

BATH TOWNSHIP BOARD OF TRUSTEES

August 30, 2017

This regular meeting of the Bath Township Board of Trustees was called to order by Mr. Ross. Other township personnel in attendance were Mr. Pitstick, Mr. Heizer, Mr. Miller, and Mrs. Brown. Mr. Pitstick made a motion to approve the agenda; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried. Mr. Pitstick made a motion to approve the minutes of the July 19th meeting; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried. Action on the August 16th minutes was tabled until the September 20th meeting. Mr. Pitstick made a motion to pay the bills dated through August 31st, totaling \$17,704.41, plus bills dated September 6th, totaling \$363,551.04 which include the Fairborn fire contract payment for \$350,330.00 and the September 6th payroll; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried.

OLD BUSINESS: Concerning The Province's request for approval of new signage and lighting, Mr. Pitstick reported that he had looked at the site and that he and Mr. Martin had discussed it at the August 16th meeting. Mr. Pitstick has no problem with the sign, stating that while the sign is big, it is on a big wall, looks proportionate, and sets back from the road. Mr. Miller stated that his concern was that it would look like a billboard and he didn't think the phone number and website were necessary. They were both okay with the smaller sign at the office entrance. Mr. Ross agreed that the phone number and website on the Kauffman Avenue sign might cause traffic to slow down, noting further that the information is readily available online. Mr. Pitstick made a motion to approve the request for the new signage and to recommend that The Province consider not including the phone number and website on the Kauffman Avenue sign; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried.

Noting that the Board had overlooked this item at the last meeting, Mr. Pitstick made a motion to purchase two Cleveland Select Pear trees to set behind the Rose Mausoleum; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried.

Concerning property/liability insurance for the year beginning September 1, 2017, Mr. Ross greeted Craig Hibner, Account Representative from Burnham & Flower, who had submitted the OTARMA proposal. Noting that the Ohio Plan premium was comparable to the OTARMA premium, Mr. Ross stated that his recommendation was to stay with the Ohio Plan. Mr. Pitstick agreed that the township has had a good working relationship with the Ohio Plan, also noting that the decrease in the loss ratio had resulted in a premium lower than last year. Mr. Pitstick made a motion to stay with the Ohio Plan; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried.

Mr. Ross gave an update on the OPEC-HC/Jefferson Health Plan situation. Ms. Hayden, Assistant Prosecuting Attorney, has been in contact with other attorneys throughout the state. It appears that OPEC has overstepped the boundaries by leaving JHP and going with Benovation. Following Ms. Hayden's suggestion, Bath Township had agreed to go with Benovation. (See July 5, 2017 minutes.) Mr. Ross read an email to Ms. Hayden from Paul-Michael La Fayette, Isaac Wiles Burkholder & Teetor, LLC, who is representing 24 entities that have in place a preliminary injunction order that restores the intervening parties to the status quo as of June 26. "That means that all of the intervening parties are back with JHP with Medical Mutual of Ohio coverage as it existed on that date and throughout the remainder of the litigation." Mediation is scheduled for August 31 in Canton. Mr. La Fayette believes he can still add additional parties until early next week prior to the mediation. Ms. Hayden also sent an email outlining Bath Township's options. To enter the intervention we must act quickly. The Pros: we would get in on whatever is negotiated in the settlement. If we are not a party in the intervention, the court order would probably not apply to us. The Cons: There is a cost, at this time less than \$1,000 per entity. If Bath Township does not intervene, we can wait and see what happens in Stark County and then file an action here to get the court to agree that the settlement also applies to us. However, in the meantime, OPEC may try to pass the shortfall from the settlement onto those who did not intervene. Ms. Hayden stated further that if we choose to intervene, we need to make that decision by the end of business on Monday, August 28, because the court is far more likely to allow an existing attorney of record (Mr. La Fayette) to add new parties to his roster than a new attorney of record (Ms. Hayden) to add new parties. After talking with Ms. Hayden, Mr. Ross determined that there was more risk to Bath Township by not intervening and that Ms. Hayden would recommend joining the intervention. Mr. Ross also spoke with Mr. La Fayette who indicated that the settlement figure would be a lot less--closer to \$2000 per employee for each entity as opposed to \$6000. Mr. Ross told him that Bath Township would join in the intervention with the understanding that it would not be official until the Board of Trustees voted for it at

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tonight's meeting. Mr. Pitstick stated that after reading the various emails, he concluded that there could be significant savings for the township by becoming a party in the intervention. It was noted that Ohio Insurance Services holds a \$3000 Health Reimbursement Fund for reimbursement of claims which Mr. Pitstick thought might be at risk. There were questions about our dental and vision coverages that are also handled by OIS. Mr. Ross noted that we will be switching back to Medical Mutual once we are notified by Medical Mutual. Mr. Ross stated that he did tell Mr. La Fayette that Bath Township has been quite satisfied with Frank Harmon and Ohio Insurance Services Agency. As to what health insurance plan the township would have after the current policy expires, Mr. Ross noted that we do have quotes from Burnham & Flower and R.L. King Agency. Mr. Ross made a motion to participate in the intervention with Paul-Michael La Fayette; seconded by Mr. Pitstick. Roll call: two ayes, no nays, motion carried.

STAFF REPORTS: Mr. Heizer, Road Supervisor, expects Miller-Mason to start applying the fog seal next week. Concerning the purchase of park mowers, Mr. Pitstick reported that he had met with the road crew. At present there are three mowers—two originally purchased for the cemetery in 1998 and 2003, and a three-deck mower purchased in 2000 for the park. While he would prefer a three-year rotation, the mowers have all exceeded their useful life-expectancy. He thought JD Equipment's proposal for three Hustler Super Z mowers at \$10,434.98 each, less \$18,000 trade-in for the three old mowers, was a good value. Mr. Pitstick noted that the three-deck mower was really meant to be used for golf courses where the grass is mowed more frequently and kept shorter. It also has a design flaw that allows dry clippings to blow into the radiator. Mr. Pitstick made a motion to purchase three Hustler Super Z mowers for a total of \$13,304.94 with the trade-in of the three John Deere mowers; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried. Mr. Heizer noted that the road crew had also looked at Scag, Kioti, and Exmark mowers. Mr. Heizer noted that it is his understanding that the Board no longer is looking for a broom. Mr. Pitstick and Mr. Heizer briefly discussed the pros and cons of purchasing a hot-box for cold patch versus borrowing Xenia Township's when the need arises. There will be further discussion concerning this purchase. Mr. Heizer reported on plans to configure an apparatus to dispense tackless tack before laying asphalt which will increase the adhesiveness to the existing surface.

Mr. Ross read Mrs. Phillips' cemetery report. She reported that the sidewalk around the existing Columbarium and the foundation for the new Columbarium were completed last week and the sidewalk for the new Columbarium was completed today. Replacement of the deteriorating sidewalk in front of the office is scheduled for next week.

Mr. Miller, Zoning Inspector, updated the Board on the fence issue that he reported on at the July 19th meeting. Since then he had contacted Heidi Fought, Director of Governmental Affairs with the Ohio Township Association, for additional information on fence law. After reviewing the literature, he is of a mind that the landowner is required to clear the fence line four feet out. He has sent this information to Ms. Hayden for her review. If she agrees, the landowner will need to clear the fence line. If he does not comply, the issue will come to the Board.

NEW BUSINESS: Mr. Pitstick made a motion to approve the reallocation of \$150 in the Road Fund from Motor Vehicles to Tax Collection Fees; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried.

It was noted that the Official Certificate of Estimated Resources was approved by the Greene County Budget Commission. The Commission waived our budget hearing on the 2018 Tax Budget.

Mr. Pitstick made a motion to approve 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: inside millage, .40 General Fund estimated receipts \$215,000; 2.50 Road & Bridge Fund estimated receipts \$226,000; outside millage, 7.0 Fire Fund estimated receipts \$624,000, 2.2 Road District Fund estimated receipts \$198,000. Mr. Ross seconded the motion. Roll call: two ayes, no nays, motion carried.

Mr. Ross reported that Mad River Township wanted to continue our arrangement for Mud Run Road. (See Resolution 19-2011.) Mr. Pitstick made a motion to approve Resolution 24-2017 whereby Bath Township agrees to continue repairs and maintenance of the .506 miles of Mud Run Road located in Mad River Township where Bath Township and Mad River

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Township share a common border in consideration for the tax revenues generated for the .506 mile portion of Mud Run Road; seconded by Mr. Ross. Roll call: two ayes, no nays, motion carried.

Mr. Pitstick recounted the events following the vehicular accident on Wilkerson Road where two area students were killed. Friends and classmates created a memorial tribute at the site of the crash with decorations along the roadside and a mural painted on the road surface. As they were completing the memorial, a Greene County Sheriff's deputy came on the scene and issued a citation for criminal damages to one member of the group. Mr. Pitstick felt that while painting the roadway was probably not a good choice, the students should not be judged too harshly as this was their way of expressing their grief. He has conveyed these sentiments to the Sheriff and the prosecutor. The Sheriff's concern was that by not proceeding with the case the message sent would be that painting the roadway was acceptable which could put people at risk where the traffic volume is greater. Mr. Ross felt that this was a case of young people trying to cope with their grief and noted that no damage was done to the road. Mr. Heizer reported that people are gathering at the site of the accident and expressed concern for their safety.

Mr. Ross noted that there would not be a meeting on September 6th due to the lack of a quorum. The Greene County Township Association's next meeting will be hosted by the Greene County Commissioners on September 12 at the Greene County Lewis A. Jackson Regional Airport. (Note: Later changed to the Greene County Media Room on Ledbetter Road due to aircraft seeking safe harbor from Hurricane Irma.)

CORRESPONDENCE:

- David Graham, Greene County Auditor: letter about County Auditor reinstating the Real Estate Assessment fees beginning in 2019. In 2016, the Auditor and Treasurer fees amounted to .41% of the settled amounts for the two real estate settlements. In reinstating the REA fee at a rate below the statutory maximum, the rate will increase to .84%.

Kassie Lester, 750 Herr Road, asked about her request for a "Hidden Drive" sign. (See minutes of August 2nd meeting.) Mr. Heizer reported that Mr. Martin had talked with County Engineer Bob Geyer, who did not recommend the signage. Mr. Ross suggested that she talk with Mr. Geyer. Mr. Heizer also stated that the road crew would be doing repair work on Herr Road starting next week.

Mr. Pitstick and Mr. Miller briefly discussed getting applicants for zoning board members and alternates since Mr. Normand will soon be moving out of the unincorporated area of Bath Township.

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

Elaine M. Brown, Fiscal Officer

Steven E. Ross, Chairman

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