipated road fund(s) expenses based on the above:
 - (a) from \$240,000 to 290,000k if there are no additional projects added..

- 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 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.

- g) 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 has confirmed with ODOT that the trees are on Twp cemetery property (responsibility of the Twp).

- (a) There was no work done in May-August due to weather & other job priorities.
 - (b) September update....
 - (c) Operators reported they will address this in October.
- b) The Chair again asked if there were any other cemetery issues for discussion?
- i) There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

- a) Twp staffing –
- i) At the Twp's August 2019 session – Trustees desired to draft a policy to address the Twp's concern that current rostered part time help are not responding to calls for work.
 - ii) The policy and a letter for all Twp appointed equipment operators are to be reviewed at the Sept. Twp. session.
 - (1) The fiscal officer was asked to draft the policy and letter.
 - (2) The fiscal officer referred Trustees to:
 - (a) exhibit 8-a (policy), and;
 - (b) exhibit 8-b – letter of notice.
 - (3) Trustee Peck moved to adopt the policy as presented.
 - (4) Trustee Mayer seconded

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

The policy was approved.

- d) Trustees asked the fiscal officer to prepare letter addressed to each employee for the Chair's signature.
 - i) Letters to be sent out in October.
- e) The Chair asked if there was any other personnel business to be discussed?
 - i) There was none.

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

- a) Monthly (September 19) GrassRoots clippings – **exhibit 9a**
- b) **Exhibit 9-b** was a notice from the Shelly Company (Stone-co) of planned price increases for certain aggregates in 2020.
 - i) Discussion...
 - (1) There was none.
- c) Notice from the Ohio Dept. of Jobs and Family Services – **exhibit 9-c**
 - i) New state unemployment claims/insurance process to begin in 2020.
 - ii) The fiscal officer will provide the required information.
 - iii) Discussion..
 - (1) There was none.

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) 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) Trustees noted that the Co. Commissioners are working to transfer Haymaker road from the County to the Township.
 - ii) There was no other discussion regarding this issue.

 - b) The Chair asked if there was any other new business to be brought before the Board?
 - i) There was none offered.
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ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- a) The next regular session.

Date: Tuesday, October 22nd, 2019 regular 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:

- a) Mr. Shaffer requested a motion to adjourn the meeting of September 24th, 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