

RECORD OF PROCEEDINGS

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

AUGUST 10,

20
2015

The regular meeting was called to order at 7:00 P.M., at the German Township Hall located at 12102 SR 725, Germantown, Ohio by Board Vice President Benjamin F. DeGroat with the Pledge of Allegiance. Trustees Randy R. Benson, Jacob C. Stubbs, Benjamin F. DeGroat, and Fiscal Officer Robert W. Rohrbach Jr. were present. Zoning Inspector Cheryl Watson, Police Chief Joe Andzik and Road & Service Superintendent Jeremy Holbrook were also present. The audio of this meeting was digital recorded and on file. The Germantown Press and Dayton Daily News were notified of the meeting.

VISITORS – Lynn Cleveland of 11858 Oxford Rd.; Mark Keener & Michelle Montgomery of 7865 Jamaica Rd.; David Gehron of 14239 Kiefer Rd.; Lloyd Johnson of 7404 Browns Run Rd.; Linda J. Watson of 8777 Oak Dr.; Mark Heistand Germantown City Council; Beverly & Mary Abner of 8850 S. Main St.; Joy Harris of 6707 Little Twin Rd.; Mark Haffner of 6907 Little Twin Rd.; and Mark Cross of 7444 Stiver Rd.

NUISANCE ABATEMENT HEARINGS:

Mr. Stubbs explained the procedure for the nuisance abatement hearings, advising that all persons testifying must provide their name, address, be sworn in, and address only the Board regarding the facts as they relate to each case.

1. 6707 Little Twin Rd. Parcel ID D14 00705 0044 – Owned by Joy and Neil Harris - Fence Issue (the following is a synopsis of the testimony)

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Stubbs, to reconvene the hearing. After discussion all voted in favor, **MOTION** passed. Mr. Stubbs updated Mr. DeGroat on the previous proceedings.

A. Zoning Inspector Cheryl Watson, was sworn, she stated that the fence is still nailed to live trees, some nails removed but not all, sections at issue are still unstable, and it totally blocks the neighbor's view of the river. Ms. Watson provided pictures taken earlier today to the Board of Trustees.

B. Mrs. Joy Harris of 6707 Little Twin Rd. was sworn. She stated that all nails that could be reached were removed, with some high ones bent over; and that she is working with the Army Corps of Engineers on the permit to repair the bank so the fence can be secured. She stated that the permit

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is about complete and ready for submittal and that the Corps is working with her on the submittal.

- C. Mark Haffner of 6907 Little Twin Rd. was sworn and stated that the fence is nailed to live trees and displayed pictures. Mr. Haffner began discussing issues about the variance; blocking his view etc., and was reminded to keep his testimony to the issues of the current condition of the fence.

Mr. DeGroat introduce a **MOTION**, seconded by Mr. Stubbs, to close the hearing. After discussion all voted in favor, **MOTION** passed.

Mr. DeGroat introduced **RESOLUTION 2015-47**, seconded by Mr. Stubbs to declare a nuisance at the property located at 6707 Little Twin Rd., Parcel ID D14 00705 0044 consisting of the fence in question. The nuisance being protruding nails, partially abated; 60 feet of improperly supported fence; and the remaining fence built with the rough side facing toward the neighbors. The Board gave fourteen days to abate or remove the 60 feet of fence and to reverse the remaining sections of fence; and to authorize the Township to complete the abatement after 14 days; with the costs being filed with the Montgomery County Auditor, as an assessment to be placed on the tax duplicate of the property.

During discussion:

Mr. Stubbs stated that he believes all but the 60 foot portion of the fence is fine and permission was obtained to build the fence by way of a variance. However the condition of the 60 foot section constitutes a nuisance and needs to be abated.

Mr. DeGroat stated the fence is unsafe and blocks the view of the neighbor.

After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – Yes. **RESOLUTION 2015-047** passed.

VISITOR COMMENTS –

- I. Mr. David Gehron asked two questions at the end of the meeting:

He keeps hearing that there is a revenue issue with the Road Dept. – is there data that can be provided to the citizens to support an additional levy. Mr. Holbrook answered yes and gave several of examples.

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~~His second question was regarding the Valley View Water & Sewer~~

District update – would any debt assumed by the Township be paid from the General Fund – Mr. Rohrbach replied in the affirmative.

II. Mrs. Harris asked at the end of the meeting – to Mr. Stubbs – did he comment that the fence can be re-installed with the permission of the Corp of Engineers- Mr. Stubbs replied yes.

III. Mr. Cross asked if the Township was involved with the Attorney General in the highway salt law suit – Mr. Holbrook advised yes, with a short explanation.

Mr. Cross noted that the Germantown street levy had failed and would be on the November 3rd ballots.

Mr. DeGroat commented to Mr. Heistand that maybe the City and Township should work together on levies after the November 3rd election.

MINUTES –

The Board reviewed the minutes of the July 13, 2015 Regular Meeting.

Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs, to approve the minutes of the July 13, 2015 Regular meeting as corrected. After discussion, all present voted in favor, **MOTION** passed.

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

- A. OTA – August Grassroot Clippings
- B. ISO – Fire Public Protection Classification report
- C. Time Warner Cable Co. – 2nd qtr Franchise fees (\$2,162.36)
- D. OTARMA – Fiscal Officer bonding application.
- E. Robert Rohrbach – Retirement/Resignation
- F. Montgomery Co. Commission – Dispatch contract for signature
- G. MARCS – Tower lease contract for signature

I. OUT

- A. Germantown Press & DDN - Mtg. reminders 8/10
- B. City of Germantown – 7/13 minutes
- C. Monthly – IRS, State, School, OPERS reports & payments
- D. Mont. Co. Auditor – Res. 2015–40 Waive Budget Commission Hearing

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- E. Miami Valley Communications Council = Res. 2015-38 to join the Montgomery County Regional Radio Council
 - F. Montgomery Co. Commission – Res. 2015- 41 Dispatch contract
 - G. MARCS – Res. 2015 – 36 Tower land lease contract
 - H. Montgomery Co. Board of Elections – Res. 2015-039 File Police Levy
 - I. Ohio Historical Connection – Revised record retention schedule RC2.
- II. Distribute Financial Reports:** 2015 YTD – Cash Summary by Fund, Fund Status, and Monthly payment report.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Stubbs to approve the financial reports and authorize the payment of the bills, checks 47338 thru 47388 including employee payroll direct deposits payments and payroll tax EFT's. After discussion, all present voted in favor, **MOTION** passed.

- III.** Mr. Rohrbach requested a motion to accept his resignation effective August 31, 2015 as submitted.

Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to accept the resignation of Fiscal Officer Robert Rohrbach effective August 31, 2015. Under discussion the Board thanked Mr. Rohrbach for his 24 years of service and felt he would be missed. After discussion, all present voted in favor, **MOTION** passed.

- IV.** Mr. Rohrbach updated the Board on the Montgomery County Amateur Radio Emergency Services, Inc. project. The station is almost complete and has been used a couple of times to support German Township CERT training. An open house should be schedule soon.

- IV.** Mr. Rohrbach reported that Asst. Prosecutor Ketter is unsuccessfully searching for an ORC section to allow the Townships to assume the remaining debt of the Valley View Water and Sewer District. Mr. Rohrbach has asked Mr. Ketter to contact the bond attorney Mr. Dennis Schwailee. He is awaiting further information. Mr. Schwailee has provided information regarding using ORC 505.705.

Mr. DeGroat reported that the Valley View Water and Sewer District has requested German and Jackson Township to consider assuming the remaining debt owed by the VVWSD. He reported that the beginning debt was approx. \$675,000 and has been successfully reduced to approx. \$315,000; but the

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~~final number has not yet been verified.~~

The Board took no action pending a ruling by Mr. Ketter.

- V. Mr. Rohrbach opened a discussion regarding the need to appoint a Fiscal Officer to complete his unfinished term. He further reported that Mr. Mark Keener has submitted a petition to run for the office of Fiscal Officer in the November 3, 2015 election and has received a verbal confirmation that his petition will be certified at the next meeting of the Board of Elections. Mr. Keener is the only candidate running for the office of Fiscal Officer. Mr. Rohrbach then recommended that the Board appoint Mr. Keener to fill the unexpired portion of Mr. Rohrbach's term, from September 1, 2015 until March 31, 2016; at which time Mr. Keener will assume his own elected term.

Mr. DeGroat introduced **RESOLUTION 2015-48**, seconded by Mr. Stubbs to appoint Mr. Mark Keener of Jamaica Rd. as Fiscal Officer to fill the un-expired term of Mr. Rohrbach, from September 1, 2015 until March 31, 2016. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-48** passed

PRESIDENT REPORT –

- I. Mr. Benson reported on his attendance at the Germantown Union Cemetery Board meeting. He noted the receipt of 16 applications for the Business Office position vacated by the retirement of Mr. Hurley. The Cemetery Board has chosen six to be interviewed. The mowing and weed eating continues.
- II. Mr. Benson discussed the boater safety class. Potentially there can be a class next spring. It will cost \$5 per attendee.
- III. Mr. Benson briefly discussed the ISO Insurance rating report.
- IV. Mr. Benson opened a discussion on LP gas versus Natural Gas now available to the Township. The Board asked him to continue investigating the best value of both.
- V. Mr. Benson provided a ED/GE grant update. Mr. Mersch is working on the paperwork for a submittal for funds.

POLICE REPORT –

- I. Chief Andzik reported that a police levy committee has been formed by

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~~Greg Helmers, Delone Jones, and John Skapiak, with Mr. Skapiak serving as treasurer.~~

- II. Chief Andzik reported that Shred-it advised that their prices are their prices and would not reduce them to compete with Earth System Shredding. He recommended changing to Earth System at considerable savings.

Mr. DeGroat introduced **RESOLUTION 2015-50**, seconded by Mr. Stubbs, to contract with Earth System Shredding of Franklin Ohio for document shredding. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-050** passed.

- III. Chief Andzik reported on the receipt of the police cruiser bids from Interstate Ford in Miamisburg and Statewide Ford in Wapakoneta. Interstate Ford was the lowest bid on the car, with no delivery charge as they are local. The Chief recommended the Interstate Ford bid be accepted.

Mr. DeGroat introduced **RESOLUTUION 2015-49**, seconded by Mr. Benson, to accept the Interstate Ford bid for a 2016 Police Utility Vehicle at a cost of \$25,999.00; as the lowest and best bid. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-049** passed.

- IV. Chief Andzik provided updated information on the grant that the Office of Emergency Management is making available for weather sirens. The funding will allow for approx. 25 sirens statewide. He noted that 18 jurisdictions in Montgomery Co. were requesting sirens. Based on a priority listing, we will score very low on the list.

- V. Chief Andzik reported that the keyless entry system for the front door and the holdup/panic alarms have been installed by ADT. After the meeting he distributed key cards and explained the function of the alarms.

- VI. Chief Andzik thanked the Road & Service Department for their continued maintenance on the police vehicles. Doing the service in house has provided a substantial savings for the Police Dept.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook updated the Board on the Friend Rd. P1D Issue II project. He attended the pre-construction meeting with Barrett Materials who is

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~~hoping to start construction in Mid-September.~~

II. Mr. Holbrook reported on his and Scott Hamilton attendance at an ODOT LTIP Training seminar on culvert inspection and inventory.

III. Mr. Holbrook reported that the crack seal program has begun on South Butter St.. Compared to contracting the crack sealing out – the Township is saving a substantial amount of money, due to the vendor loaning the machine with the purchase of the materials.

IV. Mr. Holbrook reported that he has scheduled the culvert replacement for Michael Leach on Eby Rd.

ZONING REPORT _ none

TRASH COLLECTION REPORT -

I. Mr. Stubbs reported on the need to raise the amount that is used to consider delinquency of trash payments to be used for the property tax assessment. The current amount is \$100.00. He requested an increase to \$150.00.

Mr. Stubbs introduced **RESOLUTION 2015-51**, seconded by Mr. DeGroat to increase the amount to be used as the threshold of delinquent trash payment/billing to \$150.00 for property tax assessment purposes. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-51** passed.

OLD BUSINESS:

I. Mr. Stubbs reported that the July pool oversight meeting was cancelled due to the lack of a quorum.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 8:07 P. M.

Signed: Randy Benson

Attest: [Signature]

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