

BATH TOWNSHIP BOARD OF TRUSTEES

October 20, 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, 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 October 6th meeting; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried. Mrs. Lester made a motion to approve the minutes of the October 14th Special meeting; seconded by Mr. Ross. Roll call: Lester, aye; Ross, aye; Pitstick, abstain. Motion carried. Mr. Ross made a motion to approve payment of bills totaling \$33,927.73; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

INVITED GUESTS: none

STAFF REPORTS:

Administrator's Report, dated October 18, attached.

- Mr. Bales reported that John R. Jurgensen had completed the repairs on Clearcreek Trail.
- Mr. Bales thanked Road Superintendent Moore for his thorough review of the road department equipment. His revisions adjusted the Five-year Capital Equipment Replacement Plan making it more affordable by extending the years on many of the tractors and trucks.
- Mr. Bales met with Enterprise Fleet Management to discuss our fleet replacement plan. By itself, Bath Township is too small to see any financial advantage. However, if a number of the small Greene County townships as a group were interested in replacing their light/medium duty service trucks through Enterprise, they could see significant savings. Mr. Bales plans to approach the Greene County Township Association about their interest in a presentation from Enterprise. Mr. Ross will provide a list of interested parties.
- Today he attended an ODOT Safety Study follow-up meeting with Fairborn Cement Company about intersection improvements at SR235/Trebein, SR235/Byron, and Trebein/Garland. The Cement Company favored a cul-de-sac on S. Byron rather than a peanut-shaped round-a-bout. They do not want a T-intersection at Herr Road. They are also aware of Bath Township's need to maintain access to Funderburg Cemetery. The Engineer is considering a round-a-bout at SR235/Trebein and upgrades at the Trebein/Garland intersection. Discussions will continue.
- Issues with the road department and Fiscal Officer computers were resolved.
- Mr. Bales along with other communities from Greene County met via Zoom with Metronet Fiber to hear about their expansion plans in Greene County.
- Road Department Report: Faded signs were replaced on Union, Bath, Haddix, Byron, Spangler, and Mud Run Roads. The County was able to recover our signs with a reflective coating at a significant savings. Low spots along the walking track were filled and seeded. New employees, Brad Eakle and Coy Payton, got their CDL permits as well as cemetery employees, Matt Spencer and Chip Gannon. They have all started training.
- Cemetery Department: There are seven burials on the books for this week. The crew has been laying sod and preparing for what is probably the final foundation pouring for the season. Purchasers are now being advised that it will be Spring before theirs is ready.

OLD BUSINESS: none

NEW BUSINESS:

- Mr. Ross made a motion to reallocate \$30 in the General Fund to Townhall-Garbage & Trash Removal from Townhall-Repairs & Maintenance; in the Road Fund \$500 to Electricity from Property Insurance Premiums, \$200 to Repairs & Maintenance from Other-Professional & Technical Services; in the CARES Fund \$9849.69 to Machinery, Equipment & Furniture from Other Salaries, OPERS & Medicare. Mrs. Lester seconded the motion. Roll call: three ayes, no nays, motion carried.

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- Mr. Pitstick read Resolution 51-2021: A Resolution Prohibiting Temporary Signage on Township Owned Property. Mr. Bales noted that this is merely an extension of the motion made and passed at the October 6th meeting and was reviewed by the Greene County Prosecutor's Office. Mrs. Lester stated that her contact with the Secretary of State said that signage could not be prohibited on Election Day. Mr. Bales stated that the Greene County Prosecutor had contacted the Secretary of State and was told that the township could prohibit signage on township property. Mrs. Lester made a motion to adopt Resolution 51-2021; seconded by Mr. Ross. Roll call: three ayes, no nays, motion carried.
- Mr. Pitstick read Resolution 52-2021: Providing for the appointment of Matt Spencer, Coy Payton, and Brad Eakle to Laborer Positions for Bath Township. Matt Spencer is appointed to a full-time position in the Cemetery Department at \$17.30/hour plus benefits, effective September 27. Coy Payton and Brad Eakle are appointed to full-time positions in the Road Department at \$17.30/hour plus benefits, effective October 4. Mr. Ross made a motion to approve Resolution 52-2021; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.
- Mr. Pitstick read Resolution 53-2021: Authorizing the Engagement of Haak Law, LLC. The Resolution authorizes the Township Administrator to engage the services of Haak Law LLC, an environmental, health and safety attorney for the purposes of assisting with a pending appeal before the Ohio Second District Court of Appeals, and for the purposes of addressing ongoing odor issues associated with the Renergy/Dovetail biodigester, and to ensure that the Renergy/Dovetail facility operates in compliance with all federal, state, and local statutes, regulations, resolutions, and ordinances. Mrs. Lester made a motion to approve Resolution 53-2021; seconded by Mr. Ross. Roll call: Lester, aye; Ross, aye; Pitstick, abstain. Motion carried.
- Mr. Ross made a motion to approve Resolution 54-2021: a Supplemental Appropriation of \$10,000 in the General Fund for Accounting and Legal Fees; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.
- Mr. Bales presented a request from the City of Fairborn asking the township to waive the delinquent taxes owed to Bath Township on a foreclosed property at 43 Thornton Drive. Because the property did not sell at the foreclosure auction, the City desires to acquire it, relieve the property of liens and unpaid taxes and then redevelop the land. The amount the township would waive is \$154.95. Mr. Ross made a motion to allow the Fiscal Officer to sign the agreement; seconded by Mrs. Lester. Roll call: three ayes, no nays, motion carried.

CORRESPONDENCE: none

TRUSTEES' REPORTS:

- In response to Susan Nelson's statement at the last meeting about her hope that the Board would seek a solution concerning the biodigester, Mr. Ross noted that the Board has retained Bill Haak, a highly regarded environmental law attorney, to assist with the issues as laid out in Resolution 53-2021. A three-hour meeting with Mr. Haak is scheduled for tomorrow. Sarah Fulton had a question at the last meeting about citizens attending Executive Sessions. Mr. Ross stated that the Board can invite whomever they wish to these sessions. He hopes that the Trustees can agree to a citizen coalition soon after the election. All the Trustees had attended the Greene County Township Association meeting last week hosted by our local State Legislators. One item of note was HB 51 which addresses the use of hand-held devices while operating a vehicle.
- Concerning a citizen comment at the last meeting, Mrs. Lester clarified that the Board is not looking into outsourcing the work done by the road department employees. Mrs. Lester read a statement refuting a claim in a Fairborn Daily Herald editorial stating that her position on a negotiated settlement with Renergy resulting in Renergy backing out was politically motivated on her part.
- Concerning a citizen comment at the last meeting about the Fairborn and Miami Township fire departments not inspecting the biodigester, Mr. Pitstick stated that Miami Township had not been on site, but Zach Pitstick had arranged for the Fairborn Fire Department to inspect the biodigester after it was up and running.

AUDIENCE COMMENTS:

- Rob Hoffman, Observatory Drive, a candidate for Township Trustee, addressed various statements made in a letter mailed to township residents by Jim Miller—challenging the

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integrity of multi-term office holders, stating that annexation of Cemex property was at the company's request, that 88% of township residents live in Fairborn and deserve to be represented, that the Fiscal Officer lives in Fairborn and is entrusted to handle taxpayers' money. He faulted the trustees for their handling of the Fairborn fire contract negotiations. He stated that it is not his intention to turn the township into Fairborn.

- David Anderson, Byron Road, read from a statement prepared by Mr. Ross and presented at the October 15, 2014, meeting concerning Mr. Anderson's interactions with township personnel. He related other conversations that he had with Mr. Ross at that time.
- Chris Gayheart, Artesian Lane, recommended Rob Bilott as an alternate environmental attorney if needed.
- Steve Curtis, Cornerstone Trail, recounted the dynamics of the Fairborn fire contract negotiations. The Board was faced with increasing taxes or finding alternate providers. He postulated that the current challenging candidates for township trustee did not have the best interest of the township residents at heart at that time.
- Aaron Ware, Baywood Drive, stated that Mr. Miller's letter mailed to residents was unethical and if township resources were used it should be reported as an in-kind donation. He also questioned Mr. Ross' actions regarding the biodigester and management of township funds.
- Bradley Martin, Waterford Boulevard, spoke about the medical conditions experience by his family and others, stating the cause to be the biodigester and placing the blame on Mr. Ross and Mr. Pitstick.
- Karla Sams, Erie Avenue, directed the Board's attention to the report from the Smell My City app and asked them to shut down the biodigester.
- Dan Kirkpatrick, Meadowlands Drive, presented his credentials to those at the last meeting who were curious. He reported that the candidates' forum last week at St. Mark's was a success with over 120 attendees. He agreed that the smell is terrible, but that the Trustees are working on it. He checked with the Miami Conservancy District about the danger to the aquifer and was told that the two major ones follow the Great Miami River and Mad River. In this area, septic tanks and leach lines are more likely to be a problem with drinking water than the biodigester.
- Zack Pitstick, W. Enon Road, stated that the Fairborn Fire Department's walk-through at the biodigester was not a mitigation plan. He then questioned Mr. Ross' fitness for the position of trustee.
- Marilyn McCauley, Mallory Court, questioned the signing of Mr. Miller's letter to residents by township employees. She challenged several statements in the letter—whether we would get the same quality service for the same money, Cemex annexation, the reason why the biodigester is in the courts. She presented a chart comparing Fairborn contract cost to the cost for three township fire departments. She questioned why Reenergy's owner acquired a 23-million-dollar bank loan.
- Charles McKenzie, Greene Street, announced that Teamsters Local 957 was endorsing Michelle Clements and that the Union would be addressing the unfair labor practices occurring at Bath Township.
- Pam Gayheart, Artesian Lane, presented additional odor reports concerning the biodigester.
- Gary Goldblatt, Timberwyck Court, spoke about career politicians, decrying their usefulness. He stated that Mr. Ross' "re-elect" signs were a violation since he was appointed to his current term and urged people to do their research before voting.
- Michelle Clements, W. Enon Road, a candidate for Township Trustee, presented her campaign platform.
- Christi Johnson, N. Enon Road, expressed her disappointment with the behavior of the attendees and stated her appreciation for the work of the township officials.

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

Elaine M. Brown, Fiscal Officer

Tom Pitstick, Chairman