

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC. FORM NO. 1014H

Held

July 12
June 14,

2010

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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. were present. Zoning Inspector Laurie Rohrbach, Police Chief W. L. Wilcox, and Road & Service Superintendent Jeremy Holbrook were also present.

This meeting was audio tape recorded and the CD is on file.

The Germantown Press, Dayton Daily News, and Middletown Journal were notified of the meeting.

VISITORS – Brian & Becky Kinder of 11957 S.R. 725; Lynn Avery of 12182 Oxford Rd.; Jason DeGroat of Prichard Rd.; Pamela & Roger Bateman & Kevin Reeder of 313 Brentwood Ave., Piqua; David & Georgia Ford of 8912 Cadet Cir., Huber Heights; Sara & Anderson Bateman of 612 N. Scott St., New Carlisle; Larry Osborne Jr. of 7670 Shadow Creek Dr., Hamilton; Rick Wheeler of 5090 Remoha Rd. Cincinnati; Larry & Brenda Osborne of 8495 Greenbush Rd., Somerville; Toby H. Saylers of 111 Fiord Dr., Eaton; Jean & Paul Campbell & Paul Stephan of 5691 Omeno Dr., Franklin; and Village of Germantown Mayor Ted Landis; Council Members – J. Brian Wafzig, Mike Kuhn, Steve Boeder, Terry Johnson; Village Manager Anne Sizemore.

JOINT MEETING WITH VILLAGE OF GERMANTOWN –

The Village officials called their meeting to order.

- I. A discussion was held regarding the time table to renew the Senior Citizens Levy. Mr. Rohrbach provided the following information on levies:

Road Levy expires 12/31/2010 funding ends 12/31/2011

Pool Levy expires 12/31/2011 funding ends 12/31/2012

Senior Levy expires 12/31/2012 funding ends 12/31/2013

Parks Levy expires 12/31/2012 funding stops 13/31/2013

The Township Board noted later in this meeting the Road Levy will be presented to the Board for approval to be placed on the November ballot as a 1 mill renewal. The Village was asked to support the levy as it is important to both entities for ongoing street maintenance.

- II. Mr. Boeder passed on kudos to everyone involved in Memorial Day, July 4th, and Saturday Night Out events, as he has received many positive

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comments concerning these events.

The Village adjourned their meeting and the Trustee's continued with the agenda.

SWEARING IN CEREMONY-

I. Chief Wilcox introduced Mr. Mark B. Phillabaum and recommended that he be re-appointed as a Reserve Police Officer.

Mr. Gregory A. Hanahan introduced **RESOLUTION 2010-028**, seconded by Mr. DeGroat, to appoint Mr. Mark B. Phillabaum as a Reserve Police Officer effective July 15, 2010, and subject to a one year probationary period. After discussion, the adoption vote was as follows: Mr. Hanahan – Yes, Mr. Benson – Yes, Mr. DeGroat – Yes; **RESOLUTION 2010-028** passed.

Mr. Rohrbach gave Mr. Phillabaum his oath of office. The Board thanked and congratulated Officer Phillabaum for successfully completing the hiring process.

II. Chief Wilcox introduced Mr. Larry A. Osborne and recommended that he be appointed as a Reserve Police Officer.

Mr. Gregory A. Hanahan introduced **RESOLUTION 2010-029**, seconded by Mr. DeGroat, to appoint Mr. Larry A. Osborne as a Reserve Police Officer effective July 15, 2010, and subject to a one year probationary period. After discussion, the adoption vote was as follows: Mr. Hanahan – Yes, Mr. Benson – Yes, Mr. DeGroat – Yes; **RESOLUTION 2010-029** passed.

Mr. Rohrbach gave Mr. Osborne his oath of office. The Board thanked and congratulated Officer Osborne for successfully completing the hiring process.

III. Chief Wilcox introduced Mr. Anderson Bateman and recommended that he be re-appointed as a Reserve Police Officer.

Mr. Gregory A. Hanahan introduced **RESOLUTION 2010-030**, seconded by Mr. DeGroat, to appoint Mr. Anderson Bateman as a Reserve Police Officer effective July 15, 2010, and subject to a one year probationary period. After discussion, the adoption vote was as follows: Mr. Hanahan – Yes, Mr. Benson – Yes, Mr. DeGroat – Yes;

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RESOLUTION 2010-030 passed.

Mr. Rohrbach gave Mr. Bateman his oath of office. The Board thanked and congratulated Officer Bateman for successfully completing the hiring process.

VISITOR COMMENTS –

- I. Mr. & Mrs. Kinder of 11957 S.R. 725, spoke to a nuisance property located at 11967 S.R. 725. Mrs. Kinder advised that the property has been abandoned for approx. 2 years, reposed, and currently owned by Citi Mortgage. She also advised that the previous owner's son moved in Dec. and has since moved out. Her complaint was piles of trash, rodents, the smell of and existence of raw sewage in the yard, and high grass. She also advised that the Montgomery Co. Health Dept had opened a case (2008CV01303) and were currently in the court process. Mrs. Kinder also advised she is trying to sell her house and the nuisance next door is making that impossible.

The Board asked Zoning Inspector Mrs. Rohrbach about the case. She confirmed the pending court case by the Health Dept. as she had previously referred the property to the Health Dept. as directed by the Board, and has been working with them towards a successful outcome of the case. Mr. Hanahan noted that the property could be scheduled for a Nuisance Abatement Hearing.

Lynn Avery of Oxford Rd. asked when the hearing could be scheduled. Mr. Hanahan explained the time table as established by ORC and asked Mrs. Rohrbach to review the property and schedule a Nuisance Hearing for a special Board of Trustee meeting, to be held as soon as all legal advertising requirements can be met.

NUISANCE ABATEMENT HEARING –

- I. Mrs. Rohrbach requested a Nuisance Abatement Hearing for the Brandenburg Property located at 8120 S. Butter St., Parcel ID D18-00811-0061.

At 7:30 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to open a nuisance abatement hearing on the Brandenburg Property located at 8120 S. Butter St., Parcel ID D18-00811-0061.

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After discussion, all present voted in favor, MOTION passed.

Mr. Benson opened the hearing noting no one present to represent the Brandenburg property.

Mrs. Rohrbach was sworn in and presented the basics of the case. She explained that the property appeared to be abandoned with tall grass. She present pictures of the property as evidence.

At 7:33 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson, to close the nuisance abatement hearing. After discussion, all present voted in favor, MOTION passed.

The Board discussed the information provided during the hearing and Mr. DeGroat introduce **RESOLUTION 2010-31**, seconded by Mr. Benson to declare the Brandenburg property, located at 8120 S. Butter St., Parcel ID D18-00811-0061; a nuisance and to order abatement by Brandenburg within 7 days of receiving this notice; or the Township will hire a contractor to abate the property with the cost to be placed on the tax duplicate of the property. After discussion, the adoption vote was as follows, Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes, RESOLUTION 2010-31, passed.

MINUTES –

The Board reviewed the minutes of the June 14, 2010 Regular meeting. Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to approve the minutes of the June 14, 2010 Regular Meeting as submitted, after discussion, all present voted in favor, MOTION passed.

The Board reviewed the minutes of the June 29, 2010 Special meeting. Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve the minutes of the June 29, 2010 Special Meeting as submitted, after discussion, all present voted in favor, MOTION passed.

FISCAL OFFICER REPORT –

I. Correspondence:

IN

- A. Police Officer – Rebecca Lehman – resignation
- B. Manning & Associates – Draft copy of 2008-2009 audit
- C. Mont. Co. Treasurer – Estate corrected distribution of Ruth Whitehead estate tax
- D. OTA – July Gassroot Clippings
- E. Mont Co. Auditor – Certification of R&B renewal levy for November election
- F. Ohio Public Works – Friend Rd. Phase 1B Issue II Chief Financial Officers packet
- G. Auditor of State – Letter advising of desk review of 2008-09 audit.

OUT

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- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 7/12
- B. Village of Germantown – public records request for all information reviewed by the Trustees for future meetings –6/14

C. Mont. Co. Auditor – Res 2010-24 requesting R&B Levy certification

D. Mont. Co. Engineer – Res. 2010-25 Partnership Pool participation

II. Distribute Financial Reports –

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to authorize the payment of the bills, checks 42607 thru 42696. After discussion, all present voted in favor. MOTION passed.

III. Mr. Rohrbach requested a Motion to waive the Mont. Co. Budget Commission hearing.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to waive the Mont. Co. Budget Commission hearing. After discussion, all present voted in favor. MOTION passed.

IV. Mr. Rohrbach reported that the Mont. Co. Auditor has certified the amounts for a one mil Road Levy renewal.

After discussion, Mr. DeGroat introduced **RESOLUTION 2010-032**, seconded by Mr. Benson, declaring it necessary to levy a tax in excess of the ten mill limitation and to place a Road Levy of 1 mil, for a 5 year period of time, of renewal tax; to provide funding for the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships; as authorized in the ORC Section 5705.19 (G), to be voted on the November 2, 2010 ballot. After discussion the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; RESOLUTION 2010-32 passed.

PRESIDENT REPORT –

- I. Mr. Benson reported on the Pool Oversight Committee activities. The pool is doing well this year.
- II. Mr. Benson reported on Fire Oversight Committee activities. Germantown Rescue Squad, Inc. has donated another EMS unit to the Germantown Fire/EMS Department.

POLICE REPORT –

- I. Chief Wilcox reported on issues with the weather siren located at the Twp. Hall. Apparently it is randomly activating at about 7:00 AM without being set off by the officials.
- II. Chief Wilcox reported on assisting with traffic control for the July 4th parade. He reports it went well.

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III. Chief Wilcox reminded all of the National Night Out to be held on August 8th at the Twp. Hall and other various locations within the Township.

ROAD/SERVICE DEPARTMENT REPORT –

I. Mr. Holbrook reported on the paving of Puddenbag Road. The 18’ wide road was paved with 20’ wide asphalt. He is working with Mont. Co. to get the issue corrected.

II. Mr. Holbrook reported that Ekhart Road Issue II has been funded though SCIP. The \$50,000 originally set as a loan has now been added to the grant. Out local match will be \$13000.00.

ZONING & TRASH COLLECTION REPORT -

II. Mrs. Rohrbach noted that the Pluckard property designated for nuisance abatement has been abated by the property owner.

OLD BUSINESS:

I. Mr. Hanahan reminded all of the OTA Summer Meetings to be held in Wilmington Ohio.

II. Mr. Hanahan reported that the next Valley View Water & Sewer Dist. Meeting will be scheduled during the first week of August.

III. Mr. Hanahan noted that majority dollars of the Issue II projects sent to Small Government Commission were for water and sewer projects.

IV. Mr. DeGroat reported on Park Oversight activities. That the July 4th parade went very well.

V. Mr. DeGroat updated the Board on the Western Regional Council of Governments trash bid process. Rumpke was the successful bidder, starting in September. They will swap containers with customers. First year rate will be \$12.95, second year \$13.34, and third year \$13.74. Mr. DeGroat will meet with Mrs. Rohrbach regarding the new contract.

NEW BUSINESS: none

PURCHASE ORDERS AND WARRANTS were signed.

Meeting Adjourned at 8:10 P. M.

Signed: Randy R. Benson

Attest: [Signature]