

RECORD OF PROCEEDINGS

Minutes of

Meeting

THE GERMAN TOWNSHIP BOARD OF TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____, 20____
FEBRUARY 09, 2015

The regular meeting was called to order at 7:00 P.M., at the German Township Hall located at 12102 SR 725, Germantown, Ohio by Board President Randy Benson with the Pledge of Allegiance. Trustees Randy R. Benson, Jacob C. Stubbs, Benjamin F. DeGroat, and Fiscal Officer Robert W. Rohrbach Jr. were present. Police Chief Joe Andzik, Road & Service Superintendent Jeremy Holbrook, and Police Administrative Asst. & Trash Billing Clerk Laurie Rohrbach was 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 – David Gehron of 14239 Kiefer Rd.; Mark Cross of 7444 Stiver Rd.; John Herlinger of 9683 Eby Rd.; Gene Hosler of 9735 Eby Rd.; Beverly & Mary Abner of 8850 S. Main St.; Kenneth Lee of 9631 Eby Rd.; Mark Keener of 7865 Jamaica Rd.; Greg Helmers of 9216 Germantown Middletown Rd.; and State Representative Niraj Antani of the 42 House District.

VALLY VIEW WATER & SEWER DISTRICT UPDATE:

I. The following is a summary of the discussion and update:

Mr. DeGroat reported for last 2 months he has been meeting with the President of the First National Bank of Germantown, Mr. Tom Winning and VVWSD Board member Mr. Donson. Mr. ~~Donson~~^{Donson} has talked with an attorney Mark Henry and Mr. DeGroat has talked with Atty. O'Toole. Mr. DeGroat feels it is more feasible to go with Mr. Henry and end this thing. He also advised that Jackson Township had just met and agreed to loan \$2,500 to the VVWSD since the Water Board has no money, and without an attorney they cannot proceed with working out a solution.

Mr. DeGroat then introduced **RESOLUTION 2015-08**, seconded by Mr. Stubbs, to loan the Valley View Water & Sewer District \$2,500 for attorney fees, so the Water District can proceed. The following discussion ensued:

Mr. DeGroat then stated that the Water District needs to get an attorney to move forward to get over with this thing. It takes money to do it, he hopes people understand, that it is what it is and he just wants to do what is best for the people to get it done and move on.

Mr. Gehron asked what is the hourly rate for the attorney and what is the total

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estimated cost?

Mr. DeGroat replied that the 5000 is all that has been discussed about getting the paperwork filed. He hasn't been able to follow up with Mr. Donson. Mr. DeGroats' goal is to not spend anymore money from the townships.

Mr. Gehron again asked if there was an hourly rate.

Mr. DeGroat replied he thought it would be the same as any other attorney at \$225 or so per hour.

Mr. Holser was recognized by Mr. DeGroat and stated Mr. Donson has the paperwork and he wasn't sure of what all was included, but it was primarily to get rid of the outstanding debt that's out there. The number was 5000 primarily to get rid of the debt.

Mr. Helmers confirmed that Mr. DeGroat had met with Mr. Winning and then asked how the meetings went.

Mr. DeGroat advised the meetings were to obtain a lower payback to everyone involved, to lessen the burden on the tax payers. He further stated it has to be sent back to the court to dissolve the district there can't be any debt. If there is debt the court will decide how it will be handled. The District prefers to resolve the issue so the people can be involved with the debt process, instead of the Court.

Mr. Helmers asked what the District hoped the outcome would be?

Mr. DeGroat responded that the attorney would meet with Albers & Albers to get them to forgive what they are owed; he's pretty sure the OWDA will not forgive any application fees (\$5,100) owed for the loan that was taken out that he was not aware of until the audit; the FNBG would settle for less; the Townships would settle for less if their legal counsel advises they can do so, the hope is to keep the Townships whole; the rest would be forgiven. Then see what that number comes out to for the tax payers.

Mr. Helmers then asked what method would be used?

Mr. DeGroat advised assessment is what they have talked about. He asked if Mr. Helmers had a better way.

Mr. Helmers restated his previous solution of adding a couple of dollars to the Waste billing and repaying the debt from that. He asked if the whole township would be assessed or just the project.

Mr. DeGroat responded just the whole water district. He further estimated the

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assessment to be under \$500 per parcel. That is his estimate only, nothing official. He further advised that there are multiple methods of assessment, so that could change the numbers.

Mr. Holser commented that the assessments to close the District will be less than assessments to get water, but that the District will need to communicate well with the citizens in order to minimize the issues surrounding an assessment outside the project area. The possibility also exists that the District remain and bank would carry the loan for 20 years so the assessment could be carried over many years, reducing the impact. He and Mr. DeGroat discussed assessment possibilities.

Mr. Herlinger noted that the money the township has loaned to the Water District was already tax payer money, thus if assessed by the District, they would be paying twice. He felt the Township should forgive the loan.

Mr. DeGroat noted that the money loaned belonged to the Township and the Township intended to have the money repaid. The Township General Fund needs that money.

Mr. Rohrbach noted that the Township cannot forgive the debt without approval of the Township Attorney. He also noted that if the debt is forgiven it would only reduce the amount of debt owed by the District, so the tax payers would not be assessed for that money resulting in the tax payers only paying once. If not forgiven, they would be assessed to pay themselves back.

The discussion then turned to who would be assessed and the boundaries of the District.

Mr. Rohrbach reported that he has found the boundaries to be all of the unincorporated area of German Township that is not currently in a water district; and the Farmersville Germantown Road area of Jackson Township was originally created. Jackson Township has never expanded the water district in Jackson Twp.

Mr. DeGroat further stated that residents of Jackson Twp. currently tapped in to the existing water main from Farmersville to the High School cannot be assessed

Mr. Cross asked what the total amount owed currently is, without any reductions being discussed.

Mr. DeGroat advised it was around \$600,000.

Mr. Cross asked what the bank has decided on the loan – is the District going to pay the interest, etc.

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Mr. Stubbs introduced a **MOTION**, seconded by Mr. DeGroat to appoint Mr. Jenks to the Zoning Commission Board Member position being vacated by Mr. Jacoby; and to appoint Mr. Jacoby to the Zoning Commission Alternate Member position being vacated by Mr. Jenks. The terms of the appointments will remain as originally created. After discussion, all present voted in favor, **MOTION** passed.

II. Ms. Watson, in her written report, noted the following:
Zoning Commission elected Marvin Reiger President and Dan Lee Vice President
BZA elected Pete Lurker President and Mark Cross Vice President.

IV. Ms. Watson noted in her report that a variance for the property at 14481 Anthony Road will be heard by the BZA on Feb. 10.

OLD BUSINESS:

- I.** Mr. DeGroat advised he has been talking with potential buyers regarding the water tower, to re-coup funds. He calculates the salvage value at about \$60,000. Mr. Rohrbach reminded him that the water tower is the property of the VVWSD, not the Township.
- II.** Mr. Stubbs reported on his attendance at the Ohio Township Conference. He advised it was a good conference with good seminars.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

Meeting Adjourned at 8:15 P. M.

Signed: _____,

Attest: _____

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Mr. DeGroat stated he was not sure the final amount, but it would be less than loan amount. The bank is willing to settle for less.

Mr. Hosler stated that Mr. Donson was going to resign the VVWSD. Mr. Holser talked with Mr. Winning and Mr. Donson today. Mr. Donson has decided not to resign, to give it another 30 days. Mr. Hosler went on to explain the Bank has put together a committee consisting of Mr. Donson representing the VVWSD. Mr. Rohrbach representing German Twp., the Jackson Twp. Fiscal Officer, possibly someone from the community to get together and see if they can put together a good plan to bring back to the District who could then say yea or nay.

Mr. DeGroat felt the committee was a good thing so the community could participate and know what is going on.

Mr. Helmers again reinforced his proposal of adding a few dollars to the Waste invoice to pay the debt.

Mr. Rohrbach advised that would have to be approved by the Township attorney and that he didn't think the Township could collect a debt created by the Water District, as they were two separate entities.

Mr. Helmers felt that court may allow the collection if the Township agreed to collect it.

Mr. Rohrbach advised that would be up to the attorneys.

Several other options were discussed with no solution.

Mr. Benson called for any other discussion from the Board.

Mr. Stubbs stated he does not like spending more money, but it is our best worst option.

The vote for RESOLUTION 2015-08 was as follows: Mr. Benson – reluctantly Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes; RESOLUTION 2015-08 passed.

VISITOR COMMENTS –

- I. The Honorable House Representative Niraj introduced himself to the Board and offered his services for any legislative issue that may come up. He also briefly discussed his support for the annexation legislation previously introduced by former Representative Terry Blair. There was also discussion regarding legislation to require members of special districts (park, water, etc) to be elected instead of appointed. (Mr. Niraj arrived approx. 7:40 PM).
- II. Mr. Gehron noted the receipt of the newsletter from Jackson Twp.,

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Germantown, Farmersville, and the Germantown Library and asked why German Township did not participate.

The Board explained that they felt the expense was too great. They also discussed the successes that have occurred by communicating with the public by other means of e-mails, facebook, web page, etc..

MINUTES –

The Board reviewed the minutes of the January 12, 2015 Regular meeting.

Mr. Benson introduced a **MOTION**, seconded by Mr. Stubbs, to approve the minutes of the January 12, 2015 Regular meeting as submitted. After discussion, all present voted in favor, **MOTION** passed.

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

- A. OTA – February Grassroot Clippings
- B. OPERS – employee retirement education seminar information.
- C. Mont. Co. Auditor – notice that Vectren filed tax appeal.
- D. Ohio EPA – Biosolid notice Hidden Acres Farm
- E. Mont. Co. Office Management & Budget – 2015 ED/GE Grant application
- F. Mont. Co. Recorder – Annual notice of requirement to record Zoning Resolution changes
- G. Time Warner – 4th Qtr 2014 franchise fees

OUT

- A. Germantown Press & DDN - Mtg. reminders 02/09
- B. City of Germantown – 1/12/15 minutes
- C. Monthly – IRS, State, School, OPERS reports & payments
- D. Local Income Tax Entities – Annual tax reports with w-2's
- E. OTARMA – 2015 insurance renewal questionnaire
- F. OPERS – Annual non-contributing members report
- G. Mont. Co. Auditor – Certificate of 2014 Final Fund Balances
- H. Mont. Co. Engineer – 2015 Inventory

II. Distribute Financial Reports: 2015 YTD – Cash Summary by Fund, Fund Status, and Monthly payment report.

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 47006 thru 47049, including employee payroll direct deposits payments and payroll tax EFT's. After discussion, all present voted in favor, MOTION passed.

- III. Mr. Rohrbach reported that the Road & Bridge Fund did not have enough cash to allow the payment of the February 13 payroll. He is requesting a resolution to approve an advance of the \$5,000 from the General Fund to the Road & Bridge Fund to be repaid upon receipt of tax monies.

Mr. DeGroat introduced **RESOLUTION 2015-09**, seconded by Mr. Stubbs to approve an advance of \$5,000 from the General Fund to the Road & Bridge Fund to be repaid upon receipt of tax monies. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-09** passed.

- IV. Mr. Rohrbach reported he has received notice that the next MARCS antenna site meeting will be February 20, 2015 at 1:30 PM at the Montgomery County Administration Building. The Board had a short discussion and agreed to the goal of maintaining the same agreement as the contract currently with the county. Our attorney Mr. Ketter, myself, Mr. Benson and possibly Sgt. Wallace will be attending.

- V. Mr. Rohrbach updated the Board on the Montgomery County Amateur Radio Emergency Services, Inc. project. So far \$6,150.00 has been received from local donors and \$1,000.00 from an ARES member; for a total received of \$7,150.00.

With the above donations, the MCARES Coordinator has provided an additional radio, computer station, and antenna. They are in the process of providing a computer interface device, power supply, additional computer, computer monitors, and other additional equipment that is needed to complete the station. Mr. Rohrbach also recommended that an open house be conducted after the completion of the station and project.

- VI. Mr. Rohrbach reported that two Trustees had reviewed the picture provided by Treetop Aerials, and it was purchased for \$150.00. It is now displayed on the meeting room wall.

- VII. Mr. Rohrbach noted that the State of Ohio Income and School tax now require electronic withholding payments. To maintain consistency, he is also

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converting OPERS retirement payments to Electronic Fund Transfers.

VIII. Mr. Rohrbach reported on his attendance at the Ohio Township association Conference in Columbus. As usual he received updates on new legislation affecting the Township Operations. He also was able to complete all the CEU's needed to fulfill the new educational legislation by the Auditor Office and 5.75 of the required 6 CEU's for the Treasurer Office. He'll obtain the remaining .25 hours on line.

IX. Mr. Rohrbach reported that Montgomery County Township Association meeting held at Butler Township was well attended. He will remain as Assistant Treasurer for the group as the newly elected Treasurer is having temporary health issues. The next MCTA meeting will be held on April 23, 2015 at Jackson Township.

X. Mr. Rohrbach noted the upcoming Local Government Conference to be held in Columbus, by the State of Ohio Auditor on April 1st and 2nd. He recommended the Trustees and Department heads review the agenda and possibly attend. He requested a motion to approve the expenditure of funds for elected officials and department heads to attend.

Mr. Benson introduced a **MOTION**, seconded by Mr. DeGroat, to authorize the expenditure of funds for the attendance of German Township officials and department heads to attend the Local Government Conference as outlined above. After discussion, all present voted in favor **MOTION** passed.

PRESIDENT REPORT –

- I.** Mr. Benson reported on Germantown Union Cemetery activities. Not much going on. No burials in January.
- II.** Mr. Benson opened a discussion regarding the price of propane. He noted that the cost of propane has decreased since contracting with Earnhart, but that Earnhart would not lower the price. He suggested that the Township contract with a different propane vendor next year.
- III.** Mr. Benson opened a discussion about the department head reporting structure. He noted that currently the Trash Department does not report to a single trustee, as the other departments do. He also discussed department head evaluations. Mr. Holbrook advised that he currently has an evaluation

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form for the Road Dept. that he is willing to share with the Board as a model for review.

POLICE REPORT –

- I. Chief Andzik reported that the eleventh class of Citizens Emergency Response Team (CERT) will begin training on 2/15.
- II. Chief Andzik reported that the Police Dept. will host a Township Neighborhood Watch meeting on 2/26. Officer Bateman will be covering home security.
- III. Chief Andzik also announced the next Shred It day will be May 2nd. He requested the Board approve splitting the cost with the General Fund as has been done in the past.

Mr. Benson introduced a **MOTION**, seconded by Mr. DeGroat, to approve splitting the cost of the Shred It event between the Police and the General Fund, as has been done in the past. After discussion, all present voted in favor **MOTION** passed.

- IV. Chief Andzik requested opened a discussion regarding Section 4.1-1 of the German Township Personnel manual. He recommended that the language of that section be changed to “The schedule for all police employees will be determined by the chief of Police to best meet the needs of the department.”

Mr. Benson introduced a **RESOLUTION 2015-10**, seconded by Mr. Stubbs to approve the change of the language of Section 4.1-1 of the German Township Personnel manual to “The schedule for all police employees will be determined by the chief of Police to best meet the needs of the department.” After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-10** passed.

ROAD/SERVICE DEPARTMENT REPORT –

- I. Mr. Holbrook requested the Board place for sale Parcel D14 00813 0070 consisting of 0.537 acres of excess property from the Eckhart Road project. He noted that per our attorney, Mr. Ketter, that by resolution with a unanimous yes vote, the Board can sell the property any way it deems fit. He recommended that the Board consider selling the property at auction via GovDeals.com for 14 days; with a reserve of \$1,000; with a 7.5%

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Administration fee.

Mr. DeGroat introduced a **RESOLUTION 2015-11**, seconded by Mr. Stubbs to approve selling the property at auction via GovDeals.com, listed for 14 days; with a reserve of \$1,000; with a 7.5% Administration fee. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-11** passed.

- III.** Mr. Holbrook noted that the 200 tons of salt that the Township purchased from Kettering and that the Township had to take immediate delivery on, has been stored at Rolin Farms since October 2014. He requested a resolution of appreciation be passed for Rolin Farms.

Mr. DeGroat introduced a **RESOLUTION 2015-07**, seconded by Mr. Benson thanking RoLin Farms for allowing German Township Road & Service Department to store approx. 200 tons of de-icing salt at their facility at no charge. After discussion, the adoption vote was as follows: Mr. Benson – Yes, Mr. DeGroat – Yes, Mr. Stubbs – Yes, **RESOLUTION 2015-07** passed.

- III.** Mr. Holbrook reported that ditching has been completed at 6770 Conservancy Rd. for Mr. Jim Hoffman.
- IV.** Mr. Holbrook reported on the department employees attendance at the Ohio Township Association Conference in Columbus. He attended a seminar on disposing government records; while Scott and Scott attended on snow removal and salting procedures.
- V.** Mr. Holbrook advised he will be attending the Feb. 11 meeting with ODOT regarding the sign replacement grant.
- VI.** Mr. Holbrook also noted that all Road employees have been re-certified on their spray license.

ZONING & TRASH COLLECTION REPORT -

- I.** Ms. Watson, in her written report, noted that the Zoning Commission met on Jan. 27. During that meeting Mr. Kurt Jacoby requested that he be transferred to the Alternate Member position and that David Jenks be transferred to the Board Member position. Basically, a trade of positions. Mr. Jacoby requested the transfer of positions due to employment travel requirements. Both men agreed to the trade.

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II. Mr. Stubbs reported on his attendance at the Ohio Township Conference. He advised it was a good conference with good seminars.

NEW BUSINESS: none

PURCHASE ORDERS AND BANK RECONCILIATIONS were signed.

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Signed: Randy R. Benson

Attest: [Signature]

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