

RECORD OF PROCEEDINGS

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ 20 _____

June 9, 2014

The regular meeting was called to order at 7:08 P.M., at the Valley View High School gym located at 6027 Germantown Farmersville Pike, Germantown, Ohio, by Board President Randy Benson with the Pledge of Allegiance.

Trustees Randy R. Benson, Jacob C. Stubbs and Fiscal Officer Robert W. Rohrbach Jr. were present. Trustee Benjamin F. DeGroat was absent and excused by a MOTION from Mr. Benson, seconded by Mr. Stubbs, all present voted in favor Motion passed. Asst. Prosecutor Jonathan Ketter, Police Chief Joe Andzik, Road & Service Superintendent Jeremy Holbrook, Zoning Inspector Cheryl Watson, and Police Admin Asst. Laurie Rohrbach were also present.

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

VISITORS – 44 PERSONS SIGNED THE ATTENDANCE LIST (ATTACHED).

POLICE SWEARING IN CEREMONY:

I. Chief Andzik introduced Benjamin N. Parker to the Board. Chief Andzik then recommended that Mr. Parker be hired as a Reserve Police Officer, effective June 15, 2014, to serve a one year probation period.

Mr. Benson introduced **RESOLUTION 2014-19**, seconded by Mr. Stubbs, to hire Mr. Benjamin N. Parker as a Reserve Police Officer, effective June 15, 2014, to serve a one year probation period. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – Absent. **RESOLUTION 2014-19** passed. The oath of office was administered by Fiscal Officer Rohrbach. The Board congratulated and welcomed Officer Parker to the Township and the Police Dept.

II. Chief Andzik introduced Kyle J. Neal to the Board. Chief Andzik then recommended that Mr. Neal be hired as a Reserve Police Officer, effective June 15, 2014, to serve a one year probation period.

Mr. Benson introduced **RESOLUTION 2014-20**, seconded by Mr. Stubbs, to hire Mr. Kyle J. Neal as a Reserve Police Officer, effective June 15, 2014, to serve a one year probation period. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – Absent. **RESOLUTION 2014-20** passed. The oath of office was administered by Fiscal Officer Rohrbach. The Board congratulated and welcomed Officer Neal to the Township and the Police Dept.

VISITOR COMMENTS – Comments are condensed for highlights. Recording

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can be obtained for exact questions, comments, and remarks.

- I.** Mr. Benson reported that during the Special Meeting held on June 5th, 2014, that Township Board took action to appoint Trustee Benjamin DeGroat to fill the vacated position # 1 of the Valley View Water and Sewer Dist., for the remainder of the term.

He also reported that Jackson Township was holding their regular meeting tonight and it was anticipated that they would appoint someone to fill the remaining term of the vacated VVWSD position #2.

- II.** Mr. Benson turned the meeting over to Asst. Prosecutor Jonathan Ketter to address the group with the answers to the questions asked at the last meeting.

- He explained the difference between ORC Sections 1515 and 6119. He advised that Section 1515 was not applicable to this water situation, that Section 6119 was the correct section to use to create the VVWSD.
- In regards to the Township Board filing an injunction – He did not believe it would work.
- In regards to the VVWSD loans – the district will need to address the options.
- Where to go from here - He reported that he has advised the Township Trustees of both German and Jackson Townships to fill the vacant VVWSD positions #1 & #2. That will re-establish the Board, that can then appoint to fill the vacancy for position #3. This will also allow the VVWSD Board to re-establish meeting so all the issues can be addressed.

- III.** Greg Helmers of 9216 Middletown Germantown Rd. addressed the Board.

- He reported that he had attended the Jackson Twp. Board meeting and that they appointed Trustee Debbie Johnson to the VVWSD for position #2. She stated her intent was to dissolve the VVWSD.
- When the dust settles, is there any way to prevent this from happening again? Is there any way to ensure the people get to vote on the creation and any future projects.

Mr. Ketter stated that language requiring a vote of the people could be placed in the bylaws when the district is created. The Township Trustees concurred with the vote concept.

- Mr. Helmers asked about the police passing around a signup sheet.

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The Board advised it was for the minutes, to show who attended the meeting.

IV. John Herlinger of 9683 Eby Rd. addressed the Board.

- Asked about the assessment letter. Is the assessment still going forward?

Mr. Ketter stated he doesn't advise the VVWSD, but that he has not seen anything in his research to indicate that the assessments are going forward.

- When the VVWSD continues, what if there is no money, how do they get legal representation.

Mr. Ketter responded they will have to take whatever action they can.

V. Dallas Watkins 6851 Farmersville Pike addressed the Board.

- Can Lexis/Nexis tell if there is any history of case law regarding water districts?

Mr. Ketter advised yes, but that there is very little in existence.

Case law has not developed in this area of 6119.

VI. Beverly Abner of 8850 Main St. addressed the Board.

- If the VVWSD is dissolved, who pays the debt?

Mr. Ketter responded that any assessment would go through the VVWSD to those that would have benefitted from it.

- Are the VVWSD attorney and Fiscal Officer going to be terminated? Can the Township Trustees ensure they are terminated? Have any names been forwarded to fill the third vacancy?

Mr. Ketter responded that Mr. DeGroat will represent the wishes of German Township.

- He has heard that the current balance is \$25,000. Do the Township Trustees know what the current balance is? Is there a contract with the Southwest Regional Water District and if so will there be any cancellation fees? Will there be any legal fees for the court to dissolve the VVWSD? How long does the Township have to pay for the VVWSD? We don't get any answers!

VII. Denise Minge of 11887 Oxford Rd. addressed the Board.

- Do you know the cost to go green? Cisterns take in rain into storage.

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They cost less than \$15,000.

Mr. Benson noted that the County will require a Chlorinator to use rain water if collected off a house. City water hauled only requires a cistern.

VIII. Tom Tiller of 8175 Germantown Pike addressed the Board.

- Who oversees the accounting and finances of the VVWSD?

Mr. Ketter responded the Auditor of State Office, the same as any other public entity in Ohio.

- Are the VVWSD official required to give bond?

Mr. Ketter responded that he found nothing in 6119 requiring bonding.

IX. Linda Watkins of 6851 Farmersville Pike addressed the Board.

- She has attended these meetings and hears about transparency, but maybe someone needs to get the VVWSD audited.

Mr. Ketter advised anyone could call the State Auditor Office.

X. Joe Lightcap of Oxford Rd. addressed the Board.

Directed to Mr. Ketter – would you call the Auditor, will you make that phone call for us? Mr. Ketter replied yes.

XI. Mr. Owens of 9275 Germantown Middletown Pike addressed the Board.

- Asked if the Township Board of Trustees have a statement of responsibility, job description etc., and how does that compare to 6119, for deviation?

Mr. Ketter responded that there is Chapter 505 ORC which lays out the responsibilities of the Trustees and the Trustees actions and that ORC 6119 is also a State Law.

- Can the VVWSD do what they “sense” the people want with the money, do they have any accountability?

Mr. Ketter responded that there is transparency, openness, and bylaws of the VVWSD.

At 8:03 PM Mr. Benson recessed the meeting to allow the visitors to leave.

At 8:13 PM Mr. Benson re-convened the meeting.

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NUISANCE ABATEMENT PUBLIC HEARINGS

- I.** Mr. Benson introduced a **MOTION** to open a Public Hearing on Nuisance Abatement at 11967 State Route 725, Parcel ID D14 00804 0041, seconded by Mr. Stubbs. After discussion, all present voted in favor, the hearing was open.

Zoning Inspector, Cheryl Watson was sworn in and reported the issue of high grass and debris has been abated by the property owner Mr. Randall Metcalf. She stated the property is now in compliance and recommended that no action be taken.

No one from the audience spoke.

Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to close the public hearing and take no action as the nuisance has been abated. After discussion, all present voted in favor, **MOTION** passed.

- II.** Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to open a Public Hearing on Nuisance Abatement at 11536 Oxford Rd., Parcel ID D14 00804 0418.

Zoning Inspector, Cheryl Watson was sworn in and reported the issue of high grass and debris has been abated by the property owner Mr. Robert Bartlett. She stated the property is now in compliance and recommended that no action be taken.

No one from the audience spoke.

Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to close the hearing and to take no action as the nuisance has been abated. After discussion, all present voted in favor, **MOTION** passed.

- III.** Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to open a Public Hearing on Nuisance Abatement at 6973 Conservancy Rd., Parcel ID D14 00707 0035.

Zoning Inspector, Cheryl Watson was sworn in and reported the issue of high grass and debris, supported with photographs of the property. She recommended that the property be declared a nuisance and appropriate cleanup action be taken.

No one from the audience spoke.

Mr. Benson introduced **RESOLUTION 2014-21**, seconded by Mr. Stubbs to close the hearing and declare the property a nuisance and to authorize the abatement; with the costs being filed with the Montgomery County Auditor, to

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be placed on the tax duplicate of the property. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – absent; RESOLUTION 2014-21 passed.

IV. Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to open a Public Hearing on Nuisance Abatement at 7069 Conservancy Rd., Parcel ID D14 00707 0026.

Zoning Inspector, Cheryl Watson was sworn in and reported the issue of high grass and debris, supported with photographs of the property. She recommended that the property be declared a nuisance and appropriate cleanup action be taken.

No one from the audience spoke.

Mr. Benson introduced **RESOLUTION 2014-22**, seconded by Mr. Stubbs to close the hearing and declare the property a nuisance and to authorize the abatement; with the costs being filed with the Montgomery County Auditor, to be placed on the tax duplicate of the property. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – absent; RESOLUTION 2014-22 passed.

MINUTES –

The Board reviewed the minutes of the May 12, 2014 Regular meeting and the June 5, 2014 Special Meeting. Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs, to approve the minutes of the May 12, 2014 Regular meeting as corrected; and the June 5, 2014 Special Meeting as submitted. After discussion, All present voted in favor, MOTION passed.

FISCAL OFFICER REPORT –

I. Correspondence:

IN

- A. OTA – June Grassroot Clippings
- B. OPERS – several employer bulletins.
- C. Anonymous zoning complaint re 15298 Moyer Rd.- copied to Zoning
- D. Mont. Co. Commission – Res. 14-0675 approving the vacation of .32 acres of old Eckhart Rd.
- E. ODOT – 2014 Ohio LTAP Customer Training needs survey – to Jeremy
- F. Montgomery County Engineer – Request for resolution to participate in the Partnership Pool Program – to Jeremy
- G. OTARMA – Insurance certificates for meeting at VVHS

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- H. Ohio EPA – accepting comments re: Rt 48 & I70 interchange improvements
- I. Peter Lurker – Resume and request to be considered for VVWSD BoT Vacancy
- J. Gene Hosler – Records Request audio disk of 5/12 and 6/5 meetings
- K. Wireless Capital Partners, LLC – tower lease proposal – Cheryl to investigate?

OUT

- A. Germantown Press & DDN - Mtg. reminders 6/5 & 6/9
 - B. City of Germantown – 5/12 & 6/5 minutes
 - C. Monthly - IRS, State, School, OPERS reports & payments
 - D. Montgomery Co. Dept. of Environmental Services – Resoluiton 2014-14 Mont. Co. Reuse Facility (McMRF) usage policy, annual renewal.
 - E. Montgomery Co. Office of Emergency Management – Resolution 2014-15 approving the 2014 Multi-Jurisdictional Hazard Mitigation Plan
 - F. Gene Hosler – copy of 5/12 & 6/5 meeting audio disks.
- II. Distribute Financial Reports:** 2014 YTD – Cash Summary by Fund, Fund Status, Payment Report,

Mr. Stubbs introduced a **MOTION**, seconded by Mr. Benson to approve the financial reports and authorize the payment of the bills, checks 46488 thru 46531, 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 continues. The final report is being reviewed by the Auditor of State.
- IV.** Mr. Rohrbach reviewed the proposed renewal contract with Miami Valley Lighting for street lighting for a five year period. The contract will remain the same the first year, raise 1.5% the second and fourth year. He recommended approval.

Mr. Benson introduced **RESOLUTION 2014-23**, seconded by Mr. Stubbs to renew the street light contract with Miami Valley Lighting as provided; and to authorize Mr. Benson to sign on behalf of the Board of Trustees. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes. **RESOLUTION 2014-23**

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passed.

- V. Mr. Rohrbach requested the Board review the proposed renewal of the service agreement with Pro Technologies for the maintenance of the Township Hall phone system; and recommended approval.

Mr. Stubbs introduced a **MOTION**, seconded by Mr. Benson, to continue with Pro Technologies for another 12 month service contract. After discussion, all present voted in favor, MOTION passed.

- VI. Mr. Rohrbach opened a discussion about renewing our contract with Cintas for our mat cleaning and misc cleaning supplies.

Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs to continue with Cintas for our service rental agreement for mat cleaning, etc. After discussion, all present voted in favor, MOTION passed.

PRESIDENT REPORT –

- I. Mr. Benson reported that he has received three estimates/quotes for the replacement of the HVAC unit for the Township Hall meeting room. The lowest quote was \$6,540.00 from Viking Heating and Air in Miamisburg. The other two bids were significantly higher.

Mr. Benson introduced **RESOLUTION 2014-26**, seconded by Mr. Stubbs to purchase the replacement HVAC unit for the Township Hall meeting room from Viking Heating and Air as quoted, installed. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – Yes, RESOLUTION 2014-26 passed. Mr. Benson will notify Viking.

POLICE REPORT –

- I. Chief Andzik reported that the new cruiser will be in service in about a week.
- II. Chief Andzik reported that he has begun looking for a vehicle to replace the unmarked car
- III. Chief Andzik reported that Commission for Accreditation of Law Enforcement Agencies will be on site from Monday, June 16 until Thursday June 19. The on-site inspection is part of the renewal of the current accreditation.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook opened a discussion on a proposed Issue II project application

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for the widening/resurfacing of Harris Rd. between Wetzel and Astoria Roads. Part of the cost would be financed by a loan at zero percent interest.

- II. Mr. Holbrook reported on the completion of the second round of road side mowing.
- III. Mr. Holbrook reported on the sale of the Cartner Flail Mower, Sand Blaster, Two Aarrowstik light bars, and two mini edge light bars on GovDeals.
- IV. Mr. Holbrook requested a resolution to approve the 2014 Partnership Pool Program usage as requested by the Montgomery County Engineer. This years funding will be used for engineering on the Eckhart Rd. Phase 2 and Friend Road Phase 1D, Issue II projects.

Mr. Benson introduced **RESOLTUION 2014-24**, seconded by Mr. Stubbs, to accept the Partnership Pool funding from the Montgomery County Engineer and to apply it to the engineering on the Eckhart Rd. Phase 2 and Friend Road Phase 1D, Issue II projects, as recommended by Mr. Holbrook. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. Stubbs – Yes, Mr. DeGroat – ^{Absent (w)}~~Yes~~, RESOLUTION 2014-24 passed.

- V. Mr. Holbrook opened a discussion concerning placing the renewal of the road levy on the 2014 November ballot. He requested that the Board request certification of the amounts from the Montgomery County Auditor, so the resolution to place the issue on the ballot can be accomplished at the next meeting.

Mr. Benson introduced **RESOLTUION 2014-25**, seconded by Mr. Stubbs 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 Road Levy, a 1 mil levy, for a 5 year period of time, a renewal tax; beginning tax year 2015, with first half collection in 2016; to provide funding “For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in municipal corporations, counties, or townships;” as authorized in the ORC Section 5705.19 (G), to be voted on the November 4, 2014 General Election ballot. After discussion, the role being called and the adoption vote was as follows: Mr. Benjamin F. DeGroat - Absent, Mr. Jacob C. Stubbs - Yes, Mr. Randy Benson - Yes. RESOLUTION 2014-25 passed.

ZONING & TRASH COLLECTION REPORT -

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- I. Zoning Inspector Cheryl Watson requested a Special Board of Trustees Meeting to hold a Public Hearing on a Zoning Commission Case # 2014-03ZC Zoning change request from R-1 to O-2. The Board established June 23, 2014 at 7:00 PM for the Public Hearing. Ms. Watson will make the appropriate advertisements and notifications. The Special Meeting is required due to required time limits between hearings per Ohio Revised Code.

OLD BUSINESS:

- I. Mr. Stubbs reported that the Pool Oversight meeting was cancelled and the next scheduled meeting is June 18, 2014 at 7 PM at the City of Germantown Council Chambers.

NEW BUSINESS: none**PURCHASE ORDERS AND BANK RECONCILIATIONS** were signed.

Meeting Adjourned at 8:39 P. M.

Signed: Randy R. BeesonAttest:

Name	Address	property on
Margaret Watson	12250 Market -	Harris Rd
Sarah Boehmer	10163 Little Forest Dr.	
BETH FIGLEY	13209 OXFORD RD	
Dave Pratt	14680 Oxford Rd	
Greg Helmers	9216 Ger-Midd Rd	
Jeff Tate	8400 Shimp Rd.	
CAROL Lawson	8420 Shimp Rd	
John Tate	8298 Shimp Rd	
Charles SPENCER	9451 GERM. Midd PIKE	
Ken Lee	9631 EBX ROAD	
JOHN HERRINGER	9683 BBY RD	
Herschel Cornn	10252 Carlisle Pike	
Doree Bushy	10074 Oakes PK	
Mark Jones	12255 Harris Rd	
Baron Parker	11331 FRIEND Rd.	
Patty Parker	11331 Friend Rd	
Jim T Judd	8516 Dayton GermanTown PK.	
Coy & Terry Duffert	11071 FRIEND	
Larry and Carol Clapp	12378 Chicken Bristle Rd.	
DAVID SHADE	12207 ST. RT. 725	

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44 Total Signed :-

Name	Address
Bert Mary abner	8850 S. MAIN ST-
KAY & TOM HARRIS	4027 VENUS Rd
Evelyn Spadafora	10662 Farmersville W. C. Rd.
Denise C. MINGE	11887 OXFORD RD., GERMANTOWN
DAVID GEHRON	14239 KIEFER Rd GERMANTOWN OH
Lloyd Johnson	7404 BROWNS RUN RD
David J. Bunnell	14231 OXFORD Rd GERMANTOWN 45327
JOE OLEKAS	14385 OXFORD Rd GERMANTOWN
Barbara Olekas	14385 Oxford Rd. Crown
JOHN LAMB	8200 LOWER MSBG RD
TOM TILLER	8175 GERMANTOWN PIKE
Mark Cross	7444 Stiver Rd.
Shannon Cox	10094 Mudlick Rd.
Bonnie Gifford	7077 Browns Run Rd.
Bill & Naomi Dennis	10020 Eley Rd. Germantown
Lynnda Dallas Watkins	6851 Farmersville PK, Gltown
Harold Hethcote	
Barbara Cale	36 Megan Lane

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