



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 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 Super. Jeremy Holbrook
	Zoning Inspector Halie Sewell	

IN-PERSON ATTENDEES:

Name	Address	Name	Address
David Gehron	14239 Kiefer	Deborah K. Cross	7444 S. Stivers Road
Lynn Cleveland	11858 Oxford Road	Jim Martin	6916 Shimp Road
Kurt Jacoby	12955 Harris Road	Abigail H. Dennis	13091 Oxford Road
Jeff Dondero	6793 Diamond Mill Rd		

ONLINE ATTENDEES:

Name	Name	Name	Name
Georgeann Godsey	Sam	PC	

The Germantown Press was notified of the Regular Meeting on 2/7/22 at 5:01 pm.

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

VISITOR COMMENTS:

- None

FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for three meetings: (1) the 12/30/21 Special Meeting; (2) the 1/4/22 Organizational Meeting; and (3) the 1/10/22 Regular Meeting. There were no corrections. Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the three sets of minutes as presented. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand presented the January Financial Reports: (1) 1/31/22 Fund Status; (2) Month of January Cash Summary by Fund; (3) January 2022 Receipt Listing; and (4) January 2022 Payment Listing. He noted the following items:

- \$4,000 was transferred from the General Fund (#1000) to the Road and Bridge Fund (#2031), as approved by the Trustees at the January meeting.
- Voucher #6-2022 for \$57,514.23 to Rumpke Waste, Inc. was for the first quarter 2022 trash billing.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the January financial reports and authorize the payment of January bills (warrants 50547-50556 and vouchers 1-110 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 filed paperwork for the Joint Economic Development District (JEDD) issue and the Senior Citizens levy with the Board of Elections (BOE) on 1/29/22. Both issues will be on the 5/3/22 primary ballot. He noted that there was an initial problem with the Jackson Township JEDD filing. The BOE did not include the portion of New Lebanon that is in Jackson Township on the ballot vote. The language has since been corrected.
- He reminded the Trustees that the Township has the ability to declare the entire American Rescue Plan Act (ARPA) grant of \$303,149.58 as Revenue Loss by electing to use the Standard Allowance that was allowed under the US Department of the Treasury's Final Rule. The Revenue Loss category is the most flexible of the four categories of allowable ARPA expenditures, as it allows the funds to be used for any Government Service. He recommended that the Trustees allocate the entire ARPA grant to Revenue Loss. The Trustees requested that Mr. Heistand prepare a Resolution for approval at the March meeting.
 - He noted that since the ARPA grant is federal money, the Township is required to follow Federal procurement rules, not Ohio's procurement rules. He stated that the Trustees will need to adopt written policies and procedures regarding federal program compliance requirements before beginning to spend the ARPA funds. He will research to see if there are templates that can be used to develop these policies and procedures.
 - He reminded the Trustees that the ARPA funds are to be used to cover costs incurred from 3/8/21 through 12/31/24 and must be spent by 12/31/26.
- The Trustees reviewed the report received from Ohio Township Association Risk Management Authority/KLA Consulting risk consultant Cathy Gonzalez following her December 2021 site-visit. Her report included five recommendations to reduce potential liability exposure along with a request that the Township return a "Statement of Action Taken" form within 60 days. Mr. Holbrook discussed how his department could implement some of the recommendations. Chief Andzik reported that the Police Department will provide sexual harassment/anti-harassment training at the next department training session. The group discussed how to address the "hold harmless agreement" and "citizen complaint" recommendations. The Trustees asked that Mr. Heistand reply to Ms. Gonzalez that the Township is working to implement her recommendations.
 - **Visitor Comment: Deborah Cross, 7444 S. Stivers Road:** Mrs. Cross asked how the Township handles complaints that are posted on the Township's website and Facebook pages. Mrs. Sewell responded that she reviews Facebook and website comments so that the appropriate person can address complaints.
- Mr. Heistand updated the Trustees on the OneOhio Opioid Proposed Settlement. The Township is expected to receive between \$9,772 and \$13,959 over the next 18 years. A system of 18 Regional Governance Units has been set up throughout Ohio to administer the funds received from the Settlement. The Township is part of District 4, which includes all of Montgomery County. A function of each district is to appoint a representative to the state Foundation Board. Each district will also evaluate and recommend to the Foundation Board projects that will best use the funds to address the opioid crisis in each area.

- He noted that, at some point, the Trustees will need to pass two resolutions concerning the Settlement: (1) to approve the Township's participation in the District 4 Regional Governance Unit; and (2) to approve District 4 Unit's representative to the state Foundation Board.
- **Visitor Comment (via WebEx): Georgeann Godsey, 407 Burgess, Dayton, OH:** Ms. Godsey, the Montgomery County Township Association (MCTA) President, noted that she was contacted by Montgomery County Commissioner Judy Dodge about the District 4 Governance Unit organization. Ms. Godsey and MCTA Past President John Morris will represent the county townships as members of the Unit. She reported that the Community Opioid Action Team will help the Unit determine the use of the Settlement funds.
- Mr. Heistand stated that he sent the Montgomery County Auditor the Township's 2022 Certificate of the Total Amount from All Sources Available. The Auditor uses the report to prepare the Township's 2022 Official Certificate of Estimated Resources. He also provided updated elected official information to the League of Women Voters for their 2022 Directory of Public Officials.
- He reported that he completed the 2021 Annual Financial Report and submitted the financial statements and footnotes to the Ohio Auditor of State. A notice of the availability to review the Annual Financial Report will be published in the Germantown Press on 2/17/22. The financial statements will soon be available on the Auditor of State's website and the Township's 2021 transactions will soon be viewable on the Ohio Checkbook website.
- He attended the Ohio Township Association (OTA) Conference in Columbus 1/26-1/28/22. He took the Public Records course, which satisfied his requirement for this term in office.
- He announced an opening on the Fire/EMS Oversight Committee due to the recent passing of Richard Pettit. Those interested should complete a Board and Commissions Volunteer packet available at Germantown City Hall.
 - **Visitor Comment: Lynn Cleveland, 11858 Oxford Road:** Mr. Cleveland, a member of the Fire/EMS Oversight Committee, stated that one of the primary functions of the Committee is to approve the annual Fire/EMS Budget.

POLICE DEPARTMENT REPORT:

- Chief Andzik wished everyone a Happy Valentine's Day.
- He discussed Covid-related Sick Time for employees, noting that the government rules allowing these absences had expired prior to a bout that went through the Police Department in January. He asked the Trustees to grant coverage to those officers who did not use Covid Sick Time during the established time frame, but later tested positive for Covid. He suggested that employees be required to send an email stating they have tested positive and provide proof. He stated that he had no reason to believe any of the officers who were sick in January weren't telling the truth.
- Mr. Stubbs introduced **RESOLUTION 2022-13**, seconded by Mr. Potter: **A RESOLUTION CONTINUING COVID SICK PAY FOR 2022, EFFECTIVE JANUARY 1, 2022.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-13 WAS ADOPTED.**
- Chief Andzik reported that the retired 2014 cruiser recently sold for \$4,054 and the retired 2016 cruiser sold for \$9,600, both on GovDeal.com.
- Dr. Cross reported that he received a request from Jeff Jordan, Director of the Montgomery County Office of Emergency Management, to approve the new county Emergency Management Jurisdictional Agreement. The three-year Agreement will allow the Office to provide mitigation,

preparation, response, and recovery support for emergencies, disasters, enemy attack, or any other action too great to be dealt with by the Township without assistance.

- Dr. Cross introduced **RESOLUTION 2022-14**, seconded by Mr. Stubbs: **A RESOLUTION AUTHORIZING AN AGREEMENT WITH MONTGOMERY COUNTY, OHIO FOR THE PROVISION OF EMERGENCY PREPAREDNESS, HOMELAND SECURITY AND EMERGENCY MANAGEMENT SERVICES FOR GERMAN TOWNSHIP, MONTGOMERY COUNTY.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-14 WAS ADOPTED.**

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that his department had been busy with the inclement weather. Over the past three weeks, the department had spread approximately 65 tons of de-icing salt. He noted that the salt inventory is running low and a new supply had been ordered.
- He reported that the Township Hall water softener had been replaced and a prefilter had been added to the incoming well water to keep sediment from fouling the new softener.
- He reported on recent roof leaks above the Police Department offices. He recommended that the Trustees replace that section of roof.
- He requested that the Trustees hold an Executive Session to discuss a personal issue.

ZONING DEPARTMENT REPORT:

- Mrs. Sewell reported that the Township website has been updated with Trustee and Fiscal Officer contact information shown on the Trustees page.
- She reported that she issued a zoning permit this month for a pole barn on Puddenbag Road.
- She reported that the Board of Zoning Appeals (BZA) will hold a Public Hearing for Case #2022-60CUV on 3/8/22 at Germantown United Methodist Church. This case involves the proposed building for Valley View Schools.
- She noted that she did not receive a written job description for her position as part-time Zoning Inspector and part-time Township Administrative Assistant when she was hired in May 2019. Dr. Cross agreed to look for the written job description and provide it to Mrs. Sewell.
- She requested that the ripped American flag on the Township's flagpole be replaced.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to appoint Jim Martin as an Alternate on the Zoning Commission for a five-year term ending 12/31/26. The MOTION WAS APPROVED by a unanimous voice vote.

TRUSTEE POTTER' REPORT:

- Mr. Potter reported that the most recent Parks Board meeting was cancelled due to the weather.
- He spent a day riding with the Road Department, he met with Chief Andzik for several hours, he offered to help the Road Department plow snow, and he attended one day of the OTA conference.
- He was contacted by Nate Morlock of Blue Sky Network, a California technology company, who is installing line-of-site internet in Jackson Township. The company is interested in putting an internet connection on the Township cell tower. By doing so, the Township Hall would get internet at no cost. Mr. Morlock will be asked to attend the March Trustee meeting.
 - **Visitor Comment: Lynn Cleveland:** Mr. Cleveland asked if the internet that would be provided by Blue Sky Network would be 3G or 5G. He noted that there are concerns with 5G internet. Mr. Potter did not have an answer to Mr. Cleveland's question.

TRUSTEE STUBBS'S REPORT:

- Mr. Stubbs reported that there was a machinery accident at the Cemetery on 1/27/22 when a backhoe slid down the hill causing damage to some grave monuments. The Cemetery is contacting the affected families. He stated that the Cemetery's lean-to construction is almost complete.
- He attended the OTA Conference and took the Public Records course and several other classes.
- He thanked Mr. Holbrook, Scott Hamilton and Trustee Potter for the great job they did clearing the Township's 37 miles of roads following the recent snowstorm.
- He suggested that the Trustees hold a joint meeting with the Jackson Township Trustees, since both townships have similar issues. The Trustees agreed to hold this joint meeting.

TRUSTEE CROSS' REPORT:

- Dr. Cross reported that he met with Germantown City Manager Judy Gilleland and Senior Center Director Chenoa Erisman on 1/20/22. The Center currently has 138 members. Dues are \$10 for Township or City residents; \$25 for others. The lack of volunteers and the need for a Senior Center bus driver are concerns. The Monday lunch program sponsored by the Senior Resource Center in Dayton has been a success. The next Senior Oversight Committee meeting will be held in April.
- He provided emails to the Trustees with information concerning broadband access in the Township. He noted that he spoke with TSC-Hanson Communications (the company acquiring Consolidated Communications, including the Germantown office), Montgomery County Commissioner Judy Dodge, and Kelly Geers (the Director of Strategic Initiatives in Montgomery County) about broadband. He and Mr. Stubbs spoke with Spectrum Communications at the OTA Conference and were told that Spectrum planned to bring fiber optic cable to the Townships.
- He reported that he met with Kurt Jacoby, Zoning Commission President, to discuss goals for 2022.
- He noted that the BZA Public Hearing for Case #2022-60CUV was rescheduled from 2/8/22 to 3/8/22 due to concerns over Covid transmission. Due to the expected attendance, the meeting was moved from the Township Hall to Germantown United Methodist Church.
- He updated the Trustees on information he received concerning indigent burials from Kari Carter of Arpp-Root-Carter Funeral Home. Ohio Revised Code 9.15 states that if a person is a legal resident of the Township, the Township must pay for burial or cremation and pay for a marker on the gravesite. He learned from former Fiscal Officer Bob Rohrbach that this has only happened a couple of times in the last 20 years. Ms. Carter told him that the State of Ohio Board of Embalmers and Funeral Directors sponsors an Indigent Burial and Cremation Support Program that local jurisdictions may join and potentially receive reimbursement for indigent cremation expenses. Ms. Carter recommended that the Trustees approve a policy for indigent cremations, specifying an amount the Township is willing to pay and decide on a funeral home to use for this purpose.
- Dr. Cross introduced **RESOLUTION 2022-15**, seconded by Mr. Stubbs: **A RESOLUTION APPROVING FUNDS TO PROVIDE BURIAL OR CREMATION AND PLACEMENT OF A MARKER FOR TOWNSHIP RESIDENTS**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2022-15 WAS ADOPTED.**
- Dr. Cross discussed the 2/7/22 Germantown Council meeting that he attended.

EXECUTIVE SESSION:

- Dr. Cross made the following MOTION: **I move to go into Executive Session pursuant to O.R.C. 121.22(G)(1) to consider the employment of a public employee.** By accident the MOTION was not seconded. The roll was taken and the vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. The motion was approved. The Trustees entered into Executive Session at 8:15 pm.

- Township resident Jeff Dondero asked to address the Trustees prior to the Executive Session.
- Dr. Cross made a MOTION, seconded by Mr. Potter, to reconvene into Regular Session. The MOTION WAS APPROVED by a unanimous voice vote. The Trustees reconvened into Regular Session at 8:16 pm.

VISITOR COMMENT:

- **Jeff Dondero, 6793 Diamond Mill Road:** Mr. Dondero discussed his concerns with the property at 6590 Diamond Mill Road. He stated that when the property owner recently constructed a storage building he told the Township that it would be used to store farm equipment. Mr. Dondero asserted that it is actually being used by Germantown Oil Co. for overnight parking of filled fuel tanker trucks. He was concerned about a potential oil spill and the effect on the aquifer as well as potential runoff of fuel into Little Twin Creek. He noted that the subject driveway is at a dangerous point on Diamond Mill with poor visibility, especially for drivers coming southbound from Manning Road. He noted that recently an accident was barely avoided. He had heard that the property owner plans to apply for a zoning change to allow his business to be located on the property. He said that this is a bad location for a business.
- Dr. Cross responded to Mr. Dondero that he would discuss the situation with the prosecutor's office. He also asked that Mr. Dondero file a written complaint with the Zoning Department.

EXECUTIVE SESSION:

- Dr. Cross made the following MOTION, seconded by Mr. Stubbs: **I move to go into Executive Session pursuant to O.R.C. 121.22(G)(1) to consider the employment of a public employee.** The roll was taken and the vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. The motion was approved. The Trustees entered into Executive Session at 8:25 pm.
- Present in the Executive Session were: Trustees Mark Cross, Jacob Stubbs, and Lou Potter; Fiscal Officer Mark Heistand; Road Superintendent Jeremy Holbrook.
- The Trustees held discussion under the authority of O.R.C. 121.22(G)(1).
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reconvene into Regular Session. The MOTION WAS APPROVED by a unanimous voice vote. The Trustees reconvened into Regular Session at 8:45 pm.

OTHER BUSINESS:

- None

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 8:45 pm.

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

Attest: These minutes were approved by the Board of Trustees at the April 11, 2022 meeting.

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