

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 14, 2011

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, Benjamin F. DeGroat, Gregory A. Hanahan and Fiscal Officer Robert W. Rohrbach Jr. were present. 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 – Douglas Trout representing the Montgomery Co. Prosecutor Office; and Tom Tiller 8175 Germantown Pike.

VISITOR COMMENTS –

- I. Mr. Tiller thanked the police department for their assistance during the Ohio River Road Club Germantown Country Classic 17K Run, reporting that many compliments were received from participants. He presented a plaque of appreciation to Chief Wilcox.

MINUTES –

The Board reviewed the minutes of the October 10, 2011 regular meeting and the October 31, 2011 special meeting. Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to approve the minutes of the October 10, 2011 regular meeting as corrected and the October 31, 2011 special meeting as submitted. After discussion, All present voted in favor, **MOTION** passed.

FISCAL OFFICER REPORT –

I. Correspondence:

IN

- A. Mont. Co. Auditor – Certificates of Property tax Revenue for Recreational (pool) ½ mill renewal and ½ additional levies.
- B. OTA – November Grassroot Clippings
- C. United states Postal Service – Notice the our “permit” number has been changed
- D. Albers & Albers – VVWSD October invoice
- E. Dayton Power & Light – energy audit reimbursement check
- F. Auditor of State – Bulletins 2011-006 Public Record Requests and 2011-007 Trustee & Fiscal Officer Compensation; and Independent Auditor RFP’s and associated paperwork for 2010 thru 2014 audits.
- G. USDA – FSA County Committee Election Ballot.

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OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 10/31 & 11/14
- B. Village of Germantown – 10/12 information
- C. Monthly reports – IRS, State, School, OPERS
- D. Montgomery Co. Auditor – Res 2011-49 rates & amounts; and Res. 2011-51 & 2011-52 requesting property tax revenue certifications for recreation (pool) levies
- E. Census – entity questionnaire
- F. GASB Standards Board – letter opposing changes to require local governments to account for OPERS operations of funding in local yearend reports.
- G. Burnham & Flower – Rohrbach & Benson bond requests/applications

II. Distribute Financial Reports –

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan to approve the financial reports and authorize the payment of the bills, checks 43996 thru 44079. After discussion, all present voted in favor. **MOTION** passed.

III. Mr. Rohrbach reported he has received the recreation (pool) levy certifications for revenue and the Board can now move forward with resolution to place the issues on the ballot.

Mr. Benson reported that after discussing the two levies with the Germantown City Manager, it was decided not to place an additional levy on the ballot due to current economic conditions. The Board discussed and agreed to move forward with only the renewal.

Mr. Benson introduced **RESOLUTION 2011-54**, seconded by Mr. DeGroat, declaring it necessary to levy a tax in excess of the ten mill limitation; and to place a ½ mill renewal levy for Parks and Recreational Purposes (pool), commencing 2012 with first half collection 2013, on the March 6, 2012 Primary ballot of the incorporated and un-incorporated areas of German Township. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; **RESOLUTION 2011-54** passed. Mr. Rohrbach was directed to file said resolution with the Montgomery Co. Board of Elections prior to the Dec. 7th deadline.

IV. Mr. Rohrbach noted that receipt of the ballot from the County FSA. Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson, to cast a vote in the name of German Township, for Benjamin DeGroat as FSA Committee

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member. After discussion, Mr. Benson and Mr. Hanahan voted in favor, Mr. DeGroat abstained. MOTION passed.

PRESIDENT REPORT –

- I. Mr. Benson reported that Mr. Munafo, an employee of the Germantown Union Cemetery, is interested in obtaining a CDL drivers license to assist with cemetery work. He would need to borrow a Township truck for the testing. Both, Mr. Steinecker and Mr. Holbrook are OK with the proposal. Mr. Benson has volunteered to mentor Mr. Munafo. The Board agreed if the cemetery insurance will cover him while in training and during testing.
- II. Mr. Benson reported that there will be a Christmas in the Park meeting on 11/17 at the City Council chambers.
- III. Mr. Benson opened a discussion regarding the county tire collection and dumping prevention program. Mr. Holbrook recommended participation and the Board agreed.
- VI. Mr. Benson reported that an agreement has not yet been drawn up with the City of Germantown, regarding the North Well field cleanup.
- V. Mr. Benson opened a discussion regarding installing an underground LP gas tank. A 1000 gallon underground tank installed by Kuhn Co. would cost \$2,700.00. The Township could dig the hole to save on the project. Chief Wilcox noted that this installation would correspond well with the police building expansion.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to purchase the tank as outlined above. After discussion, all present voted in favor, MOTION passed.

- VI. Mr. Benson reported on the shared service meeting called by the Library, with Jackson and German Townships, City of Germantown and Village of Farmersville. Primary focus was on producing a joint newsletter, with each entity paying the cost based on the number of households in their respective jurisdiction. German Twp. would be responsible for 43.5% of the costs or approx. \$450.00 per quarter.

The Board discussed the proposal, and noted that German Township had a newsletter several years ago that was discontinued because of cost outweighed the benefit. They also noted that the school district had tried

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the joint newsletter project in the past that eventually failed, again because cost outweighed benefit. The Board decided not to participate in the newsletter project due to lack of need.

POLICE REPORT –

- I. Chief Wilcox updated the Board on the police building addition project. Plans are ready for review by the Board.
- II. Chief Wilcox updated the Board on the ongoing status of the OVI Task Force. He has signed the Memo of Understanding for 2012, as authorized under the existing participation resolution.
- III. Chief Wilcox shared correspondence from DP&L regarding the recent energy audit.

EMPLOYEE DISCIPLINE HEARING –

At 7:40 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to open an Employee Discipline Hearing, to hear charges against Police Officer Nathan Wiley. After discussion, all voted in favor, MOTION passed.

Present were Chief Wilcox; Trustees Mr. Benson, Mr. DeGroat, Mr. Hanahan; Fiscal Officer Robert Rohrbach; Asst. Mont. Co. Prosecutor Douglas Trout; and Road Superintendent Jeremy Holbrook. Police Officer Nathan Wiley was not present. He had been notified of the hearing via personal service (notice was for a 7:30 PM start time). Entire hearing was digitally recorded as part of the minutes of this meeting.

Mr. Trout presented the following procedural notes:

- Officer Wiley was arrest for OVI while off duty.
- The Board placed Officer Wiley on Leave of Absence with pay on Sept. 27 via Resolution 2011-047. Officer Wiley was personally served.
- Officer Wiley was provided an opportunity to present to Chief Wilcox in Oct. - he was personally served and did not attend
- Officer Wiley was notified of tonight's scheduled discipline hearing by personal service. As of 7:42 PM he is not present.

Mr. Trout called Chief Wilcox as a witness. Chief Wilcox was sworn in by Fiscal Officer Rohrbach. Mr. Trout entered onto the record various facts provided by question and answer testimony from Chief Wilcox.

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Mr. Trout entered the following documents into evidence :

Exhibit # 1 – Resolution 2011-047 (attached)

Exhibit # 2 - Letter of Administrative Leave signed by President of the Board of Trustees – Mr. Benson (attached)

Exhibit # 3 - Letter of violations of German Twp. Police Dept rules and regulations that was personally served by Sgt. Andzik. (attached)

Mr. Trout asked Chief Wilcox to summarize the charges against Officer Wiley.

Mr. Tout rested the case for the Police Dept.

It was noted that Officer Wiley, nor any representation was present to defend against the charges.

The Board discussed the issues and after consideration took the following action.

Mr. Hanahan introduced **RESOLUTION 2011-056**, seconded by Mr. DeGroat, to terminate Police Officer Nathan Wiley, effective November 14, 2011, based on the information testified to in the above hearing. After discussion, the adoption vote was as follows: Mr. Hanahan – Yes, Mr. DeGroat – Yes, Mr. Benson – Yes. Chief Wilcox will have the termination resolution and final payroll payouts personally served.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to close the hearing. After discussion, all present voted in favor, MOTION passed.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook reported that re-setting and repairing of headstones has been completed at State Road Church Cemetery. There are five broken stones that need epoxy'd back together at State Road Cemetery.
- II. Mr. Holbrook updated the Board on the Issue II Eckhart Road Phase 1 project. Weidle Corp has almost completed work on the original Phase 1 project. The roadway has been opened to traffic. The additional work for Phase 1 was discussed.
- III. Mr. Holbrook reported that \$327,171.00 has been approved by Issue II for Friend Rd. Phase 1C, from the end of section 1b to Wetzel Rd. The project will go out for bid in early spring 2012.

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ZONING & TRASH COLLECTION REPORT - none

OLD BUSINESS:

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

Project priorities are being refined: Little Forrest Dr. is now 1st; followed by Diamond Mill & Little Twin Roads. Also, Eby Rd. and Sunbury are being worked up.

He also reported that the City of Germantown has met with the Water Dist. Attorney and has a copy of a proposed agreement to sell water to the district. * See below

Mr. Rohrbach expressed his concern that the dollar amount being expended from the General Fund for attorney fees, as a loan to get the district functioning, has increased drastically and is unsustainable. The district must find a funding source, due to the local government budget cuts imposed by the state, will make it very difficult to continue in 2012.

II. Mr. Hanahan reminded the Board of the Mont. Co. Township Association meeting to be held on November 16 at Rob's restaurant in Brookville.

III. Mr. DeGroat thanked Mrs. Laurie Rohrbach for all her work on the Township Employee Appreciation dinner.

IV. Mr. DeGroat congratulated Mr. Benson on his re-election and thanked the voters for their support of the Senior levy renewal.

EXECUTIVE SESSION:

I. At 7:57 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to adjourn into executive session to discuss personnel issues, involving a road employee, with Mr. Trout and Mr. Rohrbach in attendance.

At 8:29 PM the meeting was reconvened.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 830 P. M.

Signed: Randy R. Benson

Attest: 

* Mr. ~~Hanahan~~ ^{DeGroat} introduced Resolution 2011-55, second by Mr. Hanahan to appoint Mr. LARRY Vanderbrook to Position #3 of the Valley View Water and Sewer District. After discussions, the adoption vote was as follows: Mr. DeGroat - Yes, Mr. Benson - Yes, Mr. Hanahan - Yes. Resolution 2011-55 passed