

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 08, 2011

Held _____ 20_____

The regular meeting was called to order at 7:10 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, and Fiscal Officer Robert W. Rohrbach Jr. were present. Trustee Benjamin F. DeGroat was absent and excused. Police Chief W. L. Wilcox, and Road & Service Department Superintendent Jeremy Holbrook were also present.

This meeting was digital tape recorded and the CD is on file. The Germantown Press, Dayton Daily News, and Middletown Journal were notified of the meeting.

VISITORS – Scott Hamilton of the Road Dept.

VISITOR COMMENTS – none

MINUTES –

The Board reviewed the minutes of the July 11, 2011 and the Special Meeting held on July 21, 2011. Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan to approve the minutes of the July 11th meeting as corrected and the July 21st as submitted, after discussion, all present voted in favor, **MOTION** passed.

FISCAL OFFICER REPORT –

I. Correspondence:

IN

- A. Mont. Co. Treasurer- Estate notification (\$10,300.08)
- B. Time Warner Cable – 2nd Qtr franchise fee (\$2,044.89)
- C. Village of Germantown – signed Fire/EMS agreement
- D. Miami Valley Lighting – proposed contract for next 3 years
- E. Ohio BWC – Audit results
- F. OTA – July Grassroot Clippings
- G. Auditor of State – Public Hearing announcement on audit rate increase & UAN fee

OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 07/27 & 8/8
- B. Village of Germantown – 7/11 & 7/27 information
- C. Monthly reports – IRS, State, School, OPERS
- D. Mont. Co. Engineer – Partnership Pool Resolution
- E. Frank Gates Service Co. – BWC annual participation agreement & payment
- F. Mont. Co. Board of Elections – filed Senior Levy renewal Resolution 2011-26
- G. Mont. Co. Auditor – Budget Commission waiver

II. Distribute Financial Reports –

Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve

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the financial reports and authorize the payment of the bills, checks 43742 thru 43823. After discussion, all present voted in favor. MOTION passed.

- III.** Mr. Rohrbach noted that the street light contract had been received and recommended approval for the next three years. The next two years at no increase and the final year a 3.5% increase. We currently have 5 street lights.

After review of the document, Mr. Hanahan introduced **RESOLUTION 2011-36**, seconded by Mr. Benson, to contract with Miami Valley Lighting for the next three years for street lighting and to authorize Mr. Benson to sign on behalf of the Board. After discussion, the adoption vote was as follows:

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

RESOLUTION 2011-36 passed.

PRESIDENT REPORT – none

POLICE REPORT –

- I.** Chief Wilcox reported on the National Night Out. The event went very well and was highly attended.
- II.** Chief Wilcox updated the Board on the Viking Heating & Air Conditioning LLC, contract and the addition of changing filters for the units. Viking will include supplying and changing the filters for a total cost of \$370.00 per inspection.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to amend the contract with Viking Heating & Air Conditioning LLC for preventive maintenance and filter changes for the Township Hall, and authorize Chief Wilcox to sign on behalf of the Board. After discussion, all present voted in favor, MOTION passed.

- III.** Chief Wilcox updated the Board on the electric/energy audits. They will provide their findings and recommendations to the Board during the September meeting.
- IV.** Chief Wilcox reported that the problem with the weather siren at the Township Hall has still not been repaired. It should be repaired in the next 30 days.
- V.** Chief Wilcox requested that the German Twp. Police Association be permitted to use the Township Hall and property on September 10, 2011 to host a Patriot Chop & Chicken Dinner for the community.

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Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson, to authorize the use of the building and property for the dinner as requested by the Township Police Association. After discussion, all present voted in favor, **MOTION** passed.

VI. Chief Wilcox reported on the CALEA police accreditation conference and banquet that was attended by several officers, Chief Wilcox, Admin Asst. Laurie Rohrbach, and Fiscal Officer Robert Rohrbach. The German Township Police Department was awarded Re-Accreditation with Excellence.

VII. Chief Wilcox announced that “active shooter training” has been scheduled to be held at VVHS. Neighboring departments have been invited to include Jackson Twp. PD and Germantown PD.

VIII. Chief Wilcox requested a resolution to declare the following items surplus and authorize sale:

- 4 each CD Mavica digital cameras with accessories – GTPD #'s 265, 266, 267, & 268.
- Flash Attachment s, model HVL-F1000, GTPD #'s 261, 262, 264, and 306
- Kodak Easy Share C713 digital camera S#KCGHP81200490
- Sony BC-CS2A battery charger

Mr. Hanahan introduced **RESOLUTION 2011-37**, seconded by Mr. Benson, to declare the above listed items as surplus and to authorize the sale of same. After discussion the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Absent, Mr. Hanahan – Yes; **RESOLUTION 2011-36** passed.

ROAD/SERVICE DEPARTMENT REPORT –

I. Mr. Holbrook requested resolutions for participation in 2012 Issue II.

Mr. Hanahan introduced **RESOLUTION 2011-38**, seconded by Mr. Benson, authorizing the submittal of a grant application for funds to approve Eckhart Road Improvements Phase 2, project in German Township and to authorize Board President Randy R. Benson to sign all documents on behalf of the Board. After discussion the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Absent, Mr. Hanahan – Yes; **RESOLUTION 2011-38**

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passed.

Mr. Hanahan introduced **RESOLUTION 2011-39**, seconded by Mr. Benson, authorizing the submittal of a grant application for funds to approve Friend Road Widening and Resurfacing Phase 1C, project in German Township and to authorize Board President Randy R. Benson to sign all documents on behalf of the Board. After discussion the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Absent, Mr. Hanahan – Yes; **RESOLUTION 2011-39** passed.

- II. Mr. Holbrook reported that Barrett Paving has completed the resurfacing of Mudlick Rd.. Montgomery County striping program will stripe the roadway.
- III. Mr. Holbrook reported that the fourth round of mowing has been completed and deep patching continues.
- IV. Mr. Holbrook updated the Board on the Issue II Eckhart Road project. The process has begun to acquire 0.323 acres of permanent easement along the property owned by Five Rivers Metro Park. The easement is required for the back slope that will support the new roadway.
- V. Mr. Holbrook requested a resolution to authorize the closure of Keifer Road, between Anthony and Shimp Roads, from 8/15 to 8/24/11, to allow for the replacement of a culvert.

Mr. Hanahan introduced **RESOLUTION 2011-40**, seconded by Mr. Benson, to authorize the closure of Keifer Road, between Anthony and Shimp Roads, from 8/15 to 8/24/11, to allow for the replacement of a culvert. After discussion the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Absent, Mr. Hanahan – Yes; **RESOLUTION 2011-39** passed.

ZONING & TRASH COLLECTION REPORT - none

- I. In her written report, Mrs. Rohrbach reported that Paige Pate had resigned from the Board Zoning of Appeals, effective 7/11/11; and Mr. Aaron Willis has resigned as an Alternate member of the BZA effective 7/18/11..

Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to accept the resignation of Mr. Pate and Mr. Willis, and thanked them for their service. After discussion, all present voted in favor, **MOTION** passed.

- II. In her written report, Mrs. Rohrbach recommended the following

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appointments to fill vacancies as noted:

- Charles Tobey to fill the remainder of Mr. Pate’s term on the Board Zoning Appeals, expiring 12/31/12
- Everett Morris to fill the remainder of Mr. Tobey’s term as a Board of Zoning Appeals Alternate member, expiring 12/31/14
- DeLone Jones to fill the remainder of Mr. Willis’s term as a Board of Zoning Appeals Alternate member, expiring 12/31/12.

Mr. Benson introduced a **MOTION**, seconded by Mr. Hanahan, to appoint the individuals as listed above. After discussion, all present voted in favor, **MOTION** passed.

III. In her written report, Mrs. Rohrbach noted that the Mont. Co. Prosecutor’s Office has recommended that the existing Township Nuisance Abatement Resolution # 2001-31 be updated/amended as provided to the Board in draft form.

Mr. Hanahan introduced **RESOLUTION 2011-41**, seconded by Mr. Benson, A RESOLUTION TO AMEND RESOLUTION #2001-31, NUISANCE ABATEMENT PROCEDURES, AS PROVIDED FOR IN SECTION 505.87 OHIO REVISED CODE WAS INTRODUCED BY MR. HANAHAN, SECONDED BY MR. BENSON, DURING THE REGULAR MEETING OT THE GERMAN TOWNSHIP BOARD OF TRUSTEES MEETING HELD ON AUGUST 8, 2011.

Whereas, the State of Ohio has enacted legislation to permit townships to provide for the abatement, control, or removal of nuisances; and

Whereas, the German Township Board of Trustees believe that it is in the best interest of German Township to amend its procedures, in accordance with O.R.C. Section 505.87, to abate, control, or remove nuisances in German Township; and

Whereas, following the adoption of Resolution #2001-31, O.R.C. Section 505.87 has been amended; and

Now, Therefore, Be It Resolved, by the German Township Board of Trustees to enact the following amended nuisance abatement policy and procedures, as follows, effective immediately:

NUISANCE ABATEMENT

- I. **Policy Statement** - It is the policy of German Township to encourage property owners to voluntarily maintain their property in a nuisance free condition. When the Board of Trustees determines that a property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance, the Board of Trustees may take appropriate action to abate the nuisance.

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II. **Definitions:**

Nuisance: A nuisance condition may be determined to exist if vegetation, garbage, refuse or other debris is kept in such a manner that causes damage, annoyance, inconvenience, blight, and/or affects the health, safety and welfare of adjacent residents or properties.

III. **Procedures:**

A. Upon information that a nuisance condition exists, the Board of Trustees will make cause to inspect the property. If the Board of Trustees finds a possible nuisance condition to exist, notice to the owner(s) of such property and all lien holders of record shall be made to attend a public hearing, where the Board of Trustees will determine if the property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance. Notification of said public hearing will be made in the following manner:

1. By certified mail and regular mail and, if desired, by posting the notice on the principal structure on the land. Said posted notice shall then be photographed with a camera capable of recording the date of the photograph on it. (The posting is optional)
2. If the owner(s) address is unknown and cannot be reasonably obtained, it shall be sufficient to publish the notice once in a newspaper of general circulation in the Township.
3. Identification of the owner(s) and lien holder(s) of a particular parcel shall be determined by public records, as same are kept in the regular course of business, by the Montgomery County Auditor's Office and the Montgomery County Recorder's Office.

B. The notice of public hearing shall contain:

1. The date, time and location of the public hearing;
2. The location of property containing the alleged nuisance;
3. A description of the alleged nuisance;
4. That the property owner(s) may appear at said hearing and present evidence and/or witnesses on his/her behalf; and
5. That the property owner (s) may be represented by an attorney at said hearing;
6. That if the Board of Trustees determines that the property owner(s)' maintenance of vegetation, garbage, refuse or other debris constitutes a nuisance, the Board will cause said nuisance to be abated or removed as provided below.

C. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that a nuisance exists, the Board of Trustees shall notify the property owner(s) and any holders of liens of record upon the land, that:

1. That the Board of Trustees has determined, after public hearing, that a nuisance exists on the property; and
2. The property owner(s) is ordered to abate, control or remove the vegetation, garbage, refuse or debris; and
3. If such vegetation, garbage, refuse, or other debris is not abated, controlled, or removed within seven (7) days of notification, the Board of

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Trustees will provide for the abatement, control, or removal of the nuisance, and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

4. That the property owner or the lien holders may, within the seven day period after notification, enter into an agreement with the Board of Trustees providing for either the property owner (s) or the Board to perform the abatement, control, or removal.

5. Said notice, containing the abatement order as described in Section C(1-4) above, shall be sent to the property owner(s) by certified mail and regular mail, or notice shall be given to the property owner by posting the notice on the principal structure on the land. Said posted notice shall then be photographed with a camera capable of recording the date of the photograph on it. Said notice, containing the abatement order as described in Section D above, shall be sent to the lien holder(s) by certified mail. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will publish the notice once in a newspaper of general circulation in the Township.

6. If, within seven (7) days after notice is given, the property owner(s) fails to abate, control or remove the vegetation, garbage, refuse and other debris, or if the property owner(s) fails to enter into an agreement with the Board of Trustees to provide for abatement of the nuisance, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance. All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.

D. If the Board of Trustees determines at the public hearing, based upon the evidence presented therein, that a nuisance exists on the property at issue, **and** if the Board of Trustees had previously determined, within the previous twelve consecutive month period, (calculated from the date of the public hearings) that the same owner's maintenance of vegetation, garbage, refuse or other debris on the same land had constituted a nuisance, the Board of Trustees shall notify, in writing, the property owner(s) and any holders of liens of record upon the land, that:

1. That the Board of Trustees has determined, after public hearing, that a nuisance exists on the property **and** that that the same owner's maintenance of vegetation, garbage, refuse or other debris on the same land had been determined by the Board, within the previous 12 month period, to constitute a nuisance;

2. The property owner(s) is ordered to abate, control or remove the vegetation, garbage, refuse or debris; and

3. If such vegetation, garbage, refuse, or other debris is not abated, controlled, or removed within four (4) days of notification, the Board of Trustees will provide for the abatement, control, or removal of the nuisance, and any expenses incurred by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

4. That the property owner or the lien holders may, within the four day period after notification, enter into an agreement with the Board of Trustees providing for either the property owner (s) or the Board to perform the abatement, control, or removal.

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5. Said written notice, containing the abatement order as described in Section D(1-4) above, shall be sent to the property owner(s) and all lien holders by first class mail. Alternatively, the Board of Township Trustees can notify the owner by posting the notice on the principal structure on the land. Said posted notice shall then be photographed with a camera capable of recording the date of the photograph on it. Failure of delivery of said notice shall not invalidate any action to abate taken by the Board of Trustees or its agents or employees. If the address of the property owner(s) is unknown and cannot be reasonably obtained, the Board of Trustees will post the notice on the township's internet web site for four consecutive days.

6. If, within four (4) days after notice is given, the property owner(s) fails to abate, control or remove the vegetation, garbage, refuse and other debris, or if the property owner(s) fails to enter into an agreement with the Board of Trustees to provide for abatement of the nuisance, the Board of Trustees shall make available funds and take all necessary actions to abate the nuisance. All expenses incurred in abating the nuisance shall be approved by the Board of Trustees and paid from the general fund.

E. Upon having the nuisance abated, the Board of Trustees shall prepare, and the Clerk shall submit, a written report to the Montgomery County Auditor. The report shall include a statement of the Board of Trustees' actions under this Resolution and Ohio Revised Code Section 505.87, as well as a statement of all expenses incurred in providing for the abatement, control or removal of any vegetation, garbage, refuse or debris, including the Board's charges for its services, notification, the amount paid for labor, materials and equipment along with a proper description of the property.

After discussion, the adoption vote was as follows: Mr. Benson - Yes Mr. DeGroat - Absent Mr. Hanahan - Yes. RESOLUTION 2011-41 passed.

OLD BUSINESS:

I. Mr. Hanahan updated the Board on the Valley View Water & Sewer Dist activities.

- Discussed CESO's feasibility plan for Eby Rd., Sunbury, and Germantown Middletown Rd. project using potential water supplied by Germantown or Southwest Regional Water Authority. Also discussed investigating a feasibility plan for all of German Twp.
- Viewed a presentation from a CPA firm regarding setting up district finances ; cash flow for projects; etc.
- Investigating applying for a planning loan.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 7:46 P. M.

Signed: Randy R. Benson Attest: [Signature]