

## BATH TOWNSHIP BOARD OF TRUSTEES

August 31, 2016

This regular meeting of the Bath Township Board of Trustees was called to order by Mr. Pitstick. Other township personnel in attendance were Mr. Ross, Mr. Heizer, Mr. Miller, and Mrs. Brown. Mr. Ross made a motion to approve the agenda; seconded by Mr. Pitstick. Roll call: two ayes, no nays, motion carried. Mr. Ross made a motion to approve the minutes of the August 17<sup>th</sup> meeting; seconded by Mr. Pitstick. Roll call: two ayes, no nays, motion carried. Mr. Ross made a motion to pay the bills totaling \$358,812.91; seconded by Mr. Pitstick. Roll call: two ayes, no nays, motion carried. It was noted that the total included the fire contract payment of \$320,252.50.

**GUEST:** Marty Heide, Congressman Mike Turner's liaison for Greene and Madison Counties, reported on the passport renewal and application situation. This year is the tenth year since passports were required for Canada and Mexico and all those issued in 2006 are due for renewal. With the great demand procurement through regular channels might take six to eight weeks. If needed sooner, Congressman Turner's office can be of assistance. She also reported on Congressman Turner's efforts to meet the challenge of the rising use of heroin. He wants everyone to spread the word about the extremely addictive nature of heroin as it actually alters the brain chemistry.

**OLD BUSINESS:** Concerning the installation of the park surveillance camera, the Board discussed whether or not a waiver of liability from the installer was sufficient since he does not carry liability insurance. They agreed that Assistant Prosecutor Stephanie Hayden should be consulted. Mr. Pitstick will check with his contact in case Ms. Hayden recommends that we do need to require liability insurance.

Mr. Pitstick read the ballot language for the Proposed Tax Levy (Additional) for the road fund at a rate not exceeding 2.2 mills for each one dollar of valuation, which amounts to \$0.22 for each one hundred dollars of valuation, for 5 years, commencing in 2016, and first due in calendar year 2017. With the insertion of the word "to", the Board agreed that the ballot language was correct. Mrs. Brown will take the corrected copy to the Board of Elections tomorrow. She will also be filing the Designation of Treasurer for the Bath Township Road Levy Committee.

Mr. Ross reported on the meeting with Tom Jones, Project Engineer, and Colleen Ryan, President of Vectren Energy Delivery of Ohio, Inc., on August 23. This was an update on Vectren's project to upgrade the high pressure gas pipeline. The area of Bath Township that is affected is in Country Acres, north of Old Yellow Springs Road. (See minutes of the July 20<sup>th</sup> meeting.) Mr. Ross believes that Vectren will try hard to work with the residents. Mr. Jones explained how they plan to handle the road crossings. Ravenwood and Valleyview will require temporary rerouting; and Dogwood will be done one half at a time.

**STAFF REPORTS:** Mr. Heizer, Road Supervisor, reported that Hensley plans to begin milling on Butternut on September 8 followed by chip seal on Butternut, Cedarwood, and Hickorynut the next week. Mastic will be done about a month later. Mrs. Brown reported that money is available in the Gasoline Tax Fund for the mastic application. Mr. Ross made a motion to have Strawser Construction apply 11,045 square yards of mastic on these three roads at a cost of \$15,683.90; seconded by Mr. Pitstick. Roll call: two ayes, no nays, motion carried. Concerning Medway Road, Mr. Heizer reported that the city's contractor will have Hensley mill the road before they do the double-run of chip/seal for the township. Concerning Sandhill Road, the city's contractor will be back to do an overlay on it. Concerning the John Deere arm mower, Mr. Heizer reported that he and Mike Rhoades went to JD Equipment yesterday so that Mr. Rhoades could do a test run. Although some of the functions of the arm mower are a little faster, the up-and-down motion is still too slow. John Harrison, JD Equipment, said that they will drill out the orifice once Alamo gives them the go-ahead. Mr. Heizer reported that the road crew has started berming.

Pitstick read the cemetery report. Mrs. Phillips reported that the drainage project plans are about finished. When ready, she will contact the Cornerstone Homeowners' Association to update them and get their approval. She also reported that sections 8, 9, 10, 11, and half of section 7 now have VA Flag Holders in the veterans' foundations. Mr. Pitstick reported that Matt Trimbach has been working with the excavators at the construction sites at Kroger and the development on Trebein. They are hauling dirt to the cemetery at no charge to us. Concerned that we might be getting too much dirt, Mr. Trimbach had contacted Mr. Pitstick who recommended putting the dirt in a low area that Cemex had stripped to the subsoil. At some point a dozer will be needed to spread the dirt. Concerning the pond, Mr. Pitstick stated that it measured at almost 4 feet in the deepest part. He noted that there are quite a few blue gills, but that it does need to be deepened before freezing.

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Concerning the Rush Truck Center bill for the replacement of the oil pan on the 2011 International truck, Mr. Miller reported that he finally heard from Navistar. The representative was able to describe a few situations that the warranty covered, but rust was not one of them. Mr. Miller recommended that the township pay for the parts which Jesse Wilson at Rush Truck Center priced at \$750.57. Mr. Heizer had checked with Xenia Township. In 2014 they had paid \$702 for parts to replace their oil pan. Mr. Ross made a motion to pay \$750.57; seconded by Mr. Pitstick. Mr. Miller will follow up with the details of the settlement. Roll call: two ayes, no nays, motion carried.

Mr. Miller reported that he had received a subpoena Tuesday morning for Randy Vance's trial to be held on September 1. (See minutes of the June 29<sup>th</sup> meeting.) Since Mr. Miller had made plans to be out of town on the first, he contacted the prosecutor's office about his absence and expects that the trial will be continued.

Concerning the Medical Marijuana Law that will become effective September 8<sup>th</sup>, Mr. Miller noted that the Zoning Commission has not yet addressed the issue, but will soon. A township can regulate the location of medical marijuana cultivators, processors, and retail dispensaries and also prohibit such from being located in the unincorporated territory of the township. Mr. Pitstick stated that a number of townships have already acted. He would encourage the Commission to look at the issue and bring something forward for the Board to act on.

**NEW BUSINESS:** Mr. Ross made a motion to approve reallocations in the Gasoline Tax Fund for \$1000 to Operating Supplies-Miscellaneous from Repairs and Maintenance; \$15,700 to Contracted Services, \$11,045 from Operating Supplies-Asphalt and \$4,655 from Operating Supplies-Gravel; and in the Cemetery Fund, \$340 to Property Insurance from Advertising; seconded by Mr. Pitstick. Roll call: two ayes, no nays, motion carried.

### **CORRESPONDENCE:**

- Stephanie Hayden, Assistant Prosecutor: information about Medical Marijuana and Employment Issues. In part, she writes that as employers the township does not have to permit or accommodate medical marijuana use, the drug free workplace and zero-tolerance policies are still completely valid. She also notes that medical marijuana users who are terminated for violating the drug free workplace zero-tolerance policies are **not** entitled to unemployment benefits. Mr. Pitstick asked that Ms. Hayden's memo be distributed to all employees and attached to the employee manual.

Mr. Pitstick noted that the Budget Commission's Hearing on Bath Township's 2017 budget will be at 10:15am tomorrow at the Greene County Auditor's Conference Room. Mr. Ross and Mrs. Brown will attend. Mr. Ross noted that Randy Gilbert, Assistant Director of Greene County Sanitary Engineering Department, will be meeting at 6:30 pm, September 8, at the township hall with Dayton-Yellow Springs Road residents about extending the county water line.

Mr. Anderson, 3600 S. Byron Road, asked for clarification on who was paying for the work on Medway Road. Mr. Pitstick explained that the township had planned to chip/seal the road, but the city needed to work on a raw water line and that they will pay to repair what they tore up.

Mrs. Kaffie Lester, 750 Herr Road, asked about the next township trustee election. Mr. Pitstick stated that both he and John Martin's positions will be on the November 2017 ballot. The Greene County Board of Elections has all the information needed about the process. She also asked about how often the minutes are put on the website. It was noted that this is generally once a month after the minutes of the last meeting are approved.

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

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Elaine M. Brown, Fiscal Officer

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Tom Pitstick, Chairman

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