

*Minutes*  
**DEFIANCE TOWNSHIP TRUSTEES**  
*November 22<sup>nd</sup>, 2022 MEETING*

The Defiance Township Trustees met in regular session at the Defiance County Commissioners building – 2<sup>nd</sup> Floor conference room, 500 Court Street, in Defiance Township, Defiance, Ohio, on Tuesday, November 22<sup>nd</sup>, 2022 at 6:30 p.m. Answering as present were Dan Peck, & Jason Shaffer. Diane Mayer was excused due to health issue. With two (2) 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 South Clinton St., Harry Railing 14951 Power Dam Road & John Diemer 23361 Defiance-Paulding Line Rd. all of Defiance, Ohio.

Visitors present: Patti Diemer 23361 Defiance-Paulding Line Rd, Jessica Diemer(Columbus, Ohio), Dave Kern (Defiance County Commissioner) and JoEllen Houck 8 DeVille Dr. 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 October 25<sup>th</sup>, 2022 regular session.

Mr. Peck moved to approve the minutes as presented.

Mr. Shaffer seconded.

The vote being   2   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 –**

- 1) The following financial reports provided to the Board were reviewed.
  - a) The Reconciliation for October - noted a primary checking reconciliation balance of \$424,961.24 - 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 \$20,074.40.
  - c) Payment reports:
    - i) Payments for November (UAN software-) were \$151,972.92.
  - d) The Cash fund summary through- November 20<sup>th</sup>, 2022 (UAN software) showed an "ending fund balance" of \$1,438,548.35.
    - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$960,000.56.
  - e) Appropriation Status showed that through November 20<sup>th</sup>, 2022 (UAN software), 25% 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 11-20-2022 was \$1,151,500.67.
- a) 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 the Def. Twp award is for \$176,505.54 + \$353.32 from OBM received in March 2022.
    - (2) All awarded funds have been deposited into the Twp's accounts.
    - (3) In April 2022's Twp session Trustees approved resolution 10-2022 which designates use of these funds on the 2022 Bowman Rd rebuild.
      - (a) A payment for widening Bowman road was made in June to the Co. Eng.
      - (b) A second payment for paving was made in November to the Co. Eng.

- (c) Total expended to date is \$158,703.95.
- (d) Remaining funds in this fund line is \$32,154.00.
- (4) The chair asked if there are any questions?
  - (a) There were none.

- b) 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 23<sup>rd</sup>, 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).
      - (a) The award (grant) has been deposited in the Twp’s checking account.
      - (b) The fund line in the UAN system has been set up and the award/grant has been posted to the fund. The State Auditor’s Office provided guidance on the required use of fund line.
  - ii) As of this session:
    - (1) The money is not appropriated at this time as it is not needed until 2023.
    - (2) The chair asked for any discussion?
      - (a) There was none.
- g) November bills through the 21<sup>st</sup>, – Trustees Review – Discussion and Signature.
- h) Payroll & November time cards (time cards provided trustees prior to session) – Trustees Review – Discussion and Signature.
- i) Mr. Shaffer requested a motion to accept the November financial reports.

MOTION by: Peck  
 SECOND by: Shaffer  
 YEA(s) 2    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 Zoning report -
  - i) permits issued:
    - (1) none
    - (2) waiting on William Hughes for permit application to build a building on Haymaker Road
  - ii) Zoning issues:
    - (1) None
  - iii) Nuisance violations:
    - (1) None in November
  - iv) Site reviews:
    - (1) None
  - v) Misc :
    - (2) Talked to Feline Rescue about mini homes - told not within regulations

Respectfully submitted  
 John Diemer, Twp. Zoning Inspector

- b) The Chair again asked if there were any other zoning or nuisance issues to come before the Board.
  - (1) 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) Possible new truck to replace 2005 F550 – refer to mins from July 2022 Twp session forward for details.
    - (1) Trustees decided in Oct. to attempt to purchase a unit through the Ohio Dept. of Administrative Services.
    - (2) Trustees determined to contact dealers to find a dealer that is approved to bid vehicles through the Ohio Department of Administrative Services.
      - (a) Mr. Peck was assigned this task.

- (3) Nov Update –
  - (a) Update from Mr. Peck..
    - (i) Mr. Peck reported he still has some county dealers to contact regarding a DAS bid.
  - (b) Trustees also wished to acquire a bid spec for use in a public bid process. Trustees will contact a local dealer and ask for specs for a 1.5 ton truck (similar to the Twp Ford F550) equipped for snow removal with a dump bed. Said specs will be used for a public bid should Trustees decided to pursue a public bid process.

ii) Twp operator Buchholz was recognized.

(1) He stated:

(a) that a new air compressor was installed in the maintenance building. The old compressor had failed.

(i) Trustees had previously via phone contact (verbally) approved the purchase.

(b) Plows have been placed on the Twp trucks in prep for winter snow removal.

iii) The Chair asked if there were any other eq issues for discussion?

(1) There were none offered.

**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) There was no report –

ii) Due to health issue with Trustee Mayer, Trustees determined that Mr. Shaffer will do the report in December and Mr. Peck will do the report in January.

b) 2022 Road projects:

i) Trustees should refer to exhibit 6-b dated March 31<sup>st</sup>, 2022, from the Co. Engineer presented at the April 26<sup>th</sup> session. This is the 2022 list of Trustee approved projects for the Co. Engineer.

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) Trustees approved the Co. Engineer proposals as follows for 2022:

|   | <b>Est.</b>     | <b>Actual cost</b> |
|---|-----------------|--------------------|
| <b>(a) Paving: -</b>  |                 |                    |
| <b>(i) Link Rd. 1124' – from Power dam to Power Dam</b>       | <b>\$16,864</b> | <b>\$16,083.33</b> |
| 1. Proj complete – and pd as of 11-22-22                      |                 |                    |
| <b>(b) Chipseal:</b>  |                 |                    |
| (i) Kibble Road – from Canal to Winn - 2652'                  | \$5,078         | \$5,136.09         |
| (ii) Winn Rd – from Kibble to dead end – 718'                 | \$1,388         | \$1,495.40         |
| (iii) Estimated total exp. of chip seals                      | <b>\$6,466</b>  | <b>\$6,631.49</b>  |
| 1. Proj complete – and pd as of 11-22-22                      |                 |                    |
| <b>(c) Patching:</b> for 2022 completed and pd as of 5-24-22. |                 |                    |
| (i) Estimated total patching exp -                            | <b>\$12,891</b> | <b>\$14,067.20</b> |
| <b>(d) Crack Seal-</b>  |                 |                    |
| (i) None in 2022  |                 |                    |
| <b>(e) Pavement Markings:</b>                                 |                 |                    |
| (i) None in 2022  |                 |                    |
| <b>(f) Total est and final expenses for 2022-</b>             | <b>\$36,221</b> | <b>\$36,782.02</b> |

iii) Re-build and widen 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.

(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.

**(1)** As of this session: all work is complete and paid.

(a) Proposed 2022 effort is 5280' or approximately the 3<sup>rd</sup> mile.- Williams to Campbell

**(i) PAVING: - completed and pd as of 11-22-22**

| <b>a. Est. cost</b> | <b>Actual cost</b>  |
|---------------------|---------------------|
| i. \$97,894         | <b>\$101,762.62</b> |

(ii) **Pavement Markings: - Williams to Campbell** 5321' complete pd as of 11-22-22.

|            |                   |
|------------|-------------------|
| i. \$2,995 | <b>\$1,978.50</b> |
|------------|-------------------|

(iii) **WIDENING: - Williams to Campbell – 5317'** completed and paid as of 6-28 session.

| <b>a. Estimate</b> | <b>Actual cost</b> |
|--------------------|--------------------|
| i. \$34,431        | <b>\$40,858.00</b> |

(iv) TOTAL ESTIMATED ON BOWMAN PROJECT IN 2022 is \$135,320

**1. Actual total \$144,599.12.**

2. Trustees have determined to dedicate the Twp's American Rescue Plan grant to this project. Refer to item 3-g above.

**(2) 2023 section (final mile of proj)**

(a) prep by co engineer completed and to be billed.

**(3)** Per past practice, the County Engineer's Office will coordinate all activity.

iv) Twp projects by Twp staff or other contractors for 2022:

(1) The Chair asked if there are any proposed or in progress projects for the Twp staff or private contractors for 2022?

(a) None were offered.

(2) Re-build Ginter Rd. from Jefferson Ave. (St. Rt 66) to Carter Rd - see mins from Jan 2020 forward for details.

**(a)** 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.

(v) On 7-27-22 the fiscal officer confirmed with the co engineer that the grant will cover the Twp's portion of the cost for this project.

(vi) The Trustees can begin planning the expenditure of the \$81k cash commitment on other projects and Trustees and the Engineer will also have the OPWC funds that were committed, now available during their regular distribution rotation for use on other Twp projects.

(b) This project is scheduled for 2023.

(c) Discussion:

(i) There was none.

(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) There was none.

c) A City of Def and Def. Twp road share Maintenance Agreement –see mins from August 2021 session:

(1) as of this session – 11-22:

**(a)** Trustees have signed the City's version which per Trustee directive was then emailed to the City for their signatures.

**(b)** The Twp awaits a fully executed (signed) copy from the City.

d) **2022 financial impact review by the fiscal officer:**

i) The fiscal officer reported:

|  |                     |
|--|---------------------|
| <b>(1) Total road fund revenues year date are</b>    | <b>\$222,954.00</b> |
| <b>(2) Total road fund expenses year to date are</b> | <b>\$ 72,312.00</b> |

- (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 - 2022– total \$3,587.50

- ii) Anticipated road funds revenue (tax receipts) for 2022 – based on the January 7th, 2022 1st Twp amended certificate was:
  - (1) \$227,450 more or less
- iii) Anticipated expenses for 2022 – as of this session:
  - (1) Regular twp. expenses anticipated for the year, barring emergencies. The estimate for 2022 – 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) 36 k Road maintenance program by Co. Engineer - has been estimated by fiscal officer - in 2022 – refer to proposal from Co. engineer – exhibit 6-B of the 3-29-22 Twp session.
    - (a) Project is completed and pd as of this session – 11-22-22.
  - (3) \$136k – estimated for Bowman Rd rebuild in 2022 - exhibit 6-B of this session.
    - (a) To be funded by American Rescue Plan grant per Trustee resolution.
      - (i) Project complete and pd as of this session – 11-22-22.
  - (4) savings towards Carter rd rebuild - project construction is expended in 2023. (unless Trustees determine another project.)
    - (i) it is anticipated that 40k per year will be earmarked in 2022 and 2023.
  - (1) Estimated total road fund exp for 2022 (adjusted as of the July session) - \$70 to ~~480~~ 100k – not including grant dollars.
    - (a) Refer to line d i 2 above.
    - (b) There is also the question of a truck replacement – funding would be from regular road fund lines and possibly the General fund.
      - (i) Refer to eq section (section 5) of this agenda.
- ii) Discussion;
  - (1) There was none.
- e) **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 01-06-2022 (exhibit 6-f of the Jan. 25<sup>th</sup> 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 3 years (2022, 23 & 24) or a total of \$75k remaining give or take.
    - (2) The 2022 grant of \$48,700.00 is posted to Twp grant as of 1-6-22.
      - (a) Grant fund balance as of 1-6-22 is \$73,444.92.
    - (3) –OPWC grant work anticipated for 2022 - none.
      - (a) 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%.
    - (4) Discussion:
      - (a) There was none.
- f) 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?
  - (1) Operator Buchholtz stated that he discovered the burial of an urn in Cromley Cemetery. The tombstone had recently been engraved with the name of Marjorie Cramer – with a date of 9-23-22. The Twp was not contacted and the \$50 fee for cremated remains was not submitted to the Twp. Buchholtz reported that the burial was in lot 24.
    - (a) It is unknown who did the burial.

**ORDER OF BUSINESS NO. 8 – PERSONNEL**

- a) The Chair asked if there are any personnel issues for discussion.
  - i) Review of application - exhibit 8 – packet of Christopher Harrow.
    - (1) Harrow is applying for a part time operators’ position.
    - (2) Discussion:
      - (a) Trustees reviewed the packet and then moved to approve resolution 15-2022 to employ Harrow in a

part time Twp operator's position affective 11-22-22, with first day of work scheduled for Dec 1, 2022. Harrow, per Twp policy is on a 180 day probationary period at \$13 per hour with no other benefits. Refer to Twp Harrow hire in agreement dated 11-22-22 and the resolution. Trustees will review the employees status at the end of the probationary period to determine whether to retain or release. Pay will be adjusted to match all Twp operators pay rate at that time.

- ii) The Chair asked if there were any other personnel issues for discussion?
  - (1) There were none.

#### **ORDER OF BUSINESS NO. 9 - Handouts.**

- a) Monthly (November 22) GrassRoots clippings – **exhibit 9-a**
- b) **Exhibit 9-b** – is notice from Def. Co. Engineer – annual Twp-Elected Officials meeting:
  - i) Def. Co. Senior Center
  - ii) Jan 19
  - iii) 6 p.m.
  - iv) Who will attend? Rsvp required.
    - (1) All Trustees and the fiscal officer will attend.
    - (2) The fiscal officer will send in the rsvp.

#### **ORDER OF BUSINESS NO. 10 - Old Business**

- 1) The Chair asked if there was any old business to come before the Board?
  - a) Defiance County Commissioner Dave Kern – to address Twp on “solar/connectivity”.
    - i) Kern noted that state law allows local governments to have siting and taxing input on all solar, wind facilities that generate 50kw or more power. The Commissioners are also working to provide high speed broad band service throughout Defiance County. Presently the Commissioners are in phase of their assessment program for broadband expansion. Kern asked Trustees if they were aware of any broadband issues.
      - (1) Trustee Peck said that the Twp is unaware of any issues at present.
    - ii) Kern asked Trustees to confirm how the Twp wishes to handle solar and or wind generation facilities.
      - (1) Trustees had reviewed the County Commissioners program proposals at their August meeting. (refer to exhibit 11a of the August 2022 session - establishing a governmental procedure regarding the construction of Renewable Energy facilities in the Twps of Def.
        - (a) That letter offered two options:
          - (i) Trustees may provide the Commissioners with areas the Trustees determine should not be developed or
          - (ii) Trustees may provide input to the Commissioners on a case by case basis (paragraph 4 of the email).
        - (b) Trustees determined to participate per option 2 – outlined in paragraph 4 of the August 5<sup>th</sup> memo from the Commissioner's Office titled “Renewable Energy (wind and solar) Generation facilities.
        - (c) Trustees confirmed that an email was sent to the Commissioners on Sept 18<sup>th</sup>.
      - (2) Kern stated that presently there are 3 projects proposed or approved in Defiance County.
        - (a) The project near Mark Center is about to begin construction.
        - (b) The Cephuis company project in the Sherwood/Delaware area is under review.
        - (c) The project near Hicksville is being prepped for review.
  - b) OTARMA is conducting its annual “risk management” review on 11-02.
    - i) As of this session – we await the review letter w recommendations.
    - ii) Discussion?
    - iii) There was none.
  - c) OTA winter conf; 1-25-23 to 1-27-23-- --
    - i) Trustee Shaffer and Fiscal Officer will attend.
    - ii) Rooms have been booked.
  - d) **Exhibit 10 c** is report from OBWC on audit of Twp records conducted 10-26.
    - i) No issues found- no discussion.
- e) The Chair asked if there was any other old business to come before the Board.
  - i) There was none.

#### **ORDER OF BUSINESS NO. 11 - New Business.**

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

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**ORDER OF BUSINESS NO. 12 - NEXT MEETING:**

- 1) The next regular session.
  - a) The next session.

**Date:** Tuesday, December 20<sup>th</sup>, 2022 regular business session. This meeting was moved from the regular 4<sup>th</sup> Tuesday (12-27) at the November meeting. The notice is posted on the Twp web page as per policy.

**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:**

- 1) Mr. Shaffer requested a motion to adjourn this meeting of – November 22<sup>nd</sup>, 2022.
  - It was moved by: Peck
  - SECOND by: Shaffer

The roll was called and the vote was:

YEA(s)    2    NAY(s) 0    The motion:    Passed X    Failed

MEETING ADJOURNED  
Respectfully Submitted  
Timothy J. Houck, Fiscal Officer-Clerk