

BATH TOWNSHIP BOARD OF TRUSTEES

June 29, 2016

This regular meeting of the Bath Township Board of Trustees was called to order by Mr. Pitstick. Other township personnel in attendance were misters Martin, Ross, Heizer, Miller, and Trimbach, and Mrs. Brown. Mr. Martin made a motion to approve the agenda; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mr. Martin made a motion to approve the minutes of the June 1st meeting; seconded by Mr. Pitstick. Roll call: Pitstick, aye; Ross, abstain; Martin, aye; motion carried. Mr. Ross made a motion to approve the minutes of the June 15th meeting; seconded by Mr. Pitstick. Roll call: Pitstick, aye; Ross, aye; Martin, abstain; motion carried. Mr. Ross made a motion to pay the bills totaling \$42,298.90; seconded by Mr. Martin. Roll call: three ayes, no nays, motion carried.

OLD BUSINESS: Concerning the enquiry at the last meeting about the well water in Country Acres and Terry Acres, Deborah Leopold, Environmental Health Director, Greene County Public Health, responded in an email stating that the Health District was not aware of any testing in this area by either their department or EPA. She stated that the Ohio EPA has been working with WPAFB on a well in Area A that tested as having Perfluorooctane Sulfonate with an elevated level. The City of Dayton has been testing their wells by Huffman Dam and has not reported a problem. Ms. Leopold suggested that anyone having concerns can call the Greene County Public Health Department or Ohio EPA Southwest District. This information will be passed along to Mrs. Miller.

STAFF REPORTS: Mr. Heizer, Road Supervisor, asked Mr. Martin how to proceed with billing for damages done to the guardrail on Armstrong Road on April 22. Mr. Martin advised him to continue trying to contact OSP for information on who owned the vehicle and whether or not they had insurance—information we need to issue a bill. Mr. Heizer noted that damages amounted to \$280 plus labor. Mr. Heizer reported that the Miami Township road paving project was completed with the assistance of Bath Township's road department. They still have about 1500 yards of paving to do for Xenia Township. Thursday morning representatives from JD Equipment and Alamo will be at the garage to assess the problem with the arm mower. New tires have been installed on the backhoe.

Mr. Heizer reported that inspectors from the Regional Air Pollution Control Agency had been to the garage to inspect the 2008 Ford F-250 truck concerning a complaint that the Bath Township Road Department was operating a tampered vehicle. A synopsis of the Notice of Violation/Resolution of Violation from Jennifer Marsee, RAPCA Administrator, is as follows. The complainant stated that in June 2014 the Bath Township Board of Trustees had approved maintenance work and that during the maintenance work both catalytic converters were removed, tampered with, and reinstalled. Mr. Heizer had stated that he was aware of a decision by the previous supervisor to have a local garage tamper with the catalytic converters. Mr. Heizer provided records showing that Hyder Automotive had tampered with the emission control system on June 18, 2014. Mr. Heizer noted that the truck operated normally, but over time its performance declined until it was not drivable. On December 16, 2014, new catalytic converters were installed by Hidy Ford. On June 21, 2016, RAPCA inspection confirmed that the vehicle was repaired. The Notice goes on to say that based on these findings, there is sufficient evidence to determine that illegal tampering with the catalytic converters was authorized by the Bath Township Road Department in violation of both Ohio Administrative Code Rule 3745-80 and Ohio Revised Code 3704.05. Despite the return to compliance this does not preclude RAPCA or the Ohio EPA from seeking administrative or civil penalties. In the discussion about this letter, Mr. Heizer made note of the fact that while reference was made to the former supervisor, Mr. Jenkins was not named. He also noted that Hidy Ford had informed him that the original converter had been on recall. After reviewing Mr. Heizer's documentation, the Board agreed that this item be referred to Assistant Prosecutor Hayden.

Mr. Pitstick read through Mrs. Phillips' cemetery report. The hydraulic pump on the new dump truck was still leaking after Middletown Ford returned it. Since Henderson had done the installation, they came over and picked up the truck. Henderson's service manager, Dave Wurm, informed her that the casting of the hydraulic pump is defective and that they are in the process of locating a new one. She also noted that she has sent a letter requesting them to pay for the work done by Middletown Ford. Concerning the TruGreen application done in the spring, Mr. Gordon Goines confirmed her suspicion that the area in front of the office had not been sprayed. He will be sending someone out to spray it. A meeting has been scheduled for Friday, July 1st with Ken Middleton, Greene County Soil and Water, to go over his findings and recommendations on the drainage at the cemetery.

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The Board reviewed an email from Robert Kaminski in which he thanked the Board for the installation of benches for the mausoleum area and requested that the Board authorize the placement of vases on each crypt so that family and friends would have a way to honor their deceased loved ones. Mrs. Phillips submitted information on vases from Coldspring Memorial Products. Following a discussion with comments from cemetery employee, Mr. Trimbach, and Mr. David Anderson, 3600 S. Byron Road, the overall opinion was that the vases would not enhance the appearance of the mausoleum. The Board agreed that Mrs. Phillips should respond to Mr. Kaminski, respectfully thanking him for his input and stating that at this time the Board would not be authorizing vases for the mausoleums.

Mr. Miller reported that he had talked with the Wright-Patt Credit Union Mortgage Department about the property at 4953 Bath Road, giving them information about the condition of the house. He doesn't expect to hear anything back from them because of various privacy policies/laws. Concerning the property at 2879 Old Yellow Springs Road, Mr. Miller reported that Mr. Vance had not appeared at his court hearing and that an arrest warrant had been issued for him. The township may be billed for his jail time. The Board and Mr. Miller discussed the fact that the township does not receive any reimbursement from any fines paid.

Concerning the disposition of the bill for replacement of the International truck oil pan, Mr. Miller reported on the conference call that he had with Interstate Billing collection company and the Rush Truck Center Service Manager, Jesse Wilson. He was able to obtain an itemized bill showing \$691.63 for the oil pan kit and \$241.20 labor. Before making any settlement offer, Mr. Miller would like to work with Jesse on an appeal to the warranty company. So far he has not been able to contact them. Mr. Heizer would like to know exactly what the warranty on the oil pan was supposed to cover. He reported that the cost of a stainless steel pan would be approximately \$700. The replacement was an OEM. Mr. Pitstick noted if Mr. Heizer had been aware that the oil pan was not under warranty, he would have installed a stainless steel or aluminum pan or would have powder-coated an OEM.

Mr. Miller reported on his conversation with a gentleman about zoning related to the Greene Country Club property. There is interest in making the clubhouse an office which would require B-1 zoning. Business is a conditional use, but a professional office in B-1 is a permitted use. Mr. Ross had spoken to Patty Dorn, part owner of the property. There appears to be no immediate resolution to the disposition of the property.

Mr. Miller reported that the Zoning Commission won't meet until July 11 to act on the Agritourism issue. They will not be able to get anything to the Board of Trustees before the bill goes into effect. Mr. Pitstick and Mr. Miller discussed the fact that since Bath Township's Zoning Resolution does not have anything that is in violation of the new bill, there is no great urgency. However, there are a few areas where the township can place regulations and that is what the Zoning Commission needs to explore. Mr. Ross would like to attend the meeting on July 11 to review some zoning and school-related issues.

NEW BUSINESS: Mr. Martin made a motion to approve Resolution 23-2016; a Supplemental Appropriation providing for a reduction of the appropriation in the Fire Fund-Payment to Another Political Subdivision in the amount of \$89,000; seconded by Ross. Mr. Martin noted that this reflects the reduction in the 2016 fire contract made after the removal of billings for cancelled-in-route calls. Roll call: three ayes, no nays, motion carried.

Mr. Ross made a motion to approve Resolution 24-2016: providing for the destruction of noxious weeds at 4953 Bath Road and certifying to the County Auditor that noxious weeds were growing and were cut/removed by the Road Department on June 20, 2016; seconded by Mr. Martin. Roll call: three ayes, no nays, motion carried.

Mr. Ross made a motion to approve the following reallocations: in the General Fund \$700 to Machinery, Equipment, & Furniture from Townhall-Repairs & Maintenance; \$1,562.82 to Administrative-Other-Insurance Benefits, \$60.36 to Townhall-Other-Insurance Benefits, \$102.85 to Highway-Other-Insurance Benefits, and \$48.92 to Park-Other-Insurance Benefits; from Highway-Contracted Services \$922.14, Highway-Operating Supplies-Welding \$67.96, and Other-Professional & Technical Services \$784.85; in the Road Fund \$832.73 to Other-Insurance Benefits from Unemployment Compensation \$401.00, Training Services \$200.00 and Repairs & Maintenance \$231.73; in the Cemetery Fund, \$170 to Operating Supplies-Memorial Trees from Repairs & Maintenance; and \$1170.82 to Other-Insurance Benefits from Machinery, Equipment, & Furniture; seconded by Mr. Martin. Roll call: three ayes, no nays, motion carried.

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Correspondence:

- OPEC-Healthcare Cooperative: update on financial condition through the end of April.

In preparation for the Public Hearing on the 2017 Budget, Mrs. Brown distributed 2017 Budget Worksheet, 2017 Projection for all road fund accounts, Road projects spreadsheet 2017-2025.

Mr. Anderson, 3600 S. Byron Road, asked about the roadside mowing. Mr. Heizer noted that the road department has started the second round. In response to his question about the old cemetery dump truck, Mr. Pitstick stated that for now the cemetery is keeping it to haul material/debris. Mr. Anderson asked if the flag in front of the townhall could be lowered at the end of each work day since the light is not shining on it during the night. Mr. Heizer reported that a new light was recently installed. He will check the timer. Mr. Pitstick asked Mr. Heizer to determine if the light is working and if not, to take the flag down at the end of the day. Mr. Anderson also reported that he had called about the dump truck with a for-sale sign that was parked close to the road. He then accused the employee of coming out on work time to show him the truck. Mr. Heizer noted that Mr. Burchett had just finished cleaning up after mowing the park and was beginning his lunch break.

Mr. Ross gave an update on the Fairborn School bond levy and their capital improvement program.

Mr. Pitstick had received a request from Dee Pitstick for permission to install a convex mirror at the curve along the road by her property at 1880 Armstrong Road. After a brief discussion with Mr. Heizer about placement and installation, the Board agreed that in the interest of safety the road department could install the mirror purchased by Mrs. Pitstick.

There being no further business, Mr. Ross made a motion to adjourn; seconded by Mr. Pitstick. Roll call: three ayes, no nays, motion carried.

Elaine M. Brown, Fiscal Officer

Tom Pitstick, Chairman

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