

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

February 11, 20 2013

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. Zoning Inspector Laurie Rohrbach, Road & Service Department Superintendent Jeremy Holbrook, and Acting Police Chief Joe Andzik 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** – Paul Karcia of 13852 Oxford Rd.; Daniel & Ashley Chambers, and Scott Dane of 7816 Preble Co. Line Rd.; Gerald E. Miler of 7876 S. Preble Co. Line Rd.; Rusty & 7788 Preble Co. Line Rd.; Kellie & Eric Nolen of 14991 SR 725 ; Rev. Howard Hager of 7744 Preble Co. Line Rd.; John & Laura Baker of 14941 SR 725; Micah Siegal, 201 E. Sixth St., Dayton; and Jim Dursch 15900 Oxford Rd.

**NUISANCE ABATEMENT HEARING**

- I. At 7:05 PM, Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to open a nuisance abatement hearing regarding the property at 7816 Preble Co. Line Rd., Parcel ID D15 00711 0049. After discussion, all present voted in favor, MOTION passed.

Mr. Benson opened the hearing by outlining the procedure that will be followed and asked Zoning Inspector noting that the hearing was properly advertised.

Zoning Inspector Mrs. Rohrbach presented the staff report of the case. Basically vegetation, garbage, refuse, and/or debris present in the front, rear, and /or side yards of the above property. She further noted that Mr. Chambers has obtained a Zoning Permit, thus the building materials are now permitted; and the brush has been burnt, again abated.

Mr. Chambers was recognized and sworn in. He stated he did not understand the need for a nuisance hearing due to:

- Trash blowing around in Mr. Davis's yard is not his
- The brush pile has been burnt
- He sprays for dandelions and mows regularly
- He has a Zoning Permit for the building materials

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- The fence has become an issue and his horses have gotten out and eaten grass on Mr. Davis's property.

- The real issue is a property line dispute with Mr. Davis and that he has made several police reports about the issue

Mrs. Rohrbach noted that due to the burning of the brush pile and the Zoning Permit for the building material, these items are no longer an issue.

Mr. Davis was recognized and sworn in. He stated the following:

- He has seen trash blowing from Mr. Chambers yard into his and has made several police reports about the issue.

- Mr. Chambers has fence post leaning onto his property.

- He has had a survey by a company that his friend works for and that Mr. Chambers has agreed in the past that the survey is correct.

- He provided the "History of Line Fence, OSU Fact Sheet" to the Board.

- That he has been told by Mrs. Rohrbach, "not to make any more complaints".

Mrs. Rohrbach stated that she has never told Mr. Davis not to make any more complaints. She was trying to explain to him that each complaint starts the process over, that a corrected complaint cannot be ongoing once corrected.

Mr. Chambers asked to be recognized again. He stated his horses have gotten out in the past. He has 3 fence post broken. He has put a line on the property line and his fence posts are straight. He will fix the leaning fence post fixed.

Mr. Karacia asked to be recognized and was sworn in. He stated he is Mr. Chambers father in law and saw Mr. Chambers stretch a line and place the fence. He further testified how the fence was installed. A grade stake that previously marked the property line is gone and a plastic stake 3 feet over now exists.

Mr. Hager was recognized and sworn in. He stated he built his house next door to Mr. Davis in 1985. Mr. Davis treated him like he is currently treating Mr. Chambers, before he started on Chambers. Mr. Davis no longer bothers him.

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Mr. Dursch was recognized and sworn in. He stated that there is trash blowing in his yard all the time and he just goes out and picks it up. It is all part of country living; all need to get along.

Mr. Davis was recognized again. He stated that Mr. Chambers dogs chased his family and police reports are on file. Also trash complaints have been made to the police department.

At 7:34 PM Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to close the public hearing. After discussion, all present voted in favor, **MOTION** passed.

The Board discussed the issue. The brush was cleaned up – abated and the building materials are covered by a Zoning Permit; so no nuisance currently exists. The Board felt no nuisance abatement necessary.

**VISITOR COMMENTS – none****MINUTES –**

The Board reviewed the minutes of the January 2, 2013 Organizational special meeting. Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve the minutes of the January 2, 2013 meeting as submitted. After discussion, all present voted in favor, **MOTION** passed.

The Board reviewed the minutes of the January 19, 2013 Work Session with the City of Germantown. Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve the minutes of the January 19, 2013 meeting as submitted. After discussion, Mr. Hanahan and Mr. Benson voted in favor, Mr. DeGroat abstained, **MOTION** passed.

The Board reviewed the minutes of the January 22, 2013 Special meeting. Mr. Hanahan introduced a **MOTION**, seconded by Mr. Benson to approve the minutes of the January 22, 2013 meeting as submitted. After discussion, all present voted in favor, **MOTION** passed.

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

- A. OTA – Feb Grassroot Clippings
- B. Mont Co. Board Elections – Elected Official update request
- C. Mont. Co. Recorder – Zoning Resolution filing reminder
- D. Ohio EPA – Clean Water Limited public meeting

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DAYTON LEGAL BLANK, INC., FORM NO. 1D148

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- E. Time Warner – 4th Qtr Franchise fees
- F. Dayton League Women Voter – Elected Official & meeting time update request
- G. Mont. Co. Engineer – 2012 Annual Township Mileage Certification for signature.
- H. Mont. Co. Township Association – meeting reminder for Feb 21 at Jefferson Twp.
- I. Miami Valley Fair Housing – request for resolution of support.
- J. OTARMA – Managing Risk Grant Program information
- K. MVRPC – annual road repair survey (forwarded to Mr. Holbrook)
- L. Mont. Co. Auditor – several updates of property values & levy information

## OUT

- A. Germantown Press & DDN & Midd Journal - Mtg. reminders 1/19, 1/22, & 2/11
  - B. City of Germantown – 01/02 meeting info, 12/10/12 minutes, & 4<sup>th</sup> Qtr Levy Reports
  - C. Monthly – IRS, State, School, OPERS reports & payments
  - D. Montgomery Co. Auditor – Certification of 2012 Year End Balances, Appropriation Res. 2013-001,
  - E. Auditor of State – 2012 Year End Report
  - F. IRS, SSA, State, School, Local Taxing entities, employees – Payroll reports & w-2's
  - M. Dayton League Women Voter – Elected Official & meeting time update request
  - N. Mont Co. Board Elections – Elected Official update request
  - O. OTARMA – 2012 financial information for 2013 renewal of insurance
- II. Distribute Financial Reports: Including 4<sup>th</sup> Qtr Levy reports, updates of County valuation and levy information from the Mont. Co. Auditor; and 2012 final financial reports.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat to approve the financial reports and authorize the payment of the bills, checks 45258 thru 45352. After discussion, all present voted in favor. **MOTION** passed.

- III. Mr. Rohrbach opened a discussion regarding the ongoing usage of the Fouts Fund to pay the trash assistance for the elderly. Due to the lack of interest being earned in the Fouts Fund, Mr. Rohrbach recommended that the program be changed to being paid from the trash fund.

Mr. Hanahan introduced **RESOLUTION 2013-07**, seconded by Mr. DeGroat, to transfer the payment of the trash assistance for the elderly to the Garbage and Waste Disposal Fund, effective immediately. After discussion, the adoption vote was as follows: Mr. Hanahan – Yes, Mr. DeGroat – Yes, Mr. Benson – Yes; **RESOLUTION 2013-07** passed.

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- IV. Mr. Rohrbach reported on his attendance at the Ohio Township Association Conference and provided handouts of several of the seminars.
- V. Mr. Rohrbach noted that the City of Germantown has requested that the Township place a recreation levy for the pool on the August 2013 ballot.

**RESOLUTION 2013-08**, A resolution 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 (Pool) Recreational Levy, a 1/2 mil levy, for a 5 year period of time, an additional tax; beginning tax year 2013, with first half collection in 2014; to provide funding "for Parks and Recreational Purposes" as authorized in the ORC Section 5705.19 (H), to be voted on the August 6, 2012 Special election ballot; was introduced by Mr. Ben DeGroat and seconded by Mr. Randy Benson. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes. RESOLUTION 2013-08 passed

Mr. Rohrbach will forward the resolution to the Montgomery Co. Auditor.

- VI. Mr. Rohrbach reported that the year end process went well. The UAN conversion to the new software is also going well, with a short learning curve.

**PRESIDENT REPORT –**

- I. Mr. Benson reported that the Road Dept. has received the LP Tank from Century Propane. As soon as the Kuhn tank gets empty, it will be removed and returned to Kuhn Co.
- II. Mr. Benson reported that Fire Oversight Meetings will now be scheduled every other month.

**POLICE REPORT –**

- I. Acting Chief Andzik reported that Officer Wallace and he observed a truck containing stolen property from a earlier theft in German Twp. while in Miamisburg. Further investigation resulted in the recovery of the property and the arrest of the suspect.
- II. Acting Chief Andzik reported that the police department is still working with Mr. Kenny Cruise regarding the building addition. It is estimated to cost approx. \$120,000 plus prevailing wage. The Board suggested in looking into financing with the OTA Master Lease program. Mr. Rohrbach will investigate financing costs.
- III. Acting Chief Andzik reported they are still trying to secure a taser instructor to train the officers. He has been in touch with Lt. Brown of the

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Germantown Police Dept. as a potential instructor.

**IV.** Acting Chief Andzik recommended the following personnel changes:

- P. O. A. P. Bateman be moved from probationary to permanent part time status, effective 02/15/2013.
- P.O. J. D. Pyle be moved from probationary to permanent part time status, effective 02/15/2013.

Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to approve the above personnel changes as requested by the Acting Chief. After discussion, all present voted in favor, **MOTION** passed.

**ROAD/SERVICE DEPARTMENT REPORT –**

**I.** Mr. Holbrook opened a discussion regarding replacing the AGCO LT 70 mower tractor during 2013. He has been researching a John Deere 5115M tractor with two ten foot bat wing mowers for a total cost of approx. \$75,000.00.

Mr. Holbrook requested a resolution declaring the AGCO LT 70 tractor as surplus and to authorize the sale on Gov.Deals.com with a reserve of \$20,000.00.

Mr. DeGroat introduced a **RESOLUTION 2013-009**, seconded by Mr. Hanahan, declaring the AGCO LT 70 tractor as surplus and to authorize the sale on Gov.Deals.com with a reserve of \$20,000.00. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Hanahan – Yes, **RESOLUTION 2013-009** passed.

The Board discussed using the OTA Master Leasing Program to finance the new tractor and asked Mr. Rohrbach to investigate the financing of the tractor with the OTA Master Leasing for 3 to 5 years.

**II.** Mr. Holbrook reported that they have begun removing a section of the tree line on Moyer Road.

**III.** Mr. Holbrook reported that they have been doing some painting, drywall repair and general updating at the Township Hall. He also reported that Kessel Roofing has repaired the flashing on the roof of the Township Hall.

**IV.** Mr. Holbrook reported that he is investigating participating in the OTARMA grant program for training reimbursements.

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

Held February 11, 20 2013**ZONING & TRASH COLLECTION REPORT -**

I. Mrs. Rohrbach reported that the Zoning Commission has been working on proposed text changes to the Zoning Resolution, Case # 2012-13ZTC. They consist of removal of language in Article 38 Accessory Uses, regarding items now handled with the Nuisance Abatement Resolution; and language added to Article 8 Agricultural District, Section 803 regarding Landscape Businesses. The Zoning Commission has held the required Public Hearings, received a recommendation for approval from the Montgomery County Planning Commission, and has voted to approve the changes. It is now being forward to the Trustees for review and approval.

Mrs. Rohrbach requested a date and time to schedule a public hearing for Case 2102-13ZTC with the Trustees. The Board scheduled a Special Meeting on March 4, 2013 at 7:00 PM at the Township Hall to hear the case.

**OLD BUSINESS:**

- I. Mr. Hanahan reported on Valley View Water & Sewer District activities:
- They are working on the Eby Rd./Sunbury project as two phases Consisting of South of Rt. 4 and Sunbury area which may be eligible for a grant.
  - They have met with the Southwest Regional Water District re: cost of the projects.
  - At the next meeting, they will set a public hearing date for the projects.
- II. Mr. Hanahan thanked the Road Dept. for their assistant at the Cemetery helping with the digging a difficult grave.
- III. Mr. Hanahan reported on his attendance of the OTA Conference.

**NEW BUSINESS: none**

I. Mr. Hanahan opened a discussion on the importance of the National Association of Towns and Townships and their upcoming conference in Washington DC in April. He requested approval of expenses for the trip.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Benson, to authorize Mr. Hanahan to attend the NATAT conference and to reimburse his expenses from the General Fund. After discussion, all voted in favor, **MOTION** passed.

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February 13~~0~~ 2013**EXECUTIVE SESSION –**

- I. At 8:22 PM Mr. DeGroat presented a **MOTION**, seconded by Mr. Hanahan, to enter into executive session to discuss personnel issues related to the vacant Chief of Police position. After discussion, all present voted in favor, Motion passed.
- II. At 9:00 PM Mr. DeGroat presented a **MOTION** to reconvene the meeting, seconded by Mr. Hanahan. After discussion, all present voted in favor, MOTION passed.

**POLICE – CONTINUED:**

- V. Mr. Hanahan introduced a **MOTION**, seconded by Mr. DeGroat, to form a search committee to interview candidates for the vacant Police Chief Position consisting of Mr. Hanahan, Mr. Rohrbach, Mr. Scott Weidle and Mr. Chad Gilbert. After discussion, all present voted in favor, MOTION Passed.

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

**Meeting Adjourned** at 9:01 P. M.

Signed: Randy R. Benson

Attest: 