

Minutes
DEFIANCE TOWNSHIP TRUSTEES
November 26th, 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, November 26th, 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. John Diemer 23361 Defiance-Paulding Co. Line rd 10, & Harry Railing 14951 Power Dam Rd., - Defiance, Ohio.

Visitors present: Deputy Stan Strausbaugh – Def. Co. Sherriff's Deputy assigned to liason with Defiance Twp., 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 October 22nd, 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 October - noted a primary checking reconciliation balance of \$281,109.54-- 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 \$13,926.61.
- c) Payment reports:
 - i) Payments for November (UAN software-) were \$32,116.78.
- d) The Cash fund summary through November 24th, 2019, (UAN software) showed an "ending fund balance" of \$989,962.81.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$550,892.29.
- e) Appropriation Status showed that through November 24th, 2019 (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 11-24-19 was \$733,543.41.
- g) The fiscal officer reminded Trustees that the Twp accounts will be closed at year's end and any work/or purchases done in 2019 needs posted to the 2019 accounts. (day of purchase-not date of bill).
 - i) Any purchases and billing for any work should be provided to the fiscal officer by December 15th and no purchases other than emergency purchases should take place from the 15th forward until the 2020 Twp accounts are approved by Trustees at the January 7th or 14th (depending if the 2020 amended certificate is available from the Co Budget commission) 2020 re-organizational / budget session.
 - (1) Discussion....
 - (2) There was none.
- h) November bills through the 26th, – were then reviewed & signed by Trustees.

- i) Payroll & November 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 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) Twp. nuisance issue with high grass and weeds on property owned by Larry Moore estate – 14036 St. Rte 111.
 - i) Trustees had instructed Twp personnel to mow this property. This property was mowed on Oct. 6th.
 - ii) At the Oct. 22nd Twp session Trustees determined to bill the expense of the mowing to the property tax.
 - iii) The fiscal officer prepared notice with appropriate documentation for the Co. Auditor. (see copy of documentation with the fiscal officer.)
 - iv) During the week of November 11th the fiscal officer was contacted by Butler Realty of Defiance, and informed that the property is now bank owned and the Realty firm is handling all property related issues.
 - (1) Ann Gregory is the Butler representative.
 - (2) She requested an invoice for the expenses so that Butler Realty could process payment.
 - (3) The fiscal officer has prepared Twp Invoice 2019-03 – with Trustee approval this will be emailed to Butler Realty for payment.
 - (4) Discussion:
 - (a) Trustees approved the fiscal officer to email the invoice as presented in the amount of \$276.68 for payment to the Twp for expenses of the Twp for mowing the Moore estate property.
- b) November Monthly Zoning report - was presented by Mr. Diemer.
 - i) permits issued-
 - (1) 0 in Nov.
 - ii) Zoning issues:
 - (1) 0 in Nov.
 - iii) Nuisance violations:
 - (1) No new issues in Nov.
 - iv) Site reviews:
 - (2) Site review for Rolling Thunder Motorcycle Club for sign on Watson Road No nuisance issues

Respectfully submitted
 John Diemer, Twp. Zoning Inspector

- i) 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.
 - i) During the Sept 2019 session Trustees directed that the Twp policy regarding the completion of pre-trip inspections of Twp eq forms continue.
 - (1) A new form was desired by Twp staff.
 - (2) Exhibit 5-a is the proposed new form for Trustee review and approval.
 - (3) Discussion.
 - (a) Trustees agreed to adopt the new form.

Diane Mayer moved to approve the form as presented.
 Trustee Peck seconded:

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

The pre-trip inspection form was approved.

- 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 – Monthly Twp Rd inspection by Trustee Shaffer.
 - i) There was no report for this month.
 - ii) The December report is to be by Trustee Mayer.
- 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: - awaiting billing from Co. Eng.**

(i) Cromley from St. Rt. 111 – 4,473'		\$680.75
(ii) Patches on Ball, Bowman, & Karnes		\$247.93
(iii) <u>Estimated total exp for pavement marking</u>		\$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 November session.

(8) Mr. Shaffer asked if there was 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 40k \$10k 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 had approved Mr. Shaffer to review this possibility with the Co. Prosecutor.

iii) Update...

(1) There was no additional information – Trustees directed that this item be removed from the agenda unless or until it becomes active.

d) During the Sept. Twp meeting Trustees noted that the Co. Commissioners are working to transfer Haymaker road from the County to the Township.

i) Up date if any.

ii) The fiscal officer noted that Trustees were emailed a Co. Comm. resolution on 11-25-19 – which officially places Haymaker road as a Twp. Rd. effective the date of the resolution #19-11-438 dated 11-25-19.

(1) A copy of the resolution was also presented at the Twp session.

e) 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 were 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 **\$189,735.14**

(2) Total road fund expenses year to date are **\$138,295.48**

(a) Road salt purchased 11-14 - \$3,015 winter 2019 – 2020 – total \$3,015.

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 –

(a) During the Oct. twp session the amount was reduced from 140k to 40k.

(b) At the Nov. session the est amount is again being reduced – from 40k to \$10k.

(c) The fiscal officer notes that this amount is unlikely to be spent in 2019 – as Trustees have not reported any construction activity, nor has the engineer's office.

(4) Total anticipated road fund(s) expenses based on the above:

(a) Modified as of the Nov. session:

(i) From \$140,00 to \$160,000. **\$190,000**

- (ii) Initial estimate was – based on anticipated work on the Bowman rd project - from \$240,000 to 290,000k if there are no additional projects added..

- 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) –OPWC grant work for 2019 is completed and the Twp has submitted documentation to the County Auditor.
 - (a) An amended certificated to the Twp budget is now being processed by the County Budget Commission.
 - (b) The amount of OPWC grant funds spent on the Twp's behalf in 2019 was \$3,457.48.
 - (c) An amended budget resolution will be placed before the Trustees at the Dec. 17th session.
 - (i) Questions:
 - ii) the OPWC report from the County Engineer's office as of 10-07-2019 indicates that:
 - (1) any grant work done in 2019 will be posted to Twp. fund lines as pass through money.
 - (2) The Engineer's Office has posted to Def Twp. grant in 2019 so far –
 - (a) An expense of \$600.00 (1-7-19) dura patch on Krouse rd.
 - (b) an expense of \$408.54 (2-15-19) for tree trimming and chipping on Garman Rd.
 - (c) an expense of \$1,757.42 (10-7-19) for radi improvement – Wilhelm Rd.at intersection of Watson.
 - (i) Total grant dollars used by the Co. Eng. on behalf of the Twp. to date in 2019 is **\$2,765.96.**
 - (d) 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.
 - iii) 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.
 - (1) The Chair asked if there is any discussion?
 - (2) There was none.
 - 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) Tree branches overhanging Twp. Road –
 - (1) At the April 2019 session it was noted that there were several (3 or 4) dead or dying trees at Cromley cemetery.
 - (i) Trustee Shaffer has confirmed with ODOT that the trees are on Twp cemetery property (responsibility of the Twp).
 - (2) At the Oct 2019 session Trustees determined to have the Co. Engineer address this issue and the issue of overhanging branches from trees along Cromely, Hammersmith, Bowman and Parkview.
 - (3) November update..
 - (a) Mr. Shaffer stated he has spoken with the Co. Eng. and they will address when they have the time.
 - (4) Twp. Operator Buchholtz stated if weather allowed the operators may attempt to remove the trees at Cromley cemetery.
 - ii) Trustee Shaffer and Twp Opeator Buchholtz noted that someone is driving through Taylor cemeter and parking just off the road which is tearing up the grass.
 - (1) Possibly deer hunters.
 - (2) Trustees asked Deputy Strausbaugh to have the issue monitored. If this is someone not visiting graves then they should be asked to leave.
- b) The Chair asked if there were any other cemetery issues for discussion?
 - i) There were none.

ORDER OF BUSINESS NO. 8 – PERSONNEL

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

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

- a) Monthly (November 19) GrassRoots clippings – **exhibit 9a**
- b) **Exhibit 9-b** annual Certificate of OBWC program coverage.
 - i) Document should be posted at the Twp’s maintenance building.

ORDER OF BUSINESS NO. 10- Old Business

- a) The Chair asked if there is 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 none
- c) The OTARMA ins coverage for 2020 is to be renewed. The fiscal officer sent OTARMA and cc:d the Trustees a request for a rate quote in Oct.
 - i) OTARMA required a form which was filled out and sent to OTARMA and Trustees on Nov. 5th.
 - ii) The Twp awaits the quote.
 - iii) The Chair asked for discussion.
 - (1) There was none.
- d) 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) Exhibit 11-b – was a notice from the City of Defiance that the current fire rescue contract expires Dec. 31st. 2019 at midnight.
 - (1) The City desires a discussion with the Twp.
 - (2) Mr. Peck met with the City on Nov 8th.
 - (3) Mr. Peck reports:
 - (a) That the City desires to have the total amount of the two fire/rescue levies for their services.
 - (b) In 2019 the amended certificate showed anticipated revenue from the two levies as \$120,900.
 - (c) Anticipated 2019 payments to the city from the levies is \$117,430.86
 - (i) \$63,430.86 for fire combat and;
 - (ii) \$54,000 for rescue readiness to serve – see 2015 contract.
 - (4) Mr. Peck stated he asked the city to prepare a document for the Trustees to review.
 - (a) As of this session the Twp. awaits that City proposal.
- b) Jason Shaffer and Tim Houck requested approval to attend the 2020 OTA winter conf. in Col. Ohio, cost for the conf. is included in the checks of this month.
 - i) Cost is \$65 each plus rooms at the Drury Inn at the Col. Convention center. Rooms were \$237.49 per night – 2 nights.
 - ii) The conf will be held Feb. 5- 8 –
 - iii) The chair asks for a motion to approval attendance and associated costs.
 - It was moved by Diane Mayer to approve attendance and cover associated costs for Shaffer and Houck.
 - Seconded by Dan Peck

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

The travel request was approved.

- c) The fiscal officer noted that he had received an email from the State Auditor that in the future all audits will include a review of the twp’s sunshine law (public records) policy to ensure that the Twp is in compliance with the State law. A copy of the email was reviewed with Trustees. The email will be on file in the November 2019 Twp meeting file.
 - i) The Chair asked for comments.

- ii) There was none.
 - d) The Chair again asked if there was any other new business.
 - i) There was none offered.
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ORDER OF BUSINESS NO. 12 - NEXT MEETING:

- a) The next regular session.

Date: Tuesday, December 17th, 2019 regular session.

To be posted on Twp web page – date changed due to scheduling conflict.

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 November 26th, 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