

## THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_

September 10, 20 2012

The regular meeting was called to order at 7:15 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. Road & Service Department Superintendent Jeremy Holbrook, and Police Chief W. L. Wilcox 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 Mont. Co. Prosecutors Office; Joe Tuss and Amy Wiedeman representing the Mont. Co. Administrator; and Harley Branham 11820 Sigel Rd.

**EXECUTIVE SESSION** –

- I. At 7:17 PM Mr. Hanahan presented a **MOTION** to enter into executive session, with Mr. Trout, Mr. Tuss, Ms. Wiedeman, Chief Wilcox, Mr. Holbrook and Mr. Rohrbach, seconded by Mr. DeGroat, to discuss antenna and radio dispatch contracts. After discussion, all present voted in favor, Motion passed.
- II. At 7:43 PM Mr. Hanahan presented a **MOTION** to reconvene the meeting, seconded by Mr. DeGroat.

**VISITOR COMMENTS** –

- I. Mr. Branham opened a discussion about the Sower property and the fence in the Sigel Road right of way causing sight distance issues from his driveway. He noted that the Montgomery County Engineer office did a inspection and found no sight distance issue. He was not satisfied with the County Engineer finding. He further insisted that German Township owned the land that the fence was setting on in the road right of way.

Mr. Holbrook noted that the Road Dept. is ditching the roadway and the fence will be moved approx. 8 feet further from the pavement.

The Board advised Mr. Branham that they will check into the issue.

**MINUTES** –

The Board reviewed the minutes of the August 13, 2012 regular meeting and the August 22, 2012 special meeting.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to

## THE GERMAN TOWNSHIP BOARD OF TRUSTEES

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September 10, 2012

approve the minutes of the August 13, 2012 regular meeting as corrected. After discussion, all present voted in favor, MOTION passed.

Mr. Benson introduced a **MOTION**, seconded by Mr. DeGroat to approve the minutes of the August 22, 2012 special meeting as submitted. After discussion, all present voted in favor, MOTION passed.

### FISCAL OFFICER REPORT –

#### I. Correspondence:

##### IN

- A. OTA – September Grassroot Clippings
- B. Montgomery Co. Engineer – request for collaborative partner letters of support for the storm sewer project.
- C. Ohio EPA – Public meeting announcement August 28 re: Clean Water LTD in Dayton.
- D. DP&L – 2<sup>nd</sup> half reimbursement for implementation of the energy efficiency Township Hall study.
- E. Ohio Dept. Taxation – Lodging Tax information request.
- F. Auditor of State – Bulletin 2012-006

##### OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 8/22 & 9/10
- B. City of Germantown – 8/13 & 8/22 minutes
- C. Monthly & Quarterly – Unemployment, IRS, State, School, OPERS reports & payments
- D. Ohio Dept. Taxation – Lodging Tax information request.

#### 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 44876 thru 44934. After discussion, all present voted in favor. MOTION passed.

#### III. Mr. Rohrbach opened a discussion concerning the Montgomery county Engineer collaboration request.

Mr. Hanahan introduced a **RESOLUTION 2012-31**, seconded by Mr. DeGroat to become a Collaborative Partner with the Montgomery County Engineer Office, supporting the application for a Local Government Innovation Fund Grant to study county-wide Storm Sewer management and will participate in the conduct of the study by providing information, ideas, and views throughout the study; was introduced by Mr. Benson, and seconded by Mr. DeGroat at the

## THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10149

September 10, 2012

Held \_\_\_\_\_

regular German Township Board of Trustees meeting on held on September 10, 2012.

This study is essential for the following reasons;

- Ohio law generally treats storm water under the "common enemy" doctrine, placing the responsibility on each individual property owner and precluding solutions to most storm water issues involving overland flow, ditches, storm sewers, detention/retention basins, etc.
- Ohio Revised Code Chapter 6177 addressed this situation with enabling legislation for county-wide storm sewer districts.
- There are numerous flooding problems within Montgomery County that go unsolved.
- Most local governments do not have a dedicated funding source for storm water and therefore don't have funds for maintenance, let alone improvements.
- NPDES (National Pollutant Discharge Elimination System) Phase II of the 1987 Water Quality Act placed unfunded mandate on local governments for maintenance and improvements to the various storm water facilities to reach water quality goals.
- The Montgomery County Engineer's Office, Montgomery County Environmental Services, the Miami Conservancy District, and the townships of Jefferson, Miami, Washington, Harrison, and Butler have joined together in the preparation of the Storm Water Management Program Annual Report to the EPA. This report commits these agencies to perform over 120 separate activities each year.
- Some cities in the county submit separate annual reports.
- Four cities in Montgomery County have already established Storm Water Utilities, and at least three others are seriously considering it.
- Storm water knows no political boundaries, but flows downhill by watershed regardless of boundaries.
- There exists great potential for more efficiency and effectiveness in dealing with all of the above issues through a collaborative county-wide effort which may include involvement with existing and future municipal Storm Water Utilities.

**THEREFORE BE IT RESOLVED THAT** German Township, Montgomery County be included as a Collaborative Partner in the LGIF Application.

After discussion the adoption vote by the German Township Board of Trustees was as follows: Mr. Benjamin DeGroat–Yes, Mr. Randy Benson–Yes, Mr. Gregory Hanahan–Yes; RESOLUTION 2012-31 passed.

**PRESIDENT REPORT –**

- I. Mr. Benson reported that the Pool and Fire Oversight meetings were cancelled. But in talking with the Fire Chief training is going well with several certifications and the standby ambulance has been repaired.

**POLICE REPORT –**

- I. Chief Wilcox Noted that the OLERT program allows vehicle check points for OVI, and Operator License checking. The last OLERT checkpoint was to check operating licenses.
- II. Chief Wilcox reported that the Aug 25 & 26<sup>th</sup> a Hunter Education course was successful with 16 attendees.
- III. Chief Wilcox recommended that P.O. E. G. Sharrett be moved to permanent status from Probationary status, effective 8/14/2012, as he has

## THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held

September 10, 2012  
20

successfully completed his probation.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Hanahan, to move P.O. E. G. Sharrett to permanent status from Probationary status, effective 8/14/2012, as he has successfully completed his probation. After discussion, all present voted in favor, **MOTION** passed.

- IV. Chief Wilcox recommended that P.O. S. L. Reece-Bowlin probationary employment be extended by 90 days (11/1/12) due to missed duty shift requirements.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to extend the probationary period of P.O. S. L. Reece-Bowlin by 90 days until 11/1/12 due to missed duty shift requirements. After discussion, all present voted in favor, **MOTION** passed.

- V. Chief Wilcox requested that the following list of property be declared surplus and he be authorized to properly dispose of it:

3 ea – MPH Python Radar units with antenna & tuning forks –  
S# 390000116; S# 380000936,; and 546001807.

Samsung microwave oven – (not operational) Model RE-525T,  
S#50601232

Brother Intellifax machine – S# U60302A8K1450303

Mr. Hanahan introduced **RESOLUTION 2012-33**, seconded by Mr. DeGroat, to declare the above list of property surplus and that Chief Wilcox is authorized to properly dispose of it. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; **RESOLUTION 2012-33** passed.

- VI. Chief Wilcox opened a discussion regarding scheduling the annual employee appreciation dinner. He recommended November 10, 2012 at 6:00 PM.

Mr. Hanahan introduced **RESOLUTION 2012-34**, seconded by Mr. DeGroat, to establish November 10, 2012 as the date to show appreciation to all the German Township Employees by sponsoring an employee appreciation dinner and to authorize the expenditure of funds for that purpose. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; **RESOLUTION 2012-34**

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

September 10, 2012

Held \_\_\_\_\_ 20\_\_\_\_\_

passed.

**ROAD/SERVICE DEPARTMENT REPORT –**

- I. Mr. Holbrook reported on the Eckhart Road Issue II project. He noted that funding has been exhausted and the paving will only be 3 inches of asphalt instead of the normal 4. He requested Board approval to spend approx. \$10,000 of Gas Tax funds to add the additional 1 inch of paving to the project.

Mr. DeGroat introduced **RESOLUTION 2012-35**, seconded by Mr. Hanahan, to authorize expenditure of Gas Tax Funds for the addition of 1 inch of asphalt to the Eckhart Road P1 Extension Issue II project; not to exceed \$15,000.00. During discussion it was noted that failure to provide the additional inch of paving would result in an early failing of the roadway; the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; **RESOLUTION 2012-35** passed.

- II. Mr. Holbrook reported on the ditching plans for Sigel Rd. starting at the Sower’s property and continuing east to David Shoey’s residence. Four driveway tiles will be installed and the Sower fence will be moved back approx. 8 feet.

A discussion ensued regarding potential liability issues if the fence remains in the right of way. Mr. Holbrook advised that the right of way at that point is 60 feet. Moving the fence off the right of way would place the fence very close to the Sower house. Several options were discussed including reducing the right of way. Mr. Holbrook was advised to check with the Prosecutor Mr. Trout for guidance on the issue.

**ZONING & TRASH COLLECTION REPORT -**

- I. In her written report Mrs. Rohrbach requested a resolution to assess property owners delinquent in their trash payments.

**RESOLUTION 2012- 32**, A Resolution to authorize the assessment of property owners who are delinquent as to waste disposal service charges pursuant to Ohio Revised Code Section 505.33, was introduced by Mr. Hanahan, seconded by Mr. Benson, at the Regular Board of Trustees Meeting on September 10, 2012.

**WHEREAS**, the German Township Board of Trustees established a solid waste collection and disposal district for the unincorporated area of German Township by

## THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 1014R

Held \_\_\_\_\_ **September 10,** **2012**  
\_\_\_\_\_ 20 \_\_\_\_\_

Resolution 98-04 on January 12, 1998 pursuant to Ohio Revised Code Sections 505.27 & 505.28, and;

**WHEREAS**, the German Township Board of Trustees contracted for waste removal pursuant to Ohio Revised Code Section 505.27 and established a fee for waste disposal service to be invoiced to all owners of improved property within the unincorporated areas of German Township, and;

**WHEREAS**, each owner of improved property was invoiced quarterly for this waste removal, and;

**WHEREAS**, each owner of improved property is delinquent on their waste disposal service charges in excess of \$100.00, as listed on the attached spreadsheet; and were notified on August 9, 2012, by certified mail, to pay the delinquent amounts or assessment of these delinquent charges for waste disposal service would be placed on their property tax duplicate for collection, pursuant to Ohio Revised Code Section 505.33.

**NOW, THEREFORE, THE GERMAN TOWNSHIP BOARD OF TRUSTEES, MONTGOMERY COUNTY, HEREBY RESOLVES:**

**SECTION 1** : That the Board has reviewed and certifies the attached listing of owners of improved property and descriptions of their lands, as delinquent as to waste disposal service charges by more than twelve months, and;

**SECTION 2** : Request that the Montgomery County Auditor place the charges as listed on the attached owners listing on the tax duplicates for collection.

After discussion, the adoption vote as follows: Gregory A. Hanahan - Yes, Randy Benson - Yes, Benjamin F. DeGroat – Yes. RESOLUTION 2012-32 passed.

- II.** In her written report, Mrs. Rohrbach recommended the Board approve renewing the Employee Health Insurance with Anthem from Burnham & Flower Agcy. of Ohio and move to Blue Access Option D56 with RX Option 7, and increasing the Township reimbursement of the deductible to match insurance deductible.

Mr. DeGroat introduced **RESOLUTION 2012-36**, seconded by Mr. Hanahan, to approve renewing the Employee Health Insurance with Anthem from Burnham & Flower Agcy. of Ohio and move to Blue Access Option D56 with RX Option 7, and increasing the Township reimbursement of the deductible to match insurance deductible. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes; RESOLUTION 2012-36 passed.

**OLD BUSINESS:**

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

RECORD OF PROCEEDINGS

0491

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 10, 202012

- Fiscal Officer John Faulkner is now on board and functioning.
- A contract has been authorized for the removal of the water tower. Removal will begin very soon. Dupps Co. has agreed to store the tower until a site can be secured for installation.
- The Eby Road project will hold a Public Meeting in the very near future.

II. Mr. DeGroat reported on Park Oversight activities. The sprinkler water lines installation and grading have been completed in Weber Soccer fields.

III. Mr. Hanahan updated the Board on Germantown Union Cemetery activities.

**NEW BUSINESS: none**

**PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.**

**Meeting Adjourned** at 8:56 P. M.

Signed: Randy R. Benson

Attest: 