

Minutes
DEFIANCE TOWNSHIP TRUSTEES
November 21st, 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, November 21st, 2023 at 6:30 p.m. Answering as present were Dan Peck, John Diemer, & Jason Shaffer. With three (3) 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., Patti Diemer 23361 Defiance-Paulding Co. Line Rd. 10, & Chris Harrow 14143 Karnes Rd., all of Defiance, Ohio.

Visitors present: JoEllen Houck 8 DeVille Dr., Julie Retcher 11807 Fruit Ridge Road, and Julie Voll (newly elected fiscal officer) 1681 Stonemore 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 September 26th, 2023 regular session.

Mr. Shaffer moved to approve the minutes as presented.

Mr. Diemer 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) Defiance County Commissioner David Kern was recognized. Commissioner Kern stated there were several county wide projects he wished to update for the Trustees.
 - i) Boardband service for county rural areas.
 - (1) Commission stated that RFP's are out and will determine the provider for this countywide service.
 - (2) The County has secured grants to fund most of the expected expenses. Once the grants are available work will start. It is expected that fiber will begin to be placed in 2024 and may take upto two years to complete.
 - ii) Electric aggregate program run by the County.
 - (1) Trustees were asked to consider joining the program.
 - (2) Commissioner Kern believes it will save individual home owners money.
 - iii) Solar projects:
 - (1) Defiance Twp had agreed to have the Commissioners provide the lead on these projects. When and if a project is proposed to be built in Defiance Twp. a Def. Twp Trustee will be asked to participate with the Commissioners.
 - (2) This is for projects of 50megawatts or larger.
 - (3) Twp. Zoning rules apply to projects which are less the 50 megawatts.
 - (4) Commissioners Kern noted it may be advantageous to review the Twp zoning codes and determine if more restrictive language should be adopted.
 - (5) Trustees noted there are two small projects being discussed for Def Twp one on Hammersmith rd and one on County Line Rd 10.
 - (6) Commissioner Kern noted that there were no 50 megawatt projects being planned that the County was aware of at this time.
 - iv) Trustees thanked the Commissioner for his time.

ORDER OF BUSINESS NO. 3 - FINANCES –

- 1) The following financial reports provided to the Board were reviewed.
 - a) The Reconciliation for October - noted a primary checking reconciliation balance of \$384,928.55 - balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.

- b) Receipt report:
 - i) Receipts for November (UAN software-) were \$14,408.44.
- c) Payment reports:
 - i) Payments for November (UAN software-) were \$159,540.04.
- d) The Cash fund summary through- November 19th, 2023 (UAN software) showed an “ending fund balance” of \$1,436,401.35.
 - i) The “cash available” for encumbrances (unencumbered fund balance- UAN software) was \$1,120,075.43.
- e) Appropriation Status showed that through November 19th, 2023 (UAN software), 27% 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 11-19-2023 was \$1,211,745.79.
- 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 we await final close out which will take place with the filing of the annual report with the US Treasury dept in April 2024.
 - (2) 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.
 - (3) The Trustees are utilizing the County Engineer as project coordinator.
 - ii) As of this session:
 - (1) The money is appropriated as the project is now planned for construction in 2024.
 - (2) The fiscal officer has submitted the required 3rd, quarter project report to ODOT via email on November 13th, 2023.
 - iii) The chair asked for any discussion?
 - (1) There was none.
- i) The fiscal officer reports that the Twp’s audit of years 2021 and 2022 by the State Auditor’s office is complete. This is a full audit. Estimated cost is \$5300 more or less. Trustees have been contacted via email. check 6622 (\$3,792.50) is part of the November checks for Trustee signature and is the first bill for this audit.
 - i) Trustees were emailed a copy of the unofficial report on 10-30-23. This report is not for public release.
 - ii) Discussion;
 - (1) None.
- j) Year end – 2nd amended certificate, process is underway:
 - (1) Engineers have provided a report on OPWC grant funds used on the Twp’s behalf in 2023 (\$129,904.35) – refer to **exhibit 3-j**.
 - (2) The fiscal officer submitted a request for a second amended certificate via email on 11-15-23.
 - (3) Trustees will need to approve the amended certificate before year’s end.
 - (4) Discussion
 - (a) None.
- k) The fiscal officer reminded Trustees that the Twp accounts will be closed at year’s end and any work/or purchases done in 2023 needs posted to the 2023 accounts. (day of purchase-not date of bill).
 - ii) Any purchases and billing for any work should be provided to the fiscal officer by December 18th and no purchases other than emergency purchases should take place from the 18th forward until the 2024 Twp accounts are approved by Trustees at the tentatively scheduled January 9th (depending if the 2024 amended certificate is available from the Co Budget commission) 2024 re-organizational / budget session.
 - (1) Discussion....

(a) none

- l) November bills through the 21st, – Trustees Review – Discussion and Signature.
- m) Payroll & November time cards – Trustees Review – Discussion and Signature.
- n) Mr. Peck requested a motion to accept the November financial reports.

MOTION by: Shaffer

SECOND by: Diemer

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) November Monthly report - Mr. Chris Harrow
 - i) permits issued:
 - (1) Issued a zoning permit to Wayne Newman for accessory building, storage
 - (2) Issued a zoning permit to Schafer Building and home improvements for an addition of a garage and family room at 14748 Power Dam, Larry Cameron's property
 - ii) Nuisance violations:
 - (1) Performed inspection at 15608 St, Rt. 66 – owner is Jamie Paul - reference persons living in a camper on the property. It was found that two persons were indeed living in the camper, Wendy Thomas and Joe Paul. The female occupant was hostile towards the zoning inspector. He made two phone calls to inspector to yell at him and threaten legal action. It was observed that a waste hose, "black water", was running from the camper to the home on the property. A garden hose was also observed running to the camper. Subsequent visit on the same day required escort of DCSO. The owner of the property was issued a zoning violation at an alternate location. The owner Jamie Paul was understanding and advised she is currently attempting to evict the occupants of the camper. She was very willing to assist the Township to resolve the zoning violations. She was advised to seek legal counsel on her own. The DCSO, County Prosecutor's Office, and Defiance County Health Department were also made aware of the situation.
 - iii) Site reviews:
 - (1) None
 - iv) Misc :
 - (1) Spoke with Ron Kuhn about placement of an item he may place on his property On Power Dam Rd. next spring.
 - (2)
 - v) Zoning issues:
 - (1) Spoke with Dan Schaffer and his wife on multiple occasions in reference to a building he is building.
 - (a) Initially it appeared to be a storage building, but it was discovered the building will have living space in it. The parcel the building is on is zoned Ag. The process to get a conditional use has been initiated. This building project was discovered while performing road maintenance. The living space is 1280 square feet.
 - (2) Spoke with Ken Chafins, 13371 St. Rt. 15, reference the need for a permit for a carport.
 - (3) Checked with Defiance County Recorder reference deeds for 24800 and 24766 Bowman Rd., Chandler and Ort properties. Dispute about change in use that the zoning board of appeals is handling. Change in use was approved 11-14-23. An application for a zoning permit for his business sign will delivered to him
 - (4) Received a complaint (juck vehicles and trash) about the property at 24509 Watson Rd. A zoning violation was issued to Brittany Mansfield, the owner of the property. The violation was given to a man at the property who identified himself as Brittany's husband. The zoning inspector spoke with the calling party and the occupants of the property in question.

- vi) The Chair asks for discussion?
- b) Twp Zoning Bd of Appeals met 6p.m. 11-14-23 – to resume session of 10-24, Steve Chandler requested conditional use to operate a business (dog boarding) from his residence at 24800 Bowman Rd.
 - i) The Oct session was suspended pending the zoning bd reviewing the issue with the prosecutor’s office and to secure addition information pertaining to a property covenant. Refer to zoning issues item 3 above.
- vii) The Chair asked for discussion?
 - (1) There was none
- c) The Chair asked if there are any other Zoning/nuisance issues?
 - i) 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) Trustees purchased a 2023 Silverado cab and chassis 1.5 ton truck was purchased via public bid from Estle Chevrolet Cadillac of Defiance in July.
 - (i) Trustees purchased the components (stainless steel dump bed, snow plow, salt spreader and safety lighting- in August from Kalida Truck.
 - 1. The truck is at Kalida truck for installation of the components.
 - 2. Refer to mins of June July and August sessions for details of the public bid process.
 - 3. As of this session the Twp awaits the delivery of the truck.
 - 4. Discussion.
 - a. Trustee Shaffer stated Kalida truck has informed him that all parts are in and the truck should be ready for delivery by mid – December.
 - ii) The Chair again asked if there were any other equipment of safety items for discussion.
 - (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 Diemer.
 - i) The December review is to be by Trustee Shaffer.
- 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: all work completed as of 11-21-23 session.

	Est.	Actual cost
(a) Paving: - no paving projects for 2023.		
(i) Total paving	\$0	
(b) Chipseal: - project is complete – billed and paid in Oct. refer to exhibit 6-1		
(i) Kiser Road – from Krouse to Keller - 5325’	\$12,998.00	\$13,715.46
(ii) Kiser Road – from Keller to Canal – 5,316’	\$12,982.00	\$13,715.46
(iii) Parkview Drive – 2,560’	\$ 3,389.00	\$ 3,769.50
(iv) Schroeder Street – 1,182’	\$ 1,562.00	\$ 1,610.44
(v) Estimated total exp. of chip seals	\$30,931.00	\$32,810.86
(c) Patching: for 2023 –		
(i) none proposed.		
(d) Crack Seal- none in 2023		

(e) **Pavement Markings: - per Co. Eng 9-29- no pavement markings to be placed. See email 9-29 cc'd to Trustees.**

(i) Kiser rd – Krouse to Canal – 10,641;	\$6,321.00	\$0
(f) Total est and final expenses for 2023-	\$37,252.00	\$32,810.86

iii) Re-build and widen 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history. As of the November 21st, 2023 session this project is completed.

- (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 of cash -

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

(ii) Prep work by Co Eng. & contractor Warren est. 30k +/- posted to OPWC

a. Est. cost	Actual cost
i. 30k +/-	\$46,570.17- completed Nov

(iii) PAVING: -

a. Est. cost	Actual cost
i. \$107,286.00	\$108,073.79 – completed Nov

(iv) Pavement Markings: -	Actual cost- completed Nov
i. \$2,979.00 -	\$4,065.15

(v) **WIDENING:** - completed paid in June.

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

(vi) TOTAL CASH ESTIMATED ON BOWMAN PROJECT IN 2023 is \$160,895. Cash –

1. Final total was \$154,741.02 cash and \$46,570.17 opwc grant as of the Nov 21st Twp meeting.

(vii) Final costs in 2023 are presently \$201,311.19 includes dollars posted to opwc.

1. Trustees have determined to dedicate the Twp's remaining American Rescue Plan grant to this project. Paid in June.

a. Remaining expenses to be paid from Twp road funds or posted to OPWC grant.

(1) 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) There is no update for November 2023 session. project status remains as previously reported: see below.

(b) 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.

(c) This project is now scheduled for 2024.

(d) Def Co Engineer Schlatter stated on 9-25-23 the following update:

(i) Project bids came in over the engineer estimate (city engineer prepared bid docs) and could not be awarded as bid.

(ii) New bids are being prepared (by city engineer) and the project is now to be bid piecemeal.

1. Widening/paving

2. Drainage
3. Sidewalk

a. This is necessary as no const company generally constructs the different segments, they would subcontract. This is what drove up the bid price.

(iii) The Def. Co. Engineer believes the bids will be acquired yet this year 2023 - but the construction will start in 2024.

1. The sidewalk portion may not be a part of the project – this depends on remaining grant funds after the first two elements of the project are completed.

(e) The fiscal officer has submitted the required 3rd qrt status report via emailed to ODOT Nov. 13, 2023, indicating a rebid and no const in 2023.

(f) Discussion:

- (i) Trustees noted they are awaiting contact from the City of Defiance.

(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) During the Oct. 2023 session - Trustees noted that a resident at 20335 Hammersmith rd., complained of a culvert issue just east of this property.

(a) Trustees were to ask the Co. Engineer to review.

(b) Update:

- (i) Twp crew has addressed with cold patch. This item to be removed from the agenda.

(5) Trustees stated a Jake McGuire 21715 Bowman complained that during the widening of this road, contractors destroyed his drive and when they replaced the culvert – the culvert has curled up. McGuire wants his drive entrance properly repaired.

(a) Trustees to inform the Co. Engineer.

(6) Steve Buchholz was recognized. He stated that twp operators did a temporary repair of a culvert at Co. Line Rd 10 and Williams rd

(7) Trustees informed operators present that there are trees on Garmin rd that over hang the road and need trimmed.

(8) Trustees stated that Delaware Twp be contacted to grade May road again as it has developed a washboard affect.

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

i) The fiscal officer reported:

(1) Total road fund revenues year date are **\$244,384.19**

(2) Total road fund expenses year to date are **\$250,478.40**

(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 \$1,689.60

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.

(a) As of 11-21-23 \$32k +/- missing pavement markings.

(3) \$160k of cash – 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.

- (b) Final billing for 2023 was 201K more or less – 46.5k opwc funded.
 - (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) truck purchase to replace F550 – set aside is \$165k spent \$129,000 more or less.
 - iv) Total est. exp for 2023 had been revised from original est of between \$380 and \$500k – to \$300 to 425k. Change was based on Sept. discussion with co eng regarding projects yet to be completed in 2023.
 - (1) If billing for new truck components occurs yet this year we will be just over 300k.
 - v) Discussion;
- 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 9-19-2023- refer to **exhibit 6-d** of this 11-21-23 session.
- 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 11-15-2023 is minus (\$38,459.44) as noted on the exhibit.
 - (3) –OPWC grant work currently posted for 2023
 - (a) \$81,534.19 for Bowman rd proj prep by co eng staff – and;
 - (b) \$1,800.00 for Krouse rd dura patching.
 - (c) \$46,570.17 for Bowman rd shoulder work by co and contractors,
 - (4) 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:
- 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.

- a) The Chair asked if there are any cemetery issues for discussion?
 - i) Twp operators stated they have cleaned up all cemeteries as of the Novmeber Twp meeting.
 - ii) The Chair again asked if there were any other cemetery issues.
 - (1) There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

- a) The Chair asked if there are any personnel issues for discussion.
 - i) 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.
 - ii) Nominations if any to fill the unexpired Alternate term of Patti Diemer?

iii) **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 has contacted 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) Trustees are awaiting a resume from the student.

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

i) There was none.

ORDER OF BUSINESS NO. 9 - Handouts.

a) Monthly (November 23) GrassRoots clippings – **exhibit 9-a**

b) Annual Twp Trustee- Elected Officials meeting notice – **exhibit 9-b**

i) The fiscal officer will email list of attendees.

(1) Who will attend?

(a) All Trustees, the fiscal officer and the fiscal officer elect will attend.

ORDER OF BUSINESS NO. 10 - Old Business

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

i) There was none.

ORDER OF BUSINESS NO. 11 - New Business.

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

i) The OTA winter conference is scheduled for Feb 7 – 9th, 2024.

ii) The fiscal officer needs to sign up attendees - the chair asks who will attend?–

(1) Peck- yes

(2) Shaffer -yes

(3) Diemer - no

(4) Harrow - yes

(5) Voll - yes

(6) Houck - yes

iii) Conf registration is now open in Nov. the fiscal officer will register attendees.

b) The Chair asked if there was any other new business to be discussed?

i) There was none.

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

1) The next regular session.

a) The next session.

i) Trustees noted the Christmas holiday provided conflicts with holding the Twp December session on the regular 4th Tuesday of the month.

(1) Trustee Diemer proposed moving the session to the 3rd Tuesday (Dec 19th)

(2) Trustee Shaffer seconded

The roll was called and the vote was:

YEA(s) 3 NAY(s) 0 The motion: Passed X Failed

November session will be held on:

Date: Tuesday, December 19th, 2023 regular business session. (moved due to Christmas holiday conflicts); the move will be posted on the twp web page.

Time: 6:30 p.m.

Place: Defiance County Commissioners building
2nd floor conference room
500 Court St.

ORDER OF BUSINESS NO. 13 – Adjournment:

1) Mr. Peck requested a motion to adjourn this meeting of – November 21st, 2023.

It was moved by: Diemer
SECOND by: Shaffer

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