



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 14, 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 Admin. Jeremy Holbrook
	Zoning Inspector Shauna Close	

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Mark Keener	7865 Jamaica Road
Scott Hamilton	12102 S.R. 725 West	Kurt Jacoby	12955 Harris Road
Josh Nichols	12102 S.R. 725 West	Steve Marsden	12102 S.R. 725 West
Shane Birch	12102 S.R. 725 West	Andy & Laurie Rohrbach	56 N. Circle Drive
Dave & Liz Worley	56 N. Circle Drive	Bob & Mary Rohrbach	50 Mary Place
Dylan Jones	12102 S.R. 725 West	Trent Ziegert	Unknown
Andy & Dawn Bateman	12102 S.R. 725 West	Gene Evanchek	Unknown

ONLINE ATTENDEES:

Name	Name	Name	Name
KC	Sam		

The Germantown Press was notified of the Regular Meeting on 11/11/22 at 6:47 pm.

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

RECOGNITION:

- Dr. Cross introduced **RESOLUTION 2022-38**, seconded by Mr. Stubbs: **A RESOLUTION TO RECOGNIZE AND THANK LAURIE J. ROHRBACH FOR OVER TWENTY-NINE YEARS OF DEDICATED SERVICE TO GERMAN TOWNSHIP AND FOR HER CONTRIBUTIONS TO THE BETTERMENT OF THE GERMAN TOWNSHIP COMMUNITY WHILE EMPLOYED BY THE TOWNSHIP.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-38 WAS ADOPTED.** The original copy of the Resolutions was signed by all three Trustees and the Fiscal Officer and will be framed and displayed on the Trustee Meeting Room wall along with a photo of Mrs. Rohrbach.

- Each of the Trustees congratulated Mrs. Rohrbach and shared memories:
 - Dr. Cross thanked everyone who attended to honor her. He stated that he had known her for many years. When he was on the Board of Zoning Appeals she was the Zoning Inspector. During his earlier term in office he was the Trustee in charge of the Police Department. She was also his dental patient. He stated that she has touched many people's lives, both at the Township and also with her mission work through her church.
 - Mr. Stubbs stated that he was lucky to overlap as the Trustee in charge of the Police Department for a couple of years before Mrs. Rohrbach retired. He enjoyed his discussions with her, even when she would say "You can't do that!" He noted that she was always right. He appreciated the knowledge he gained from her and everything she did for him. He thanked her for her service, noting that he was four years old when she started working at the Township.
 - Mr. Potter recalled talking with her when he considered running for office. He appreciated the time she gave him and was sorry he didn't have a chance to work with her.
- **Visitor Comment: Mark Keener, 7865 Jamaica Road:** Mr. Keener presented a box of candy to Mrs. Rohrbach.
- **Visitor Comment: Laurie Rohrbach, 56 N. Circle Drive:** Mrs. Rohrbach gave a short speech, noting that the Township was the best place to work. She noted that the Road Department was the only area in which she didn't work. She stated that both Mr. Holbrook and Scott Hamilton were always helpful to assist her in whatever she needed done: painting, fixing roof leaks, replacing electrical panels, planting bushes, etc. She stated that Trustees Cross and Stubbs always had her back on every issue. She loved working with the Police Department, Chief Andzik and all the officers. Sometimes she couldn't believe that she was actually paid to do her job. She loved doing paperwork as part of her job and loved all the Township residents.

VISITOR COMMENTS:

- **Mark Keener:** Mr. Keener, the Township's representative on the Joint Economic Development District (JEDD) Board and the Board's treasurer, stated that income tax was being withheld from Conger Construction and the high school employees. The JEDD received its Federal ID number. Until the Board has another meeting and passes a resolution, he is not able to open a bank account. Farmersville is working with the school for the remittance of income tax withholdings.

FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for the 10/11/22 Regular Meeting. There were no corrections. Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the minutes as submitted. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand presented the October Financial Reports: (1) 10/31/22 Fund Status; (2) YTD October 2022 Cash Summary by Fund; (3) Month of October 2022 Cash Summary by Fund; (4) October 2022 Receipt Listing; and (5) October 2022 Payment Listing. He noted the following items:
 - Voucher 832-2022 for \$196,262.20 to Barrett Paving Materials, Inc. was for the Sigal Road repaving. This voucher was paid using American Rescue Plan Act funds.
 - Voucher 835-2022 for \$57,073.08 to Rumpke Waste, Inc. was the quarterly trash invoice.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the October financial reports and authorize the payment of October bills (warrants 50610 through 50615 and vouchers 798 through 919 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.

- Mr. Heistand asked the Trustees to approve the 2023 health insurance renewal from Burnham & Flower for Medical Mutual. He noted that rates for the same plan as 2022 would increase by 4.93%. Past increases were 4.89% in 2022, 7.81% in 2021 and 19.9% in 2020. He stated that Chief Andzik, Mr. Holbrook and Mrs. Close all recommended that the Trustees approve the renewal.
 - Dr. Cross introduced **RESOLUTION 2022-39**, seconded by Mr. Stubbs: **A RESOLUTION TO APPROVE RENEWING THE EXISTING HEALTH INSURANCE PLAN FOR 2023 WITH MEDICAL MUTUAL THROUGH BURNHAM & FLOWER INSURANCE GROUP.**
 - Dr. Cross stated that the monthly premium will increase from \$12,572.88 to \$13,193.21. He met with Chief Andzik, Mr. Holbrook, Mr. Hamilton and Mrs. Close to discuss the renewal. They all agreed that the 4.93% increase was reasonable. He noted that the Township covers (1) deductibles of \$3,000 for single coverage/\$6,000 for family coverage; and (2) \$2,000 single/\$4,000 family for a health reimbursement account card. Total Township paid deductibles for each employee are \$5,000 single/\$10,000 family.
 - **Visitor Comment: Kurt Jacoby, 12955 Harris Road:** Mr. Jacoby asked if the Township used competitive bidding for its health insurance. Chief Andzik, Mr. Holbrook and Mr. Heistand all stated that the current plan is grandfathered under the Affordable Care Act (ACA). Because of the grandfather status, the Medical Mutual plan is better than if an ACA plan was obtained.
 - The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-39 WAS ADOPTED.**
- Mr. Heistand noted that the 2022 Appropriations approved by the Trustees in January included a \$2,000 donation from the W. K. Fouts Trust Fund. He asked if the Trustees wanted to approve a donation from the Fund before year-end. Dr. Cross asked Mr. Stubbs to contact Julia Smith of Sonshine in a Bag and ask her to come to the December Trustees meeting and discuss their needs.
 - **Visitor Comment: Mark Keener:** Mr. Keener stated that the Trustees should still approve a donation from the Fund even if Mrs. Smith is unable to attend the next meeting.
- Mr. Heistand noted that each year the Trustees approve disbursements from the General Fund for a December Appreciation Lunch for Township employees. Dr. Cross introduced **RESOLUTION 2022-40**, seconded by Mr. Potter: **A RESOLUTION APPROVING EXPENDITURES FROM THE GENERAL FUND FOR AN APPRECIATION LUNCH FOR THE EMPLOYEES OF GERMAN TOWNSHIP ON A DATE TO BE DETERMINED BY THE EMPLOYEES.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-40 WAS ADOPTED.**
- Mr. Heistand reported that, to assist the departments prepare their 2023 budgets, over the next couple of weeks he would provide year-to-date analyses of spending by account number along with an estimate of total year spending and estimated year-end fund balances. Dr. Cross suggested that the budgets be reviewed at the Year-End Special Meeting, possibly on 12/30/22.
- Mr. Heistand stated that the .5 mill Pool Levy will expire at the end of 2023. The levy was last passed as a renewal in May 2018. He stated that the deadline for submitting paperwork to place the levy on the May 2023 ballot is 2/1/23. He noted that the first step is to ask the Montgomery County Auditor to certify the amounts that would be generated by a renewal or replacement levy. Mr. Stubbs stated that he would have the Pool Oversight Committee discuss the levy at its 11/15/22 meeting so that the Trustees can move forward at the December meeting. Mr. Heistand stated that the levy would be subject to new ballot language rules established by recently passed HB140. He felt that the new ballot language requirements would be more confusing to the voters.

- **Visitor Comment: Mark Keener:** Mr. Keener asked if the Trustees could approve placing the levy on the ballot and then withdraw the issue prior to the ballot being finalized. Mr. Heistand did not know the answer to Mr. Keener's question.
- Mr. Heistand reminded the Trustees that the Montgomery County Township Association Holiday Gala would be held on 11/17/22.
- He reported that each year the Trustees authorize the County Auditor to advance real estate taxes prior to their actual collection. Dr. Cross introduced **RESOLUTION 2022-41**, seconded by Mr. Stubbs: **A RESOLUTION AUTHORIZING THE MONTGOMERY COUNTY AUDITOR'S OFFICE TO ADVANCE THE MAXIMUM AVAILABLE AMOUNTS OF REAL ESTATE TAXES, PERSONAL PROPERTY TAXES AND FINES ON A MONTHLY BASIS DURING 2023.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-41 WAS ADOPTED.**

POLICE DEPARTMENT REPORT:

- Chief Andzik announced that the Department will be hosting Santa and Pancakes on 12/3/22. He stated "Come one, come all, bring the whole family."
- He reported that he worked with Mr. Stubbs on proposed changes to the Personnel Manual. Mr. Stubbs introduced **RESOLUTION 2022-42**, seconded by Mr. Potter: **A RESOLUTION REVISING THE GERMAN TOWNSHIP PERSONNEL MANUAL AS FOLLOWS (CHANGES HIGHLIGHTED).** Mr. Stubbs then amended the Resolution to add: **EFFECTIVE 9/1/2022.** The amendment was accepted by Mr. Potter.

- **4.1 NORMAL WORKING HOURS** (Revised 11/14/2022)

Regular working hours consist of a standard work week of at least 40 hours and a standard work day of 8 hours with 1/2 hour for a lunch period, or a 30 hour work week pursuant to the Affordable Care Act (2010), or except as provided in the following subparagraphs.

- **4.2-2 (a) Accrual.** (Revised 11/14/2022)

Sick leave is accrued based on the anniversary employment date of the employee with German Township. Sick leave is accrued starting at the time of employment and may be used when necessary during the period of employment. Sick leave is not earned during periods of time in which the employee is in a non-pay status, EXCEPT when the employee is on Worker's Compensation. Sick leave is accrued at the rate of 10 hours per month for employees who work 40 hour work weeks, and 8 hours per month for employees work >30, but less than 40 hours per week.

- **4.2-3 (a) Standard Holidays.** The following holidays are observed by German Township:

1. New Years Day – January 1st
2. Martin Luther King Day – 3rd Monday in January
3. Washington/Lincoln Day – 3rd Monday in February
4. Memorial Day – Last Monday in May
5. Juneteenth – June 19
6. Independence Day – July 4
7. Labor Day – 1st Monday in September
8. Columbus Day – 2nd Monday in October
9. Veteran's Day – November 11
10. Thanksgiving Day – 4th Thursday in November
11. Christmas Day – December 25th

Holidays which fall on Saturday will be observed on the preceding Friday unless it is a regularly scheduled day. Holidays which fall on Sunday will be observed on the following Monday unless it is a regularly scheduled day. (Revised 11/14/2022)

4.4 OVERTIME (Revised 11/14/22)

Overtime will be scheduled and approved only in emergency situations and for infrequent non-routine projects or work. Overtime may be scheduled only when authorized by the proper authority upon the recommendation of the immediate supervisor. Overtime will be paid at the rate of one and a half times the normal pay rate.

Overtime only applies to full time employees who have worked 40 hours during the course of the work week. Full time employees that work a 30 hour work week will only become eligible for overtime after they have reached 40 hours during one work week.

The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-42 WAS ADOPTED.**

- Chief Andzik reported that the Department had received a \$5,800 grant from the Ohio Law Enforcement Body Armor Program at the Attorney General's Office for new ballistic vests.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that he and Mr. Hamilton had been busy trimming brush, trees, and limbs along the edge of Township-maintained roads. He reminded residents who do not want the Road Department to trim their trees to keep their limbs and brush out of the road right of way.
- He noted that he and Mr. Hamilton are prepared to clear the roads whenever the snow falls.
- Chief Andzik thanked Messrs. Holbrook and Hamilton for performing regular maintenance on the Police Department vehicles, noting that they do an excellent job.

ZONING DEPARTMENT REPORT:

- Mrs. Close stated that she wrote permits during October for a covered pavilion on Route 725 and new construction on Astoria Road. She is working to reschedule the Eby Road Leach Case.
- Dr. Cross stated he was working to update the Ohio Township Association (OTA) member list to reflect that Mrs. Close is a Member. This will allow her to register for the OTA Winter Conference.

TRUSTEE POTTER' REPORT:

- Mr. Potter reported that the new concrete base for the flagpole at the former Miami Military Institute property (MMI Park) will be poured after Thanksgiving by John Longworth.
- He reported that he was to meet with Germantown Finance Director Pat Shively on 11/16/22 to discuss the 2023 Parks budget. He has some questions that need to be answered.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs read a draft job posting for retiring Cemetery Sexton Mark Steinecker's replacement. Applications will be accepted starting on 12/1/22. He discussed the potential of having the new sexton covered under the Township's medical insurance, with the Cemetery Board reimbursing the Township for related costs. Mrs. Close was asked to check with Burnham & Flower and potentially the Prosecutor's office concerning this possibility.
- He distributed copies of Germantown's 2023 Pool budget. Over the past several years the City has included an administrative charge of \$5,000. For 2022 \$4,490 was added for a portion of full-time staff wages. For 2023 the full-time wages have been increased to \$22,210, plus pension and \$9,840 for medical and life insurance. He stated his opposition to the City charging the Pool budget for the full-time salaries and benefits while also charging a \$5,000 administrative fee. He felt that the new charges are extravagant and beyond reason. He believed that Pool Levy funds should be reinvested in the pool and not used to pay unjustifiable administrative salaries.

- Mr. Potter stated that the City is doing the same thing with 2023 Parks budget, going from \$30 thousand to \$96 thousand. He noted that the Parks budget includes 80% of Street Department employee Ben Amburgey's salary.
- **Visitor Comment: Mark Keener:** Mr. Keener stated that several years ago the City added a \$15,000 administrative fee to the Senior Center budget. Then they started allocating salaries. He thought that \$30,000 comes out of the two Fire/EMS levies, plus salaries. He stated that this issue needs to be discussed when the joint levy agreements are renegotiated with the City. He believed that the City thinks that once the joint levy money is paid to the City, it belongs to them and the Township has no say in how it gets spent. He had a problem with how the City uses the joint levy funds.
- Mr. Holbrook suggested that the joint levy ballot language be reviewed to see if allocating these costs fall under the language. He suggested getting an opinion from the Prosecutor.
- **Visitor Comment: Mark Keener:** Mr. Keener stated that the City would probably argue that the allocated costs fall under the ballot language. He noted that the Township allocates Trustee and Fiscal Officer salaries and benefits to various departments, noting that these allocations are reasonable.
- Mr. Heistand noted that the State Auditor has always accepted the Township's allocation of Trustee and Fiscal Officer salaries. He stated that he didn't charge any of this year's audit fees to the joint levies, since the auditor didn't look at those funds.
- Mr. Stubbs discussed a concern with the 11/15/22 Pool Board and Pool Oversight Committee meeting. He said that the meeting will be held in-person but some members will be attending remotely. He stated that the Ohio law allowing remote meetings expired in July 2022. The City's law director stated that the City created its Boards and Committees and Council then passed a resolution that those groups could meet virtually. Mr. Stubbs said that the City can't override state law. He thought the on-line members shouldn't vote at the 11/15 meeting, but could attend.
- Mr. Stubbs reported that he had registered for the January OTA Winter Conference.
- **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross stated that the City added another employee, Randy Stiver, as Deputy Finance Director. She then asked how the Township's \$10,000 payment from the Parks Fund for the MMI Park was used. Mr. Potter stated that the City had bills equal to the Township payment. Mrs. Cross then asked about the \$33,000 to be paid by Valley View Schools for the School Resource Officer (SRO). Chief Andzik stated that that payment will cover the school year. During other months the SRO will work with the Police Department. He stated that the \$33,000 payment will cover about half of the SRO's annual salary, not including health and pension costs. The SRO contract with Valley View is for only one year.

TRUSTEE CROSS' REPORT:

- Dr. Cross reported that he attended the 11/7/22 Fire/EMS Oversight Committee meeting where the 2023 budget was reviewed and recommended for approval by Germantown Council. The biggest changes from 2022 to 2023 were increases in personnel and utility costs. The 2023 budget includes a 3% cost of living increase for all Fire/EMS employees. The Fire Department is planning to lease/purchase a new fire engine to replace the 27-year old Engine 63 at a cost of \$598,000.
 - The EMS Fund is projected to begin 2023 with a \$1.176 million balance and end 2023 with a \$982 thousand balance, a \$193 thousand decrease.
 - The Fire Services Fund is projected to begin 2023 with a \$864 thousand balance and end 2023 with a \$608 thousand balance, a \$256 thousand decrease. He stated that both funds are spending down their fund balances.

- The City's total Fund Balances are projected to be \$9.14 million at the beginning of 2023 and end 2023 with a \$7.3 million balance, a \$1.8 million decrease.
- He stated that he attended the City Council Regular Meeting on 11/7/22. Highlights included:
 - Coaches Nicki Towery (seventh grade volleyball) and Susan Holbrook (high school girls' tennis) were recognized for their Southwestern Buckeye League championships.
 - Lonnie Pederson from TSC Communications gave an update on TSC's plan to bring fiber optic cable to the City for internet connection. The possible time table to complete the project is about two years. Mr. Pederson stated that the biggest factor in slowing the process down was a lack of qualified employees.
 - Council Member Rob Rettich stated that the Planning Commission approved a Taco Bell with direct access off State Route 4.
- He reported that after their Regular Meeting, Council held a Work Session. He noted that Work Sessions have not been broadcast nor recorded since 2012. He felt that there is a lot of important information presented at Work Sessions. At the Work Session the Independence Day incident when a hate group marched in the parade was discussed. It was noted that Law Director Tom Schiff, Parks Board Chair Tom Geglein and several others met and identified four options:
 - No changes to current parade policy.
 - Create a private organization to manage the parade (similar to Centerville's Americana).
 - Create new ordinances to address the problem.
 - More strict enforcement of the existing rules that parade participants must be residents of the Valley View School District.

It was stated at the Work Session that most communities at the very least have advance registration for their parades. After discussion, Council decided not to make any changes to the current policy and to hope a similar incident doesn't occur again.

- He previously distributed a tentative 2023 meeting schedule for Trustee, Board of Zoning Appeals (BZA) and Zoning Commission (ZC) meetings to avoid conflicts. He stated that his goal is to have all meeting dates posted on the Township's website and Facebook pages, as well as emails sent to those requesting notice, at least one week prior to each meeting. He planned to get input from the BZA and ZC chairs and finalize the 2023 schedule at the December Trustee meeting.
- He reported that these municipalities and townships approved electric aggregation during the November election: Englewood, West Carrollton, Vandalia, Trotwood, Riverside, Gasper Township (Preble County), Lanier Township (Preble County), Waynesville, Massie Township, Harveysburg (the last three in Warren County). He thought that the Trustees might want revisit the issue in 2023 for a possible vote by the residents in November 2023.
 - Mr. Heistand stated that none of the local electric aggregation ballots were defeated.
 - Mr. Stubbs noted that Trebel LLC presented an electric aggregation proposal to the Trustees several years ago. Philip Leppla from SOPEC (Sustainable Ohio Public Energy Council) attended the September Trustee meeting and presented his proposal.
- Dr. Cross reported that Valerie Hill (BZA) and Kurt Jacoby (ZC) have agreed to new five-year terms, to be approved at the December Trustee meeting.
- He attended the Senior Oversight Committee meeting on 11/10/22. Highlights included:
 - The proposed 2023 budget was reviewed and recommended for approval by Council. The biggest changes from 2022 were personnel costs, including salaries, wages and health

insurance. The Senior Center Fund is projected to begin 2023 with a \$214 thousand balance and end 2023 with a \$197 thousand balance, a \$17 thousand decrease. Once again, the City will be spending down the fund balance.

- Steve Faber has been hired as a new part-time bus driver.
- Overall, membership and volunteers are continuing to increase.
- It was reported that rental of the facility has been low, possibly due to the increased hourly rate from \$50 to \$75 approved at the prior Committee meeting. The Committee decided to change the rate to \$75 for the first two hours and \$50 for additional hours.
- Due to complaints from older players about younger participants playing chair volleyball, the Committee discussed the issue. The Committee decided not to set an age limit as one has never been imposed and the Committee wants the Senior Center to be open to all.

OLD BUSINESS:

- None

NEW BUSINESS:

- None

OTHER BUSINESS:

- Mr. Potter reported that at the last Park's Board meeting William Heistand proposed adding six more tennis courts at Kercher Park. There are insufficient courts at the present time for the school to host tournaments. He asked for and received the Board's approval to move forward.

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 8:28 pm.

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

Attest: These minutes were approved by the Board of Trustees at the December 12, 2022 meeting.

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