



## GERMAN TOWNSHIP BOARD OF TRUSTEES MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 11, 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 Dr. Mark Cross at 7:01 pm. In attendance were:

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

**IN-PERSON ATTENDEES:**

Name	Address	Name	Address
Deb Cross	7444 S. Stiver Road	Ken Evanchuck	7640 Conservancy Rd
Kevin & Eva Huey	12577 Harris Road	Joe Garrett	Delaware, Ohio
Kurt Jacoby	12955 Harris Road	John Tannreuther	119 Hemple Rd, F'ville
Mark Keener	7865 Jamaica Road	Josh Nichols	12102 St. Rt. 725 West
Andy & Dawn Bateman	12102 St. Rt. 725 West	John Nichols	12102 St. Rt. 725 West
Muayad Shokeh	12102 St. Rt. 725 West	Dylan Jones	12102 St. Rt. 725 West
Steve Marsden	12102 St. Rt. 725 West		

**ONLINE ATTENDEES:**

Name	Name	Name	Name
Sam			

The Germantown Press was notified of the Regular Meeting on 12/7/23 at 1:07 pm.

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

**APPROVAL OF ELECTRIC AND NATURAL GAS AGGREGATION OPERATION AND GOVERNANCE PLANS**

- Dr. Cross introduced **RESOLUTION 2023-58**, seconded by Mr. Potter: **A RESOLUTION TO ADOPT THE ATTACHED GERMAN TOWNSHIP ELECTRIC AGGREGATION OPERATION AND GOVERNANCE PLAN.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-58 WAS ADOPTED.**
- Dr. Cross introduced **RESOLUTION 2023-59**, seconded by Mr. Stubbs: **A RESOLUTION TO ADOPT THE ATTACHED GERMAN TOWNSHIP NATURAL GAS AGGREGATION OPERATION AND GOVERNANCE PLAN.** The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-59 WAS ADOPTED.**

### VISITOR COMMENTS:

- **Joe Garrett, Trebel Energy:** Mr. Garrett stated that the Resolutions just adopted by the Trustees were the first steps in obtaining aggregation certification by the Public Utilities Commission of Ohio. He noted that residents should see utility savings by April or May, 2024, with a supplier contract possibly signed in February. Affected Township residents will receive a letter offering them an opportunity to opt-out of aggregation. If a resident already has a supplier other than AES (electric) or Centerpoint (natural gas), they will not automatically be part of aggregation. Those residents will receive a letter offering them an opportunity to opt-in. He noted that residents with solar panels should opt-out if they produce more electric than they use.
- **Kurt Jacoby, 12955 Harris Road:** Mr. Jacoby asked if there were aggregation programs for propane. Mr. Garrett responded that propane aggregation is not available.
- **Mark Keener, 7865 Jamaica Road:** Mr. Keener noted that his term as the German Township representative on the Joint Economic Development District (JEDD) Board ends on 12/31/23. Jackson Township will appoint a representative for the next four-year term. Mr. Keener understood that the Jackson Township Trustees intend to appoint him as their representative.

### FISCAL OFFICER'S REPORT:

- Mr. Heistand submitted minutes for the 11/13/23 Regular Meeting and the 12/5/23 Special Meeting. There were no corrections. 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 November Financial Reports: (1) 11/30/23 Fund Status; (2) YTD 11/30/23 Cash Summary by Fund; (3) Month of November Cash Summary by Fund; (4) November 2023 Receipt Listing; and (5) November 2023 Payment Listing. He noted the following items:
  - Receipt #170-2023 for \$86,602.37 from the State of Ohio was the 2nd half real estate tax rollback & homestead exemptions.
  - Receipt #182-2023 for \$9,388.60 from Star Ohio was the November interest at 5.57%.
  - Voucher #947-2023 for \$24,738.35 to DryTech Exteriors LLC was for the Township Hall roof silicone coating, paid using American Rescue Plan Act (ARPA) funds. He noted that the 11/30/23 ARPA fund balance was \$49,899.26. Up to \$4,000 of that amount has been committed to pay for the Township Hall rear door and frame replacement.
  - Warrant #50715 for \$477,914.51 to the City of Germantown represented the 2<sup>nd</sup> half joint levy collections, paid at 90%, plus the Road and Bridge levy collections paid on a pro-rata basis based on property valuations.
  - Warrant #50718 for \$10,307.25 to First National Bank of Germantown was the semi-annual payment on the Valley View Water and Sewer District loan. He noted that four payments remain through 12/1/25. The remaining loan balance including interest is \$41,228.99.
  - Warrant #50719 for \$2,000.00 to Germantown First Church of God was the donation to the Sonshine in a Bag ministry which The Trustees approved at the November meeting.
- Dr. Cross made a MOTION, seconded by Mr. Stubbs, to approve the November financial reports and authorize the payment of November bills (warrants 50713 through 50719 and vouchers 848 through 952 for payroll direct deposit, payroll tax withholdings and other electronic payments). The MOTION WAS APPROVED by a unanimous voice vote.
- Mr. Heistand thanked Ms. Close for obtaining signed copies of the Authorization for Release of Insurance Information form from all employees who participate in the Medical Mutual health plan. The forms were related to the Group Data Sharing Agreement with Medical Mutual that the Trustees approved at the November meeting,



- He reported that he recently provided reports to the Police and Road Departments to help them in preparing 2024 budgets. He asked the Trustees to informally decide several budget-related issues to allow budgets to be more accurate when reviewed at the year-end Budget Meeting.
  - In a November email to the Trustees, Chief Birch requested a 3% Cost of Living Adjustment (COLA) for the Police Department. Mr. Holbrook stated that he included a 4% COLA in his draft budget, noting that his department's salaries have fallen behind since they did not receive any COLA several years ago when the Township was attempting to pass a road levy. After discussion, the Trustees agreed to a 4% COLA for all Township employees.
  - Mr. Heistand noted that the Trustees received 100% of their allowed salaries in 2023, after being reduced by 25% for several years. The Trustees agreed that their salaries would continue to be paid at 100% in 2024.
  - He noted that the Trustees continued their yearly allocation of elected official salaries and benefits to Police, Road, and Trash funds in 2023. For the first time, in 2023 they approved transferring an equivalent amount from the General Fund to these same funds. He stated that the 2023 transfer was \$34,900. He estimated that the 2024 transfer would be \$36,100. The Trustees agreed to continue the allocation and transfer process in 2024.
  - He noted that for the past three years the trustees have approved a \$4,000 transfer from the General Fund to the Road & Bridge Fund as an estimate of the cost incurred by the Road Department to mow grass at the Township Hall and the rural cemeteries. After discussion, the Trustees agreed to increase the allocation to \$8,000 in 2024.
  - He noted that, for the first time in recent years, in 2023 the trustees approved depositing the \$18,000 cell tower lease payment from the State of Ohio into the Police District Fund. Prior to that, the payment had been recorded in the General Fund. The Trustees agreed to record the 2024 lease payment into the Police District Fund.
  - He noted that, due to higher interest rates, interest income has been a significant source of revenue this year. He estimated that 2023 interest income will total over \$108,000, of which \$99,000 will have been recorded into the General Fund. He explained the State of Ohio requirements for recording interest income into the Township's various funds.
    - i. By law, certain of Township funds are required to receive their pro-rata share of interest. These funds include the General, Motor Vehicle License Tax, Gasoline Tax, and Permissive Motor Vehicle License Tax.
    - ii. Also, by law, certain Township funds are NOT allowed to receive interest. These are the Road & Bridge, Garbage & Waste, Police District (as well as the five smaller police funds), Road Levy, and the five joint levy funds with the City. The State requires that the General Fund receives these funds' pro-rata share of interest.
    - iii. Finally, by law, certain Township funds are allowed to either receive interest or have their interest added to the General Fund. These include the ARPA, Sunbury Cemetery Perpetual Care, and the Fouts Trust. At present, the Sunbury and Fouts funds receive interest. The ARPA Fund does not; it is added to the General Fund.
  - Heavily due to receiving 2023 interest, he estimated that the General fund balance will increase from \$257,000 at 1/1/23 to \$333,000 at 12/31/23 - and increase further to \$386,000 by 12/31/24. He noted that as long as interest rates remain high the General Fund will continue to grow due to interest income. After discussion, the Trustees asked Mr. Heistand to calculate the amount of interest that the non-recipient funds would have received during 2023. They may consider transferring an equivalent amount to those funds from the General Fund in 2024.

- He noted that the year-end Special Meeting to review 2024 budgets and approve other year-end items will be at 7:00 pm on 12/29/23 and the 2024 Organizational Meeting is 7:00 pm on 1/3/24.
- He noted that every year the Trustees appoint the members of the Reserve Police Officer Memorial Fund Board for the following year. Dr. Cross introduced **RESOLUTION 2023-60**, seconded by Mr. Potter: **A RESOLUTION APPOINTING THE 2024 RESERVE POLICE OFFICER MEMORIAL FUND BOARD AS FOLLOWS:**
  - **Mark Keener – Citizen Representative & Chair**
  - **Lou Potter – Elected Official Representative**
  - **Mark Heistand – Elected Official Representative & Secretary**
  - **Adam Gabor – Reserve Officer Representative**
  - **Muayad Shokeh – Reserve Officer Representative**

The roll was taken and the adoption vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. **RESOLUTION 2023-60 WAS ADOPTED.**

- Mr. Heistand reported that he attended the all-day Auditor of State's Uniform Accounting Network Year-End Update webinar on 12/4/23. He stated that he would attend Montgomery County Auditor Karl Keith's Annual Update at Sinclair Community College on 12/14/23.
- He noted that he was contacted by Bob Rohrbach for some limited assistance as he assumed the temporary Fiscal Officer position at Germantown Union Cemetery following the resignation of Julie Delph. He was also contacted by Perry Township Trustee Zack Music for assistance following the recent resignation of Perry's Fiscal Officer Charity Grill. Mr. Music is looking for someone to assist a newly appointed Fiscal Officer through the year-end reporting period in February or March. Mr. Heistand felt that his schedule would not allow him to fulfill that role.

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

- Chief Birch reviewed the department's monthly statistics. He noted that the Department passed its CALEA (Commission on Accreditation for Law Enforcement Agencies), Advance Gold Standard, annual remote audit. This is the 24<sup>th</sup> year of accreditation, starting in 1999. He noted that German Township is the smallest police force accredited by CALEA. He explained that CALEA accreditation programs provide public safety agencies with an opportunity to voluntarily meet an established set of professional standards, which require:
  - Comprehensive and uniform written directives (policy and procedures) that clearly define authority, performance, and responsibilities
  - Reports and analyses to make fact-based and informed management decisions.
  - Preparedness to address natural or man-made critical incidents
  - Community relationship-building and maintenance
  - Independent review by subject matter experts
  - Continuous pursuit of excellence through annual reviews and other assessment measures

The Commission currently serves slightly more than 5% of the nation's law enforcement agencies, with enrollments increasing every month. Roughly 30% of the nation's law enforcement officers are employed by agencies engaged in the CALEA accreditation process. In Ohio, approximately 82 of about 831 Agencies are CALEA Accredited.

  - The Trustees and audience congratulated the Department with a round of applause.
- Chief Birch noted that the Department passed its LEADS (Law Enforcement Automated Data System) audit. LEADS is a statewide computerized network which provides computerized data and communications for criminal justice agencies within the state of Ohio.



- He reported that Breakfast with Santa on 12/2/23 was very successful, with approximately 200 in attendance. He thanked Santa for taking time out of his busy schedule to visit the Township. He thanked Ms. Close and the officers that participated in the event. He noted that all three Trustees were in attendance and thanked them for their support.
- He noted that the Department has started the testing process for the open Sergeant position. The goal is to have a recommendation to the Trustees by the January 2024 meeting.

**ROAD/SERVICE DEPARTMENT REPORT:**

- Mr. Holbrook provided the Trustees with a draft copy of his Department's 2024 budget.
- He noted that he and Scott Hamilton attended two meetings with Channel Maintenance Systems the prior week to discuss and inspect Twin Creek erosion along Kercher Park.
- He reported that the new rear entry door and frame were scheduled to be installed on 12/13/23.

**ZONING & TRASH DEPARTMENT REPORT:**

- Ms. Close reported that she issued one permit in November for a pole barn on Starry Night Drive.
- She noted that the Board of Zoning Appeals (BZA) would hold a public hearing on 1/9/24 to consider a sign request in front of the Valley View Local Schools building under construction.
- She reported that the Zoning Commission (ZC) would hold another Special Meeting on 12/14/23 to continue discussion of proposed regulations related to small solar facilities.
- She thanked Mr. Holbrook and Mr. Hamilton for helping her combine the Zoning and Trash Departments into one office. She also thanked the Trustees for agreeing to record the cell tower lease payment into the Police District Fund. She said that would really help the Police budget.
- Dr. Cross reported that Marvin Rieger had agreed to serve another term on the ZC and Marty Cox agreed to serve another term on the BZA. Dr. Cross made a MOTION, seconded by Mr. Stubbs, to reappoint both men to new terms. The MOTION WAS APPROVED by a unanimous voice vote.
- Dr. Cross emailed tentative 2024 meeting schedules to Ms. Close, ZC President Kurt Jacoby and BZA President Pete Lurker. The boards will approve the schedules at their reorganization meeting.
- He noted, per an article in the 12/3/23 Dayton Daily News, that Prairie Flyer Energy Storage is proposing to build an 85mw utility-scale battery energy storage facility on 7.3 acres in Vandalia.

**TRUSTEE POTTER'S REPORT:**

- Mr. Potter stated that there was nothing new to report about the Pool. He noted that heavy rain put a damper on the 12/9/23 Christmas in the Park event. No horses participated in the parade. The turnout to see Santa in the Veterans' Park Depot was low due to the weather.
- He noted that two plaques have been ordered for the MMI Park. One will explain the history of the Miami Military Institute on the site. The second plaque will explain about Camp Miami's use of the site. The plaques will be placed around the flagpole.
- He attended meetings with Ron Wine of Channel Maintenance Systems on 12/6/23 at City Hall and on 12/8/23 at Kercher Park to view the Twin Creek erosion problem. He emailed the Trustees a proposal from Channel for remediation of the creek bank at a cost of \$52,500. He noted that this proposal was \$40,000 lower than the proposal previously received from the River Rangers. He felt that the Channel proposal was a better solution.
  - He suggested that the Trustees approve paying for half of the Channel proposal, with the City paying the other half. He noted that the repairs can only be made from October 30 to April 1 in order not to disturb the endangered Indiana bats. He also stated that the

repairs should be done before the next flood event when further erosion would probably increase the remediation cost significantly.

- He also proposed to budget \$10,000 every year out of the General Fund for ongoing maintenance of Twin Creek and Little Twin Creek. He stated that the creeks are a significant part of the Township and need to be maintained no differently than the roads, Township Hall, or cemeteries. He planned to ask the City to budget \$10,000 annually, stating that \$20,000 each year could make a difference in the status of the creeks.
  - Mr. Stubbs suggested that a joint meeting be held with City Council and the Trustees to discuss the creek erosion project.
  - Mr. Holbrook, who attended the Channel meetings, thought that their program sounded reasonable. He thought it would be easier to obtain Army Corps of Engineers approval since no manmade materials would be involved. He noted that the water flow is now moving directly toward Mudlick Road, being deflected from the north bank. He stated that it would be a benefit to Mudlick Road if Channel could straighten out the creek.
  - **Visitor Comment: Mark Keener:** Mr. Keener asked if the Channel repairs would affect the use of the creek by kayakers. Mr. Holbrook stated that the repairs would be along the banks, not in the center of the creek.
  - Mr. Stubbs asked why the Army Corps of Engineers or Five Rivers Metroparks isn't making the repairs. Mr. Potter stated that neither group cared about the problem.
  - **Visitor Comment: Deb Cross, 7444 S. Stiver Road:** Mrs. Cross noted that the problem is on City property and the City should handle the repairs. She said that this is a parks problem, not a Township problem. Mr. Potter stated that the City will be involved. He said that City Manager Judy Gilleland is concerned, but Council isn't yet educated enough about the problem to be in support of repairs.
  - Dr. Cross asked if ARPA funds could be used for repairs. Mr. Heistand responded that this would be an acceptable use of ARPA funds as long as the repairs remain unbudgeted.
  - Dr. Cross felt that a joint meeting with City Council wasn't needed. Mr. Potter stated that he needs to work with Council to get them to agree to pay half the repair costs.
  - Mr. Stubbs stated that he wanted Metroparks to be involved. Mr. Potter responded that they wouldn't be willing to do so.
  - Mr. Heistand suggested that the Trustees agree to pay the entire cost of the repairs from the funds being held by the Township in the Parks Fund. He felt that since the disc golf course at Kercher Park is impacted by the erosion, using Parks Fund money would be better than using the General Fund. Mr. Holbrook agreed with Mr. Heistand's suggestion.
  - Dr. Cross asked Mr. Potter to inform the City that the Trustees intend to pay for the Channel repairs using Parks Fund money and will pass a Resolution approving this at the 1/8/24 meeting.
- Mr. Potter reported that Jackson Township Trustee Ryan Hodson informed him that New Lebanon is trying to annex 23 acres of Jackson Township farmland on Fuls Road to construct 82 low-income housing units.

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

- Dr. Cross' attended the 12/4/23 Germantown Council meeting and work session. Highlights were:
  - Police Chief Roy McGill was recognized for his 25 years as Chief.



- The City Traffic Engineer discussed two items. (1) Extending the 25 mile per hour speed limit on Market Street one block further east and one block further west; the engineer felt it probably wouldn't be allowed by the State; (2) Placing a four-way stop at Main & Market Streets as proposed by the Revitalization Plan consultant; the engineer strongly advised against that.
- A grant was received for \$10,000 for playground improvements at the Hillcrest Park. This requires \$4,500 in matching funds from the City, which would be loaned to the Parks Board from the City's General Fund. Dr. Cross questioned whether the Parks Board can afford to go further in debt. Mayor Johnson will discuss the issue with the Parks Board.
- Council discussed a possible moratorium on adult cannabis dispensaries in the City. Council Member Rob Rettich stated that a resident would like to open a dispensary.
- He addressed whether the Township should approve a Resolution prohibiting adult use cannabis operators and medical marijuana cultivators, processors, and retail dispensaries. Since the law is still evolving, he recommended that no action be taken at this time.
- He discussed that Ohio Township Association's (OTA) new Education Subscription program. For an annual \$250 charge, the Township can attend all OTA webinars and also watch archived webinars in the OTA Resource Center. He recommended waiting until next year to decide whether to purchase the program.

**TRUSTEE STUBBS' REPORT:**

- Mr. Stubbs announced that Germantown Union Cemetery would hold the annual Wreaths Across America program on 12/16/23 at Noon, followed by the placement of wreaths or flags on veterans' graves. He noted that the Valley View Student Workday in November was cancelled due to bad weather. Several students had signed up to volunteer at the Cemetery. He reported that the Cemetery's two new mowers will be delivered in early 2024. The total cost is \$13,000. He stated that Bob Rohrbach is working to get the Fiscal Officer issues cleaned up. He asked that Mr. Heistand send Mr. Rohrbach a copy of the Township's vacation and sick policies.
- He reported that the Cemetery Board approved the final payment on the 2006 loan by the Township Trustees for purchase of the Cemetery's west land. Mr. Heistand confirmed that he received the final payment.
- Mr. Stubbs delivered the donation check from the Fouts Trust Fund to Sonshine in a Bag at Germantown First Church of God.
- He thanked Mr. Keener for agreeing to serve an additional four year term on the JEDD Board as Jackson Township's representative.
- He read a statement congratulating Chief Birch on his promotion: "During his time at German Township, Chief Birch has been an outstanding employee and he demonstrated characteristic that make him the perfect fit. Characteristics that Chief Birth possesses: Integrity, Honesty, Team Player, Effective Communicator, Courage, Confidence, Positive Attitude."

**OTHER BUSINESS:**

- Dr. Cross asked Police Officer Dylan Jones how the new State marijuana law will affect K9 Idus. Officer Jones replied that the issue is being discussed. He noted that Idus will soon be eight years old, which is about the time he could retire. Even though adult possession of marijuana is now legal, Idus can still be used to search for marijuana possessed by those under 21.
- Mr. Holbrook asked Mr. Stubbs if the Cemetery used the State contract to purchase the two new mowers. Mr. Stubbs said that the State contract was used.

**EXECUTIVE SESSION:**

- Dr. Cross made the following MOTION, seconded by Mr. Potter: **I move to go into Executive Session pursuant to O.R.C. 121.22(G)(1) to consider the employment of a public employee.** The roll was taken and the vote was as follows: Dr. Cross-Yes; Mr. Stubbs-Yes; Mr. Potter-Yes. The MOTION was approved. The Trustees entered into Executive Session at 8:38 pm.
- Present in the Executive Session were: Trustees Mark Cross, Jacob Stubbs, and Lou Potter; Fiscal Officer Mark Heistand; Police Chief Shane Birch.
- The Trustees held discussion under the authority of O.R.C. 121.22(G)(1).
- At 8:49 pm, Dr. Cross made a MOTION, seconded by Mr. Potter, to reconvene into Regular Session. The MOTION WAS APPROVED by a unanimous voice vote.

**MEETING ADJOURNED:**

- With no further business, Dr. Cross made a MOTION, seconded by Mr. Potter, to adjourn. The MOTION WAS APPROVED by a unanimous voice vote. The Meeting adjourned at 8:50 pm.

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

Attest: These minutes were approved by the Board of Trustees at the December 29, 2023 meeting.

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