

RECORD OF PROCEEDINGS

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

December 10, 20 2012

The regular meeting was called to order at 7:00 P.M., at the Township Hall, 12102 S.R. 725 West, Germantown, Ohio, by Board President Randy Benson with the Pledge of Allegiance. Trustees Randy R. Benson, Benjamin F. DeGroat, Gregory A. Hanahan and Fiscal Officer Robert W. Rohrbach Jr. . Road & Service Department Superintendent Jeremy Holbrook and Acting Police Chief Joe Andzik were also present.

This meeting was digital tape recorded and the CD is on file. The Germantown Press, Dayton Daily News, and Middletown Journal were notified of the meeting.

SPECIAL RECOGNITION – Retired Police Chief William Lewis Wilcox

- I. Acting Police Chief Joe Andzik, on behalf of the current and past employees of the German Township Police Department, thanked retired Police Chief Wilcox for his many years of dedicated leadership and mentoring that he provided during his 40 years of service. A/C Andzik then presented Chief Wilcox with a Memorial Smith Wesson Pistol engraved with his name and the Township Logo, inside a decorated display case. Note: the weapon was purchased with private donations from current and past police employees, and the Board of Trustees.

II. Mr. Hanahan introduce RESOLUTION 2012-045:

A Resolution recognizing, congratulating, and thanking Police Chief William Lewis Wilcox for his dedicated service to the Citizens of German Township, the members of the German Township Police Department, and the surrounding communities from 1972 until his retirement in 2012, was presented by Mr. Gregory A. Hanahan, seconded by Mr. Benjamin F. DeGroat, during the regular meeting of the German Township Board of Trustees held on December 10, 2012 at the Township Hall.

WHEREAS, the German Township Board of Trustees hired William Lewis Wilcox as a patrol officer in 1972 and promoted him to Police Chief in 1975; and

WHEREAS, Chief Wilcox continually completed many training opportunities to improve himself, as well as to better the police department, and departmental relationships with the Citizens of German Township. Examples include the Ohio Chiefs of Police - Police Executive Leadership College and the Chief Law Enforcement Executive program; and the Federal Bureau of Investigation National Police Academy; and

WHEREAS, Chief Wilcox actively participated in the Ohio Chiefs of Police Association, the Ohio Investigators Organization, the National Arson Investigators Association, the National Chiefs of Police Association, the FBI National Academy Associates, and other professional organizations; and

WHEREAS, Chief Wilcox has dedicated himself to the betterment of the German Township Community, by serving on several task forces and having worked on several joint investigations, including the Ohio Organized Crime Task Force and several FBI Task Forces; and

WHEREAS, Chief Wilcox led the German Township Police Department to Accreditation by the Commission on Accreditation for Law Enforcement Agencies, with four successful reaccreditations (the smallest agency to be accredited in the United States); and

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WHEREAS, over the years, Chief Wilcox has developed a relationship of respect and friendship with the Citizens of German Township, beyond the norm of most Law Enforcement Executives. He believes in and lives the philosophy of Community Policing. He oversaw the implementation of several community programs, i.e. Citizens Emergency Response Teams, Citizen Police Academies, Country Santa, July 4th activities, and Our Neighborhood Alert; and

WHEREAS, Chief Wilcox has elected to retire in October 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE GERMAN TOWNSHIP BOARD OF TRUSTEES THAT:

SECTION 1, the German Township Board of Trustees recognizes, congratulates, and thanks Police Chief William Lewis Wilcox for his many years of dedicated service to the Citizens of German Township, the members of the German Township Police Department, and the surrounding communities from 1972 until his retirement in 2012.

The adoption vote was as follows: Gregory A. Hanahan – Yes, Randy R. Benson – Yes, Benjamin F. DeGroat – Yes; RESOLUTION 2012-045 passed.

Mr. Hanahan then presented a framed copy of the above resolution to Chief Wilcox.

Mr. DeGroat then presented Chief Wilcox with his retirement badge.

Mr. Benson then presented Chief Wilcox with a large plaque commemorating the Chiefs service from 1972 until 2012.

All Board members then personally congratulated and thanked Chief Wilcox for his many years of dedicated service, wishing him well in his future endeavors.

RECESS: At 7:15 PM Mr. Benson recessed the meeting to allow pictures and visitors to congratulate the Chief.

RECONVENE: At 7:40 PM Mr. Benson reconvened the meeting.

VISITORS – Tom & Kathleen Tiller of 8175 Germantown Pike; Scott Hall of 10330 Carlisle Pike; Russell Davis of 7788 Preble Co. Line Rd.; and Bernie and Debbie McGuire of 8085 Hinkle Rd.

VISITOR COMMENTS –

I. Mr. Tiller presented the Board with a plaque thanking the Board and the Township Police Dept. for their assistance during the 2012 Annual Germantown Country Classic 17K run held on Oct. 20, 2012.

II. Mr. Davis requested the Board to view a line fence between his property at 7788 Preble County Line Rd. and his neighbor at 7816 Preble Co. Line Rd. He went on to explain that his neighbor put up a fence 4 years ago to keep his horses enclosed. He placed wood posts and electric fencing in the front of the property. He further stated the fence was placed on his side of the property

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line. The fence has fallen in to disrepair and the horses keep getting out. He requested Trustee action to have the fence removed, also noting that the electric fence on the front of the property is "illegal". He further noted he is working with the Zoning Dept. reference several zoning violations on his neighbor's property.

Mr. Hanahan discussed the line fence procedure and past history of line fence issues in the Township. He further recommended that the Board contact the Asst. Prosecutor Doug Trout to rule on if this is a trustee or civil matter between neighbors. The Board advised Mr. Davis that they would follow-up and if it is deemed to be a line fence issue, schedule an inspection.

III. Mr. McGuire opened a discussion regarding a flyer that was placed in his mailbox regarding zoning issues regarding Landscape businesses in the Township.

The Board advised they were aware of the flyer, but it was not distributed by the Township. They further noted any proposed changes in the Zoning Resolution would be preceded by the proper legal advertisements and mailings.

Mr. McGuire then proceeded to complain about Jason DeGroat, of Prichard Rd., placing semi trailers between Jason's mothers house and at Darrell McGuire's property line, partially blocking McGuire's access lane and view. He further noted that Mr. DeGroat placed a step van in front of Mr. McGuire's house. That Mr. DeGroat was harassing his brother. He also reported that Mr. DeGroat has installed a swimming pool without placing a fence around it as required. He noted that the Zoning Inspector is working on both issues. He concluded his remarks on this issue by stating that Mr. DeGroat has purchased the property from his brother Darrell.

Mr. McGuire also reported that Mrs. Rohrbach is investigating a complaint that his neighbor, Mr. Simpkins, has built a "chicken house" near the property line, but is using it as a storage shed, in violation of the Zoning Resolution.

The Board thanked Mr. McGuire and Mr. Davis for their bringing their issue to the Board, asked them to be patient that their issues would be addressed, and then reminded both that the Zoning Department only operates 10 hours per week, due to reductions in the General Fund income streams and

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the failure of a General Fund levy several years ago.

MINUTES –

The Board reviewed the minutes of the October 30, 2012 Special Meeting and the November 10, 2012 Regular Meeting.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve the minutes of the October 30, 2012 Special Meeting and the November 10, 2012 Regular Meeting as submitted. After discussion, all present voted in favor, **MOTION** passed.

FISCAL OFFICER REPORT –**I. Correspondence:****IN**

- A. OTA – Dec Grassroot Clippings
- B. Gottschlich & Portune, LLP – request for notice of any meeting regarding zoning issues.
- C. Secretary of State – Issue information
- D. City of Germantown – invitation for 2012 Christmas in the Park event Dec. 8
- E. Great Miami Rivershed Network – 2013 meeting announcements
- F. Time Warner – 3rd Qtr Franchise fees
- G. Auditor of State – request for detailed report for distribution of funds to Germantown
- H. Mont. Co. Prosecutor Victoria Watson – Notice of law suit filing against, the Twp., Zoning Inspector, and Nolans.
- I. Mont. Co. Board of Elections – Pool Levy certification – failed 2051 for & 2178 against
- J. Mont. Co. Auditor – 2012/2013 Taxable Values & Tax comparison, Annual update meeting announcement, tax advance resolution request
- K. Wireless Capital Partners, LLC – tower sales inquiry
- L. Emiley Helmers – 6th grader asking for donation so she can attend the 2013 National Youth Leaders State Conference in Columbus
- M. MCTA – announcement of December 13 supper meeting.
- N. American Rock Salt – thank you for awarding our road salt contract????
- O. Montgomery Co. Commission – Suspension of ED/GE for 2013

OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 10/30, 11/12 & 12/10
- B. City of Germantown – 10/30 and 11/12
- C. Monthly – IRS, State, School, OPERS reports & payments
- D. Montgomery Co. Auditor – 2013 Amended Amounts & Rates resolution 2012-43

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II. Distribute Financial Reports:

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to approve the financial reports and authorize the payment of the bills, checks 45081 thru 45170. After discussion, all present voted in favor. **MOTION** passed.

- III.** Mr. Rohrbach presented the 2012 appropriation amendments for approval. Mr. Hanahan introduced **RESOLUTION 2012-46**, seconded by Mr. DeGroat, to approve the amendments to the 2012 Appropriation Resolution 2012-001 as presented (attached) by Mr. Rohrbach. After discussion, the adoption vote was as follows: Mr. Hanahan – Yes, Mr. DeGroat – Yes, Mr. Benson – Yes; **RESOLUTION 2012-46** passed. The Board directed Mr. Rohrbach to file said appropriation amendments with the Montgomery Co. Auditor.

- IV.** Mr. Rohrbach requested a motion to approve Township Personnel attendance at the Ohio Township Association Winter conference at Township expense.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan, to approve Township Personnel attendance at the Ohio Township Association Winter conference at Township expense. After discussion, all present voted in favor, **MOTION** passed.

- V.** Mr. Rohrbach reminded the Board of the upcoming Montgomery Township Association December dinner meeting on Dec. 13th. He also requested a motion to approve the purchase of center pieces from the General Fund for the tables, to be given away as door prizes.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to approve the purchase of center pieces from the General Fund for the tables, of the Montgomery County Township Association December dinner meeting, to be given away as door prizes at the end of the meeting. After discussion, all present voted in favor, **MOTION** passed

- VI.** Mr. Rohrbach noted that with the failure of the Pool Levy, that if the Township does not participate a new levy, that by contract, the Pool Oversight Committee will be disbanded, upon depletion of all current pool

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levy funds.

- VII.** Mr. Rohrbach requested a resolution to advance tax receipts from the Montgomery Co. Auditor monthly, during 2013.

RESOLUTION 2012-47 authorizing the Montgomery County Auditor Office to advance the maximum available amounts of the Real Estate Taxes, Personal Property Taxes, Estate Taxes, and the Fines on a monthly basis during 2013; was introduced by Mr. Hanahan and seconded by Mr. DeGroat, during the Regular Board of Trustees meeting held on December 10, 2012.

After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. RESOLUTION 2012-47 passed.

- VIII.** Mr. Rohrbach asked the Board to establish the 2013 Organizational Meeting. The Board established January 2, 2013 at 10:30 AM for the meeting. The Board also cancelled the Regular Jan 14th meeting, noting a special meeting can be called if necessary.

- IX.** Mr. Rohrbach reminded the department heads that all invoices, packing slips, charges, statements from vendors, etc. for 2012 must be submitted upon receipt so they can be paid during FY 2012.

PRESIDENT REPORT –

- I.** ~~Mr. DeGroat~~ ^{Mr. DeGroat} reported that ~~he~~ ^{Mr. DeGroat} has been contacted by Ken Hewitt on Diamond Mill Rd. asking for information on how to reverse the annexation of his property, into the City of Germantown.

The Board discussed the issue and felt the best advice to give Mr. Hewitt was for him to contact an attorney, as he would need to initiate any action.

- II.** Mr. Benson reported he has been investigating the prices of LP Gas for the Township. He has received four quotes, Earnhart in Troy @ \$1.40; Century in Moraine @ \$1.42; Apollo @ \$1.70 and Kuhn Co. @ \$1.90. The Board also discussed the purchasing an above ground tank for the Road Garage.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to fill the underground tank by Century @ \$1.42 per gallon, and for Mr. Benson to negotiate a season price with Century and to obtain the cost of replacing the tank for the Road Dept. After discussion, all present voted in favor, **MOTION** passed.

- III.** Mr. Benson reported on being contacted by Kevin Rhoades regarding his

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concern that the road berm of Germantown Farmersville Pike is too narrow, in the area of the Church of God. Mr. Benson has contacted Mr. Ed Petry of the Mont. Co. Engineer Office and they have agreed to look into the issue. Mr. Benson will attempt to get Ed and Kevin in contact with each other.

POLICE REPORT –

- I. Acting Chief Andzik reported that he participated in the Career Day at the Valley View High School. He delivered four, twenty five minute sessions about a career in law enforcement. Each session contained about thirty students.
- II. Acting Chief Andzik reported that the police department is still reviewing alternative projects to address department needs, since the building project came in over budget and was cancelled.
- III. Acting Chief Andzik reported they are still trying to secure a taser instructor to train the officers.
- IV. Acting Chief Andzik reported that the Ohio Prescription Drug Drop Box cannot be used until it can be secured to the building.
- V. Acting Chief Andzik reported that the Santa in the Country, with pancakes and hot chocolate on December 1, 2012 was successful, but not as well attended as last year. Approx. 100 children attended.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook updated the Board on the Eckhart Road Issue II project. He requested a resolution thanking Weidle Corp. for donating approx. \$33,312,.00 in materials and labor to ensure the quality of the aggregate sub base was strong enough to support traffic generated in that area.

Mr. DeGroat introduced a **RESOLUTION 2012-048**, seconded by Mr. Hanahan, to recognize the Weidle Corporation for the work and materials that were donated for the improvements of the Eckhart Road Phase 1 (extension) Project.

WHEREAS, the German Township Board of trustees secured a fixed amount of grant monies from the Ohio Public Works Commission to complete the Eckhart Road Improvement Phase 1 (extension) Project, and

WHEREAS, additional work and materials were found to be needed to support the new road structure, and

WHEREAS, The Weidle Corporation performed 1388 cubic yards of

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sub grade excavation, hauled and placed 1388 cubic yards of aggregate sub base at no cost to German Township.

NOW, THEREFORE, THE GERMAN TOWNSHIP BOARD OF TRUSTEES, MONTGOMERY COUNTY, HEREBY RESOLVES:

SECTION 1, that the Board of Trustees recognizes , thanks, and commends The Weidle Corporation for their generous contribution to the citizens of German Township, by donating \$33,312.00 worth of material a and labor for the improvement of Eckhart Road in German Township.

After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes, RESOLUTION 2012-046 passed.

II. Mr. Holbrook provided a draft of the Road Dept. 2013 budget.

III. Mr. Holbrook requested that the Craftsman wet/dry vacuum – asset # 707 be declared surplus and removed from the inventory do to the motor having burnt up; and the Dewalt 18 volt reciprocating saw, asset # 998 be declared surplus and authorize the sale on GovDeals.com.

Mr. DeGroat introduced **RESOLUTION 2012-049**, seconded by Mr. Hanahan, to declaring the items as listed above, surplus and authorizing Mr. Holbrook to dispose of as noted above. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes, RESOLUTION 2012-049 passed.

ZONING & TRASH COLLECTION REPORT - none

OLD BUSINESS:

- I. Mr. Hanahan reported on Valley View Water & Sewer District activities:
- They are working on the Eby Rd./Sunbury project
 - The water tower has been removed from Miami Twp. and is in storage.
 - In process of filling a vacant Board position
- II. Mr. DeGroat reported on Parks Oversight activities. He stated he had donated the time and equipment to seed the bare spots of the old soccer fields in Kercher Park.
- III. Mr. Hanahan opened a discussion regarding the possibility of meeting with the City of Germantown Council during/as a part of the Council annual retreat. Mr. Benson will follow up on the idea.

NEW BUSINESS: none

EXECUTIVE SESSION –

- I. At 8:50 PM Mr. DeGroat presented a **MOTION**, seconded by Mr. Hanahan, to enter into executive session to discuss personnel issues related to

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the vacant Chief of Police position. After discussion, all present voted in favor, Motion passed.

II. At 9:30 PM Mr. Hanahan presented a MOTION to reconvene the meeting, seconded by Mr. DeGroat. After discussion, all present voted in favor, MOTION passed.

OLD BUSINESS – CONTINUED:

IV. Mr. Hanahan introduced a MOTION, seconded by Mr. DeGroat, to begin a search within the German Township Police Dept. to fill the vacant German Township Police Chief Position. With all current GTPD sworn officers that meet the criteria that follows, being eligible to apply. Candidate must have completed an Associate Degree or higher in Law Enforcement or a related field; possess a valid Ohio Drivers License; possess a current OPOTA Certification; and living or willing to re-locate within a 30 minute drive time to the Township. Compensation to be negotiated. Resume must be submitted to the Fiscal Officer by January 15, 2012. After discussion, all present voted in favor, MOTION Passed.

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 9:32 P. M.

Signed: _____

Attest: _____

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- II. At 9:30 PM Mr. Hanahan presented a **MOTION** to reconvene the meeting, seconded by Mr. DeGroat. After discussion, all present voted in favor, MOTION passed.

OLD BUSINESS – CONTINUED:

- IV. Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to begin a search within the German Township Police Dept. to fill the vacant German Township Police Chief Position. With all current GTPD sworn officers that meet the criteria that follows, being eligible to apply. Candidate must have completed an Associate Degree or higher in Law Enforcement or a related field; possess a valid Ohio Drivers License; possess a current OPOTA Certification; and living or willing to re-locate within a 30 minute drive time to the Township. Compensation to be negotiated. Resume must be submitted to the Fiscal Officer by January 15, 2012. After discussion, all present voted in favor, MOTION Passed.

ROAD DEPARTMENT – CONTINUED

- IV. Mr. Holbrook reported that the Township display in Christmas in the Park at Veterans Memorial Park in Germantown was well received.
- V. Mr. Holbrook reported that the South West Ohio Purchasing 4 Government has awarded American Rock Salt Co., LLC the German Twp. Salt contract for 2013.
- VI. Mr. Holbrook reported he is working with Mont. Co. Engineer Office on the 2012 Partnership Pool payment.

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 9:32 P. M.

Signed:

Randy R. Benson

Attest:

[Signature]