

**GERMAN TOWNSHIP BOARD OF TRUSTEES
MINUTES OF THE REGULAR MEETING HELD ON APRIL 12, 2021**

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 Tyler Rehmert at 7:02 pm. In attendance were:

President Tyler Rehmert
Fiscal Officer Mark Heistand

Vice-President Abra Reed

Trustee Jacob Stubbs
Zoning Inspector Halie Sewell

ONLINE ATTENDEES:

Name	Name	Name	Name
Police Chief Joseph Andzik	Road Superintendent Jeremy Holbrook	Lynn Cleveland	David Gehron
Sam	Deb and Mark Cross	KC	Krystal
Kurt Jacoby	Call in User 3	Call in User 4	

The Germantown Press was notified of the Regular Meeting on 4/10/21 at 9:43 am.

Mr. Rehmert led the group in the Pledge of Allegiance.

VISTOR COMMENTS:

- **Mark Cross, 7444 S. Stiver Road:** Dr. Cross discussed several items:
 - He asked if the Township would receive funds from the American Rescue Plan Act of 2021 (ARP). Mr. Heistand stated that he would discuss the ARP during his report.
 - He noted that an old house at 9967 Sugar Street recently sold for \$28,000. It is being repaired.
 - He discussed the private lane at the northwest corner of Eby Road and State Route 4. He asked Mr. Rehmert if he had any follow up from the Ohio Department of Transportation (ODOT) after he contacted them in reference to the rezoning of property on the lane owned by Kyle Brummert. Mr. Rehmert commented that he hadn't heard anything more from ODOT and didn't think a state traffic study was required related to the rezoning. Dr. Cross stated that it is very dangerous trying to leave the lane and enter either Eby or Route 4.
 - He thanked Mr. Rehmert for allowing public comments at the 4/8/21 JEDD meeting.

FISCAL OFFICER'S REPORT

- Mr. Heistand submitted minutes for the 3/8/21 Regular Meeting and the 3/9/21 Special Meeting. There were no corrections. Mr. Stubbs made a MOTION, seconded by Mrs. Reed, to approve both sets of minutes as submitted. The MOTION WAS APPROVED by a unanimous voice vote.

- Mr. Heistand presented the March Financial Reports: (1) 3/31/21 Fund Status; (2) Year-to-Date 3/31/21 Cash Summary by Fund; (3) March 2021 Receipt Listing; and (4) March 2021 Payment Listing. He noted that during March he made the \$14,000 transfer from the General Fund to the Road & Bridge Fund, as approved by the Trustees at the 3/8/21 meeting.
- Mr. Rehmert made a MOTION, seconded by Mr. Stubbs, to approve the March financial reports and authorize the payment of March bills (warrants 50429-50456 and vouchers 148-248 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- As requested by the Trustees at the 3/8/21 meeting, Mr. Heistand reported that he contacted Jackson and Perry Townships to determine their insurance liability limits with the Ohio Township Association Risk Management Authority (OTARMA). Jackson Fiscal Officer Lisa Kozarec confirmed they have a \$3 million limit. Perry Fiscal Officer Rhonda Behnken confirmed they have a \$4 million limit. After discussion, the Trustees agreed to keep the Township's liability limit at \$3 million.
- He noted that on 3/26/21, OTARMA IT Specialist Aaron Willis (not the Aaron Willis who lives in the Township) met with Mr. Holbrook, Mrs. Close, Mrs. Sewell and himself. The purpose of his visit was to assist with identifying and controlling internal IT risk and loss exposures. Following the meeting, Mr. Willis sent a list of recommendations that were intended to assist the Township's risk control efforts. He recommended that the Township adopt a disaster recovery plan, an acceptable use policy and a telework policy. He asked that the Township complete and return a Statement of Action Taken addressing his recommendations within 60 days of his 3/28/21 email.
- Mr. Rehmert asked if the Township has had previous similar OTARMA IT reviews. Mr. Holbrook stated he was not aware of any previous technology reviews. After discussion, the Trustees determined that they were not in a position to draft the plans recommended by Mr. Willis. Mr. Heistand will report the Trustees' position to Mr. Willis.
- Mr. Heistand reported that sometime after he started as Fiscal Officer in 2020, he discovered that the Township's Depository Agreement with First National Bank of Germantown expired at the end of 2015. Prior to that, nobody at the Township or at the Bank was aware of this situation. Due to the pandemic and its effect on the bank's operations, they were not able to rectify this omission until recently. He asked that the Trustees approve a Depository Agreement through 12/31/25.
- Mr. Stubbs introduced **RESOLUTION 2021-17**, seconded by Mrs. Reed: **A RESOLUTION ESTABLISHING THE FIRST NATIONAL BANK OF GERMANTOWN AS THE PUBLIC DEPOSITORY FOR ACTIVE, INTERIM, AND INACTIVE FUNDS FOR THE PERIOD APRIL 12, 2021 AND ENDING DECEMBER 31, 2025.** The roll was taken and the adoption vote was as follows: Mr. Rehmert-Yes; Mrs. Reed-Yes; Mr. Stubbs-Yes. **RESOLUTION 2021-17 WAS ADOPTED.**
- Mr. Heistand reported that the Auditor of State recently announced that entities may request a third consecutive Agreed Upon Procedures (AUP) engagement. Previously, only two AUPs were allowed. After three AUPs, a full Generally Accepted Government Auditing Standards (GAGAS) engagement will be required. Noting that an AUP is significantly cheaper than a GAGAS, he stated his intention to request a third AUP in 2022. This will delay the next full GAGAS until 2024.
- Addressing Dr. Cross' earlier question about ARP funding, he explained that the ARP was signed into law on 3/11/21. The bill included \$350 billion for state and local governments. The initial version passed by the House of Representatives included townships on the list of local governments eligible for funds. Following modifications made by the Senate, the enacted law removed townships from the list. This change has a significant impact on German Township, given

the large amount of funds being distributed. An effort is underway by the Ohio Township Association (OTA), both Ohio Senators and all Ohio Representatives to convince the Federal Government to revise the definition of eligible local governments to include Ohio's townships.

- He attended a Pool Board and Pool Oversight Committee meeting on 3/23/21 with Germantown Finance Director Pat Shively. The purpose of their participation in the meeting was to discuss the proceeds from the Pool Levy and the finances of the City's Pool Fund as the Pool Board and Oversight Committee evaluate options for updating the pool's pump and filtration system.
- He also attended a Parks Board and Parks Oversight Committee meeting on 3/29/21 along with Ms. Shively. The purpose was to discuss the upcoming Parks Levy. He explained to the Trustees the multi-step process to be followed to place a Parks Levy on the November ballot.
- He attended a webinar on 4/2/21 concerning Electronic Filing of Ballot Questions and Issues. Effective 1/1/21, Ohio political subdivisions that certify a question or issue to the board of elections for placement on the ballot may now make that certification in electronic or paper form. Prior to that date, ballot certifications were required to be in paper form.
- He attended the quarterly Montgomery County Township Association (MCTA) virtual meeting on 3/25/21. OTA Director Heidi Fought attended and discussed the OTA's efforts to include townships in the ARP distribution as well as the OTA's work to convince state legislators to increase the force account limits for road maintenance and construction. These limits were last increased 17 years ago. (He noted that subsequent to the MCTA meeting, the Legislature passed a bill that increased force account limits by only 3%.) Ms. Fought also provided a summary of the OTA's 2021 Legislative Priorities. The new Executive Director of the Montgomery County Convention Center also attended the meeting. She discussed proposed changes to the facility.
- He reported that the Township's 2020 financial transactions have now been posted on the Ohio Open Checkbook and are available to be reviewed online. Transactions for 2020 and prior years can be viewed at: <https://checkbook.ohio.gov/Local/>.
- He reported that during March he responded to one Public Records Request: for the January 31 ending balances in the General Fund for 2016-2021 and the 3/31/21 General Fund ending balance.
- He announced a Special Trustee Meeting on 4/19/21 at 6:00 pm to open sealed bids for the Township's 2021 chip-seal road program and potentially award a contract for same to the lowest and best bidder. The entire meeting will be held virtually using WebEx.
- He announced a Special Trustee Meeting on 5/5/21 at 7:30 pm to discuss the potential Joint Economic Development District (JEDD) with representatives from Germantown, Farmersville and Jackson Township.
- He noted that he would attend the two-day Auditor of State (AOS) Local Government Officials Conference webinar on 4/13- 4/14/21. The live sessions are being recorded and can be viewed by the Trustees and Township staff through the AOS website.

POLICE DEPARTMENT REPORT:

- Chief Andzik reported the Township's Shred Day will be on 5/1/21. Residents may drop off paperwork to be shredded as well as prescription medication.
- He reported that the new police server is up and running. The server will not run Outlook for the department's email. As a result, they registered a domain name in order to use the new email. The domain name is germantownshippolice.org. Since they have the new domain name, his department will no longer have a need for the german-township.org email addresses.

- He reported that the department has purchased a new copier which was included in the 2021 budget. He noted that the Trustees' copier is much older than the current police copier. He would like to replace the older copier with the current police copier. The annual maintenance contract for the older copier is \$1,026, whereas the annual maintenance contract for the current police copier is \$687. He noted that parts will not be available for the current police copier after 2021 and are currently not available for the Trustees' copier. He also noted that the Trustees could purchase a new copier for their use for the same \$4,759 price as the new police copier.
- **Visitor Lynn Cleveland, 11858 Oxford Road:** Mr. Cleveland stated that the Township's current copiers have many features that have never been used. He felt the Township wasted money by purchasing copiers with features that aren't used. He requested that all the features of the new copier be used by the Police Department.
- A discussion ensued concerning the two existing copiers. It was noted that there is a \$500 trade-in available for the current police copier, but not for the Trustees' copier. Mr. Holbrook suggested that the current police copier be kept and the older copier sold on Gov Deals.com. Once replacement parts are no longer available for the current police copier, he recommended canceling the maintenance contract in 2022. Mr. Rehmert suggested trading in the police copier so that the Police Department could benefit from the trade-in credit. He further suggested that the maintenance contract be canceled on the Trustees' copier and it continue to be used until it eventually dies. Mrs. Sewell noted that toner could be purchased online for the Trustees' copier for \$60-80. The Trustees agreed that the police copier should be traded in, the Trustees' copier retained, and the maintenance contract on the Trustees' copier canceled.
- Concerning the new police domain name, Mrs. Reed asked why the Police Department could not use the new german-township.org domain. Chief Andzik was not certain of the answer, but agreed to look into this issue and follow-up with the Trustees. Mrs. Reed requested that the Police Department use the new Township domain name rather than germantownshipolice.org.
- Chief Andzik reported that the department's two new cruisers have arrived. He requested that the supplier reorder one of them because it had an electrical issue that the supplier was not able to correct. The second cruiser should be delivered in 3-4 months.

ROAD/SERVICE DEPARTMENT REPORT:

- Mr. Holbrook reported that the new backhoe has been ordered from Murphy Tractor and should arrive in July. He requested that the Trustees declare the old John Deere backhoe as excess, to be sold on GovDeals.com. Mrs. Reed introduced **RESOLUTION 2021-18**, seconded by Mr. Rehmert: **A RESOLUTION DECLARING THE 2004 JOHN DEERE 310 SG BACKHOE AS EXCESS, TO BE SOLD ON GOVDEALS.COM.** The roll was taken and the adoption vote was as follows: Mr. Rehmert-Yes; Mrs. Reed-Yes; Mr. Stubbs-Yes. **RESOLUTION 2021-18 WAS ADOPTED.**
- Mr. Holbrook noted that at the November 2020 meeting he informed the Trustees about the Township's ability to raise the permissive motor vehicle tax by \$5 without a vote of the residents. He reported that the Trustees' approval would need to be sent to the Ohio Bureau of Motor Vehicles by 7/1/21 in order to be collected starting in 2022.
- The following is extracted from the minutes of the 11/9/20 Regular Trustee Meeting:
 - He [Mr. Holbrook] stated that he has been researching the Permissive Motor Vehicle License Tax, one of the sources of funding for his Department. He presented information concerning an optional \$5 fee that can be assessed on license plate registrations in the unincorporated area of the Township. HB62 (the Transportation Budget passed on 4/3/19 that increased the gas tax) included a provision allowing Townships to charge this additional fee. If the Trustees decide to enact the fee, two Public Hearings must be held

no more than ten days apart. The resulting Resolution must be passed unanimously and submitted to the Ohio Bureau of Motor Vehicles by 7/1/21. The \$5 fee would then be collected beginning in 2022. Use of the proceeds is restricted to road repair or equipment. He estimated that the fee would generate \$21,000 annually.

- The HB62 provision giving the Township authority to add a second tax for the operation of motor vehicles is found in Ohio Revised Code Section 4504.181.
- It was noted that the Township currently assesses a \$5 motor vehicle tax under the authority of ORC 4504.18. At present, unincorporated Township residents pay a total of \$25 in vehicle registration permissive tax: four \$5 fees assessed by Montgomery County plus the current Township \$5 fee. Mr. Rehmert noted that the Township receives 30% of two of the fees assessed by the county, or \$3. As such, the Township currently receives \$8 for each registration.
- Mr. Stubbs stated that he would prefer running another road levy rather than increasing the license tax, but was interested in receiving public feedback. Mrs. Reed agreed.
- Mr. Rehmert agreed that the Trustees should place the potential registration fee increase in front of the residents to gauge their thoughts on the issue. Mr. Stubbs stated that he was willing to start the process, but wouldn't commit to supporting the increase when it came time for a vote.
- Mr. Heistand suggested that the Trustees start the process by introducing a Resolution to add the additional permissive tax. Since a vote on the Resolution can't occur until after the two Public Hearings, he suggested that the Trustees immediately table the Resolution once introduced.
- Mr. Heistand stated that he couldn't see anything in ORC 4504.181 requiring unanimous approval of a Resolution for an additional permissive tax. Mr. Holbrook reported that he was given this information by the Bureau of Motor Vehicles (BMV).
- Mr. Rehmert introduced **RESOLUTION 2021-19**, seconded by Mr. Stubbs: **A RESOLUTION TO LEVY AN ANNUAL \$5 LICENSE TAX UPON THE OPERATION OF MOTOR VEHICLES ON THE PUBLIC ROADS AND HIGHWAYS IN THE UNINCORPORATED TERRITORY OF THE TOWNSHIP FOR ANY AUTHORIZED PURPOSE, UNDER THE AUTHORITY OF OHIO REVISED CODE SECTION 4504.181.** Mrs. Reed made a MOTION, seconded by Mr. Stubbs, to table RESOLUTION 2021-19 pending the two Public Hearings. The MOTION WAS APPROVED by a unanimous voice vote
- The Trustees discussed the two Public Hearings for RESOLUTION 2021-19. Mr. Heistand noted that ORC 4504.181 requires notice of the Public Hearings be published in the newspaper for two consecutive weeks, with the second publication not less than ten but not more than thirty days prior to the first hearing. If adopted, RESOLUTION 2021-19 will not become effective until thirty days following adoption. If adopted, the Resolution is also subject to a citizen referendum.
- Mrs. Reed made a MOTION, seconded by Mr. Rehmert, to hold Public Hearings for RESOLUTION 2021-19: (1) at the Regular Trustees Meeting on 5/10/21 at 7:00 pm and (2) at a Special Trustees Meeting on 5/18/21 at 7:00 pm. The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand will contact the Prosecutor's office for guidance on how to structure the Public Hearings and also request confirmation of the unanimous vote requirement as stated by the BMV.
- In his written report, Mr. Holbrook also reported that his department has started mowing the Township cemeteries and has also started the 2021 crack seal program.

ZONING DEPARTMENT REPORT:

- Mrs. Sewell reported some possible zoning cases. They include two nuisance abatements and three resolution violations. She is working with the affected property owners.

- She reported that she has several pending permits. Her written report noted pending swimming pool permits on Oxford Road, Lower Miamisburg Road and Browns Run Road. Her written report also noted a pending permit for a home addition on Oxford Road.
- She reported that she has pending cases involving a lot split on Creek Road and a variance on Eby Road for a change in the proposed new school building at Abundant Life Tabernacle.
- The next Zoning Commission meeting on 4/20/21 will be a Public Hearing to potentially approve revisions to the Zoning Resolution to present to the German Township Board of Trustees for review. The next Board of Zoning Appeals meeting is yet to be determined.
- Regarding the new Township emails, she announced that she will set up an automatic reply for all emails coming into an old address advising senders of the new email address. She will also direct emails sent to an old address to automatically forward to the new address for a period of time.
- Mr. Stubbs asked Mrs. Sewell about her office hours. She responded that her hours have been by appointment only ever since the beginning of the pandemic in 2020. A discussion ensued concerning restarting her regular office hours. She stated she planned to have hours on Mondays and Fridays. Mr. Rehmert felt that open hours should start by June or July. Mrs. Sewell will bring a proposal to the Trustees at the May meeting.

TRUSTEE REHMERT'S REPORT:

- Mr. Rehmert reported on the 4/8/21 meeting with representatives of Germantown, Farmersville and Jackson Township to discuss the potential JEDD. He noted that GoogleMeet did not have the capability to video record the meeting. As a result, Mrs. Reed and Mr. Stubbs did not attend and the meeting was not an official Trustees Meeting. Because of this problem, the Township will not be using GoogleMeet for future meetings. He noted that the 4/8/21 meeting was audio recorded on a laptop. The Township will attempt to upload the recording to YouTube. He reviewed his notes from the meeting for the other Trustees.
- He discussed the recent Parks Board meetings. He noted that a ½ mill renewal levy would generate \$73,000 annually and would cost the owner of a \$100,000 home \$9.82 per year. A ½ mill replacement levy would generate \$103,000 annually due to today's higher property values, or \$17.50 per year on a \$100,000 home. The Parks Board recommended a ½ mill replacement levy. The Board's recommendation was presented to Germantown City Council on 4/5/21.
- Mr. Rehmert introduced **RESOLUTION 2021-20**, seconded by Mr. Stubbs: **A RESOLUTION REQUESTING THAT THE MONTGOMERY COUNTY AUDITOR'S 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 A RECREATIONAL LEVY (PARKS), A ½ MILL LEVY, FOR A 5 YEAR PERIOD OF TIME, OF REPLACEMENT TAX; BEGINNING TAX YEAR 2021, WITH FIRST HALF COLLECTION IN 2022; TO PROVIDE FUNDING "FOR PARKS AND RECREATIONAL PURPOSES" AS AUTHORIZED IN THE ORC SECTION 5705.19 (H), TO BE VOTED ON THE NOVEMBER 2, 2021 GENERAL ELECTION BALLOT.** Mr. Rehmert discussed the many problems at the parks that need additional funds to correct. The roll was taken and the adoption vote was as follows: Mr. Rehmert-Yes; Mrs. Reed-Yes; Mr. Stubbs-Yes. **RESOLUTION 2021-20 WAS ADOPTED.**
- Following up on a discussion at the 3/8/21 meeting, Mr. Rehmert reported that neither Mr. Peterson nor the City of Germantown saw a conflict with Mrs. Sewell being appointed to the Parks Oversight Committee. However, as there was an opening on the Parks Board, Mrs. Sewell has instead been appointed to the Parks Board. Mr. Stubbs agreed that the Parks Board was a more appropriate appointment for Mrs. Sewell.

- Mr. Rehmert reported that the Zoning Commission may have an upcoming opening. There is a possibility that a Commission member may submit a resignation.
- **Visitor Mark Cross:** Dr. Cross asked if one of the alternates will be appointed to the Zoning Commission opening. Mr. Rehmert responded that he will contact the alternates once a resignation is received.

TRUSTEE REED'S REPORT:

- Mrs. Reed reported that she attended a Fire Oversight Committee meeting on 4/5/21. The Fire Department has received a donation of a grain feed extractor from RoLin Farm Services and two others. The Department was also donated a chain saw. There have been two recent house fires, both caused by cooking, one of which was a complete loss. She stated her gratitude for all the donations to the family affected by the total loss.
- She attended the Senior Oversight Committee meeting on 4/7/21. The Senior Center is still closed. Senior meals are still being provided on Mondays by a drive-thru; 58 meals were recently distributed. The Center's HVAC system was repaired. She noted that the system may need to be replaced in the near future. The Center will continue the drive-thru lunches. In addition, the Germantown Public Library is distributing crafts through the Senior Center drive-thru.
- Mr. Stubbs asked about the Senior Oversight Committee vacancy. Mrs. Reed stated that the Senior Center Agreement between the City and Township is being rewritten. Once completed, it will need to be approved by the City and the Township. She noted that entity names that were listed in the late-1990's Agreement are not the current entity names. She stated that a third member of the Oversight Committee can't be appointed from an entity that doesn't exist.

TRUSTEE STUBBS' REPORT:

- Mr. Stubbs stated that the Pool Oversight Committee recently met and increased prices for 2021, both day rates and family passes. He discussed the possibility of building a Valley View Community Pool at the new school site. He felt this is a good idea. The Germantown pool needs a new filtration system at a \$170,000 cost. The Farmersville pool needs a new liner at a cost of \$120,000. He felt that repair costs might justify a joint pool at the school.
- He noted that Germantown thinks a Valley View Community Pool could not happen for 5-6 years. The Jackson Township Trustees have been presented with the idea of a Valley View Community Pool. He thought that a new pool could be a cost savings in the long run. There would be a potential for a dome to allow for year-round use. It could be used by the school swim team.
- Concerning a new filtration system for the Germantown pool, he noted that it can't be replaced before the pool opens this summer. He thought that it could be replaced later this year.
- He reported that the first mowing of the year has been finished at the Cemetery. Their lawn mower leaks have been repaired.
- Following up on the 3/8/21 discussion concerning window leaks in the Township meeting room, Trustees' office and Fiscal Officer's office, he noted that the repair is a specific job. The previously received proposal is from a company that specializes in this work. He noted that Mr. Holbrook was asked to obtain a second quote. As Mr. Holbrook was not longer present at the meeting, he suggested that the window repairs be discussed at the May meeting.
- He recommended that anyone interested in acquiring the Township's old backhoe go to GovDeals.com to place a bid. He noted that Mr. Holbrook does a great job keeping the backhoe in great shape.

- Mr. Rehmert asked about the anticipated new filtration system at the pool. Mr. Stubbs thought that the system could be moved to a new pool at the school but noted that a new liner at the Farmersville pool would be lost money if a new community pool is built. He thought that Valley View Superintendent Ben Richards has been approached about the potential new pool.
- Mrs. Reed expressed her concern about a new community pool not being a walkable distance for residents. She noted that Farmersville has a walkability issue with its pool, but noted that the bike path added a few years ago has helped with this issue. Mr. Stubbs noted that Jackson Township has a parks' levy that includes funding for the Farmersville pool.

NEW BUSINESS:


- Mrs. Reed asked if there would be a parade for the VVBase Opening Day in May. Mr. Rehmert stated that he didn't think there would be a parade this year. He stated his belief that the parade is organized by VVBase, not the Parks Board.

OLD BUSINESS:

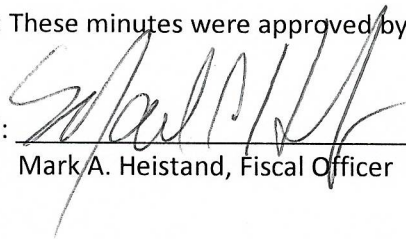
- None.

MEETING ADJOURNED:

- With no further business, Mr. Rehmert made a MOTION, seconded by Mr. Stubbs, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 9:02 pm.

Signed:  _____
Tyler Rehmert, President, Board of Trustees

Attest: These minutes were approved by the Board of Trustees at the May 10, 2021 meeting.

Signed:  _____
Mark A. Heistand, Fiscal Officer