

RECORD OF PROCEEDINGS

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

APRIL 14,

2014

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, Jacob C. Stubbs and Fiscal Officer Robert W. Rohrbach Jr. were present. Police Chief Joe Andzik and Road & Service Superintendent Jeremy Holbrook were also present. This meeting was digital tape recorded (recorder started approx 5 minutes into meeting) and the CD is on file. The Germantown Press and Dayton Daily News were notified of the meeting.

VISITORS – 112 PERSONS OF THE ESTIMATED CROWD OF 200 TO 250 PERSONS SIGNED THE ATTENDANCE LIST (ATTACHED), and Chairman Gregory Hanahan and Attorney John Albers representing the Valley View Water & Sewer District.

VISITOR COMMENTS –

I. Mr. Jack Holbrook of 10071Eby Rd., Gene Hosler of 9735 Eby Rd.; Ken Lee of 9631 Eby Rd.; Bernie McGuire of 8085 Hinkle Rd. (owns 55 acres on Rocky Rd.); John Herlinger of 9683 Eby Rd.; Rhonda Sticht of 7115 Boomershine Rd.; and many others individuals addressed the German Township Board of Trustees with issues and questions reference the Valley View Water & Sewer Board and the pending Eby Road Water Project.

The primary points made and the questions asked by the group are listed below, with the responses from the Board of Trustees in italics:

- Why and when was the VVWSD created? *Created to provide the ability for citizens living in areas with water issues in German and Jackson Townships to join together and obtain water. Created in 2008/2009. The decision to create the water district was based on citizens coming to the trustees and asking for help in obtaining water from various areas of the township over many years.*
- Is the entire area of German Township in the district? *Yes, the entire unincorporated area.*
- Why wasn't the establishment of the Water Dist on the ballot for a vote of the citizens? *It was not required.*
- What oversight does the GTWP Trustees have over the VVWSD? *Once created – none – beyond appointing Board members.*
- Why would you create an entity that you have no ability to control?

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- Who appoints the VVWSD Board members? *German Twp Trustees appoint VVWSD board members #1 & #3(living in German Twp.); Jackson Twp Trustees appoint VVWSD board members #2 & 4 (living in Jackson Twp.) and both townships together appoint VVWSD board member #5 (living in either township). If a vacancy on the VVWSD board exists beyond 60 days without an appointment by the appropriate township, the VVWSD can make the appointment.*
- How much taxpayer money has the GTWP Trustees given to the VVWSD? *A loan totaling approx. \$121,000 over a period from 2008 to 2012, primarily for attorney fees to set up the district board and to begin operating. The VVWSD signed a promissory note for the amount borrowed.*
- Did German Township purchase a water tower for the VVWSD? *Yes for approx. \$645 on GovDeals.com from Montgomery County (old Cranes Run water tower). It is part of the loan from the Township to the VVWSD. The VVWSD paid approx. \$30,000 to tear it down and move it.*
- Does the VVWSD have an office in the Township Hall? *Yes*
- Does the VVWSD pay rent for the use of the office? *No*
- Does the VVWSD pay to use the meeting room for their meetings? *No*
- How much is the VVWSD attorney paid per hour? *Don't know for sure you need to ask VVWSD.*
- How many paid employees does the VVWSD have? *Not sure, may be paying the Fiscal Officer. Don't think the Board members are being paid. You have to ask the VVWSD Board.*
- How much has the VVWSD borrowed from the bank? *Not sure, you have to ask VVWSD, but believe it is in the neighborhood of \$350,000 to \$400,000 from the First National Bank of Germantown.*
- How much of the loan is not yet spent? *Don't know you have to ask VVWSD.*

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- Why did the VVWSD decide to use the method of using tax valuation instead of proportion of benefit as outlined in ORC 6119.42e to determine the assessment amounts? *Not sure, believe it provided the lowest assessment for the most people, but you need to ask the VVWSD.*
- Can/will the GTWP Trustees dissolve the VVWSD? *Don't think we can, but no action will be taken until we have a chance to consult with GTWP Board attorney.*
- Can/will the GTWP Trustees pass a resolution requesting the VVWSD Board members resign and dissolve the water district? *No action will be taken until we have a chance to consult with GTWP Board attorney.*
- Can/will the GTWP Trustees pass a resolution to file an injunction to stop the Eby Road water project? *No action will be taken until we have a chance to consult with GTWP Board attorney.*
- Can/will the GTWP Trustees pass a resolution to evict the VVWSD from the Township Hall office and meeting room? *No action will be taken until we have a chance to consult with GTWP Board attorney.*

At 8:30 PM Mr. Benson recessed the meeting to provide time for people to leave the township hall. The meeting reconvened at approx. 8:55 PM.

MINUTES –

- I. The Board reviewed the minutes of the March 10, 2014 Regular meeting and the March 24, 2014 Special meeting. Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs, to approve the minutes of the March 10, 2014 Regular meeting as corrected and the March 24, 2014 Special meeting as submitted. After discussion, All present voted in favor, MOTION passed.

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

- A. OTA – April Grassroot Clippings
- B. Ohio Dept. Commerce – Liquor Permit renewal information.
- C. Montgomery Co. Treasurer Office – tax forfeiture information regarding 11967 SR 725
- D. Auditor of State – Notice of 5% reduction in quarterly UAN fees; Contract reducing

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audit to a Agreed Upon Procedure. Cost cut by approx. 1/2

- E. Ohio Dept. Transportation – offer to participate in joint rock salt purchasing.(to Jeremy)
- F. Bear Auctioneers Realty, LLC – notice of the 8th annual township and municipality auction
- G. OTARMA – 2014 Insurance invoice
- H. Valley View Water & Sewer District – various communications regarding the Eby Rd. Project
- I. Montgomery Co. Commissioners – Notice of May 13 hearing on Eckhart Rd. property Vacation (old road right of way)
- J. John Herlinger – Copy of his objections to VVW&SD and Eby Rd. project.
- K. Abundant Life Tabernacle – copy of response to Mont. Co. Commissioners of no objection to Eckhart Rd. vacation
- L. Gene Hosler – records request May 13, 2013 minutes and meeting recording re: VVWSD Activities
- M. DDN, Ken Lee of Eby Rd. – resumes & applications for the Zoning Inspector/Admin Asst. for the Board. (Ken Lee withdrew his request)
- N. MCTA – Notice of May 1 meeting at Jefferson Twp.
- O. Ohio EPA – Biosolids Site Review
- P. Secretary of sTate – Issue I information
- Q. Franklin Twp – Employee pay scale request
- R. Gary Leppla – Public Records Request ref: all water discussion ever had.

OUT

- A. Germantown Press & DDN - Mtg. reminders 3/24 & 4/14
 - B. City of Germantown – 3/10 minutes
 - C. Monthly & Quarterly – Unemployment, IRS, State, School, OPERS reports & payments
 - D. Montgomery Co. Treasurer Office – tax forfeiture information regarding 11967 SR 725
 - E. Valley View Water & Sewer District – various communications regarding the Eby Rd. Project
 - F. Franklin Twp – Employee pay scale request
 - G. DDN – Public Records request for Zoning Inspector resume/applications
 - H. OTARMA – 2014 Insurance payment
 - I. Gene Hosler – records request May 13, 2013 audio disk & minutes re: VVWSD Activities
- II. Distribute Financial Reports:** 2014 YTD – Cash Summary by Fund, Fund Status, Payment Report. 1st QRTR Appropriation & Revenue Status
- Mr. DeGroat introduced a **MOTION**, seconded by Mr. Stubbs to approve

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the financial reports and authorize the payment of the bills, checks 46374 thru 46443, including employee payroll direct deposits payments and payroll tax EFT's to IRS. After discussion, all present voted in favor, MOTION passed.

III. Mr. Rohrbach reported that the 2012/2013 period audit has begun. We are receiving an Agreed Upon Procedures audit. The auditors were on site on April 10 & 11th. They will complete the audit process soon. I know of no major issues at this time.

IV. Mr. Rohrbach requested Motion to continue membership in the Ohio Township Association Risk Management Association insurance for 2014 and to authorize the payment of the annual insurance invoice.

Mr. DeGroat introduced a **MOTION**, seconded by Mr. Stubbs to continue membership in the OTARMA program for 2014 and to authorize the payment of the annual insurance invoice. After discussion, all present voted in favor, MOTION passed.

V. Mr. Rohrbach updated the Board on the Zoning Inspector/Admin Asst. for the Board of Trustees position. The Police Dept. is in the process of conducting the background checks on the two finalists that returned the applications for background check.

VI. Mr. Rohrbach opened a discussion about allowing the Montgomery County Amateur Radio Emergency Services group to install an amateur radio station at the township Hall to be used for emergency situations and disaster relief. The Board agree with the concept and Mr. Rohrbach will bring a detailed plan back to the Board at a future meeting for review and possible approval.

PRESIDENT REPORT –

I. Mr. Benson thanked the Township employees and elected officials for the flowers, cards, hospital visits during his recent surgery.

POLICE REPORT –

I. Chief Andzik reported on hosting the Case One group and the Mont. Police Chief meeting in April.

II. Chief Andzik reported on his completion of the Rapid Deployment-Awareness-Intervention-Decisiveness-EMS-Recovery Training (Law Enforcement side) Instructor Training. The officers of GTPD will receive the training soon.

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- III. Chief Andzik reported on the hosting of the Quarterly Neighborhood Watch meeting.
- IV. Chief Andzik reported that GTPD officers have received the Taser training.
- V. Chief Andzik reported that the new police cruiser has been ordered and is being manufactured.
- VI. Chief Andzik opened a discussion regarding the current \$50.00 threshold used for requiring the tracking of inventory. He has met with Mr. Holbrook and Fiscal Officer Rohrbach regarding raising the threshold. He recommended the township wide required reporting for inventory purposes threshold be raised to \$1,000.00, with the ability to add lesser value items to the inventory if a need exist to maintain tracking of them. Mr. Holbrook and Mr. Rohrbach concurred with the recommendation.

Mr. DeGroat introduced **RESOLTUION 2014-11**, seconded by Mr. Stubbs, that the township wide required reporting for inventory purposes threshold be raised to \$1,000.00, with the ability to add lesser value items to the inventory if a need exist to maintain tracking of them. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2014-11** passed.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook reported that the Road Dept. has replaced a failed culvert pipe on Boomershine Rd. between Oxford Rd. & Harris Rd. as well as on South Shimp Rd. in front of Mrs. Gebhart's residence. He also reported the following culverts are scheduled for replacement:
- Crossover and catch basin on Butter St.
 - Crossover on Barlow Rd.
 - Crossover on Sigal Rd.
 - Culvert on Stivers Rd.
 - Crossover on South Boomershine Rd.
- II. Mr. Holbrook reported that the asphalt plants are now open and pothole repair has begun. Mudlick Rd. was chosen for a starting point due to high traffic volume and severity of potholes. 37.74 tons of hot mix asphalt was used for full depth repair. Moyer Rd. and Harris Rd. are the next roads scheduled for repair.

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- I. Mr. DeGroat reported that the Senior Oversight was postponed until the 26th of April.
- II. Mr. DeGroat stated he has been busy dealing with the Valley View Water District and Eby Rd. issues.
- III. Mr. Stubbs reported on his attendance at the Miami Valley Regional Planning Commission meeting. The Going Places Program has been approved. He advised that the MVRPC is requesting resolutions of support for Issue I, the issue for funding the Ohio infrastructure program, that is on the May 6th ballot.

Mr. Stubbs introduced **RESOLUTION 2014-12**, seconded by Mr. DeGroat, to support passage of the Ohio statewide Issue I, to fund infrastructure on the May 6th ballot. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2014-12** passed.

Mr. Rohrbach will forward a copy of the Resolution 2014-12 to the MVRPC.

- IV. Mr. Stubbs reported on Pool Oversight activities. The March and April meetings were cancelled.
- V. Mr. Stubbs provided a pricing sheet from Beoddy Oil Co. of Eaton regarding various Oils and Lubricants.
- VI. Mr. Stubbs reported that he was contacted by many citizens regarding the VVWSD and Eby Road water project issues, resulting in a lot of involvement. He stated he spoke with the VVWSD Fiscal Officer, Mr. Faulkner to get answers to the questions that he was being asked and was advised by Mr. Faulkner, that he did not have a high opinion of him.
Mr. DeGroat then began a discussion with Mr. Stubbs stating that Mr. Stubbs involvement in the issue was inappropriate. After a short time the discussion stopped, without resolution of the issue.

NEW BUSINESS: none**PURCHASE ORDERS AND BANK RECONCILIATIONS** were signed.**Meeting Adjourned** at 9:14 P. M.Signed: Randy R. Benson Attest: [Signature]

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Held _____

April 17, 2014

At 3:00 PM, the Board met with legal counsel, Asst. Montgomery Co. Prosecutor Mr. Jonathon Ketter, at the Township Hall regarding the questions and issue presented at the April 12, regular meeting.

At 4:29 PM a special meeting was called to order at the Township Hall, by Mr. Benson and was attended by Trustees Randy R. Benson, Benjamin F. DeGroat, Jacob C. Stubbs and Fiscal Officer Robert W. Rohrbach Jr..

The Germantown Press and the Dayton Daily News were notified of this special meeting.

VISITORS – none

BUSINESS -

I. At 4:29 PM, Mr. DeGroat introduced a **MOTION**, seconded by Mr. Stubbs to enter into executive session to discuss personnel issues regarding the Zoning Inspector/Administrative Assistant to the Board of Trustees position.

II. At 4:44 PM the Special meeting was reconvened.

With no further business, the meeting was adjourned at 4:44 PM.

Signed: Randy R. Benson

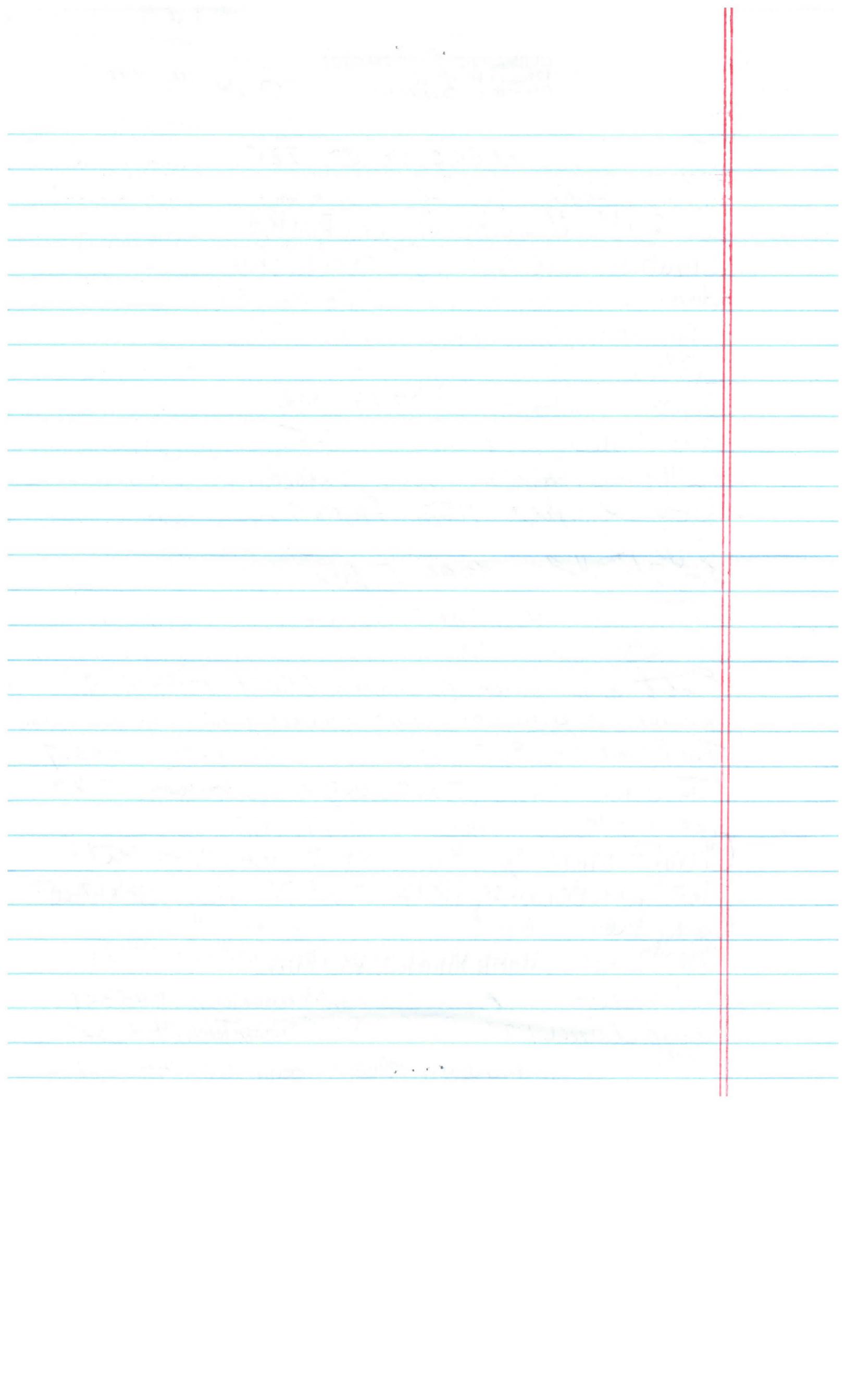
Attest: 

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GERMAN TOWNSHIP TRUSTEE
12102 St. Rt. 725 W
Germantown, Ohio 45327

Regalae mtg 4-14-14

- Tom Weiss 11660 St Rt 725
- RANDY BEAR 7060 STIVER RD
- D. S. Mullins 8844 Browns Run Rd.
- Elizabeth Osborn 9373 Browns Run Rd.
- Joyce Buttelwerth 7334 S. Stivers Rd
- Karen Bear 7060 Stiver Rd.
- Mike Osborne 10335 Carlisle Pike
- Pam Schanther 10597 Eby Rd
- Roger Miles 11968 St Rt 725
- William C. Roberts 15600 Oxford rd NE
- Coy Dayton 11071 FRIEND
- Nick ~~Temple~~ 8563 Lower MSPC RD
- Erin ~~Hall~~ 9998 Eby
- Thomas West 9863 Giffman-M. town PK.
- David ~~Seesinger~~ 11840 FRIEND RD
- Estel & Virginia McShee 15026 Oxford Rd
- RICHARD R. HUMMEL 10491 CARLISLE PIKE GERMAINTOWN, OHIO
- TIM PENNEKER 8117 BOOMERSHINE RD. G-TOWN 45327
- Jake Roberts 15600 Oxford rd. G-town 45327
- BOB NEFF 9400 FAHRT RD.
- Cheryl Brandenburg 11816 St Rt 725, GERMAINTOWN
- JEFF Brandenburg 11816 St Rt 725, GERMAINTOWN
- Wayne Fies 6164 Diamond Hill Rd
- Shannon Cox 10094 Mudlick Rd. Germantown OH 45327
- Shirley Albrer 11760 Oxford Rd. Germantown, OH 45327
- Jerry Albrer 11760 Oxford Rd. Germantown OH 45327
- Rhonda Sticht 7115 Boomershine Rd Germantown OH 45327



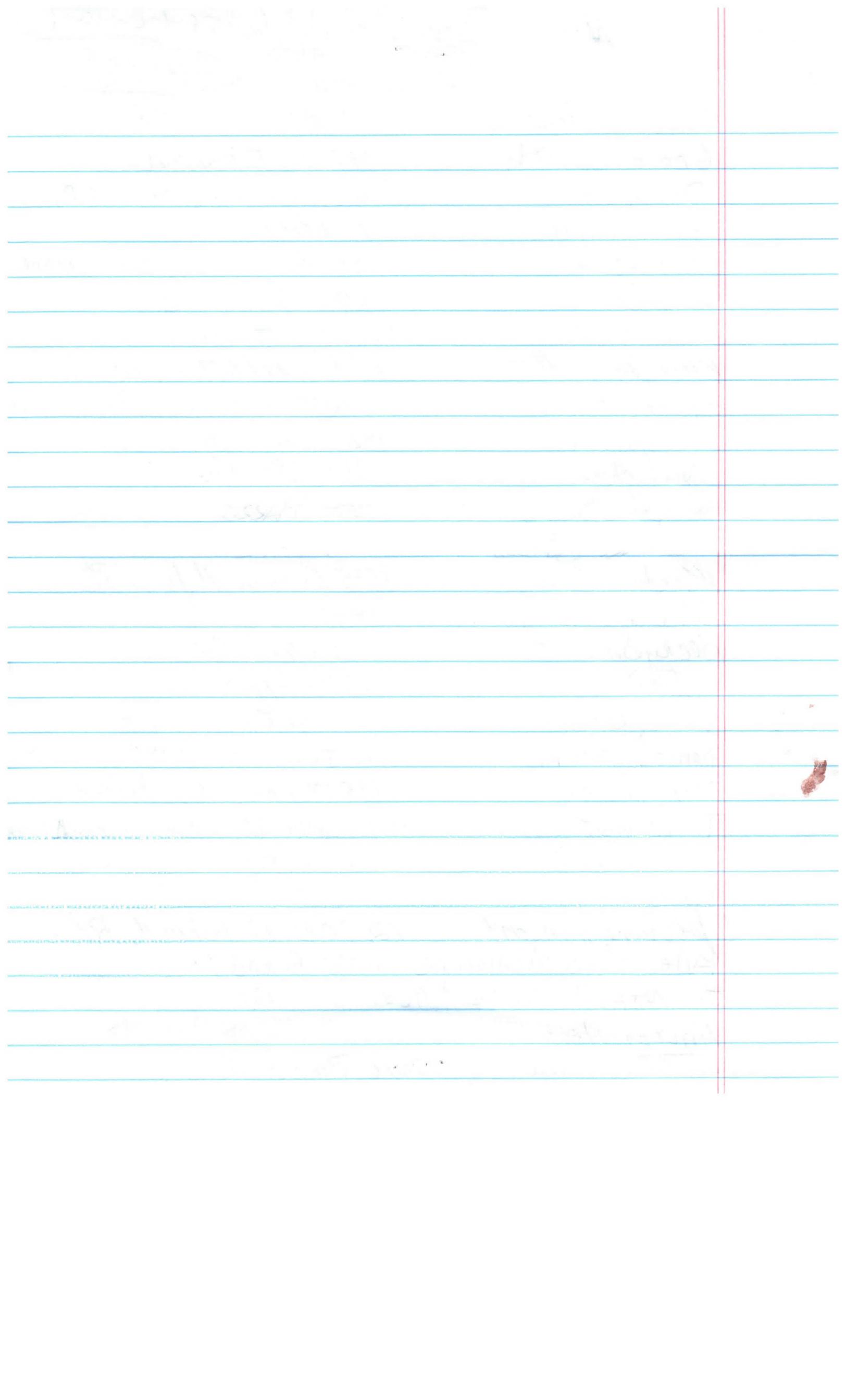
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GERMAN TOWNSHIP TRUSTEE
12102 St. Rt. 725 W
Germantown, Ohio 45327

Regular Mtg 4-14-14

Darrill Anderson	10422 Eby Rd.
Greg South	9736 EBY Rd
Doug Fild	6861 Diamond Mill Rd.
GRZETOSKI	9735 EBY RD
Ken Lee	9631 EBY RD kotilee@aol
Mike Cox	10096 Muelick Rd
Jeff Barnett	13226 ST RT 725
Phil Smalton	6680 Little Trill Rd G.T.M
Terry Fague	33 W. 1st St, Suite 600, Dayton OH
BETH FIGLEY	13209 OXFORD RD.
Jim Adams	9766 EBY RD.
John	12255 HARRIS
Gamelle Jones	12255 HARRIS
Marty Cox	9935 G town M. town Ph.
Ron & Audrey	9947 Eby Rd.
Becky Sill	1500 Oxford Rd
Jim Dill	1500 Oxford Rd.
Amy Day	7957 Franklin Madison/Eby
DANIEL TRUMP	9821 JAMAICA RD dan@dltrump.com
Doyle Pearson	9845 Jamaica Rd odrules@gmail.com
Doug West	9877 JAMAICA RD. HUNTINGDOUG@AOL.COM
Gary Sizemore	9474 Eby Rd G'TOWN Oh
Linda Sizemore	" " " " "
Johnnie Vincent	12700 Pritchard Rd.
Kyle + Sheri McMonigle	11050 Friend Rd
JOHN HERHINGER	9683 EBY RD
HALLEY HESS	4873 Diamond Mill Rd,
John Rubin	7616 Browns Run Rd



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NAMES Address

GERMAN TOWNSHIP TRUSTEE
12102 St. Rt. 725 W
Germantown, Ohio 45327

Regular Mtg 4-14-14

Jon + Jess Tipton 8625 Boomershine Rd Gtown

John + Kathy Stubbs 8625 Boomershine

Nancy Wright 7800 Conserway Rd.

Tom + Connie Shaffer 8540 Browns Run Rd

JEFF DOWDERO 6793 S. DIAMOND MILL RD.

Jessie Rowland 10021 Carisle Pike

JAMES ROWLAND 10021 CARISLE PIKE

Gordon Masley 11991 Friend Rd

CHARLES SPENCER 9451 GERM-MIDD. PIKE

MARY + Roger LONG 8426 BOOMERSHINE

Becky Landis Kinner 11957 ST RT 725

ED BUCHANAN 9861 ARCH ST.

KEVIN HARSHBERGER 6464 LITTLE TWIN RD, GERMANTOWN

Lynn + Jacobyn Alvey 12182 Oxford Rd Germantown

Bill Tipton 7500 S. STIVERS RD "

Newton L. Cooly 15043 Kiefer Rd Germantown

GARY KREITZER 8151 Starry Night Dr Germantown

Jim Henny 6262 Little Twin Rd. "

JUDIE OWENS 9275 Gtown-Md town Germantown

CLIFFON OWENS 9275 GERM-MIDD PIKE GERMANTOWN, OHIO

Phyllis Hess 6893 Diamond mill Germantown Ohio

Bruce Mary Abney 8850 Main St. Germantown, Ohio

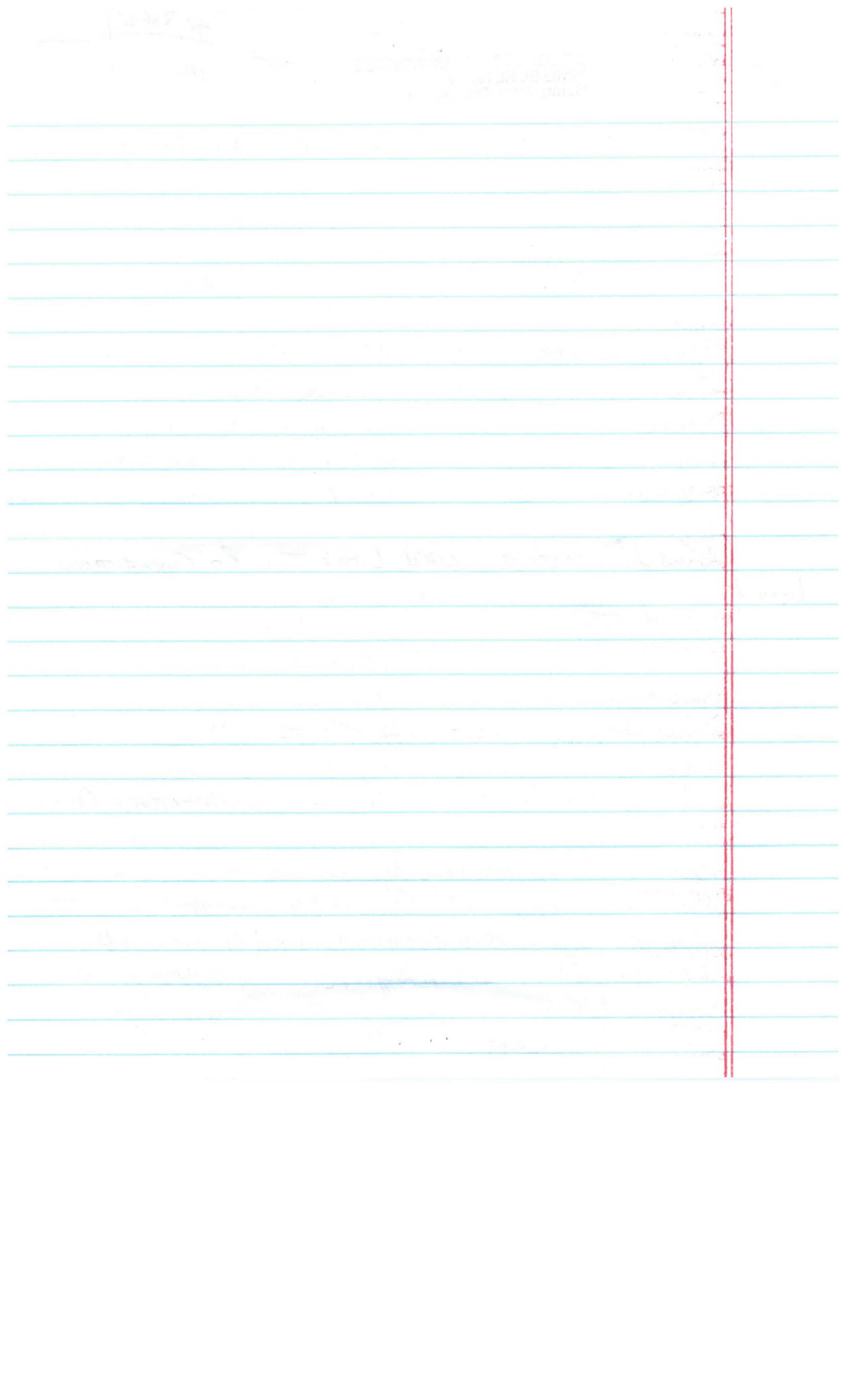
Betty Adams 12071 Oxford Rd Germantown, OH

Marianne Kuefer 9016 Boomershine Rd G-Town OH

Rebba Pasquel 15814 Moyer Rd. Germantown, Ohio

Barbara Olekas 14385 Oxford Rd Germantown

JOSEPH P. OLEKAS " " " " "



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Who is handling this list? (asking) for

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GERMAN TOWNSHIP TRUSTEE
12102 St. Rt. 725 W
Germantown, Ohio 45327

Regular mtg
4-14-14

Kenneth & Marsha Glander 26 Main St. Germantown

Mary Ann Poirier 49 S. Main St Germantown

Geri Johnson 6901 Farmersville - Germantown Pike

Linda Watkins 6851 Farmersville Pike, Germantown

Vickie Benson 1088 Conservancy Rd, Germantown, OH 45327

Dennis & Angela Dason, 12868 Oxford Rd, Germantown OH 45327

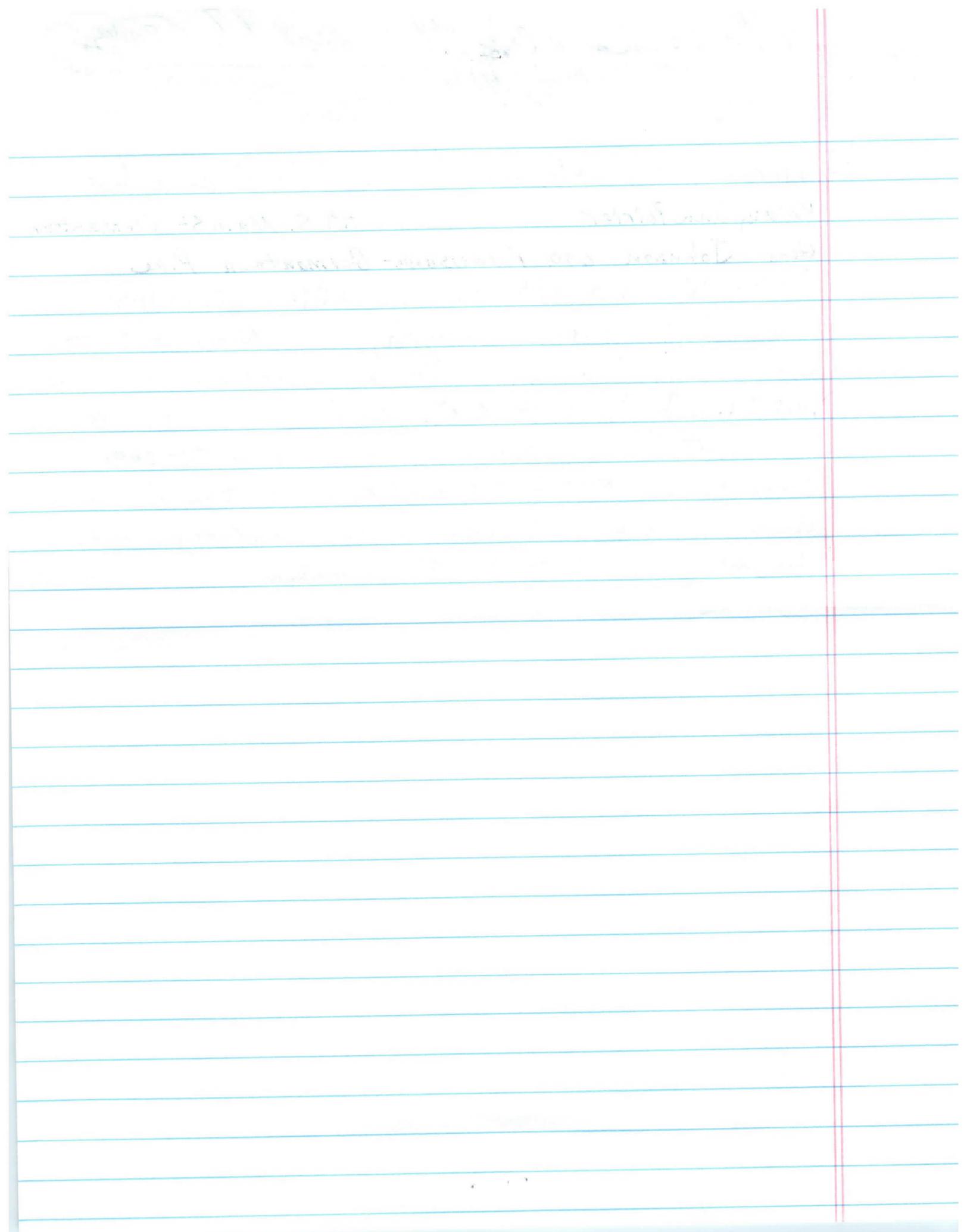
Melinda & Gary M C by 13245 Oxford Rd. " " "

David Selzer 14239 KIEFER RD GERMANTOWN 855-2491

Bernie & Dobbie M^cGuire 8085 Hinkle Rd Midd- 45042 own 55+ Ac on Rocky Rd.

Herschel Cornn 10252 Carlisle Pike, Germantown Oh. 45327

Gene Hoiler Jr. 9735 Eby Rd. Germantown



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Germantown, Ohio 45327

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Jeff Brandon Jurey 937-855-3057
 Carol J Lawson 8429 Shimp Rd 855-7691
 John Tate 8298 Shimp Rd 937-855-3400
 Sandy Corbett 10259 Eby Rd. 937-855-4989
 Randy J BREWER 14574 Anthony Rd 937-696-2862
 DAVID SHADE 13207 ST. RT. 725 937-855-3871
 CORAE NEFF ECHART RD 937 855-2584
 Oke Bushy 10074 Charles Pt 855 2372
 Kim Smith 9736 Eby Rd 937-855-7050
 Terry Gustin 13335 Harris Rd 937-855-6423
 Greg Caden 7010 Diamond Mill Rd 855-7225
 David Jimmy 6750 Little Turn ~~255~~-2513
 Jim W. Myers 855-4763
 DAVID ERNST David Ernst 855-4375
 Neal Harris 855 7554

