



**GERMAN TOWNSHIP BOARD OF TRUSTEES  
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 9, 2024**

**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 Dr. Mark Cross at 7:00 pm. In attendance were:

<b>President Dr. Mark Cross</b>	<b>Vice-President Jacob Stubbs</b>	<b>Trustee Louis Potter</b>
<b>Fiscal Officer Mark Heistand</b>	<b>Police Chief Shane Birch</b>	<b>Road Admin. Jeremy Holbrook</b>
	<b>Zoning Inspector Shauna Close</b>	

**IN-PERSON ATTENDEES:**

<i>Name</i>	<i>Address</i>	<i>Name</i>	<i>Address</i>
Deb Cross	7444 S. Stiver Road	Ron Wine	1401 Halstead, Dayton
Mark Keener	7865 Jamaica Road		

**ONLINE ATTENDEES:**

<i>Name</i>	<i>Name</i>	<i>Name</i>	<i>Name</i>
Sam	Abigail Hale-Dennis		

The Germantown Press was notified of the Regular Meeting on 9/3/24 at 5:42 pm.

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

**VISITOR COMMENTS:**

- **None**

**FISCAL OFFICER'S REPORT:**

- Mr. Heistand submitted minutes for the 8/12/24 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.
- He presented the August Financial Reports: (1) 8/31/24 Fund Status; (2) YTD 8/31/24 Cash Summary by Fund; (3) Month of August 2024 Cash Summary by Fund; (4) August 2024 Receipt Listing; and (5) August 2024 Payment Listing. He noted the following items:
  - Receipt #212-2024 for \$489,966.72 from the Montgomery County Auditor was an advance on the second half taxes. He noted that on 9/6/24 he received another \$486,773.74 from the Auditor for the second half tax settlement. He stated that once the

- second half homestead and rollback payment of \$84,859.54 is received from the State, he would remit the appropriate tax payments to the City of Germantown.
- Receipt #219-2024 for \$60,000 from the State of Ohio was the grant award for the Twin Creek erosion project submitted by Representative Tom Young on the Township's behalf and included in the State's One Time Strategic Community Investments Grant program.
  - Receipt #221-2024 for \$36,628.79 from Valley View Local School District was the first payment for 2024-2025 School Resource Officer services. The second payment of an equal amount is due by the end of December.
  - Receipt #224-2024 for \$18,000 from the State of Ohio was the annual cell tower lease payment.
  - Receipt #247-2024 for \$11,446.90 from STAR Ohio was August interest at 5.42%. He anticipated that the rate would decrease in September if the Federal Reserve starts lowering the benchmark rate as predicted.
  - Voucher #700-2024 for \$50,000 and Voucher #705-2024 for \$50,709.60 to Ray Hensley Inc. was for the 2024 chip seal program. The approved amount was made in two payments since First National Bank does not issue online checks in excess of \$100,000.
  - Warrant #50793 for \$30,000 to the City of Germantown was the City's share of the \$60,000 State grant.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the August financial reports and authorize the payment of August bills (warrants 50790 through 50793 and vouchers 644 through 732 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
  - Mr. Heistand noted that in 2023 the Trustees decided to record that year's \$18,000 State of Ohio cell tower lease payment in the Police Fund, instead of in the General Fund as had been done for many years. He asked how the Trustees wanted the 2024 payment recorded. Dr. Cross introduced **RESOLUTION 2024-57**, seconded by Mr. Stubbs: **A RESOLUTION DIRECTING THE FISCAL OFFICER TO RECORD THE \$18,000 CELL TOWER LEASE PAYMENT ON AN ANNUAL BASIS INTO THE POLICE DISTRICT FUND (#2081)**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-57 WAS ADOPTED.**
  - As noted, the \$60,000 grant from the State of Ohio for the Twin Creek erosion project was received in August. When the project was completed earlier in 2024, the Township's \$30,000 portion of the invoice was paid using American Rescue Plan Act (ARPA) funds. He recorded the grant in the ARPA Fund, which now has a balance of \$43,307.26. He noted that the Trustees had previously committed using the ARPA Fund for two uncompleted projects: (1) \$27,643.25 for the police radio upgrades; and (2) \$5,000 to Randy King to paint the exterior of the Township Hall. Unallocated ARPA funds total \$10,664.01. This amount must be earmarked by the end of December or the funds will likely need to be returned to the Treasury Department.
  - He reported that the Township received the final report from the Auditor of State's 2022-2023 Agreed Upon Procedures review earlier in 2024. There is a hyperlink to the report on the Township website.
  - He noted that each year the Trustees pass a Resolution accepting the amounts and rates for the following tax year. Dr. Cross introduced **RESOLUTION 2024-58**, seconded by Mr. Potter: **A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE MONTGOMERY COUNTY BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-58 WAS ADOPTED.**
  - Mr. Heistand reported that he received the November ballot language for the 4.0 mill Fire/EMS additional levy. The language reads as follows:



- “An additional tax for the benefit of German Township for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs that the county auditor estimates will collect \$1,184,000 annually, at a rate not exceeding 4 mills for each \$1 of taxable value, which amounts to \$140 for each \$100,000 of the county auditor’s appraised value, for a continuing period of time, commencing in 2024, first due in calendar year 2025.”
- He reported that Miami Valley Lighting (MVL) contacted him about the renewal of the Township’s five-year contract for street lighting. Dr. Cross reviewed the changes in the proposed contract from the expiring 2020-2024 contract, which included price increases due to inflation between 3% and 8% in the second and fourth year. He noted that the Township has six light fixtures, none of which are LED. The cost to change to LED lighting is \$600, which would reduce the MVL usage cost by \$70. The 2025 contract cost will be \$1,546.
  - Dr. Cross introduced **RESOLUTION 2024-59**, seconded by Mr. Potter: **A RESOLUTION APPROVING A FIVE-YEAR STREET LIGHTING AGREEMENT WITH MIAMI VALLEY LIGHTING, LLC FOR THE PERIOD JANUARY 1, 2025 THROUGH DECEMBER 31, 2029**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-59 WAS ADOPTED.**
- Mr. Heistand reported that he and Dr. Cross attended the 8/22/24 Montgomery County Township Association meeting at the Jefferson Township offices. The next MCTA meeting will be the Holiday Gala at the Mandalay Banquet Center on 11/21/24.
- He reminded everyone that the October Trustee meeting would be held on Tuesday 10/15/24. This is one day later than the regular meeting night due to the Columbus Day holiday.

#### **POLICE DEPARTMENT REPORT:**

- Chief Birch reviewed the Department’s August statistics.
- He noted that Cruiser X received two new tires, which were covered by the Carroll Wuertz Tire Co. warranty. There was an issue with the alignment machine when the tires were first installed.
- He reminded everyone about the Township’s National Night Out event on 10/1/24 from 6-8 pm at Valley View High School. He noted that some new activities were planned to make this a bigger and better community event.
- He announced that Officer Stephen Getter was released from Field Training Officer (FTO) status. Officer Austin Stevens moved up to the Shadow Car step in the FTO process.
- He thanked Mr. Holbrook for cleaning out the large drain pipe that flows under the police garage.

#### **ROAD/SERVICE DEPARTMENT REPORT:**

- Mr. Holbrook reported that First Star Safety applied center lines on the chip sealed portions of Butter Street and Friend Road. He also had them retrace Mudlick Road. The total cost was \$5,862. He utilized the City of Germantown’s contract obtained through Miami Valley Regional Planning

Commission. A&A Safety Inc. had quoted \$6,506.25. The cost of applying the railroad crossings road paint will be billed to the Dupps Company.

- He noted that Ray Hensley, Inc. had completed the 2024 chip seal program. Due to the size of the intersections that were sealed, as well as the patches that were pre-primed on Butter Street, the cost was \$2,183.40 above the amount approved on 5/13/24 by Resolution 2024-38.
  - Dr. Cross introduced **RESOLUTION 2024-60**, seconded by Mr. Potter: **A RESOLUTION APPROVING A \$2,183.40 CHANGE ORDER WITH RAY HENSLEY, INC. FOR THE 2024 CHIP SEAL PROGRAM.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-60 WAS ADOPTED.**
- Mr. Holbrook reported that following many conversations with TSC about phone services needed for the Township, including the internet, SIP trunk phone lines and “hard” lines, the monthly cost with TSC will be close to what the Township currently pays Spectrum. However, by switching to TSC the Township’s internet upload speed should be at least ten times faster.
  - **Visitor Comment: Mark Keener, 7865 Jamaica Road:** Mr. Keener asked if the Township was still using Road Runner email accounts provided by Spectrum. When Mr. Holbrook confirmed that these emails are used, Mr. Keener asked what the effect on the emails would be when the Township switches to TSC. Mr. Holbrook will investigate the situation.
- Mr. Holbrook noted that he and Scott Hamilton continue to mow the rural cemeteries.

#### **ZONING & TRASH DEPARTMENT REPORT:**

- Ms. Close reported that she issued five permits in August: (1) a storage shed on Lower Miamisburg Road; (2) a farm storage building on Puddenbag Road; (3) a fence on Mudlick Road; (4) a garage on Wind Dancer Drive; and (5) a pole barn on Oxford Road.
- She requested that the Trustees certify the 2024 Tax Assessment for delinquent trash bills. The certified list will be sent to the County Auditor to be attached as a tax lien on each property. Dr. Cross introduced **RESOLUTION 2024-61**, seconded by Mr. Stubbs: **A RESOLUTION TO AUTHORIZE THE ASSESSMENT OF PROPERTY OWNERS WHO ARE DELINQUENT AS TO WASTE DISPOSAL SERVICE CHARGES PURSUANT TO OHIO REVISED CODE SECTION 505.33 IN THE AMOUNT OF \$35,692.59.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-61 WAS ADOPTED.**

#### **TRUSTEE POTTER’S REPORT:**

- Mr. Potter introduced **Ron Wine of Channel Maintenance Systems, 1401 Halstead Circle, Washington Township**, to discuss the proposed Ohio Public Works Commission (OPWC) grant application to mitigate erosion on Little Twin Creek. Mr. Wine explained the project, noting that Choice One Engineering in Sidney had recommended that a guardrail be installed along the top of the bank along Little Twin Road once work in the creek is finished. The total project cost, including the guardrail, is \$107,182. He recommended that the Township agree to a 50% local match to maximize the chance of receiving the grant. The match can be in the form of cash or a 0% loan from the OPWC. The loan period can be as long as the “useful life” on the project, in this case 25 years. He noted that the deadline to apply for the grant was 9/11/24. In order to submit the application, he would need a Resolution approving the submission along with a certification letter from the Fiscal Officer stating that local funds are available to pay the cash match or repay the loan. The grant review committee will meet on 11/6/24, but no grant decisions will be made before Spring 2025. Awarded funds will be available during Summer 2025.
  - Mr. Holbrook asked how long it would take to obtain an easement from the project site property owner. Mr. Wine noted that the grant would allow two years to finish the project. He hoped to finalize an easement within six months.



- Since this would be a permanent easement, rather than a temporary work easement, Mr. Holbrook wondered if the property owner would want compensation. Both Mr. Wine and Mr. Potter felt that the property owner wouldn't want to be compensated nor object to a permanent easement.
- Mr. Holbrook asked if additional engineering work would be needed to be done by an outside firm. He also asked if the Montgomery County Engineer would need to review the use of Choice One Engineering.
- Mr. Wine noted that by including a local match, the Township could apply for both an OPWC state grant as well as a grant from the Local Transportation Improvement Program.
- Mr. Heistand discussed the local match options, noting his preference for a cash match. He noted that the General Fund has sufficient funds to pay the match.
- Mr. Holbrook wondered if using a loan for the local match would affect the Township's ability to obtain future loans. He thought there was a loan to income limit mandated by the State of Ohio, but didn't know the ratio. Mr. Heistand wasn't aware of such a limit.
- Mr. Stubbs asked why the U.S. Corps of Engineers wasn't responsible to fix the erosion problems. A discussion ensued between Mr. Wine and Mr. Stubbs on this issue.
- Mr. Holbrook asked if a 25-year useful life is guaranteed in the application.
- Mr. Stubbs stated that a 50% local match of \$53,591 is too much for the Township to spend. Dr. Cross stated the amount would be a bargain if the project is successful in stopping the erosion. He said he is looking at this as a long-term solution.
- Mr. Holbrook noted that the Township could turn down the grant, even if it is awarded.
- **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross asked how much the guardrails would cost. Mr. Wine stated that the cost was \$8-10,000. The guardrails would not be installed until after the work in the creek is completed.
- **Visitor Comment: Deb Cross:** Mrs. Cross noted that the prior erosion project completed by Channel Maintenance for Twin Creek (along Kercher Park and Mudlick Road) earlier in 2024 had a cost overrun. She asked if that would again occur again with the Little Twin project. Mr. Wine stated that the grant amount will state the total cost of the project, which can't be changed. He noted that there is a 10% contingency in the budget. The portion of the budget that will be paid to Channel Maintenance is \$79,000.
- **Visitor Comment: Deb Cross:** Mrs. Cross noted that when the Little Twin erosion project was first discussed, the cost was \$70,000. She asked how the cost increased to \$107,000. Mr. Potter responded that the engineering cost and guardrails are newly added items.
- Mr. Stubbs asked if the local match could be less than 50%. Mr. Wine responded that a reduction in the local match would reduce the chance of the Township being awarded the grant. He noted that the minimum local match is 25%. Dr. Cross stated that the Township could always reject the grant if funds to pay the local match aren't available down the road. Mr. Heistand stated that he was comfortable signing the certification letter stating that the 50% local match funds would be available when needed.
- **Online Visitor Comment: Abigail Hale-Dennis:** In the WebEx chat, Ms. Dennis wrote, "I am 100% against this. I agree with everything Mr. Stubbs has said. This was brought up tonight and needed to be signed tomorrow?" Ms. Close read Ms. Dennis' comments.
- Mr. Potter introduced **RESOLUTION 2024-62**, seconded by Dr. Cross: **A RESOLUTION AUTHORIZING RON WINE TO PREPARE AND SUBMIT AN APPLICATION TO PARTICIPATE**

**IN THE OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVEMENT PROGRAM AND THE LOCAL TRANSPORTATION IMPROVEMENT PROGRAM AND TO EXECUTE CONTRACTS AS REQUIRED, SAID APPLICATION TO INCLUDE A 50% LOCAL CASH MATCH.**

The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-No; Mr. Potter-Yes. **RESOLUTION 2024-62 WAS ADOPTED BY A VOTE OF 2 YES, 1 NO.**

- Mr. Potter reported that the Pool Board recently met. With the Pool now closed for the year, the finances will be reviewed to determine what improvements can be made for the 2025 season.
- He attended the recent Parks Board meeting. The exact State requirements for automated external defibrillators (AED) is being researched. A committee will be organized to celebrate the United States' 250<sup>th</sup> anniversary in 2026. New equipment obtained through a grant was installed at the Hillcrest Playground.
- He noted that memorials to the seven Miami Military Institute cadets who were killed in action are moving forward at the MMI Park. Footers are poured and boulders will be in place before Pretzel Festival. He spoke with SRM Concrete who agreed to donate an 8-ton, 8x8x4 boulder to place at the bottom of the MMI hill as an entrance marker for the park.
- He reported that he had been hearing some grumblings from City Council about the MMI Park, but nobody had called him or asked for a meeting. He attended the 9/3/24 Council meeting and work session and asked if anyone had questions or concerns about the park. He received no response. He then presented to Council his concerns about the City's Parks Fund in case the next Parks levy renewal isn't approved. He stated that he suggested to Council that they prepare for the possibility of levy failure and take measures now to mitigate the potential loss of Parks levy funds. He noted that he received very little response and that one council member seemed to be aggravated that he brought up the issue.
- **Visitor Comment: Deb Cross:** Mrs. Cross asked if the new Hillcrest Playground equipment was a 50/50 grant/local match. Dr. Cross responded that an \$8,000 grant was received for the equipment, supplemented by \$4,000 from the City's Parks Fund.
- **Visitor Comment: Deb Cross:** Mrs. Cross asked if AED's would be installed at all the City's parks. She then said that she was told by City employee Ben Amburgey that the Kercher Park restrooms aren't usable because there isn't funding to pump out the storage tanks. She understood that the tanks have been emptied annually until this year. Mr. Potter responded that the cost to pump the storage tanks is about \$500. He noted that the full tank was a surprise to everyone, since it hadn't happened before. He noted that a plan has been formulated to mitigate the restroom problem going forward.

**TRUSTEE STUBBS' REPORT:**

- Mr. Stubbs noted that Valley View High School scheduled a Focus on the Future day on 11/5/24. He is hoping 4-8 students will help with projects at the Cemetery. He reported that the Cemetery received a \$2,500 grant to repair headstone foundations.
- He announced that on 9/21/24 at 10 am there will be a ceremony at the Cemetery to unveil a plaque honoring Revolutionary War Patriot Phillip Negley. The public is invited to attend. Mr. Stubbs then introduced **RESOLUTION 2024-63**, seconded by Dr. Cross: **A RESOLUTION DECLARING SEPTEMBER 21, 2025 AS PHILLIP NEGLEY DAY IN GERMAN TOWNSHIP**. The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2024-63 WAS ADOPTED.**
- Following up on discussions at previous meetings, Mr. Stubbs noted that all households must pay for trash service through the Township's contract with Rumpke. Residents who have a dumpster



supplied by Rumpke may suspend residential trash service. If the dumpster is provided by another vendor, residential trash service is still required.

- He reported that a representative from Five Rivers Metroparks will attend the October meeting to talk about the Metroparks levy on the November ballot.

**TRUSTEE CROSS' REPORT:**

- He attended the 9/3/24 Germantown Council Meeting. During the meeting Council passed a resolution to impose a 24-month moratorium on adult use cannabis operators within the City.

**NEW 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 8:46 pm.

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

Attest: These minutes were approved by the Board of Trustees at the October 14, 2024 meeting.

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