



## GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON APRIL 8, 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>Zoning Inspector Shauna Close</b>

**IN-PERSON ATTENDEES:**

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Jeff Dondero	6324 Diamond Mill Rd
Rodney Creech	5062 Bantas Creek Rd, West Alexandria	Mark Keener	7865 Jamaica Road
Abigail Hale-Dennis	13091 Oxford Road	Mike Moore	6803 Diamond Mill Rd

**ONLINE ATTENDEES:**

Name	Name	Name	Name
Sam	KC		

The Germantown Press was notified of the Regular Meeting on 3/19/24 at 3:57 pm.

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

**VISITOR COMMENTS:**

- **State Representative Rodney Creech, 5062 Bantas Creek Road, West Alexandria:** Rep. Creech noted that his district will include the Township, as well as Miamisburg, starting in 2025. The remainder of his district is in western Montgomery County, Preble County, and a small portion of Butler County. He attended the meeting to introduce himself to the Trustees.
- **Jeff Dondero, 6793 Diamond Mill Road:** Mr. Dondero expressed continued concerns about a zoning violation at 6490 Diamond Mill Road. He asked for an update since his appearance at the March Trustee meeting. He noted that it appeared for the most part that Germantown Oil Co. had moved its trucks back to the State Route 4 location. He stated that if the company moved its transfer station to Diamond Mill Road it would need to install an underground storage tank.
  - Dr. Cross noted that the Zoning Department sent a Notice of Violation to the property owner on 3/15/24. A response was received from the company's attorney disputing the allegations.

- Mr. Potter reported that he spoke with owner John Legate, who said that the trucks are only stored inside the Diamond Mill Road barn during cold weather. Mr. Legate told him that the company isn't moving from State Route 4. Mr. Legate said that he does change the oil in his trucks inside the barn and has installed an oil-water separator in the barn.
- Mr. Dondero stated that there is a fire risk involved with these activities. He noted that the company's drivers back into the driveway off of Diamond Mill Road.
- Mr. Potter stated that Mr. Legate told him that his trucks are never backed off the road.
- **Mike Moore, 6803 Diamond Mill Road:** Mr. Moore stated that Germantown Oil's trucks are in and out of the Diamond Mill site every day. He felt it wasn't safe to have trucks use the driveway.
  - Mr. Potter stated that since the company's trucks are high enough to see the road clearly, it wasn't as hazardous as it would be in a regular car.
- **Jeff Dondero:** Mr. Dondero stated that the company is dispatching trucks from the Diamond Mill property. He stated that the aquifer is at risk if fire suppressant is used in the event of a truck fire.
  - Dr. Cross said it is not an agricultural use of the barn when the trucks are present.
  - Mr. Stubbs noted that the definition of agricultural use is very broad. He noted that the company delivers fuel for agricultural purposes.
  - Dr. Cross read a prepared history of the Diamond Mill pole barn dating back to 2020.
  - Mr. Dondero stated that the Diamond Mill neighbors will keep an eye on the situation.
- **Mark Keener, 7865 Jamaica Road:** Mr. Keener asked if the oil-water separator would take care of a spill. Mr. Stubbs responded that it would catch any runoff
- Dr. Cross made a MOTION, seconded by Mr. Potter, to suspend the Notice of Violation for 6490 Diamond Mill Road and monitor the situation going forward. The MOTION WAS APPROVED by a unanimous voice vote.

#### **FISCAL OFFICER'S REPORT:**

- Mr. Heistand submitted minutes for the 3/11/24 Regular Meeting. There were no corrections. Mr. Stubbs 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) 3/31/24 Fund Status; (2) YTD 3/31/24 Cash Summary by Fund; (3) Month of March 2024 Cash Summary by Fund; (4) March 2024 Receipt Listing; and (5) March 2024 Payment Listing. There were no unusual items during the month.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the March financial reports and authorize the payment of March bills (warrants 50756 through 50760 and vouchers 179 through 276 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand reported that he submitted the three Resolutions related to the proposed fire/EMS levy that were passed in March to the County Auditor for certification of the amounts that would be generated under the three options. The Auditor reported that the two current 2.0 mill levies from 2002/2006 and 2010 should generate annual tax of \$309,000 and \$392,000, respectively. An additional 4.0 mill levy would generate \$1,184,000; a replacement 5.0 mill levy would generate \$1,480,000; and a replacement 2.0 mill levy would generate \$592,000. He stated that he would forward the Auditor's reports to the committee that has been meeting to discuss a proposed levy.
- He reported that both he and Dr. Cross were contacted by the Auditor of State's office concerning the Township's 2022-2023 audit. He and Dr. Cross responded to questions related to the risk of fraud at the Township. The Township was offered a choice between a full audit or an AUP (Agreed Upon Procedures) review. Mr. Heistand requested an AUP, which the Auditor approved. The AUP has a lower cost than a full audit. The dates for the audit have not been finalized.



- He attended the 3/28/24 Montgomery County Township Association (MCTA) meeting.
  - Ohio Township Association {OTA} Director of Governmental Affairs Kyle Brooks attended.
    - Mr. Brooks discussed the annual OTA webinar subscription that costs \$250 and covers all OTA members and all OTA webinars. It does not cover the Winter Conference recordings. He noted that the cost is \$175 if all Townships in a county purchase the subscription. Dr. Cross stated that the Township doesn't attend enough OTA webinars to justify the annual cost.
    - Mr. Brooks noted that HB 315 (the Township Omnibus bill) is pending in the Legislature. It includes nine provisions. One would allow Townships to post Public Notices online rather than purchasing a newspaper ad. Another would allow Townships to have special Township license plates for Township vehicles. A third would restore the indigent burial fund back to 2019 levels (the funding was cut in the 2023 budget bill). A fourth would allocate funds for Townships to update comprehensive plans. Mr. Brooks stated that examples of comprehensive plans are available from the OTA office.
    - Mr. Brooks discussed the Senate's current investigation of Ohio's affordable housing crisis. One of the proposals is to have counties handle township zoning rather than the townships themselves. The OTA is fighting this attack on local control and has prepared a Talking Points document for use by local officials.
  - Joe Tinney with Secure Cyber Defense in Moraine discussed the work his company performed for the City of Huber Heights following their November 2023 cyber-attack.
  - State Representative Andrea White and Harrison Township Trustee Georgeann Godsey discussed the proliferation of youth group homes in Montgomery County. The County has 74 homes, more than any other Ohio county. The children come to our county from throughout the state. One-third of Thurgood Marshall High School's students live in group homes. Rep. White stated that this crisis is due to the shortage of foster homes.
- Mr. Heistand reported that since the Trustees were willing to host an MCTA meeting, he signed the Township up for the next meeting on 6/27/24. (The 8/22/24 meeting will be held at Jefferson Township. The Holiday Gala will be held on 11/21/24 at Mandalay Banquet Center.) He suggested that that the meeting be held in the evening with a social time beforehand including hamburgers and hotdogs. He agreed to ask the Germantown Lions Club to provide and prepare the food.

**POLICE DEPARTMENT REPORT:**

- Chief Birch presented the Department's monthly statistics.
- He noted that 2/26/24-3/1/24 was Drive Safe Week at Valley View High School. The focus was on speed, seatbelts, and overall driver safety. Several successful contacts were made with students and travelers during the school safety zone times.
- He attended a 40-hour Ohio Mandated New Chief Training in Columbus from 3/11/24-3/15/24. This training must be completed within the first six months; the Township is now compliant with the requirement. He stated that the training was very informative, with a lot of good information.
- He reminded residents that 5/4/24 is Shred Day and Medication Drop Off Saturday, from 9-11 am.
- He reported an employee request that the Township's sick day notification policy be reviewed.
  - He noted that the Township's Personnel Manual states that an employee must notify a supervisor of an absence two hours prior to the scheduled reporting time on the first day of absence, except for the 8am-4pm shift which requires one-hour prior notice.

- The Police Department's Policy Manual requires that a supervisor be notified at least one hour prior for the day shift and two hours prior for all other shifts.
- He suggested bringing both policies into agreement, removing the language about the first day in the Township Manual, defining the day shift for one-hour notice as a 4-9am start time, or make all shifts one-hour prior notice. He will draft new language for the Township Personnel Manual for the Trustees to consider at a future meeting.
- He reported an employee request that the Township's tobacco policy be reviewed.
  - He noted that the Township's policy is that the use of any tobacco product is prohibited inside any structure, vehicle, or Township property. He asked if the Trustees had a position on the use of alternative products (vapes or non-tobacco nicotine pouches).
  - Mr. Heistand stated that Ohio no longer allows use of vaping products inside public buildings. He recently posted signs on the Township Hall exterior doors.

**ZONING & TRASH DEPARTMENT REPORT:**

- Ms. Close reported that she issued four permits in March: (1) new construction on Puddenbag Road; (2) a fence on Route 4; (3) a garage on Oxford Road; and (4) a fence on Dry Run Circle.
- She noted that the mineral expansion requested by SRM Concrete at the southeast corner of Butter Street and Farmington Road was denied by the Board of Zoning Appeals (BZA) at a public hearing on 3/12/24.
- She stated that the BZA would hear a conditional use lot split request on Jamaica Road on 4/9/24.
- She reported that the Zoning Commission public hearing concerning small solar regulations would be held on 4/11/24.
- She discussed two proposals, one from Wilson Electronic Displays and one from Wilfab Signs and Lighting, to replace the Township Hall monument sign with a programable digital sign. The Trustees did not take any action on the proposals.
- She presented two proposals, one from Randy King and one from Mike White, to repair and repaint the exterior of the Township Hall. The Trustees did not take any action on the proposals.

**ROAD/SERVICE DEPARTMENT REPORT:**

- In Road and Service Administrator Jeremy Holbrook's absence, Mr. Potter noted that Mr. Holbrook planned to chip seal Butter Street, Harris Road, and a portion of Friend Road this year at a cost not to exceed \$110,000. Mr. Potter made a MOTION, seconded by Dr. Cross, to authorize Mr. Holbrook to solicit bids for the Township's 2024 chip seal program. The MOTION WAS APPROVED by a unanimous voice vote.

**TRUSTEE POTTER'S REPORT:**

- Mr. Potter reported that the missing MMI Park flag was found by a resident on the Bike Trail.
- He did not attend the recent Parks Board meeting due to being out-of-town on business. He noted that the minutes reflect that the Depot roof would be replaced in the near future. The replacement is covered by the City's insurance. Planning for the July 4 Parade has started; the Grand Marshal will be selected at the Board's May meeting. The Board is still discussing acquisition of defibrillators for the parks.
- He reported that Channel Maintenance Systems requested an additional \$11,757 over the original \$60,000 contract amount for the Twin Creek Erosion Project. Owner Ron Wine provided subcontractor invoices to support his request, noting that he was not charging anything for his consulting and supervision time due to the expense overrun. Mr. Potter stated that Mr. Wine normally takes a 10% profit on his contracts. He felt that Mr. Wine was pressured to lower his bid



in order to get his contract approved. He noted that Channel lost a couple days of work due to the lack of information concerning private property ownership on the Mudlick Road side of the creek. He asked that the Trustees approve an additional \$5,500 payment for the Township's portion of the overage.

- Mr. Stubbs stated that since Mr. Wine prepared his bid, the overage was of his own doing.
- The Trustees did not take any action on Mr. Potter's request, instead instructing Mr. Heistand to pay the Township's original obligation of \$30,000.
- Mr. Potter discussed a proposal from Channel Maintenance Systems to curtail severe bank erosion on Little Twin Creek at Little Twin Road. He and Mr. Holbrook met with Mr. Wine and property owner Wally Stiver in March to discuss options. Channel's proposal is in two phases. Phase 1 would stop the erosion at a cost of \$30,000. Phase 2 would move the channel back to its original location at a cost of \$48,000. Mr. Holbrook prepared a grant proposal that was submitted to State Senator Niraj Antani for potential inclusion in the Senate's upcoming \$350 million list of capital projects throughout Ohio. Mr. Potter noted that the Little Twin project can't start until the fall. By that time, the status of this grant request, as well as the earlier grant request for the Twin Creek project between Kercher Park and Mudlick Road, should be known.
  - **Visitor Comment: Abigail Hale-Dennis, 13091 Oxford Road:** Ms. Hale-Dennis stated that \$78,000 is a lot of taxpayer money. She felt that this project didn't need to be done.
  - Mr. Stubbs and Mr. Potter discussed the need to redirect Little Twin Creek.
  - **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross asked the Trustees to obtain an additional quote for the Little Twin Project, one that would use the same practices that Channel uses. She commented that the proposals for the Twin Creek project were not apples to apples, due to the significant differences in methodology.
  - Mr. Potter stated that Mr. Wine will help the Township apply for grants from H2Ohio and the Montgomery County Public Works Integrating Committee for the Little Twin project.
  - He agreed to search for another contractor to provide a second proposal.

#### **TRUSTEE STUBBS' REPORT:**

- Mr. Stubbs thanked Township and City residents for passing the Cemetery Levy at the March primary. He thanked Ms. Hale-Dennis and Mrs. Cross for their significant help with the levy committee. He noted that the additional funds will make a big difference for cemetery operations.
  - **Visitor Comment: Deb Cross:** Mrs. Cross noted that Cemetery Sexton Keith Burnett and Interim Fiscal Officer Bob Rohrbach were great to work with on the levy committee.
- Mr. Stubbs announced that the April Cemetery Board meeting was delayed a week until 4/15/24. He reported that the Board had applied to Senator Antani for an Ohio Senate grant to repair the retaining wall in front of the cemetery. He noted that mowing had started at the cemetery.
- He noted that Mr. Rohrbach is applying for an account at StarOhio to increase the interest earned on cemetery funds. He stated that the Cemetery will have a full audit this year, instead of an AUP.
- He announced that resident Fred Glander will be recognized at the 5/13/24 Trustee meeting for a lifetime of service to the Township. He noted that Mr. Glander has been a BZA member for many years. He will prepare a proclamation for the Trustees to approve at the May meeting.

#### **TRUSTEE CROSS' REPORT:**

- Dr. Cross attended the 4/1/24 Germantown Council meeting. Dan O'Conner from the Miami Conservancy District spoke about repairs to the upstream concrete channel at the Germantown Dam that will start in 2025.
- In regards to lingering questions concerning electric aggregation, solar panels, net metering, and whether to opt-out of the Township's aggregation plan, Dr. Cross prepared a letter using information from Archer Energy and Trebel. He hand-delivered the letter to 16 Township

residents with solar panels on 3/16/24 and 3/17/24. He was hopeful that the letter helped some residents decide whether to opt-out or stay with the Archer Energy program.

**MEETING ADJOURNED:**

- With no further business, Mr. Potter made a MOTION, seconded by Mr. Stubbs, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 8:49 pm.

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

Attest: These minutes were approved by the Board of Trustees at the May 13, 2024 meeting.

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