

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

December 13, 2010

Held _____ 20____

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, Gregory A. Hanahan, Benjamin F. DeGroat, and Fiscal Officer Robert W. Rohrbach Jr. were present. Police Chief W. L. Wilcox, Road & Service Superintendent Jeremy Holbrook, and Zoning Inspector Laurie Rohrbach 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 – Steve Shockley of 12577 Harris Rd.; Tim Delotell of 828 Selme Rd., 45429; Tom & Kathleen Tiller of 8175 Germantown Pike; and Dave Jenks of 12801 Harris Rd.

NUISANCE ABATEMENT HEARING –

- I. Mrs. Rohrbach requested a Nuisance Abatement Hearing for the Delotell Property located at 12577 Harris Rd., Parcel ID D14-00902-0022.
- II. At 7:01 PM, Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to open a nuisance abatement hearing on the Delotell Property located at 12577 Harris Rd., Parcel ID D14-00902-0022.

Mrs. Rohrbach was sworn in and presented the facts of the case. She explained that there debris, garbage and junk in the yard. She present pictures of the property as evidence. She also provided a time line beginning on 03/13/2009 of contacts with the property owner, including notes of visits to the property and attempts to work with the tenant on abating the violations. While there has been some progress, the trailers and junk in the yard are still issues.

Mr. Shockley (tenant) was sworn in. He reported he has done some cleanup and removed trees that fell during a recent storm. He stated firewood is the only source of heat for the house. He stated he has done the best he can to comply and wants to build a barn in the back field to hold the items.

Mrs. Rohrbach confirmed that the storm damage was cleaned up immediately.

Mr. Delotell (owner) was sworn in. He advised that Mr. Shockley had lost his foot and use of his arm in an auto accident. He is also working with Mr. Shockley to establish a time line for cleanup.

At 7:21 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to close the nuisance abatement hearing. After discussion, all present voted in favor, MOTION passed.

The Board discussed the information and photos provided during the

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hearing and Mr. Hanahan introduce **RESOLUTION 2010-49**, seconded by Mr. DeGroat to declare the Delotell Property located at 12577 Harris Rd., Parcel ID D14-00902-0022; a nuisance and to order abatement by January 15, 2011; 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 2010-49**, passed.

Mr. DeGroat advised Mr. Shockley to contact him for assistance in abating the nuisance.

VISITOR COMMENTS –

- I. Mr. Tom Tiller presented a plaque of appreciation to the Police Dept. for assisting in the October 23rd Ohio River Road Runners 32nd annual race. He also reported that Sarah Hickey of Little Twin Rd. in German Twp. won the women's race and set a record time.

MINUTES –

The Board reviewed the minutes of the November 8, 2010 Regular meeting. Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan to approve the minutes of the November 8, 2010 Regular Meeting as submitted, after discussion, all present voted in favor, **MOTION** passed.

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

- A. Montgomery Co. Board of Elections – annual elected officials update request
- B. OTA – December Grassroots Clippings
- C. Mont. Co. Auditor – request form for 2011 advances; information regarding 2011 receipts and tax receipt issues; and 2011 tax abstract for approval.
- D. Western Regional Council of Governments – November recycle report
- E. Ohio Public Works – Friend Rd. phase 1c & Eckhart Rd. phase 2 project updates.
- F. Frank Gates – BWC injury reporting & posting requirement reminder for Feb. 1
- G. Ohio EPA – Three Valley Conservation Trust meeting invitation
- H. Time Warner – 3rd Qtr franchise fees
- I. Albers & Albers – November VVWSD legal fee invoice

OUT

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- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 12/13
- B. Village of Germantown – public records request for all information reviewed by the Trustees for future meetings – 11/08
- C. Mont. Co. Auditor – approval of tax abstracts
- D. Mont. Co. Board of Elections – annual elected official update

II. Distribute Financial Reports –

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to authorize the payment of the bills, checks 43035 thru 43119. After discussion, all present voted in favor. MOTION passed.

III. Mr. Rohrbach noted the need to select a public depository and recommended that the Board stay with the First National Bank of Germantown.

After review, Mr. Hanahan introduced **RESOLUTION 2010-50**, seconded by Mr. DeGroat, establishing the First National Bank of Germantown, as the Public Depository for active, interim, and inactive funds; and to secure a safety deposit box; and future Certificates of Deposit for German Township, until December 31, 2015.

Also, authorizing investments of interim and inactive funds with STAR Ohio

After discussion, the adoption vote was as follows:

- Randy Benson Yes
- Benjamin DeGroat Yes
- Gregory A. Hanahan Yes

RESOLUTION 2010-46 passed.

III. Mr. Rohrbach requested a resolution to authorize monthly advances of 2011 property and inheritance taxes from the Montgomery Co. Auditor Office.

Mr. DeGroat, introduced **RESOLUTION 2010-51**, seconded by Mr. Hanahan, to authorize monthly advances of 2011 property and inheritance taxes from the Montgomery Co. Auditor Office. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Hanahan – Yes, Mr. DeGroat – Yes. RESOLUTION 2010-51 passed.

IV. Mr. Rohrbach requested a resolution to approve amendment of the 2010 appropriations as attached.

Mr. Hanahan, introduced **RESOLUTION 2010-52**, seconded by Mr. DeGroat, to approve amendment of the 2010 appropriations as attached. After review and discussion, the adoption vote was as follows: Mr.

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Benson – Yes, Mr. Hanahan – Yes, Mr. DeGroat – Yes. RESOLUTION 2010-52 passed.

- V. Mr. Rohrbach opened a discussion concerning the renewal/replacement of the Parks Recreation levy that expires the end of 2010, with funding ending at the end of 2011.

RESOLUTION 2010-53 requesting that the Montgomery County Auditor Office certify to German Township the total current tax valuation of German Township, incorporated and unincorporated areas, and the dollar amount of revenue that would be generated by the Recreational Levy (Parks), a 1/2 mil levy, for a 5 year period of time, of renewal tax; beginning tax year 2011, with first half collection in 2012; to provide funding “for parks and recreational purposes” as authorized in the ORC Section 5705.19 (H), to be voted on the May 3, 2011 ballot; was introduced by Mr. Benjamin DeGroat and seconded by Mr. Gregory Hanahan, during the Regular Board of Trustees meeting held on December 13, 2010.

After discussion, the adoption vote was as follows: Mr.

Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes;

RESOLUTION 2010-53 passed.

- VI. Mr. Rohrbach reported on 2011 budget information he received while attending the annual meeting held by the Montgomery Co. Auditor Office. State funding will be cut, but specific programs have not yet been identified; and the depressed economy will continue to impact income & property tax receipts.
- VII. Mr. Rohrbach opened a discussion regarding the cell phone policy change issue. The Board tabled the issue until the January meeting.
- VIII. Mr. Rohrbach requested a date and time be set for the annual re-organizational meeting. The Board selected January 3, 2011 at 7:00 PM.

RECORDS COMMISSION:

- I. Mr. Rohrbach called the Records Commission meeting to order at 7:50 PM with Mr. Benson, Mr. DeGroat, Mr. Hanahan present.

Mr. Rohrbach presented an amended record retention schedule from the police department for review and approval.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to approve the amended police records retention schedule as submitted. After discussion, all present voted in favor, MOTION passed.

Mr. Hanahan reported on several public records requests now being made to test the ability of the entity to produce the records, with unsuccessful

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requests being followed by litigation.

The Records Commission meeting was adjourned at 7:55 PM

PRESIDENT REPORT –

- I. Mr. Benson opened a discussion regarding current LP gas costs to the township. The current agreement with Kuhn & Co. LP was discussed. He will investigate the possibility of lower ^{our} LP costs.
- II. Mr. Benson noted that the filter change light had been on in the heat thermostat. He asked if we were contracted with anyone for routine service and if so, were they performing that service?

Mr. Rohrbach advised that Hensley Heating & Air Conditioning had been hired at one point for all routine services, but did not know if they were currently performing any service. He also noted that the last invoice received from Hensley was approx. two years old when received.

Mr. Benson will follow up on the issue.

POLICE REPORT –

- I. Chief Wilcox reported that Santa Claus visit went very well with approx 125 children in attendance.
- II. Chief Wilcox reported that the police gas tank dike had to be replaced due to rust. He thanked the Road Dept. for assisting with the delivery, painting, removal of old dike and installation of the new one.
- III. Chief Wilcox reported on a thank you letter received for services of Officer Shane Birch.
- IV. Chief Wilcox requested that the Board consider placing a street light at the entrance to the Township Hall from SR 725. The Board requested that the Chief obtain quotes from Miami Valley Lighting.
- V. Chief Wilcox requested an executive session prior to the end of the meeting to discuss a personnel matter.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook updated the Board on the Friend Rd. Issue II Phase 1B project. The project is complete and being closed out. He present disbursement forms for signature by the Board.
- II. Mr. Holbrook reported that the roads have been plowed of snow and salted three times in the first 13 days of December. Mr. DeGroat noted that the

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Road Dept. is doing a good job on the roads.

ZONING & TRASH COLLECTION REPORT -

- I. Mrs. Rohrbach reported, in her written report, that Dan Lee and Wade Dunn have agreed to be re-appointed for another 5 year term.

Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan to appoint the following:

Dan Lee – Zoning Commission for a term to run from 1/1/11 to 12/31/2015; and

Wade Dunn – Board of Zoning Appeals for a term to run from 1/1/11 to 12/31/2015.

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

OLD BUSINESS:

- I. Mr. Hanahan updated the Board on the activities of the Valley View Water & Sewer Dist. CESO of Centerville has been selected as the engineering firm for the district. The District Board is also working on finding funding sources for the district.

- II. Mr. Hanahan reminded the Board of the upcoming OTA conference in February.

Mr. DeGroat introduced a **MOTION**, seconded by Hanahan, to authorize attendance and payment of the costs of attending for all elected officials and department heads. After discussion, all voted in favor, MOTION passed.

- III. Mr. Hanahan opened a discussion regarding re-appointed of Mr. Wright to the Germantown Union Cemetery Board for two years.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to appoint Mr. Steven Eugene Wright, as citizen at large, to a two year term on the Germantown Union Cemetery Board beginning 1/1/11. After discussion, all vote in favor, MOTION passed.

- IV. Mr. Hanahan opened a discussion about participation in the upcoming Montgomery County ED/GE program. He noted that an increase/decrease of property valuations will impact whether German Twp. receives from or pays into the program annually.

- V. Mr. DeGroat reported he has been receiving questions reference availability of extra recycle totes. He will follow up with Mrs. Rohrbach.

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NEW BUSINESS: none

EXECUTIVE SESSION:

I. At 8:40 PM, Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan, to adjourn into executive session, with Police Chief W. L. Wilcox and Fiscal Officer R. Rohrbach, to discuss personnel issues in the Police Dept., after discussion, all present voted in favor, MOTION passed.

At 9:12 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to re-convene into public session, after discussion, all present voted in favor, MOTION passed.

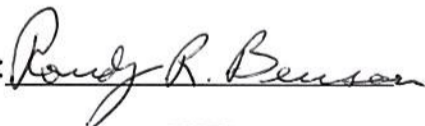
POLICE CONTINUED:

VI. Chief Wilcox recommended that Officer Christopher Shane Birch be hired to the position of full time officer effective 1/1/11, to serve a 9 month probation.

Mr. Hanahan introduced **RESOLUTION 2010-54**, seconded by Mr. DeGroat, to hire Officer Christopher Shane Birch for the position of full time officer effective 1/1/11, to serve a 9 month probation. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Hanahan – Yes, Mr. DeGroat – Yes. RESOLUTION 2010-48 passed.

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 9:15 P. M.

Signed: 

Attest: 