

## BATH TOWNSHIP BOARD OF TRUSTEES

July 7, 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, 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 June 16<sup>th</sup> meeting; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mrs. Lester made a motion to approve the minutes of the June 28<sup>th</sup> Special meeting; 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 July 6<sup>th</sup> Special meeting; seconded by Mr. Ross. Roll call: Lester, aye; Ross, aye; Pitstick, abstain; motion carried. Mr. Ross made a motion to approve the payment of bills totaling \$265,269.59 and a transfer of \$3,031.10 from the checking account to the Perpetual Care savings account; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

**INVITED GUEST:** Marty Heide, District Liaison for Congressman Mike Turner, presented information about the Coronavirus (COVID-19) Funeral Assistance program. FEMA is providing financial assistance for COVID-19-related funeral expenses incurred after January 20, 2020. FEMA's helpline number is 1-844-684-6333.

### STAFF REPORTS:

- Mr. Pitstick noted several items in the Administrator's Report, dated July 5, that are on the agenda. (See attached.) Questions from the previous meeting: Mrs. Venable asked if the township carried negligent medical insurance. Mr. Bales' response: the township carries Public Officials Liability insurance.
  - **Road Department Report:** They have been busy with roadside and park mowing. Last week they responded to high water on Bath Road and installed temporary road closed signs.
  - **Mrs. Phillips' Cemetery Report as of July 2:** Eight burials since last report and three scheduled for the coming week. The quarterly report shows June sales down compared to the first half of the year. However, total sales for the year are 21% higher than last year at this time. The new employee starts July 6. The first round of foundations has been poured. She expressed her apologies for the delay and appreciation for the patience and understanding of those affected. She addressed the comments about employee training and safety matters. (See attached.) She asked the Board to consider replacing three windows at the cemetery building. She has submitted 3 estimates: Xenia Glass and Lock, \$1328; Affordable Glass and Mirror, \$1467; and Window Depot, \$1460.
  - Mrs. Lester noted that there is a need for a small ice machine for the Road Department, and cooling towels and a cooler for both departments. After a brief discussion she made a motion that Mr. Bales research what is available; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried.

**OLD BUSINESS:** none

### NEW BUSINESS:

- The Board reviewed the Fund Summary Report through June. Mrs. Brown had emailed the Board the monthly Appropriation, Revenue, Payments, and Receipts reports for June.
- Mrs. Lester made a motion to adopt Resolution 39-2021: Adopting Township Policies and Procedures Manual; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried.
- Mrs. Lester made a motion to adopt Resolution 40-2021: A Resolution Authorizing the Township Administrator to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contracts as Required. The project planned is for capital improvements to N. Byron Road between SR 235 and Yellow Springs-Fairfield Road including drainage improvements. It does not include the intersection at SR 235. The County Engineer is supporting the project. The preliminary construction estimate is \$1,283,810. Bath Township will be responsible for 20-30% matching funds. Mr. Ross seconded the motion. Roll call: three ayes, no nays, motion carried.

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- Mr. Ross made a motion to utilize Cargill as the township's salt supplier for the 2021-22 winter season. This is the second year of a two-year bid. Last year's price was \$46.16 per ton. This year's price is \$56.16. The year prior, the price was \$79.41. Mrs. Lester seconded the motion. Roll call: three ayes, no nays, motion carried.
- Brian Housh, Council President of the Village of Yellow Springs, requested Bath Township send a letter to the Secretary of Transportation Pete Buttigieg in support of the Connect GREENE initiative, which entails a federal RAISE Grant application being submitted by multiple Greene County jurisdictions. The projects to be funded by this grant are multi-use trails that are part of the 2021 Greene County Master Trails Plan—the REACH Xenia trail project, Yellow Springs-Clifton Connector and Bellbrook-Spring Valley Connector. Mrs. Lester made a motion to support the Connect GREENE project and send the letter prepared by Mr. Bales to the Secretary of Transportation; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mr. Pitstick noted that at some point Bath Township might want to have a connector between Fairborn and Yellow Springs, which is a major hub on the bike trail.
- Concerning the Purdue Pharma Bankruptcy Case: Bath Township received a letter from the Greene County Prosecutor's office recommending that the Board vote to accept the plan to join other claimants in litigation against Purdue Pharma for damages caused by the abuse of opioids produced and sold by Purdue Pharma. Mr. Ross made a motion to accept the plan; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.
- Concerning replacement windows at the cemetery, Mr. Ross made a motion to approve the purchase and installation of three white vinyl ProVia Aspect Double Hung Replacement Windows including screens at a cost not to exceed \$1,328.00 from Xenia Glass and Lock; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

**CORRESPONDENCE: none**

### TRUSTEES' REPORTS:

- Mr. Ross reported that he and Scott Miller, Xenia Township Trustee, had attended an Ohio Township Association meeting in Columbus about the American Rescue Plan. How to apply and use the funding were discussed. Money can be used for infrastructure. This is a two-year program.
- Mrs. Lester had no report.
- Mr. Pitstick had no report.

### Audience Comments:

- David Anderson, Byron Road, stated that when he worked at the cemetery all employees could run all the equipment. He asked Mr. Ross about any connection he has with JR Construction.
- Aaron Ware, Baywood Drive, stated despite Congressman Turner's claim that it is not a federal issue, the Federal EPA is involved with the biodigester. Mr. Ware stated that the biodigester lagoon is worse than the ones he experienced in Afghanistan. Mr. Ware stated that he is opposed to any agreement that allows the biodigester to operate. He challenged Mr. Pitstick's fitness to hold the position of trustee.
- Pam Gayheart, Artesian Lane, asked for clarification about the issues being addressed in the settlement agreement with Renergy.
- Sarah Fulton, Byron Road, expressed concern that the settlement with Renergy is being rushed. Expansion of the operation is the most important issue. The community should be able to see the agreement before it is signed.
- Brad Martin stated that the agreement should be rejected because it is allowing for expansion. He asked that Mr. Pitstick resign.
- Jillian Kennedy, Conservation Circle, spoke of the effect expansion would have on the relocation of military families to the Fairborn area. She also called Mr. Ross to account for his verbal interaction with Mrs. Venable at a previous meeting.
- Luke Borntager, Herr Road, spoke about what living on Herr Road should be.
- Michelle Clements-Pitstick, W. Enon Road, presented additional information about the FEMA COVID Funeral Assistance program. She also noted the opportunities available in the American Recuse Plan for community projects.
- Marilyn McCauley, Mallory Court, asked how Renergy can be held accountable and stated that we should not give up on the matter of expansion.

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- Karla Sams, Erie Avenue, asked if the cover doesn't work, then what. She expressed concern about expansion and the ground water.
- David Anderson, Byron Road, asked about the specifications of the cover. He asked that the Board be transparent about the whole matter.
- Aaron Ware, Baywood Drive, asked if the Trustees would pass a resolution to allow the residents to provide input on any agreement with Renergy.
- Jillian Kennedy, Conservation Circle, asked that Fairborn Schools, Fairborn, and WPAFB be allowed to provide input.

Mrs. Lester addressed the audience trying to explain the personal dilemma she faces with the settlement agreement—whether to hold firmly to the three major issues and possibly lose on all counts or negotiate. Mr. Ross stated that he agrees with Mrs. Lester's position. He also apologized to Mrs. Venable for his earlier remarks. While being concerned about Mr. Pitstick and his family, he is also in agreement with the sentiments of the residents. He continued, stating that the township attorneys are 100% sure that the township will lose the appeal based upon their defining Renergy as a public utility. Several members of the audience reiterated their concerns.

Mrs. Lester made a motion to adjourn; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Time 8:17pm.

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Elaine M. Brown, Fiscal Officer

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Tom Pitstick, Chairman