

Minutes
DEFIANCE TOWNSHIP TRUSTEES
December 17th, 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, December 17th, 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: John Diemer 23361 Defiance-Paulding Co. Line rd 10, Brian Grant 15168 Williams Rd. & Harry Railing 14951 Power Dam Rd., - Defiance, Ohio.

Visitors present: Patti Diemer 23361 Defiance-Paulding Co. Line Rd 10, Rhonda Shaffer 13386 State Rte 15 & 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 November 26th, 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 November - noted a primary checking reconciliation balance of \$298,363.47-- balance is minus the outstanding checks and Township investment funds & is taken from the Bank's monthly statement.
- b) Receipt report:
 - i) Receipts for December (UAN software-) were \$20,548.82.
- c) Payment reports:
 - i) Payments for December (UAN software-) were \$14,264.84.
- d) The Cash fund summary through December 15th, 2019, (UAN software) showed an "ending fund balance" of \$993,688.77.
 - i) The "cash available" for encumbrances (unencumbered fund balance- UAN software) was \$421,115.53.
- e) Appropriation Status showed that through December 15th, 2019 (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 12-15-19 was \$734,709.03.
- g) **Fiscal Officer reviewed the Supplemental Appropriations & 2nd Amended Certificate for 2019.**
 - i) 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..
 - ii) **Exhibit 3-g** 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 2019 OPWC grant funds posted to the Twp was in the amount of \$3,457.46. These OPWC grant funds were used on Def. Twp. road projects in 2019. Refer to the County Engineer letter dated 11-8-19 - part of this packet for an explanation of projects.

- iii) The OPWC grant amount has increased the previous (original) amended certificate amount of \$1,300,889.66 approved January 7th, 2019. The new amended certificate was issued by the County Auditor/Board of Control in the amount of \$1,304,344.12 dated 11-27-19. 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-g) contains:
 - (1) The County Engineer's letter (2 pages) dated 11-8 indicating the amount of OPWC funds applied to Def. Twp projects in 2019 and explains the use of OPWC funds of 2019.
 - (2) The amended certificate#1 dated January 7, 2019
 - (3) Resolution 16-2019 – approving the new amended certificate (for Trustee approval)
 - (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 #2 – approved by the Budget Commission on 11-27-2019 in the amount of \$1,304,344.12.
 - (6) A UAN appropriation status and revenue status report showing the OPWC funds posted to the 2019 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 16-2019 – attached - approves the amended certificate.
 - (1) Trustees were requested to approve attached resolution 16-2019 which will codify the posted grant.
 - (2) Trustees approved the resolution and then signed the Then and Now purchase order as presented.
 - (3) There was no further discussion.....
- h) 2019 BWC premium payment-
 - i) Part of bill packet of this session.
 - ii) Pays BWC estimate for 2020 premium in full – Twp receives a 2% discount.
 - iii) True up for 2019 payment made last December will be done in January.
 - iv) The Chair asked if there were any questions –
 - (1) There were none.
- i) The fiscal officer reminded Trustees that the Twp accounts are now closed for year-end close out. Any work/or purchases done in 2019 needs posted to the 2019 accounts. (day of purchase-not date of bill).
 - (1) Any purchases in the remainder of 2019 should be for emergency only and must be provided to the fiscal officer as soon as incurred.
 - (2) There should be no further purchases until the 2020 Twp accounts are approved by Trustees at the January 14th 2020 re-organizational/business session.
 - (3) Discussion....
 - (a) There was none
- j) December bills through the 17th, – were then reviewed & signed by Trustees.
- k) Payroll & December time cards (time cards provided trustees prior to session) – were reviewed and signed by Trustees Review.
- l) Mr. Shaffer requested a motion to accept the December 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) During the November 2019 session Trustees asked that the Twp expenses for mowing the nuisance issue with high grass and weeds on property owned by Larry Moore estate – 14036 St. Rte 111, be sent to the property care taker – Butler Realty of Defiance.
 - i) This was sent by the fiscal officer via email on 12-6-19.
 - ii) The Twp awaits receipt of payment.

- iii) There was no further discussion..
- b) December Monthly Zoning report - was presented by Mr. Diemer.
 - i) permits issued-
 - (1) 0 in Dec.
 - ii) Zoning issues:
 - (1) Land split - 1 Jake Whaham and Dan Steingass
 - iii) Nuisance violations:
 - (1) No new issues in Dec.
 - iv) Site reviews:
 - (2) None in Dec.

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;

- c) Comments or concerns from Twp. employees on current or proposed new eq &/or safety items.
 - i) Trustee Shaffer asked if the International was repaired and back in service.
 - (1) Brian Grant confirmed that the unit was repaired and ready.
 - 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 Mayer.
 - i) There were no issues reported.
 - ii) Trustees noted that operators had added berm stone to May road.
 - iii) The January report is to be by Trustee Peck.
- 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 2019 project cost estimate was for \$51,341. Actual final expenses have been posted as of this session – in the amount of \$49,311.32. (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 than estimated.		

(d) **Pavement Markings: - completed with bill attached to this session:**

(i) Cromley from St. Rt. 111 – 4,473'	\$680.75	910.09
(ii) Patches on Ball, Bowman, & Karnes	\$247.93	1,200.00
(iii) The 2019 exp for pavement marking was \$1,181.41 more than estimated	\$928.68	\$2,110.09

(e) **Total est and final expenses for 2019-** \$51,311.16 \$49,311.32

- ii) Re-build and widen 4 miles of Twp's portion of Bowman Rd. – see mins from Feb. 2018 for history.
 - (1) As of this session:
 - (a) In 2019:
 - (i) Trustees have 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.
 - (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.
 - (b) 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.
 - (c) Trustees will budget as funds allow to rebuild all four miles over a yet to be determined number of years dependent upon available funds.
 - (d) Trustees have approved the engineer's recommendation to widen the road to 20'.
 - (e) Trustees also agreed to adopt the engineer's office policy regarding the moving of drive drain pipes.
 - (i) Drive pipes replaced free – if pipe is for drive only. (open ditch on remainder of property.)
 - (ii) \$1 per foot for a 12" diameter pipe - if land owner wants pipe instead of open ditch across the property.
 - (f) Trustees agreed that the Engineer will manage the project based on the funding the Twp commits, at the Engineer's discretion.

(2) The Engineer's Office did not provide a project update for the December session.

(3) Mr. Shaffer asks if there is any additional discussion regarding the Bowman Rd re-build project?

(a) The only work completed in 2019 was notification of project letters.

(b) The Twp did not receive any billing on this project in 2019.

- iii) Total expenses for co Eng work on twp behalf in 2019 as of this session is less than \$10k (additional patching, rd work as requested by Trustees) other than as noted above. + \$49,311.32 from project list from the Co. Engineer – see exhibit 6-b of the April 23rd, 2019 session.

(1) Discussion ??

(a) There was none.

c) Twp projects for 2020 by Co. Engineer, Twp staff or other contractors:

- i) **Exhibit 6-c-** was from the Co. Engineer's office requesting a listing of projects the Trustees would like the Engineer's to address in 2020. The letter is dated 12-4-19 – and has attached current estimated supply prices for projects.
 - (1) The project list is to be returned to the Engineer's office by Feb. 3rd, 2020.
 - (2) Will discuss with the Co. Engineer.
 - (3) There were no other projects proposed at this session.

d) 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 \$203,652.46

(2) Total road fund expenses year to date are \$145,654.35

(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

(2) The State's increase in gas tax in July 2019 resulted in greater than anticipated revenue.

- iii) expenses for 2019 – as of this session:

(1) Regular twp. expenses for this report are anticipated to be for the year baring emergencies – the estimate for 2020 – based on historical review, was placed at between \$70,000 and \$100,000 – would include Twp projects listed above & also completed so far this year.:

(2) \$49,311.32 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 Dec session is 0 – as no billing has been submitted by the Co. Engineer and no work has been reported.

(a) Only the letter notifying residents of the project.

- (4) Total road fund(s) expenses through the Dec. 17th session:
 - (a) Were \$145,654.35
 - (i) Initial estimate was – based on anticipated work on the Bowman rd project - from \$240,000 to 290,000k if there were no additional projects added..
- e) **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.**
 - (ii) Total value of work per the engineer’s letter dated November 8th, 2019 –for the amended certificate was \$3,457.46.
 - 1. Amount is before discount per the Engineer’s program.
 - (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?
 - (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
 - 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) At the November session..
 - (a) Twp. Operator Buchholtz stated if weather allowed the operators may attempt to remove the trees at Cromley cemetery.
 - (4) December Update....
 - (a) No work was done on this project in December.
 - 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 (December 19) GrassRoots clippings – **exhibit 9a**
- b) **Exhibit 9-b** notice from Co. Engineer of the annual Co. Twp Trustee Association and Co. Elected Officials meeting –
 - i) To be held Jan 16th, 2020
 - ii) 6 p.m.
 - iii) Co EMA building
 - (1) 22491 Mill St. Defiance, Ohio 43512
 - iv) Cost is \$10 at the door.
 - v) An rsvp is requested?
 - (1) Trustees asked the fiscal officer to rsvp that all Def. Twp elected officials will attend.

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) Mr. Peck reported there was no update at this time.
- 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) **Exhibit 10-c** is an email response from OTARMA – the Twp. may expect the 2020 premium quote in Jan.
 - ii) The fiscal officer stated that he had received an email with the quote (this was forwarded to Trustees via email on 12-17-19) and is presenting this information as **exhibit 10-c-2** of this session.
 - (1) The OTARMA quote was for the same coverage as that of 2019 in the amount of \$3,646. The 2019 premium was for \$3,530.
 - (2) The Chair asked for discussion.
 - (a) Trustees reviewed the document and accepted the current coverages as proposed for the premium quoted.

Trustee Peck moved to accept the proposed quote for OTARMA insurance coverage of the Twp. in 2020.

Trustee Mayer seconded

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

The proposed Insurance premium and coverages were approved.

- d) OTARMA’s Kim Arnold conducted a safety review of the Twp in July 2020.
 - i) The fiscal officer received recommendation letters on November 21st, 2019
 - (1) Recommendations for loss control – **exhibit 10-d-1**:
 - (a) Discussion
 - (b) Trustees stated it was their position that State Law and the Twp’s current policies provide sufficient protection for the Twp. additional policies do not seem warranted at this time and would impeded timely responses to Twp issues.
 - Trustee Peck moved to table exhibit 10-d-1 “loss control recommendations” dated November 21st, 2019, of the 7-23-19 site review by OTARMA.
 - (2) Recommendations for twp property – **exhibit 10-d-2**:.
 - (a) Discussion
 - (i) Trustees instructed operators to modify the welding cart as recommended. Photo the modified cart and email to fiscal officer. The fiscal officer will email to OTARAMA.
- e) At the November 2019 Twp meeting – Trustees discussed a notice from the City of Defiance that the current fire rescue contract expires Dec. 31st. 2019 at midnight.
 - i) the City desires to have the total amount of the two fire/rescue levies for their services.
 - (1) In 2019 the amended certificate showed anticipated revenue from the two levies as \$120,900.
 - (2) Anticipated 2019 payments to the city from the levies is \$117,430.86
 - (a) \$63,430.86 for fire combat and;

(b) \$54,000 for rescue readiness to serve – see 2015 contract.

(c) As of this session the Twp. awaits the City proposal.

ii) The Chair asked if there is any update...

(1) Trustee Peck stated he had been in contact with the Mayor and was told that new language would be presented sometime in the future. The current costs will remain in effect until that time.

(2) Mr. Peck asked that this item be removed from future agendas until the City has provided the new language.

(3) Trustees concurred.

f) 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) The fiscal officer stated he was having difficulty in finding an IT firm to assist with the Twp's computer needs. Trustees had approved the fiscal officer to use IT service when necessary early in 2019.

(1) Trustees approved the fiscal officer to continue to search out the assistance needed.

(2) It was suggested that Arend Enterprises of Mark Center, Ohio, and/or Brantz Computers of Bryan be contacted.

b) The Chair again asked if there was any other new business.

i) There was none offered.

ORDER OF BUSINESS NO. 12 - NEXT MEETING:

a) The next regular session.

Date: Tuesday, January 14th, 2020 business and re-organizational session.

To be posted on Twp web page.

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 December 17th, 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