

Minutes
DEFIANCE TOWNSHIP TRUSTEES
November 23rd, 2021 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 23rd, 2021 at 6:30 p.m. Answering as present were Dan Peck, Diane Mayer & Jason Shaffer, with all three (3) members of the BOARD OF TRUSTEES having answered the roll, a quorum was declared.

Township employee(s) present were: John Diemer 23361 Defiance County Paulding County Line Rd #10, and Steve Buchholtz 1615 South Clinton St. all of Defiance, Ohio.

Visitors present: JoEllen Houck 8 DeVille 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 October 26th, 2021 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 –

- 1) The following financial reports provided to the Board were reviewed.
 - a) The Reconciliation for October - noted a primary checking reconciliation balance of \$424,740.00-- 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 \$50,225.90.
 - c) Payment reports:
 - i) Payments for November (UAN software-) were \$50,934.13.
 - d) The Cash fund summary through- November 21st, 2021 (UAN software) showed an "ending fund balance" of \$1,143,920.36.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$852,875.55.
 - e) Appropriation Status showed that through November 21st, 2021 (UAN software), 28.0% 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 10-21-2021 was \$742,124.42.
 - g) American Rescue Plan Act – Def. Twp application
 - i) OBM is managing the grants for many of Ohio's political subdivisions.
 - (1) The Def. Twp award is for \$176,505.54
 - (2) There will be two payments the first was for 88,252.77.
 - (3) The second payment will be processed by the Ohio Office of Budget and Management (OBM) in September of 2022.
 - (4) Trustees have been provided use criteria documents and links provided by OTA.
 - (5) As of this Twp session OTA has informed Twp fiscal officers that the criteria for use of ARP funds may change. The US Senate has passed its version of the legislation (S 3011). If the House passes the measure the funds may be used for road construction.\
 - (a) Requirements now limit use of funds to covid impact uses and;
 - (i) It is the fiscal officers understanding that as of now - A plan for use must be submitted to OBM

- by Dec 2023 and project completed by end of 2026.
(ii) The fiscal officer will continue to monitor.

- ii) The Chair asked for discussion...
- (1) There was none.
- h) Possible grant from ODOT. Trustee Mayer brought this up at the August 2021 session – refer to mins from the August 2021 session forward for updates.
- i) The ODOT contact person is Program Manager Nichole Lawhorn 614 752 6581.
- (1) This grant is a one-time funding opportunity per ODOT. An email was sent to Trustees on 9-22 with a link to the full packet on the ODOT web page.
 - (2) At the Oct 2021 Twp meeting the Trustees determined to ask the Co. Engineer for assistance in writing the grant application.
 - (3) 11-23 session **Exhibits 3-h 1, 3-h 2 and 3-h 3** are applications completed by the Co. Engineer for three projects on Def. Twp roads.
 - (a) 3-h 1 is for the Ginter Rd rebuild project (joint effort with City of Defiance).
 - (b) 3-h 2 Kiser Rd widening
 - (c) 3-h 3 Carter reconstruction and widened
 - (4) The fiscal officer has an email receipt of ODOT acceptance of the projects applications.
 - (5) The awards are to be announced in 2022.
 - (6) There asked for discussion.
 - (a) There was none.
- i) **Fiscal Officer reviews Supplemental Appropriations & 3rd Amended Certificate for 2021.**
- ii) Trustees are to refer to **Exhibit 3-d above** which shows the fiscal officer adjusted fund line 4401 so that expenses could be posted to the line and to account for the annual amended certificate regarding the OPWC grant funds used on the Twp's behalf under the authority of the County Engineer..
- iii) **Exhibit 3-i** of this session is a packet of information documenting an amended certificate indicating the value in dollars of the work performed by the Def Co engineer's office for Def Twp and funded with "Ohio Public Works Commission" OPWC grant funds (formerly issue 2 and LTIP). The 2021 OPWC grant funds posted to the Twp was for \$27,585.50. These OPWC grant funds were used on Def. Twp. road projects in 2021. Refer to the County Engineer letter dated 11-02-2021- part of this packet for an explanation of projects.
- iii) The OPWC grant amount has increased the previous (second) amended certificate, which accounted for the American Rescue Plan grant, and is in the amount of \$1,537,311.46 approved by Trustees at the September 22nd, 2021. The new amended certificate (3rd) was issued by the County Auditor for \$1,564,896.96 dated 11-16-21. By law the OPWC grant funds provided for Twp work are required to be posted into and out of the Twp fiscal records.
- iv) The packet (exhibit 3-i) contains:
- (1) The County Engineer's letter (2 pages) dated 11-02-2021 indicating the amount of OPWC funds applied to Def. Twp projects in 2021 and explains the use of OPWC funds of 2021.
 - (2) The 2nd Twp amended certificate dated September 22nd, 2021.
 - (3) Resolution 21-2021 – approving the new amended certificate
 - (4) A letter to the co auditor from the Twp fiscal officer for the Co Budget Commission to approve the new amended certificate – with documentation as indicated in the letter- for the request.
 - (5) The new amended certificate #3 – approved by the Budget Commission on 11-16-2021 for \$1,564,896.96.
 - (6) A UAN appropriation status and revenue status report showing the OPWC funds posted to the 2021 Twp accounts.
 - (7) A "Then & Now" purchase order to expend the funds- needs Trustee signatures.
 - (8) A receipt and payment voucher noting the posting of the grant funds to the proper account (4401-538-000)- & the expenditure of the funds from the proper (4401-330-360-000) account line.
- v) Resolution 21-2021– attached - approves the amended certificate.
- (1) Trustees are requested to approve attached resolution 21-20231 which will codify the posted grant.
 - (2) Trustees approved and signed the resolution as presented.

- j) November bills through the 28th, – Trustees Review – Discussion and Signature.
- k) Payroll & November time cards (time cards provided trustees prior to session) – Trustees Review – Discussion and Signature.
- l) Mr. Shaffer requested a motion to accept the November 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) November Monthly Zoning report -
 - i) permits issued:
 - (1) none
 - ii) Zoning issues:
 - (1) none
 - iii) Nuisance violations:
 - (1) none:
 - (a) Grimes truck was moved on Parkview dr
 - (b) DAV was mowed
 - iv) Site reviews:
 - (1) None
 - v) Misc :
 - (1) Talked to Jerry Ehle - Schrader Real Estate - Land splits- this is Mark Twp not Defiance

Respectfully submitted
John Diemer, Twp. Zoning Inspector

- b) The Chair asked if there were any other zoning issues to come before the Board.
 - (1) None were presented.

ORDER OF BUSINESS NO. 5 -- Equipment;

- a) Comments or concerns from Twp employees/Trustees on current or proposed new eq &/or safety items.
 - i) At the August 2021 Twp meeting, Trustees agreed to sell the Twp's 2003 dodge half pick up. The fiscal officer is working with the Co. Comm. Office to sell on Govdeals.com.
 - ii) As of this session:
 - (1) The unit is posted on Govdeals – the Trustees have a reserve set at \$4,000. Trustees should refer to their email dated 11-18-21 regarding this issue..
 - (a) Bidding will start on 11-19-21 and concluded on 11-29-21.
 - (b) If the Twp receives a bid of \$4k or greater the unit is sold.
 - (2) Trustees are reminded that the Co. retains 5% for admin fees.
 - (3) Discussion..
 - (a) There was none.
- b) The chair again asked if there was any other equipment or safety item discussion?
 - i) There was 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) Discussion of November review:
 - (1) Operators are to refer to the inspection report for November work.
 - (2) It was noted that:
 - (a) May road needs graded
 - (b) McCollister needs tree branches trimmed back.
 - (c) all other roads look good.
 - ii) The December review is to be by Trustee Mayer.
- b) 2021 Road projects:
 - i) Trustees approved the 2021 Twp. Rd maintenance program as provided by the County Engineer's Office

at the Trustees' Jan. 26th session. Refer to exhibit 6-b – of the Jan. Twp session.

- ii) The Engineer's office submitted an updated project cost estimate which was presented as Exhibit 6-1 dated 4-8-21, provided at the 4-27 session.
 - (1) The exhibit-cost updates included the 2021 Bowman rd. rebuild section.
 - (2) 1-26-21 projected total cost for all projects is \$168,430.89
 - (3) 4-26-21 projected total cost for all projects is \$168,550.00

- iii) 2021 Def. Twp. rd. maintenance program by County Engineer- from 4-8 estimate.
 - (1) See mins of 10-25-21 session for details. All projects are completed and paid.

- iv) Re-build and widen 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.
 - (1) In 2021 as of this session – the 2021 1 mile section is completed and invoices are paid. See mins as of 1-21 meeting for details.
 - (a) 2 miles of the 4 mile project remain to be completed:
 - (b) Proposed 2021 effort is 5317' or approximately the 2nd mile.
 - (i) **PAVING: - completed & invoiced paid as of Oct 26th.**
 - a. **Est. cost** **Actual cost –**
 - i. \$85,000 \$84,669.81
 - (ii) **Pavement Markings: - Williams to st rt 66 5321'**
 - a. **\$2,500**
 - b. The fiscal officer reported that the Engineer's office stated the work was completed 11-22 and billing will soon be sent.
 - (iii) **WIDENING: - f Williams to St rt 66 – 5317' – completed and inv 5-25-21**
 - (iv) TOTAL ESTIMATED ON BOWMAN PROJECT IN 2021 is anticipated to be \$120,250
 - (c) Per past practice, the County Engineer's Office will coordinate all activity.

- c) Twp projects by Twp staff or other contractors for 2021:
 - i) The Chair asks if there are any proposed projects for the Twp staff or private contractors for 2021?
 - (1) Trustees in past sessions have noted that trees in Cromley cemetery need trimmed and or removed. See past agenda from Oct 2020 session forward for details.
 - (a) In April 2021 Trustees had hired A Cut Above tree service of Defiance to address the project.
 - (b) July update:
 - (i) 3 of 5 trees have been taken down.
 - (c) August update:
 - (i) No work in August.
 - (d) Sept update:
 - (i) No work in September
 - (e) Oct update:
 - (i) No work in Oct.
 - (f) Nov. update:
 - (i) Operator Buchholtz stated the project was completed by Cut Above the Rest.
 - 1. The Twp awaits the bill.
 - (2) Overhanging tree branches along Cromley Rd.
 - (a) Buchholtz stated this was addressed in November.
 - (3) At the June 22nd session it was noted by Railing that tree branches were hanging over McCollister road.
 - (a) Buchholtz and Railing were to check and determine if they can trim back. If not, then Trustees will contact the Co. Engineer's for assistance on this issue.
 - (b) July update:
 - (i) No work on this issue in July.
 - (c) August update:
 - (i) Buchholtz reported that he had contacted the property owner (Vic Hartzel) and due to poison ivy, this work will be delayed until late fall 2021.
 - (d) Sept:
 - (i) Awaiting first frost.
 - (e) Oct:
 - (i) Buchholtz report trees have not yet been taken down.
 - (ii) Trustees to reassess project.
 - (f) Nov update:

- (i) No work done.
- (4) Re-build Ginter Rd. from Jefferson Ave. (St. Rt 66) to at Carter Rd to Ginter and Jefferson (St. Rt 66)- see mins from Jan 2020 forward for details.
 - (a) At the August 2021 Twp meeting, Trustees and the City agreed to a rebuild project. The Twp agreed to commit its remaining OPWC funds and \$81,148.24 in cash from Twp Rd funds.
 - (i) this is for road reconstruction only – the City has agreed to pay for the proposed sidewalk-bike path.
 - (ii) An agreement is on file and prints out a summary of the work to be performed.
 - (iii) Schlatter has informed Trustees that the OPWC grant application will be made in 2021, the award will be made in 2022 and the construction will begin in 2023.
 - (b) The Co. Engineer has submitted a grant application to ODOT for funding of this project – refer to exhibit 3-h 1 of this session.
- (5) Rebuild of Carter Rd. refer to mins of 8-24-21 Twp session.
 - (a) The Co. Engineer has submitted a grant application to ODOT for funding of this project – refer exhibit 3-h 3 of this session.
- (6) At Sept 2021 session operator Buchholtz informed Trustees that on Bowman Rd just west of Campbell there appears to be a collapsed tile.
 - (a) Trustees to review.
 - (b) Oct. update:
 - (i) Buchholtz reported that he had discussed with Co. Engineer's office and was told this is on their "to do" list.
 - (c) Nov. update:
 - (i) No work in November.
- a) A City of Def and Def. Twp road share Maintenance Agreement –see mins from August 2021 session:
 - i) Oct update:
 - (1) Trustees asked the fiscal officer to prepare an agreement based on the Auglaize Twp agreement which Def. Trustees approved at their Oct. 2021 session.
 - (a) This is in process as of this session.
 - b) **2021 financial impact review by the fiscal officer:***
 - i) The fiscal officer reported:

(1) Total road fund revenues year date are	\$232,612.14
(2) Total road fund expenses year to date are	\$218,578.03

 - (a) Road salt purchased - 2021– total \$5,460
 - ii) Anticipated road funds revenue for 2021 – based on the January 8th, 2021 1st Twp amended certificate was:
 - (1) \$208,350 more or less
 - iii) Anticipated expenses for 2021 – as of this session:
 - (1) Regular twp. expenses anticipated for the year, barring emergencies. The estimate for 2021 – 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) \$48k as of this session for Co Eng work- in 2021 – refer to item 6-1 of the April 2021 agenda – (other than Bowman Rd. rebuild).
 - (3) \$120,250 – refer to exhibit 6-1 of this session - Bowman Rd. rebuild –
 - (4) New addition as of August 2021 session
 - (a) Ginter rd patching – co. eng. \$5,735.97.
 - (b) The anticipated spread of expenses remains the same as of this session- refer to iv below.
 - (5) savings towards the Carter/Ginter rd project- project cost to Twp is remaining OPWC grants and \$81,148.24 cash anticipated to be expended in 2023.
 - (a) it is anticipated that 40k per year will be earmarked in 2022 and 2023.
 - (b) As of the Nov 2021 session there is now a possibility of:
 - (i) ODOT grant (filed Nov 2021) to cover part or all of this project.
 - iv) Total estimated expenses from Twp rd acct's for 2021- \$230k to \$269 if projects currently proposed are completed and Twp regular expense is 100k or less.

- c) **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 09-28-2021 (exhibit 6-g of the Sept. session).
 - i) Current status as reported by the fiscal officer
 - (1) –OPWC grant work for 2021- culvert/regrading of Bowman rd rebuild project area- \$27,585.50.
 - (a) The amount of OPWC grant funds spent on the Twp’s behalf in 2021 –\$27,585.50.
 - (b) The amount of funds for Twp. use remaining is \$24,744.92 plus remaining grants over the next 4 years.
 - (c) 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%.
 - ii) 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 4 years or a total of \$100k remaining give or take.
 - iii) As of this session:
 - (1) Trustees have committed OPWC grant funds for the Twp’s portion of the Ginter rd project noted above.
 - (2) Co. Engineer’s office is to post to the grant, tile or dich work at the end of Krouse rd per the 9-28-21 update.
- d) The Chair asked if there is 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 asks if there are any cemetery issues for discussion?
 - i) There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

- a) The Chair asked if there are any personnel issues for discussion.
 - i) The fiscal officer presented Trustees with an email dated 11-22-21 from Tim Vargo in which Vargo resigned his part time position with the Township.
 - ii) Trustees adopted resolution 22-2021 accepting the resignation.
- b) The Chair again asked if there was any other personnel issues for discussion.
 - i) There were none.

ORDER OF BUSINESS NO. 9 - Handouts.

- a) Monthly (November 21) GrassRoots clippings – **exhibit 9-a**
- b) Trustees should refer to an email from the fiscal officer on 11-22 – Maumee Valley Planning session on long range transportation projects. Trustees were asked to list their priorities. If any Trustee submits a response please provide a copy to the fiscal officer for Twp records.

ORDER OF BUSINESS NO. 10 - Old Business

- a) The Chair asks if there was any old business to come before the Board?
 - i) The fiscal officer asks when the Trustees wish to hold the Dec. session. The Twp moves this meeting due to the Christmas holiday period.
 - ii) Proposed date is Tuesday the 21st. same time and place as regularly scheduled.
 - iii) Discussion:
 - (1) Trustees agreed to the proposed date.
 - (2) Notice will be posted on the Twp. web site per Twp. policy.
 - iv) The Chair asked again if there is any other old business.
 - (1) There was none presented.

ORDER OF BUSINESS NO. 11 - New Business.

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

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

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

Date: Tuesday, December 21st, 2021 regular business 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:

1) Mr. Shaffer requested a motion to adjourn this meeting of – November 23rd, 2021.

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