



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON JANUARY 10, 2022

The meeting was held at the German Township Hall located at 12102 St. Rt. 725 West, Germantown, OH 45327 and virtually using WebEx.

The meeting was called to order by Board President Mark Cross at 7:00 pm. In attendance were:

President Mark Cross	Vice-President Jacob Stubbs	Trustee Lou Potter
Fiscal Officer Mark Heistand	Police Chief Joe Andzik	Road Super. Jeremy Holbrook
	Zoning Inspector Halie Sewell	

IN-PERSON ATTENDEES:

Name	Address	Name	Address
David Gehron	14239 Kiefer	Deb Cross	7444 S. Stivers Road
Lynn Cleveland	11858 Oxford Road	Lloyd Johnson	7404 Browns Run Road
Kurt Jacoby	12955 Harris Road	Missy Mae Walters	County Treasurer office
John McManus	Mont. Cty. Treasurer		

ONLINE ATTENDEES:

Name	Name	Name	Name
Shane Birch	Sam	S	Abigail Hale-Dennis
MK (Mark Keener)	TDR	Call in User 3	

The Germantown Press was notified of the Regular Meeting on 1/6/22 at 11:45 am.

Dr. Cross led the group in the Pledge of Allegiance.

VISITOR COMMENTS:

- **John McManus, Montgomery County Treasurer:** Mr. McManus thanked the Trustees for inviting him to attend the meeting. He became County Treasurer in September 2021. His office annually collects over \$900 million in property taxes. He provided information on 260 tax exempt parcels in the Township, with the largest owners being the various park districts. He also provided several forms related to property tax payment plans, delinquent/prepayment contracts, and depositor foreclosure applications. He stated that he would forward information on Township parcels with delinquent taxes at a later date.
 - Dr. Cross stated that 5 Rivers Metroparks, Miami Conservancy District, and Montgomery County Park District own a total of 2,443 acres in the Township. These acres are not being taxed, resulting in a tax loss for the Township.

- Mr. McManus noted that the Metroparks also has Conservation Easements with owners of additional Township parcels. These parcels are still on the tax rolls.
- Mr. Potter stated that every year the Metroparks keeps buying more Township land.
- **Lloyd Johnson, 7404 Browns Run Road:** Mr. Johnson asked Mr. McManus about property tax holidays in Warren and Hamilton counties that he had read about in the newspaper. Mr. McManus stated that tax holiday decisions are not made by the County Treasurer.

FISCAL OFFICER'S REPORT:

- Mr. Heistand reported that he had not completed the Minutes for the 12/30/21 Special Meeting and the 1/4/22 Organizational Meeting. He will have them approved at the February meeting.
- Mr. Heistand presented *FINAL* December Financial Reports: (1) 12/31/21 Fund Status; (2) Year-to-Date 12/31/21 Cash Summary by Fund; (3) Month of December Cash Summary by Fund; (4) December 2021 Receipt Listing; and (4) December 2021 Payment Listing. He noted that the only change from the preliminary reports the Trustees reviewed on 12/30/21 was the \$2,000 warrant from the Fouts Trust Fund to the First Church of God for the Sonshine in a Bag donation and the December interest received from First National Bank of Germantown and Star Ohio.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the *FINAL* December financial reports and reauthorize the payment of December bills (warrants 50536-50546 and vouchers 935-1041 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand reported that he received the Montgomery County Auditor's certification of the funds to be received by a 1 mill five-year renewal of the senior citizens levy. The levy will generate \$177,938 annually at 95%. He asked the Trustees to pass a Resolution to place the levy on the May 3 ballot for the entire Township, both unincorporated and incorporated areas.
- Dr. Cross introduced **RESOLUTION 2022-09**, seconded by Mr. Potter: **A RESOLUTION DETERMINING TO PROCEED TO LEVY A TAX IN EXCESS OF THE TEN MILL LIMITATION.** Dr. Cross read the proposed RESOLUTION in its entirety. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-09 WAS ADOPTED.**
- Mr. Heistand stated that at the March 2021 meeting, the Trustees approved a \$4,000 transfer from the General Fund (#1000) to the Road and Bridge Fund (#2031) as an approximate payment for mowing and trimming the rural cemeteries by the Road Department. At that time the Trustees intended that the \$4,000 transfer would occur annually. He noted that a \$4,000 transfer was included as part of the Appropriation Resolution passed at the 1/4/22 meeting. He asked that the Trustees pass a Resolution to approve the transfer.
- Dr. Cross introduced **RESOLUTION 2022-10**, seconded by Mr. Potter: **A RESOLUTION APPROVING THE TRANSFER OF \$4,000 FOR 2022 FROM FUND #1000-GENERAL TO FUND #2031-ROAD AND BRIDGE AS PAYMENT FOR THE MAINTENANCE OF TOWNSHIP CEMETERIES BY THE ROAD DEPARTMENT.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-10 WAS ADOPTED.**
- Mr. Heistand discussed the U.S. Treasury Department's Final Rule on American Rescue Plan (ARPA) Act funding that was issued on 1/6/22. The Final Rule significantly broadened eligible uses of the ARPA funds for Ohio townships. In the most significant change, the Final Rule included an option for ARPA recipients to either calculate its revenue loss or adopt a Standard Allowance, which is capped at \$10 million. The Final Rule expressly acknowledged that the Standard Allowance would be most helpful for smaller entities such as our Township. So long as the

Trustees consistently elect to utilize the Standard Allowance, the Township may use its ARPA funds of \$303,149.58 for the provision of Government Services. The funds are to be used to cover costs incurred from 3/8/21 through 12/31/24 and must be spent by 12/31/25.

- He noted that the Final Rule stated that services provided by the Township are assumed to be Government Services, unless specifically listed otherwise. It further defined Government Services as including, but not limited to, “maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.” In order to properly use the Standard Allowance, the Trustees’ resolution authorizing the use of the ARPA funds under the revenue loss category should specifically elect the Standard Allowance as defined by the Final Rule, and that will tie out the election for any audit.
- He reviewed the four allowable categories for use of ARPA funds:
 1. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality; [He noted that the Final Rule now allows public health capital expenditures.]
 2. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency (2019); [He noted that the Standard Allowance applied to this category. Road building and police vehicle purchases are now allowed.]
 3. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers; [He noted that the final Rule expanded the list of eligible workers.]
 4. To make necessary investments in water, sewer, or broadband infrastructure. (He noted that the Final Rule added lead remediation and expanded stormwater uses.)
- He noted that the Final Rule listed several nonpermitted use of ARPA funds, including:
 1. The payment of interest or principal on outstanding debt or to settle a judgment.
 2. A reduction in taxes levied by the government entity,
 3. Pension plan payments or payments to rainy-day funds.
- The Trustees discussed the ARPA Final Rule. Mr. Potter asked if the police cruisers purchased in 2021 would be eligible for reimbursement. Mr. Heistand responded that that might be possible, but he would want to get an opinion from the prosecutor. Dr. Cross said that his research had led him to believe that using ARPA funds to expand broadband in the Township isn’t a viable option.
- Mr. Heistand noted that for a number of years, the Trustees and Fiscal Officer have received their salary once a month, with payment on the 15th of each month. When he started as Fiscal Officer in 2020, he switched his payroll to semi-monthly because he felt it wasn’t appropriate to receive a full month’s pay mid-month for days that hadn’t yet been worked. For this reason, he suggested that the Trustees consider changing from a monthly mid-month payment to either semi-monthly or monthly at the end of the month.
- Dr. Cross introduced **RESOLUTION 2022-11**, seconded by Mr. Potter: **A RESOLUTION CHANGING THE PAYMENT OF TRUSTEE AND FISCAL OFFICER SALARIES TO ONCE A MONTH ON THE LAST PAYROLL OF EACH MONTH.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-11 WAS ADOPTED.**

- Mr. Heistand reported that he participated in a conference call on 12/16/21 with JEDD Attorney Brenda Wehmer and representatives from Germantown, Farmersville and Jackson Township. The purpose of the call was to discuss the process of placing the Joint Economic Development District (JEDD) issue on the May primary ballot for our Township (incorporated and unincorporated areas) and Jackson Township. He had a subsequent conversation with Ms. Wehmer concerning some minor changes he felt needed to be made to the Trustee's JEDD Resolution (typos, etc.). He then sent the certified Resolution to the prosecutors for them to approve the Resolution language and prepare the ballot language. He received the prosecutor's response on 1/10/22 and will file the ballot language with the Board of Elections to be placed on the May ballot.
- He stated that he submitted paperwork to obtain Employee Dishonesty and Faithful Performance of Duty insurance through OTARMA effective 1/1/22, as approved by the Trustees at the December meeting. He also canceled the Elected Officials Bonds and the Township employee's Surety Bond. The Township will receive a refund for canceling the Fiscal Officer bond mid-term.

POLICE DEPARTMENT REPORT:

- Chief Andzik reminded the Trustees that he was contacted by Lindsey Rathje of Newcomer Funeral Home who asked if the Township had or wanted to create an Indigent Cremation Program. He was told that typically \$350-\$500 is set aside by local governments for the less fortunate who need cremation services. He was also told that Newcomer cremates on site.
- Mr. Potter stated that the Township should have an indigent cremation plan in place but didn't feel that funds needed to be set aside. Mr. Heistand stated that the General Fund could absorb any cost when or if there is ever a need. Chief Andzik asked whether the Trustees would also need to pay to bury the cremains. Mr. Potter will obtain more information and other quotes.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook stated that the Township Hall water softener is being replaced. The current softener is 14 years old and needed repairs that approached replacement cost. The new Fleck 5600sxt Quality Water Softener was purchased for \$688.00 and will be installed by his department.
- He reported that the ADT alarm system has been repaired and was upgraded to a cellular system at no cost to the Township. There will not be any increase in the monthly fee. The new system will routinely communicate with ADT offices to ensure that it has a connection. The system will also beep continuously if a connection is lost or if there is a dead battery.
- He reported that the windshield of the pickup truck was chipped by a rock and has been replaced. Insurance will pay the entire cost without a deductible.
- He discussed a situation on Mudlick Road where water is not draining properly and ice is building up on the road. He is looking into options to fix the situation.

ZONING DEPARTMENT REPORT:

- Mrs. Sewell stated that she will test the ADT alarm system once every month.
- She distributed the 2021 Zoning Commission (ZC) and Board of Zoning Appeals (BZA) attendance report. Regular and Alternate Members receive a \$15 expense reimbursement for each meeting attended. She also distributed a report showing the permits she issued during 2021.
- She reported that the ZC and BZA would hold their Organizational Meetings on 1/11/22, followed by a BZA hearing on Case #2021-57LSV involving a lot split on Creek Road.
- She noted that an advertisement will be published in the Germantown Press for an open ZC Alternate position. Anyone interested in serving is asked to contact Dr. Cross or her office.

- She reported that Valley View Schools are ready to move forward with the application process for zoning permits. The case will be heard by the BZA once the permit application is filed. She noted that the school no longer has plans to combine all the parcels, but will combine only a few.

TRUSTEE POTTER' REPORT:

- Mr. Potter did not have anything to report.

TRUSTEE STUBBS'S REPORT:

- Mr. Stubbs noted that the Stoney Hill Farm Event Center on Upper Miamisburg Road in Miami Township is back in the courts again concerning whether the facility qualifies as agritourism.
- He stated that there will soon be a new Dollar General Store at the corner of Keister Road and Germantown-Middletown Road on the Madison Township side of the intersection.
- He reported that the Cemetery has completed all the entryway upgrades that were donated by the Dupps Family. The Cemetery's new lean-to building should be completed in February.
- He noted that the Pool pump house is being upgraded. There had been a chemical mixing issue.
- He reported that the Western Regional Council of Governments will meet in January or February.
- He asked Mr. Holbrook if the Township had an HVAC maintenance contract. Mr. Holbrook confirmed that a contract exists with Air Force One, who checks the systems twice a year.
- Mr. Stubbs said he registered for the Ohio Township Association (OTA) Conference and has booked his hotel room in Columbus. He signed up to attend the Public Records Training session.
- He listed his Township goals for 2022 and beyond, including:
 - Determining how to spend the ARPA grant funds.
 - Using the Township's cell tower to expand broadband coverage.
 - Paying off in advance the Valley View Water and Sewer District (VVWSD) debt with First National Bank of Germantown.
 - Changing the posting of cell tower rent from the General Fund to the Police District Fund.
- He said that it was nice to now be on a Board with three people who care, noting that hadn't happened for a while. He looked forward to continuing to make best decisions for the Township.
- He asked if there was any follow-up from Valley View concerning a potential purchase of the former VVWSD water tower. Mrs. Sewell responded that the school no longer had an interest.

TRUSTEE CROSS' REPORT:

- Dr. Cross reported that he purchased three Ohio Township Sourcebooks and has donated them to the Township. These books cover Trustees, Zoning and Personnel Management.
- He asked whether there was an update for using credit cards to pay trash and zoning bills, as discussed at several 2021 meetings. Mrs. Sewell noted that the Township was the only entity in the Valley View Community that does not have this option. Dr. Cross felt that the resident survey done in 2021 didn't show a strong desire for this option. He wanted to forego this option.
- He asked Mr. Heistand to prepare tax exempt forms for use at the OTA Conference hotel.
- He gave an update on the 1/3/22 Germantown City Council meeting that he attended.
- He asked about the status of the Township copier jam. Mrs. Sewell indicated that the jam was cleared and was probably caused by the type of paper used. She purchased new paper and has not had any further problems.

- Dr. Cross stated that he planned to hold a “ride along” with Chief Andzik and Mr. Holbrook.
- He stated that he has a goal to improve communication with Township residents. He discussed the email lists maintained by the Police Department, Mrs. Sewell and Mr. Heistand. He asked if messages could be added to the trash bills.
- He asked how on-line meeting attendees could be recognized if they wish to make a comment. Mrs. Sewell noted that WebEx has a chat box that can be used by attendees.
 - **Visitor Comment: Mark Keener, 7865 Jamaica Road:** Mr. Keener, attending on-line, noted that he was able to unmute his microphone to allow him to speak to the Trustees.
- Dr. Cross noted that the Trustees passed Resolution 2020-48 on 12/30/20 to set the terms of office for ZC and BZA Alternate Members at two years. He felt that the terms should be five years, the same length as Regular Member Terms. Dr. Cross introduced **RESOLUTION 2022-12**, seconded by Mr. Stubbs: **A RESOLUTION REPEALING RESOLUTION 2020-48 AND SETTING TERMS OF OFFICE FOR ALTERNATES ON THE ZONING COMMISSION AND BOARD OF ZONING APPEALS AT FIVE YEARS, WITH CURRENT TERMS EXPIRING 12/31/26.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-12 WAS ADOPTED.**
- Dr. Cross reported that either he or Mrs. Sewell have spoken with the four ZC and BZA Regular and Alternate Members whose terms expired 12/31/21. All four would like to continue serving. Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reappoint the following, with terms ending 12/31/26: ZC Regular Member Fred Glander; ZC Alternate Member Eric Walters; BZA Regular Member Adam Blakley; and BZA Alternate Member Marty Cox. The MOTION WAS APPROVED by a unanimous voice vote.
- Dr. Cross stated that he will address several issues with the ZC and BZA at their meetings on 1/11/22. He asked anyone interested in being appointed to the ZC to contact him by 1/31/22.

OTHER BUSINESS:

- **Visitor Comment: David Gehron, 14239 Kiefer Road:** Mr. Gehron discussed two issues:
 - He asked how he could send an email to the Trustees when he isn’t on the Township website. He stated that the Trustee emails aren’t listed on the website. Mrs. Sewell informed him that there is a hyperlink on the website to send emails. She will modify the website to show the actual Trustee email addresses.
 - He requested information about broadband options in parts of the Township. Dr. Cross stated that he would reach out to Consolidated Communications for an answer. Mr. Holbrook noted that Frontier Communications serves the western part of the Township.

MEETING ADJOURNED:

- With no further business, Mr. Stubbs made a MOTION, seconded by Mr. Potter, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 8:31 pm.

Signed: Mark Cross - president
Mark Cross, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at the February 14, 2022 meeting.

Signed: Mark A. Heistand
Mark A. Heistand, Fiscal Officer