

Minutes
DEFIANCE TOWNSHIP TRUSTEES
October 22nd, 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, October 22nd, 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 Buchholz 1615 S. Clinton st. John Diemer 23361 Defiance-Paulding Co. Line rd 10, & Brian Grant 15168 Williams 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 September 24th, 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) Trustee Mayer stated a citizen on Parkview Drive had contacted her and complained that someone is speeding on this residential street. It was reported that a dog had been killed.
 - i) Mayer said the Sherriff's Office was contacted and asked to monitor the area.
 - b) Trustee Shaffer said he received a complaint that the mowing of the high weeds and grass at the Larry Moore estate is taking to long.
 - i) Shaffer stated he had instructed Twp. Operators to mow the property. This was complete as of this session.
- 2) The Chair asked if there were any more citizen complaints?
 - a) There were none.

ORDER OF BUSINESS NO. 3 - FINANCES –

The following financial reports provided to the Board were reviewed.

- a) The Reconciliation for September - noted a primary checking reconciliation balance of \$318,755.48-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for October (UAN software-) were \$45,529.10.
- c) Payment reports:
 - i) Payments for October (UAN software-) were \$59,049.26.
- d) The Cash fund summary through October 21st, 2019, (UAN software) showed an "ending fund balance" of \$1,008,152.98.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$547,028.41.
- e) Appropriation Status showed that through October 21st, 2019 (UAN software), 23% 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 10-21-19 was \$732,212.60.

- g) Trustees reviewed Exhibit 3 g, an appropriation supplemental report from the UAN accounting system. The fiscal Officer explained:
- i) Per Twp. resolution 01-2019 – (adoption of Twp 2019 budget) – This resolution authorizes the fiscal officer to transfer funds within an fund line in order to pay legally approved obligations of the Twp.
 - (1) In the August Twp meeting, Trustees approved the purchase of a Bobcat and a soil conditioner from Clark Eq. of Lima, Ohio, refer to resolution 13-2019.
 - (2) To make the payment for the equipment the fiscal officer needed to transfer funds within fund lines of two road account funds; to the appropriate eq. purchase line.
 - (3) The attached exhibit documents the fund moves.
 - ii) Mr. Shaffer requested a motion to approve the fund moves as shown on the report.

Mr. Peck moved to approve the move of funds as presented.
 Mrs. Mayer seconded.
 The vote being 3 Yea(s) 0 Nea(s)
 The transfer of funds with the fund lines as depicted were approved.

- h) October bills through the 26th, – were then reviewed & signed by Trustees.
- i) Payroll & October time cards (time cards provided trustees prior to session) – were reviewed and signed by Trustees Review.
- j) Mr. Shaffer requested a motion to accept the October financial reports.

MOTION by: Peck
 SECOND by: Mayer
 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 a split portion of parcel B11-0012-0-012-00, of approximately 63 acres more or less of land from Defiance Township zoned “agricultural” has been made by Andrew Davis. The parcel is located in Def. Twp. section 12 – Part of SE corner, with an issued house number of 24591 and a temporary parcel number of S1100-1200-5719.
 - (1) The Zoning Board approved the conditional use permit with the requirement that Mr. Davis comply with all directions/recommendations of the Site Review conducted by Def. Co. Soil and Water.
 - (2) The Chair asked if there were any comments.
 - (a) There were none.
- b) Twp. nuisance issue with high grass and weeds on property owned by Charlene Grant – 13981 CR171, Defiance, Ohio.
 - i) Specifically the former Scotty’s & DAV properties.
 - ii) The Defiance Fire Department did several inspections,, ordering certain work be done within a defined timeframe. These were documented in an email to Def. Twp Trustees on 10-17. That email also contains a response email from Mrs. Grant.
 - iii) The Twp’s Zoning/Nuisance inspector, had also cited this owner numerous times in the recent past for high weeds and grass.
 - iv) The Fire Dept, on 10-17, emailed trustees there inspection reports and citation and Grants response.
 - v) The Chair asks if there is any discussion.
 - (1) There was none.
- c) October Monthly Zoning report - was presented by Mr. Diemer.
 - i) permits issued-
 - (1) 0 in Oct.
 - ii) Zoning issues:
 - (1) Addresses for conditional use permit for Andy Davis on 10/03 on Bowman Rd
 - (2) Had the hearing on 10/22 for Andy Davis
 - (a) Appeals Bd approved the conditional use request
 - (3) Checked zoning map for properties on Kiser Road for ODOT and St Rt 111 for Appraiser.
 - iii) Nuisance violations:

- (1) No new issues in Oct.
- iv) Site reviews:
 - (2) None.

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- d) The Chair again asked if there were any other Zoning/nuisance issues to be discussed?
 - i) Trustees stated they had ordered Twp Operators to mow the high weeds and grass on the estate property of Larry Moore 14036 St. Rte. 111(parcel B1100-09-C-002-00). The Twp. Zoning/Nuisance Officer had followed Twp. regulations citing the property for high weeds/grass on 9-14-19. There was no response from the estate. Twp Operators mowed the property on October 6th and in compliance with Twp regulations the expense incurred by the Twp is to be placed on the taxes. The fiscal officer was asked to prepare the request to assess the taxes for the Twp's expenses and submit it to the County Auditor.
 - ii) The Chair asked again if there were any other zoning issues to come before the Board.
 - (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.
 - (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) The equipment is now in the Twp's possession.
 - (3) The check for payment is part of this months bills.
 - (4) The Chair asked if there were any questions.
 - (a) There were none.
- iii) 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 Peck.
 - i) Peck noted that:
 - (1) some berming needs to take place.
 - (2) Operators are to use the report as a work order in November.
 - ii) The November Rd review is to be by Trustee Shaffer.
- 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) Estimated total exp. of chip seals	\$26,173.18	\$23,175.74
(ii) 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: (not yet done)	
(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	<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 October 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~~ (this amount is now reduced to 40k as no work other than noted above has taken place) + \$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 none.
- d) During the Sept. Twp meeting Trustees noted that the Co. Commissioners are working to transfer Haymaker road from the County to the Township.
- iv) Up date if any.
 - (1) There was none.

e) 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) There was 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	\$184,494.28
(2) Total road fund expenses year to date are	\$132,919.10

- 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 – as of the Oct session the est. is reduced to \$40k - \$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 for 2019 based on the above:

(a) Modified as of the Oct. session:

(i) From \$140,00 to \$190,000

(ii) Initial estimate was – based on anticipated work on the bowman rd project - from \$240,000 to 290,000k.

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 10-07-2019 provided at the October 2019 session as exhibit 6-f.

- i) Current status as reported by the fiscal officer

(1) – the OPWC report from the County Engineer's office as of 10-07-2019 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) an expense of \$1,757.42 (10-7-19) for radi improvement – Wilhelm Rd.at intersection of Watson.

(iv) Total grant dollars used by the Co. Eng. on behalf of the Twp. to date in 2019 is \$2,765.96.

(c) As of the Engineer's last posted work to the 2019 grant dated 10-4-19 – provided to Trustees at the Oct. wp. session - the Twp. has \$17,653.35 grant funds unspent from previous grants.

(d) An amended certificate will be needed in the fall of 2019 (Nov or early Dec.) 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.

- iii) The Chair asked if there is any discussion?

(1) Trustees stated that vehicles are driving through Krouse road beyond the Twp.'s designated portion of this road. Where the Twp. road ends the continuation is a private drive.

(a) Trustees ordered that signage be erected:

(i) A road end here sign where the road transitions from public to private; and

(ii) A Dead End road sign to be place at the intersection of Krouse and Hammersmith on Krouse Rd.

(iii) The fiscal officer was asked to order these signs if there were none at the Twp. maintenance building.

- h) 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.

- 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-September due to weather & other job priorities.
 - (b) October update....
 - (i) No work on this was reported in Oct.
 - (ii) Brian Grant was recognized:
 - 1. Grant noted that there are overhanging branches from trees along Cromely, Hammersmith and Bowman and Parkview.
 - 2. These may require equipment the Twp. does not have. (bucket truck etc.)
 - (iii) Trustees decided to ask the Co. Engineer to address the tree trimming projects and charge expenses to the Twp's OPWC grant. Mr. Shaffer will discuss with the Engineer.
 - ii) **Exhibit 7-a** was reviewed. This was an email from the fiscal officer to Trustees sent regarding a concern with trees along the property line between the complainant (Vanessa Bruce) and the Def. Twp's Tuttle cemetery.
 - (1) The issue was a blockage of view.
 - (2) Issue update.
 - (a) Trees were trimmed by Twp. personnel.
 - iii) Trustee Shaffer reported that a Todd Sauer a resident of the Twp. on State Rte 111 has asked for permission to erect a deer stand on the edge of Cromley cemetery.
 - (1) Trustees denied the request.
- 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 – the fiscal officer reported:
 - 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) At the Sept Twp meeting Trustees approved the policy.
 - iii) A letter was sent to each Twp. appointed personnel in Oct.
 - iv) The policy is now in effect.
 - v) There was no further discussion.
- b) 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 (October 19) GrassRoots clippings – **exhibit 9a**
- b) **Exhibit 9-b** was a notice from the Defiance Co. Commissioners Office regarding a program to provide regional internet services. The public meeting will be held 6 p.m. Nov. 12th at the Stroede Center – 319 Wayne Ave. Defiance, Ohio. Trustees are invited to attend.

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) The fiscal officer reported that he has requested an invoice for any services rendered through the close of the 3rd qrt of 2019.
 - (b) See email sent to attorney and trustees from the fiscal officer dated Oct. 16th, which explains the necessity to acquire said billing if there is a debt owed by the Twp.
 - (c) There was no other update on this issue.
 - 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) There was none offered.

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- a) The next regular session.

Date: Tuesday, November 26th, 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 October 22nd, 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