

RECORD OF PROCEEDINGS
German Township Board of Trustees
Regular Session
September 11, 2018

The German Township Trustees met in regular session on Tuesday, September 11, 2018 at 7:00 p.m. at the German Township Office, 3940 Lawrenceville Dr., Springfield, Ohio. Mr. Kaffenbarger called the meeting to order.

Roll Call: Mr. Kaffenbarger – present; Mr. Clark - present; Mr. Metzger- present
Fiscal Officer: Angela Griest - present

Township Personnel present: Mike Stitzel, Police Chief; and Tim Holman, Fire Chief; Mark Bevan, Road Supervisor; George Degenhart, Zoning Inspector; and Karina Emory, secretary.

Visitors: Beau Thompson, Clark County Prosecutor’s Office; Dean Koller, District Vice President and Michael Miller, Financial Advisor with Valic Financial Advisors, Inc.; Alisha Martino; Derek Lobeck; Vern Moak, Jason Moak, Jill Acuff, Emily Ulery, and Vickie Zunic

Pledge of Allegiance

Minutes

- A. Motion to approve the August 13, 2018 and August 25, 2018 minutes:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All

Hearing of the Public:

Mr. Koller and Mr. Miller of Valic are here today to discuss our current plan, and what needs to be done to make changes to the program.

- It is a deferred compensation plan made available through the employer.
- When the plan was set up, it did not have the option to borrow against the plan.
- There is a variety of plan options. Can modify it, if we wish.
- Our plan is a 457b. It does require that all funds within the plan stay in the plan as long as the person is employed by the Township. This plan does follow the IRS statues.
- Currently it does not have the option to borrow against the plan or to make withdrawals before retirement.
- Mr. Miller stated he has had contact with currently enrolled employees and with Mrs. Griest.
- The question concerning a low rate of return has been addressed to the employees. Each individual has options to change their risk level to achieve higher or lower rates of earning. Originally, plans had been set at a fixed rate of earnings, which is lower. The employees have addressed their options.
- Mr. Koller distributed a folder to the Board for their review. Inside is a new Adoption Agreement. The Trustees can review the options available. Fill out the form by marking the corresponding boxes to set the plan with the options the trustees would like in the plan.
- Business cards were distributed. Please contact us if you have any further questions.

Robin Moody of Konica Minolta – (voip phone systems) – No show.

Alisha Martino – Complainant: Mrs. Martino stated she was here to file a complaint against the Police Department and that she would like (Officer) Ryan Axle terminated. Mrs. Martino explained:

- August 25th there was a vehicle accident. 911 was called. The Clark County Sheriff’s Department responded and took the report that night.
- Then Mr. Axle brought three strangers to our house, which is a quarter mile down a lane, knocked on our door looking for their vehicle. We were accused of keeping his car.
- They all trespassed. They trespassed against the farmer, against the rail road company, and against our property, to get to our house.
- My husband got his gun and then went outside. He did not know who these people were that were walking around our property.
- What is the lawful reason Officer Axle was on our property?
- She does not trust the Police Department and is worried what will happen if they stop her again.
- Mrs. Martino stated an attorney does not represent her.

Mr. Kaffenbarger stated he understood that Chief Stitzel did have the incident investigated.

Mr. Kaffenbarger asked Mr. Thompson what were our options. Mr. Thompson replied, a formal investigation and/or a disciplinary hearing, if the Trustees feel it is needed. Mr. Kaffenbarger stated that

Chief Stitzel has investigated the complaint. Lieutenant Garman and Chief Stitzel have both interviewed her (Mrs. Martino) concerning the matter.

Chief Stitzel responded:

- Officer Axle did have a lawful reason to be at the property. He was dispatched to follow up on the vehicle involved in the accident. That is a lawful reason to be there.
- He agrees that the three other people should not have been there. This has been discussed with Officer Axle.
- During that time, Mr. Martino came outside, and he had a gun. So the officer, called dispatch asking for backup. However, he did not tell dispatch about the dangerous situation due to the presence of the gun and Mr. Martino's demeanor. This has been discussed with Officer Axle.
- There was no infringement of civil liberties.
- Because Mr. Martino had the gun and was in an agitated state, it could have been a dangerous situation for the officer and the other people.
- When Mr. Martino asked everyone to leave his property, they did.
- The vehicle was later found on Cardinal Drive. The driver of the vehicle will possibly be looking at charges for failure to control, and reckless operation.

Other comments:

- Mrs. Martino: Stated that Chief Stitzel hung up on her when she had talked with him on the phone.
- Mr. Kaffenbarger understood that Mrs. Martino said that Chief Stitzel had hung up her. He questioned that remark. He did not believe that Chief Stitzel hung up on her.
- Chief Stitzel: Stated he did not hang up on her but advised her that he would hang up if she continued to yell at him.
- Mrs. Martino: Why did Chief Stitzel "like" the Facebook post she made?
- Chief Stitzel: He stated that yes he did "like" a comment on her Facebook post because there was a reply he liked which stated if you wanted to make changes then you need to apply to be a police officer and be the change that you want to see.
- Mr. Kaffenbarger stated that the Trustees would take the information under advisement.
- Mrs. Martino stated, as she left, she will be contacting a lawyer.

Fiscal Officer:

- B. Motion to receive the management reports and Bank Reconciliation for August, 2018:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes- All
- C. Motion to approve the payments from August 14, 2018 to August 13, 2018. Total \$165,531.17
Motion: Mr. Clark 2nd: Mr. Metzger Ayes- All
- Discussion concerning the QSEHRA for 2019.
 1. Discussed putting a waiting period on for new employees before they became eligible or limiting the amount a person could spend or receive each month. Trustees decided not to have a waiting period and not to limit the amounts. Which was the same as 2018.
 2. Discussed the amount to make available to single/family plans. Decided to accept the federal maximum limits as set by the federal rates. Which was the same as 2018.
- D. Motion to approve the QSEHRA (Qualified Small Employer Health Reimbursement Account) for 2019 the same as previously done in 2018 but using the 2019 federal maximum limits as set by federal IRS rates:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes- All
- Discussion concerning the Fire Contracts with both the Village of Tremont City and Mad River Township, Champaign County.
 - Chief Holman stated that the number of runs to the Village of Tremont has remained stable. Therefore, he recommends keeping their contract at the same rate. \$6,500 per year.
 - Chief Holman stated that the number of runs to Mad River, Champaign County has increased. He recommends raising their contract by \$10,000 to \$34,000 per year. He stated they are expecting there to be an increase in the costs.
- E. Motion to approve the renewal of the Fire & EMS contract with the Village of Tremont City for \$6,500.00 per year for three years:
Motion: Mr. Clark 2nd: Mr. Kaffenbarger Ayes: All
- F. Motion to approve the renewal of the Fire & EMS contract with Mad River Township, Champaign County for \$34,000 per year for three years:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All
- Discussion concerning the Old Section of the Mount Calvary Cemetery. Trustees would like to see a resolution to the debate as to the legal owner of that portion of Mt. Calvary. At this time both parties state the other is the responsible owner. Mr. Metzger asked Mr.

Thompson what we could do. The road going through the Cemetery is dangerous. Mr. Thompson responded:

- Stand your ground do not do anything.
- Try mediation through the courts. Perhaps get an injunction.
- The Village de-annex the burial section and road section.

G. Motion to authorize township legal counsel to go into negotiations with the Village of Tremont City to de-annex the portion of Mt. Calvary Cemetery that lies within their corporation limits and the portion of roadway within the cemetery required.

Motion: Mr. Kaffenbarger 2nd: Mr. Clark Ayes: All

- Both levies filed with Board of Elections. State has approved. Levy numbers are as follows: Police- Issue #17 Road – Issue #18 both are renewals.
- Audit is complete. The State Auditor’s Office has accepted the audit. Township Audits reports can be found on the State Auditor’s website. To date the Audit has cost \$3075.00.
- Received information concerning First Energy Solutions bankruptcy, sale, and hearings. New supplier will be Constellation New Energy Inc. Trebel, our electric aggregation administrator, stated that the new buyer must honor the aggregation contract we had with Ohio Edison/First Energy.

H. Motion to approve invoice from Hiles & Sons for \$1950.00. For ditching work on Ebersole, Willowdale and Brookston:

Motion: Mr. Clark 2nd: Mr. Metzger Ayes: All

Zoning Department:

Mr. Degenhart presented the following:

- Asking to declare the property at 1646 Ballentine Pike, Springfield, Ohio a nuisance.
 - Owners: Raymond and Lottie Timberman
 - Property deeded to Lottie Timberman. However, she died in 2010
 - No communications.
 - Letters and notices have been sent by both the Township, Clark County, and EPA
 - Clark County has declared the property as having an unsafe structure.
 - We do have pictures.
 - I am requesting the Trustees to declare the property a Nuisance
 - The Township and the County to work together.
 - The person(s) still living there have been contacted by the Fire Department concerning open burning on several occasions. Chief Holman as sent letters to the occupant, and has reported it to EPA.
 - Chief Holman asked if the place has been declared unlivable, why is there still someone living there? And with the EPA there is a three strike rule, then they can be fined.
 - Mr. Degenhart responded because there is a difference between owner and tenant of the property.
- I. Motion to declare the property at 1646 Ballentine Pike, Springfield, Ohio a nuisance:

Motion: Mr. Clark 2nd: Mr. Kaffenbarger Ayes: All

- Would like to bring your attention to the articles in the Ohio Township magazine concerning both water – House Bill 602, and cemeteries.
- No negatives coming from the Mall.

Police Department:

Chief Stitzel presented the following:

- Still having issues with the grass clippings and debris on the roads. Can we do an ordinance? Any other Townships with an ordinance?
 - What about an ordinance concerning fires?
 - Mr. Thompson to look into the details.
 - Mr. Kaffenbarger stated we do need to educate the people of the Township that they could be held responsible with civil liability if an accident occurred due to their clippings or debris being on the roadway.
 - Chief Holman suggested look into stories where this may have caused an accident or death. People are more apt to pay attention if they can see that it does cause a problem and that they could be liable.
- We need a fee schedule for public records requests.
 - Mrs. Griest stated we do have a fee schedule. Trustees approve it at the beginning of each year.
 - By law, you can only charge the cost of copying the information for the request. Whether paper, CD, tape, etc. Can include costs such as paper, toner, envelope, postage, CD, etc... but cannot include the costs of labor. Mrs. Emory can give you a copy of the Township fee schedule.

- Home coming parade: Thursday, September 27th. Meeting with the school Thursday to make arrangements.
- Question concerning Officer Stuart. Doctors can release her to light duty, but we do not have light duty for full time 40 hours a week. Can we offer her light duty for fewer hours, part time work only?
 - Mr. Thompson to check into the matter of whether it is better to not offer anything, or to only give her part time work.

Fire Department:

Chief Holman presented the following:

- J. Motion to hire Paige Marratta as part time EMT as of 09-05-2018:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All
- Storm Martial Arts wants to do something for the community. They have suggested providing hearing aids for children, or helping pay pharmacy bills. Suggestion to also look for tablets or programs to help children who have difficulty with communicating.
 - Still experiencing problems for night shifts so overtime is still needed.
 - Engine 1 lights need replace. Would like to replace them all with LED – Cost \$3083.00
- K. Motion to approve the cost to replace light on Engine 1 for \$3083.00:
Motion: Mr. Clark 2nd: Mr. Kaffenbarger Ayes: All
- Kyle Artis has been informed he was allowed to return to work. At this time, he has not requested to be scheduled for shift times.
 - Mr. Degenhart asked if an employee for the Fire Department does not participate, are they gone? Chief Holman replied that they must meet certain hour criteria within a given period, which includes training.

Maintenance Department:

Mr. Bevan and the Trustees presented the following:

- Quote for work to be done on 2850 Fox Hollow \$450.00; 5310 Willowdale Rd - \$3725.00; 5340 Hominy Ridge Rd. \$675.00; Include chip brush, rake work areas. Total \$4850.00.
- L. Motion to approve above work by Buck's Tree Care for total of \$4850.00:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All
- Other trees need to be trimmed in Fox Hollow and Ballentine. Need to get quotes.
 - New truck is done except for lettering.
 - The invoice from Gledhill is \$54.71 over the ordinal quote due to needing a trailer plug, socket and boot.
- M. Motion to approve the additional amount of \$54.71 to Gledhill:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All
- A toolbox (18 x 24) to put on the truck was not included in the original price. Would like to have one installed. Cost \$569.54:
- N. Motion to install toolbox for \$569.54:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All
- Custom Way is putting on the plow, with a joystick fastened down. Cost was previously approved at \$8274.00.
 - Need quotes on a Chipper box in stainless steel
 - Waiting on the title to get tags.
 - Mr. Metzger stated he has been around all the roads, they are all mowed, and they look better than ever. Since Mr. Bevan is now doing all the work himself, since Mr. Brown resigned, I would like to make the following motion:
- O. Motion to increase Mr. Bevan's pay by \$5.00 per hour, and retro back to September 1, 2018:
Motion: Mr. Metzger 2nd: Mr. Clark Ayes: All
- What will we be doing for the winter? Are we hiring someone else? Mr. Kaffenbarger stated he would be willing to help when he can. Mr. Metzger can run the little truck for plowing snow. It may be good to have someone on call to help if needed – part-time – maybe seasonal for winter only.
 - Township Trustees believe our brush service is being abused. People contact tree trimming services to do the cutting and trimming, then leave the branches for the Township to pick up. That is not what this service was intended. We already have something on our website stating this.
 - Rader's to check tiles in Westridge- to clean them out. Also will tie a sump pump into the tile on Lakota.

Old Business:

None

New Business:

- House Bill 602- Need to pass a resolution to agree with this proposed bill and send it to our representatives to show we support this bill.
- Cemetery mowing. Not happy with the job they have been doing this summer. Had to have the come out and redo one cemetery.
- There has been a question concerning a driveway at 2517 Fox Hollow Road. Someone is looking to buy that property. ReMax has asked if the driveway was approved by the Township Trustees. Location of driveways are not controlled by zoning. The Trustees do not go out and approve driveway locations.

P. Motion to adjourn: Mr. Metzger 2nd: Mr. Clark Ayes: All

Approved by:
Board of German Township Trustees

Recorded in the
Record of Proceedings
September 11, 2018

Angela D. Griest, Fiscal Officer

Rodney Kaffenbarger, President

Robert Clark, Vice President

Charles Metzger, Member