

BATH TOWNSHIP BOARD OF TRUSTEES

August 18, 2021

This regular meeting of the Bath Township Board of Trustees was held at the Bath Township Hall and live-streamed on Facebook Live-Bath Township, Greene County, OH. Mr. Pitstick called the in-person meeting to order at 7:00pm with the pledge and roll call. Other township personnel in attendance were Mrs. Lester, Mr. Ross, Mr. Bales, Mr. Miller, and Mrs. Brown.

Mrs. Lester made a motion to approve the agenda; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mrs. Lester made a motion to approve the minutes of the August 4th Special meeting; seconded by Mr. Ross. Lester, aye; Ross, aye; Pitstick, abstained due to his late arrival. Motion carried. Mrs. Lester made a motion to approve the minutes of the August 4th regular meeting; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mrs. Lester made a motion to approve the minutes of the August 9th Special meeting held at 3pm; seconded by Mr. Ross. Roll call: Lester, aye; Ross, aye; Pitstick, abstain. Motion carried. Mrs. Lester made a motion to approve the minutes of the August 9th Special meeting held at 4pm; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mr. Ross made a motion to approve payment of bills totaling \$76,744.64; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

INVITED GUEST: Karie Novesl, Hylant Administrative Services, reviewed the 2020-21 renewal package for the Ohio Plan's property and liability insurance coverage. Mr. Ross made a motion to accept the Ohio Plan Package Proposal with the \$3,000,000 occurrence/\$5,000,000 aggregate coverage; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

PUBLIC HEARING: Mr. Pitstick opened the hearing for Zoning Case #2021-003-Z. The purpose of the hearing is so the Trustees may review and act on a request to rezone a parcel of land at 2418 National Road in Bath Township. The applicant is requesting an amendment to the township zoning resolutions. The request is that Lot #17 in the Alois F Zink All Plat (Parcel #A01-0001-0005-00017-00) currently owned by Tai Le be rezoned to B-1 Business from the current zoning of R-2 Low Density Residential. Mr. Miller, Zoning Inspector, presented the case noting that this is the lot adjacent to the lot rezoned in April for the purpose of running a food truck court. (Public Hearing April 21, 2021) Mr. Le acquired Lot #17 after that hearing. The Bath Township Zoning Commission and Regional Planning and Coordinating Commission of Greene County recommended approval of the rezoning request. Michael Conway, Sharp Conway Architects LLC, spoke about the operation of the food truck court and what they have done so far. Mr. Miller stated that notices of the Zoning Commission's hearing were sent to all property owners within 500 feet of the parcel and no objections were received. Mr. Pitstick read the Zoning Commission's recommendation to the Board of Trustees for the approval of the rezoning which included the statement that the applicant would apply for a variance to the B-1 Business road frontage requirement upon the rezoning of the property. Mr. Pitstick called for additional comments. There being none, Mrs. Lester made a motion to close the Public Hearing; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mr. Ross made a motion to approve Resolution 44-2021 approving the rezoning of Lot #17 in the Alois F Zink All Plat on National Road from R-2 Low Density Residential to B-1 Business; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

STAFF REPORTS:

Administrator's Report, dated August 16, 2021 attached.

- Mr. Bales reported that the coyote decoys are not a solution to the geese problem. He has contacted ODNR for a consultation and Goose Busters for a quote for their dog services.
- Brad Moore has accepted the offer of employment as the Road Superintendent. He will start August 30, 2021. Mr. Bales has compiled a list of pending projects and goals for his probationary period.
- Mr. Bales reported that 32 applications have been submitted for the Road Laborer positions. Once he is on the job, Mr. Moore will be reviewing the applications.
- The projected Local Government Distribution for 2022 for Bath Township is \$72,232.30. This is \$21,146 more than previously budgeted.
- Concerning the drainage issue at 514 Woodhaven Trail, Mr. Bales reported that Xenia Township had attempted to flush out the blockage in the culvert under the roadway with their tanker truck. This did not work. Greene County Sanitary Engineering is now scheduled to bring their sewer jet truck. There are also a couple high spots in the

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drainage swale leading to the culvert. Xenia Township will be bringing their mini excavator to assist with the removal.

- Concerning the Township Stimulus Program (a one-time program that provides Federal funds to townships for sidewalks, roadways, and less than 10-foot culvert projects), Mr. Bales has asked Greene County Engineer Stephanie Goff if this funding could be used to supplement our OPWC funding for Byron Road. The funding limit is capped at \$250,000. He asked the Board to advise him of any other projects they might want to consider.
- **Road Department Report:** Mr. Bales noted that Mr. Kohler with the assistance of seasonal labor continues to do a tremendous job keeping up with critical roadway and mowing issues. During the last two weeks, he mowed the area between the walking path and the Waterford Landing retention pond, dealt with plumbing issues at the township hall, stormwater issues, tall weed complaints, potholes, and provided quality leadership during the absence of a Superintendent. Mr. Bales requested that he receive a “supervisory bonus.” Mr. Ross made a motion to approve the payment of a \$500 supervisory bonus to Larry Kohler; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.
- **Cemetery Report:** Mr. Bales noted that two members of the Cemetery labor team are off work due to COVID-19 and potential exposure. The two remaining are keeping up with burials. Mrs. Lester asked about the CARES Act COVID leave. This question has been submitted to the Ohio Office of Budget and Management. Mrs. Phillips reported that there have been seven burials since last report and that there are 3 burials on the books so far this week.
- **Zoning Report:** Mr. Miller reported that after spending the past three months on rezoning issues, he is again focusing on the Joseph Sunday property on Bath Road. He has checked with the Health Department on the status, but has not heard back. If the Health Department is not citing Mr. Sunday, Mr. Miller would like to proceed with a nuisance hearing before the Bath Township Board of Trustees. He will be talking with Assistant Prosecutor Haller next week. He would like for Mr. Haller to handle the proceedings and have testimony from the Health Department, the Building Department, Fire Department, and the neighbors. Rezoning of 1900 Spangler is still waiting on the resolution of the ownership of a small parcel of land. There is also the matter of who has authority to grant access from Spangler Road to the property—ODOT or the County Engineer. Mr. Miller also handled two noxious weed complaints—one on National Road, the other on Old Yellow Springs Road. Both owners have been in touch with him and he expects the issues will be addressed. Mr. Ross asked about the property at the northwest corner of Byron Road and SR 235 that is in poor condition. It was noted that the property is in the City of Fairborn.

OLD BUSINESS: none

NEW BUSINESS:

- Mr. Ross made a motion to approve a Resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.
- Mrs. Lester made a motion to approve a reallocation in the General Fund for \$500 to Repairs and Maintenance from Other-Professional and Technical Services; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. (Note: This should be Road Fund.)
- Mr. Ross made a motion to approve Supplemental Appropriation Resolution 45-2021 for \$8,100 in the Cemetery Fund to cover additional salary expenses; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.
- The Board and Mr. Bales discussed and reviewed COVID-19 procedures for township meetings. The Board agreed to continue to encourage social distancing.

CORRESPONDENCE: none

TRUSTEES' REPORTS:

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- Mr. Ross reported on an email from Dovetail stating that they are withdrawing from any settlement agreement with Bath Township. Mrs. Lester stated that the township is open to further negotiations, but what is in the best interest for the residents is her first priority. Mr. Ross stated that the township is moving forward with the appeal. Mrs. Lester suggested that the Board write a letter to Ohio EPA requesting that they put a moratorium on Dovetail's expansion until they fix the odor issues. Mr. Ross read a portion of an email from Rick Compton in which he praised Byron Cemetery and its operation and refuted the negative comments being made at the township meetings. Concerning comments made at the last meeting that the township refused to negotiate the fire contract with the City of Fairborn in 2018, Mr. Ross stated that the City was not willing to negotiate further as the letter from the City Solicitor, dated November 8, 2018, and Council's Resolution 58-18 appear to confirm. He continued, saying that contracts with neighboring townships saved township residents thousands of dollars. In 2019 the City reached out and after talks throughout 2020, an agreement was reached that would bring the entire township back to Fairborn by 2023. Mr. Ross stated that relations with Fairborn are now the best they have ever been thanks to the Trustees, Mayor Paul Keller, City Manager Rob Anderson, and Assistant City Manager Mike Gebhart. Following up on criticism of the health insurance program, Mr. Ross allowed that Bath Township provides excellent health insurance, but pointed out that starting in 2016 he and Mrs. Brown with the help of Fairborn Chamber of Commerce, the King Agency, and Anthem managed to get off of "Obamacare" rates offered by the Ohio Public Entity Consortium which saved the township money. He noted that his own salary/benefit package is less than \$30,000. In defense of hiring a township administrator, Mr. Ross stated that beginning in 2020 the County Prosecutor's office had recommended that Bath Township have an administrator. After looking at several individuals, the Board decided on Pete Bales, who had considerable experience in local government and has provided valuable service so far. Mr. Ross debunked the idea that in comparison to other officials he is overpaid, pointing out that he works as a contractor and does not receive any of the benefits of an employee.
- Mrs. Lester had no report.
- Mr. Pitstick stated that contrary to statements made at the last meeting, biosolids are healthy for the soil, citing the work at the OSU Molly Caren Agricultural Center.

Audience Comments: Time 8:10pm-8:41pm

Mr. Pitstick began the session with a recitation of the protocol to be followed.

The following residents of Fairborn and Bath Township addressed the Board expressing their concerns about Dovetail and the biodigester. Many echoed Mrs. Lester's suggestion that the Board write a letter to OhioEPA requesting a moratorium on Dovetail's future expansion. They believe that Trustees Pitstick and Ross have not addressed their concerns about the biodigester. David Anderson, Byron Road; Tricia Allain, Conservatory Circle; Pam Gayheart, Artesian Lane; Gary Goldblatt, Timberwyck Court; Elaine Puckett, St. Andrews Drive; Marilyn McCauley, Mallory Court; Don Kincaid, St. Andrews Drive; Michelle Clements, W. Enon Road; Aaron Ware, Baywood Drive; Rebecca Daley, Wellington Court; Karla Sams, Erie Avenue; Patrick Charters, Bluffview Drive.

Residents speaking on other matters:

Chad Vancleve, Dayton-Yellow Springs Road, stated his support of Mr. Pitstick's statement about biosolids. He also had high praise for Mr. Bales' management skills and work experience. Mrs. McCauley engaged Mr. Ross in a discussion about the Fairborn fire contract negotiations in 2018. Mrs. Clements asked about the drainage problem on Clearcreek Trail. She also encouraged residents to attend the American Rescue Plan informational meetings to be held at 6pm prior to the Board of Trustees meetings on September 1 and 15.

Mr. Ross made a motion to adjourn; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried. Time 8:41pm.

Elaine M. Brown, Fiscal Officer

Tom Pitstick, Chairman

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