



GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON APRIL 10, 2023

The meeting was held at the German Township Hall located at 12102 St. Rt. 725 West, Germantown, OH 45327 and virtually using WebEx.

The meeting was called to order by Board President Mark Cross at 7:07 pm. In attendance were:

President Mark Cross	Vice-President Jacob Stubbs	Trustee Lou Potter
Fiscal Officer Mark Heistand	Police Chief Joe Andzik	Road Admin. Jeremy Holbrook
	Zoning Inspector Shauna Close	

IN-PERSON ATTENDEES:

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Mark Keener	7865 Jamaica Road
Abigail Dennis	13091 Oxford Road	Joe Garrett	Trebel LLC

ONLINE ATTENDEES:

Name	Name	Name	Name
KC	Sam		

The Germantown Press was notified of the Regular Meeting on 4/6/23 at 4:29 pm.

Dr. Cross led the group in the Pledge of Allegiance.

VISITOR COMMENTS:

- **Joe Garrett, Trebel LLC:** Mr. Garrett stated that he will be the Township’s Trebel representative for electric and natural gas aggregation. He asked the Fiscal Officer to have two copies of the ballot resolutions date stamped by the Board of Elections for Trebel to file with the Public Utilities Commission of Ohio. That set can be scanned and emailed to him. He indicated that Trebel will send out three mailings to Township residents and also hold a public meeting 2-3 weeks before the November election. The first mailing will go to all Township residents; the subsequent mailings will only go to registered voters. He noted that Jackson Township will also be voting on aggregation in November, along with a couple townships in Preble County.

FISCAL OFFICER’S REPORT:

- Mr. Heistand submitted minutes for the 3/13/23 Regular Meeting. Dr. Cross made a MOTION, seconded by Mr. Potter, to approve the minutes as presented. The MOTION WAS APPROVED by a unanimous voice vote.

- Mr. Heistand presented the March Financial Reports: (1) 3/31/23 Fund Status; (2) YTD 3/31/23 Cash Summary by Fund; (3) Month of March Cash Summary by Fund; (4) March 2023 Receipt Listing; and (5) March 2023 Payment Listing. He noted the following items:
 - Receipt #52-2023 for \$14,666.64 from Valley View Local School District was payment for the School Resource Officer for September-December 2022.
 - Warrant #50668 for \$5,250.00 to Valley View Joint Economic Development District was the Township's proportionate share of the four jurisdictions' initial contribution.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the March financial reports and authorize the payment of March bills (warrants 50664 through 50673 and vouchers 172 through 274 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- He reminded Township residents that the May 2 ballot includes a .5 mill renewal of the pool levy for five years. Although the ballot language indicates that the purpose of the levy is for "parks and recreational purposes," he assured residents that the taxes raised by the levy will ONLY be used for the Germantown swimming pool.
- He presented draft resolutions from Trebel, LLC to place the electric and natural gas aggregation issues on the November ballot. He noted that the draft resolutions were reviewed by the Prosecutor's office, who had no concerns or comments.
 - Dr. Cross introduced **RESOLUTION 2023-17**, seconded by Mr. Potter: **A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL ELECTRICITY AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.20 OHIO REVISED CODE AND DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-17 WAS ADOPTED.**
 - Dr. Cross introduced **RESOLUTION 2023-18**, seconded by Mr. Stubbs: **A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4928.26 OHIO REVISED CODE AND DIRECTING THE MONTGOMERY COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-18 WAS ADOPTED.**
- Mr. Heistand reported that the Ohio Bureau of Workers' Compensation completed their on-site audit of the Township's 2022 payroll on 4/6/23. A draft report will be issued in the near future with any adjustments needed to the previously paid premiums.
- He attended the Western Regional Council of Governments (WRCG) meeting on 3/21/23.
- As a member of the Germantown Lions, he invited Township residents to attend the club's drive-through chicken dinner on 4/22/23 at the Niswonger Field visitor's concession stand.
- He expressed his condolences to the family of Lynn Cleveland on his recent passing. He stated that Mr. Cleveland was a regular attendee at Trustee meetings over the years. At the time of his passing he was an at-large member of the Fire/EMS Oversight Committee. At the Township he served several years through 2020 as the chair of the Township's Reserve Police Officer Memorial Fund Board and was also a member of CERT (Community Emergency Response Team).

POLICE DEPARTMENT REPORT:

- Chief Andzik stated that the annual Shred It/Dump It Day would be held on 5/6/23 from 9-11 am.

- He announced that his department received a grant from the U.S. Department of Justice to outfit all fulltime officers with new ballistic vests and carriers.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook announced that a request for bids for the 2023 chip seal program was advertised in Miami Valley Newspapers for two weeks in March. One bid was received from Ray Hensley, Inc. on 4/7/23. He opened the sealed envelope and reported that the bid was \$2.28 per square yard for single seal and \$4.56 per square yard for double seal. He stated that he would review the bid in detail and have the Trustees approve the bid contract later in the meeting.
- He noted that his department had begun mowing the cemeteries, had prepped road mowers for right of way mowing, and had removed deicing equipment from the dump trucks.

ZONING DEPARTMENT REPORT:

- Mrs. Close reported that she wrote permits in March for agricultural barns on Friend and Oxford Roads, a freestanding sign on Dayton-Germantown Pike, a single-family residence on Boomershine Road and a deck replacement on Big Twin Terrace.
- She stated that the Zoning Commission (ZC) met on 4/4/23. They discussed and passed revisions to the Definitions section of the Township Zoning Resolution.

TRUSTEE POTTER'S REPORT:

- Mr. Potter reported that the Pool Board met recently. The pool is fully staffed for the summer with life guards and concession workers. Pool passes as well as pool parties can now be purchased online through the City's website.
- He stated that the Parks Board met on 4/5/23. Germantown Service Department employee Ben Amburgy reported that French drains had been installed where needed along the bike trail and were working as expected. The area will be graded once the ground dries. Kercher Park parking lot paving in 2023 will be done using existing City Parks funds; advances from the City's General Fund to pay for the paving will not be necessary.
- He noted that Randy Klotz donated a bench to the MMI Park on behalf of Germantown Lions Club, obtained through recycling 500 pounds of plastic bags collected by Mr. Klotz. Nine benches will be needed near the flagpole. The benches cost \$318 if not purchased using recycled plastic. He is hopeful that some local business will donate funds to acquire more benches. VVHS student Eli Gilbert has also started collecting plastic bags to obtain additional MMI benches.
- He announced that an MMI Park meeting would be held on 4/25/23 to discuss where to place hiking trails and memorials.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs thanked Mr. Potter for tearing down the old shed at Germantown Union Cemetery. He noted that newly-hired sexton Keith Burnett is working alongside Mark Steinecker until Mr. Steinecker's retirement at the end of May. He noted that the Cemetery's concrete retaining wall along State Route 725 is leaning towards the road in front of the rental house. Mr. Holbrook discussed options for the wall, noting that there is a natural gas pipeline right-of-way near the wall. He also outlined the responsibilities of the state and property owner concerning the wall.
- Mr. Stubbs discussed the 3/21/23 WRCG meeting with Rumpke Waste that he and Mr. Heistand attended. Subsequent to the meeting, Rumpke sent price increases for 10/1/23-9/30/26. Solid waste will increase 17.5% in the first year, with 8% increases in the second and third years. Recycling will increase 8% in each of the three years. He asked for the Trustees' thoughts.

- Dr. Cross felt that the WRCG should accept the increases and that German Township will need to increase our residential trash fees.
- **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross asked when the Township last increased its fees to residents. Mr. Stubbs said the last increase was 5-7 years ago.
- **Visitor Comment: Abigail Dennis, 13091 Oxford Road:** Ms. Dennis wanted residents to be told in advance of a price increase by putting a notice on the quarterly bill.
- **Visitor Comment: Mark Keener, 7865 Jamaica Road:** Mr. Keener felt that notice of a trash fee increase needs to be sent to Township residents in a separate letter.
- Mr. Stubbs asked about the repaving of Manning Road by Montgomery County. Mr. Holbrook stated that County is repaving from Farmersville-Germantown Pike to Diamond Mill Road, but wasn't certain if they would continue repaving east of Diamond Mill Road.
- Mr. Stubbs thanked Mr. Keener for giving him information that he could pass on to a school employee who had a question about how the Joint Economic Development District (JEDD) withholdings affect their taxes.
- He stated that he was sad to hear of Lynn Cleveland's passing, noting that he would miss his conversations with Mr. Cleveland at Trustee meetings.

TRUSTEE CROSS' REPORT:

- Dr. Cross reported that he talked to a representative from Aspen Energy on 3/21/23 concerning electric aggregation and told him that the Township had decided to contract with Trebel LLC.
- He noted that Ransae Lindemoud-Hall resigned from the Fire/EMS Oversight Committee on 4/1/23. The 4/3/23 Oversight Committee meeting was canceled. As a result of Mr. Cleveland's passing and Ms. Lindemoud-Hall's resignation, the Committee only has three members. He stated that anyone who wished to serve on the Committee should contact the City of Germantown.
- He attended the 4/3/23 Germantown City Council meeting. Highlights included:
 - The City's Designated Outdoor Refreshment Area (DORA) is set to start in June
 - The two required public hearings have been held on electric aggregation for the City. No information was given on rates or when aggregation will start.
 - Residents were reminded about confusing language for the Pool Levy on the May ballot.
 - The City hired a consultant from Community Planning Insight to update the City zoning code. The budget is \$40,000 over two years. The consultants will: (1) review the City's Comprehensive Plan; (2) review the current zoning code; (3) prepare updated zoning code; and (4) revise the current zoning map.
 - Council discussed AirBNB's in the City. No action was taken to regulate these short-term rentals since it was noted that the State of Ohio may soon be introducing new rules.
- **Visitor Comment: Deb Cross:** Mrs. Cross asked if the confusing Pool Levy language could be emailed to residents and posted on the Township website and Facebook pages. Mr. Heistand agreed to work with Mrs. Close and Chief Andzik to send out emails and post the information.
- He discussed the possibility of adding a disclaimer to the Township's website, noting that the Prosecutor's office stated that adding the disclaimer couldn't hurt. Dr. Cross made a MOTION, seconded by Mr. Potter, to add the following disclaimer to the first page of the Township's website. The MOTION WAS APPROVED by a unanimous voice vote.
 - "German Township makes every effort to produce and publish the most current and accurate information possible. The Township assumes no responsibility for errors in the information and does not guarantee that the data posted is free from errors or inaccuracies. Similarly, the Township assumes no responsibility for the consequences of inappropriate uses or interpretations of the data. No warranties, expressed or implied,

are provided for the data herein, its use, or its interpretation. Utilization of the search facility indicates understanding and acceptance of this statement by the user.”

- Dr. Cross presented a history of the radio tower located behind the Township Hall, noting that he spoke with former Fiscal Officer Bob Rohrbach on 3/16/23 who stated that the cell tower is owned by the State of Ohio. He thanked Mr. Holbrook for providing the tower files for his review.
 - In a 6/16/2005 letter, German Township was approached by the Montgomery County Sheriff’s Office concerning expanding the County’s 800 MHz trunked radio system to ensure optimal radio coverage in Montgomery County for all public safety agencies. Montgomery County had determined that the optimal location of the tower would be on the property where the Township offices are located.
 - In July 2005, Montgomery County made a proposal to build a 300-foot tower on Township property at an estimated cost of \$1,865,000. This tower would be the final site for Montgomery County to address public safety radio requirements.
 - On 5/16/2006, after some negotiations, Resolution #06-856 was passed by the Montgomery County Commissioners authorizing a twenty-year lease on the property from 6/1/2006 through 5/31/2026. (The size of the leased property is 60’x60’.) The Lease Agreement was also passed on 5/16/2006 by the German Township Trustees.
 - From the Lease Agreement:

“The Commissioners and the Sheriff, at their sole expense, will place and construct upon the leased premises, a 300-foot tower equipped with the capability of supporting 2 (two) cellular sites, a prefabricated communications building, a backup generator, and a fuel tank for such generator. All said towers and equipment will be owned exclusively, and under exclusive control, of the Commissioners and the Sheriff.

“In lieu of rent, the Commissioners and the Sheriff shall provide to German Township, at no charge, twenty-four (24) hour per day safety communications and police dispatching services, etc.

“The commissioners and the Sheriff shall furnish to the Township, at no charge, a backup generator that shall supply emergency electricity to the German Township Building as well as the Leased Premises.”
 - A letter of understanding signed 5/8/2006 gave German Township the authority to market the tower themselves or through a representative.
 - German Township signed a Tower Space Lease contract with Patriot Communications on 12/11/2006 for “the exclusive right to the use of, including the right to grant to third parties by sublease, license, etc. a portion of the premises.”
 - No parties (i.e. cell phone providers) were ever interested in subleasing and the contract was terminated on 7/28/2014.
 - On 7/13/2015 via Resolution 2015-36, the German Township Trustees approved the State of Ohio Lease Agreement that officially transferred the lease of the property to the State of Ohio, acting through the Ohio Department of Administrative Services, on behalf of the Multi-Agency Radio Communications System (MARCS) Program office. (MARCS provides statewide, secure, reliable public service wireless communications for public safety and first responders.) The specifics:
 1. The lease is \$18,000 per year.
 2. The initial term is 7/1/2015 through 6/30/2017 and continues for a period of twelve (12) two-year terms.
 3. MARCS also maintains the generator attached to both the tower and the Township building (Section 11.1)
 4. MARCS equipment will remain the property of MARCS and the exclusive ownership is acknowledged by Lessor (German Township). (Section 12.3)

5. At the request of the Lessor, providing availability of space, MARCS agrees to allow the Lessor to install its public safety, public service and/or wireless broadband equipment on the MARCS tower. (Section 1.4)
 6. MARCS may enter into co-location agreements for space on the tower.... If MARCS allows a non-government entity to co-locate on the tower, MARCS agrees to share the fee with the Lessor (75% of fee goes to the Township). (Section 7.3)
 - In an email dated 2-20-2015 German Township requested a lease fee of \$30,000 to help cover the dispatch fees that were currently free. The MARCS representative stated in an email that the dispatch fees were non-negotiable.
- He stated that the Township files on the tower do not include the documents setting forth the actual sale of the tower and buildings from Montgomery County to the State of Ohio.
 - He contacted the Montgomery County Recorder's office on 4/6/23 to see if the office had any record of the sale or transfer of ownership of the tower from Montgomery County to the State of Ohio. He then visited the Recorder's office to show them the leases. A Recorder's Office employee will work on finding the documents.
 - Since the 2006 lease was signed by Commissioner Debbie Lieberman, he spoke with Ms. Lieberman and also with Commissioner Judy Dodge. The two commissioners seemed interested in the loss of paid dispatch fees for German Township and asked the amount of our current fees. Their staff located the Resolutions that canceled the 20-year lease by Montgomery County (11-3-2015) and the German Township Trustees (9-14-2015). The meeting ended with the commissioners stating they would try to find the sale documentation.
 - He spoke with Jay Wheeler from the Montgomery County Sheriff's office and was told that the cost for German Township's 2023 dispatch services was \$32,471 (regular cost of \$34,546 minus a one-time credit of \$2,075).
 - He stated that his goal is to put this radio tower information in a file for review in future years.
 - Mr. Stubbs stated that the Prosecutor's Office represented both the Township and Montgomery County at the time of the tower lease transfer. He felt that the Township got the short end of the stick. He noted that the 2023 tower lease payment will be recorded in the Police Fund to help offset the Police Department's dispatch fees.

OLD BUSINESS:

- Concerning the Ray Hensley Inc. chip seal bid, Mr. Holbrook noted that the bid included the required bidding contract bond, a certificate of liability insurance, and a certificate of Ohio Bureau of Workers Compensation insurance. He stated that since Ray Hensley's 2022 prices were \$2.39 for single seal and \$4.78 for double seal, the 2023 bid represents a slight price decrease. He recommended that the Trustees approve the contract.
- Mr. Potter introduced **RESOLUTION 2023-19**, seconded by Mr. Stubbs: **A RESOLUTION TO ACCEPT THE RAY HENSLEY, INC. BID OF \$2.28 PER SQUARE YARD FOR SINGLE SEAL AND \$4.56 FOR DOUBLE SEAL FOR AN ESTIMATED 78,056 SQUARE YARDS AS THE TOWNSHIP'S 2023 CHIP SEAL PROGRAM.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-19 WAS ADOPTED.**
- Mr. Holbrook reported that the Legislature recently passed HB23, which included an increase in force account limits (the competitive bid threshold for road contracts) from \$45,000 to \$105,000. The change will be effective 7/1/23.

NEW BUSINESS:

- None

OTHER BUSINESS:

- None.

MEETING ADJOURNED:

- With no further business, Mr. Stubbs made a MOTION, seconded by Mr. Potter, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 8:30 pm.

Signed: Mark Cross
Mark Cross, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at the May 8, 2023 meeting.

Signed: Mark A. Heistand
Mark A. Heistand, Fiscal Officer