

Jackson Township Board of Trustees
Regular Meeting Minutes
February 10, 2020

Mr. DeVilbiss asked everyone stand and say the Pledge of Allegiance. The meeting was called to order by Trustee President, Mr. DeVilbiss at 6:00 p.m. with roll call. Trustees: Mr. DeVilbiss, Mr. Moyer and Mr. Hodson were all present.

Visitors: Larry Clapp, Patty Smith, Jimmy Peters, Ronald Dale, Lisa Kozarec & Jim Erisman

Visitor Comments: Mr. Dale informed the Trustees the circus, which is sponsored by FABA, will be May 5th, with two shows, and would like to know if it was alright with the Trustees to hold it at the park. Mr. DeVilbiss suggested Mr. Dale ask the Park Board, seeing they are the ones that would authorize the use of the park, but the Trustees do not have a problem with it. Mr. Dale said he would go to the park board for confirmation of the date and the use of the park. Mr. Dale asked about the new stop signs. Mr. Moyer said they will discuss this later in the meeting. No further visitor comments.

Review/Approval of Minutes – Trustees Organizational/Regular Business Meeting held on January 13, 2020:

Mr. DeVilbiss asked for the review and approval of minutes from the Trustees' Organizational/Regular Business meeting held on January 13, 2020. Mr. Moyer made a motion to approve the minutes from January 13, 2020, seconded by Mr. Hodson. Vote: Mr. DeVilbiss- Yes Mr. Moyer- Yes Mr. Hodson Yes Motion passed.

Electronic Payments & Warrants:

Mr. DeVilbiss asked for the review and approval of the electronic payments and warrants totaling **\$71,038.24**. Mr. Hodson made a motion to approve the payments totaling \$71,038.24, seconded by Mr. Moyer. Vote: Mr. DeVilbiss-Yes Mr. Moyer- Yes Mr. Hodson – Yes Motion passed.

Fire: Chief Erisman informed those present that the Mystery Dinner presented by FABA will be March 15th at the Fire House. Tickets are now on sale. Dinner will be provided by The Center Street Cafe'.

Police: Chief Schade gave the following report:

- There were two recent burglaries where firearms and jewelry were taken. The first occurred on Farmersville-West Alexandria Rd. on 2/4/2020. Several pieces of jewelry were taken and subsequently pawned. The 2nd occurred on Johnsville Rd. on 2/9/2020. Three firearms and several pieces of jewelry were taken. A resident witnessed the two males enter a blue Chevrolet Cobalt and flee the area. Other evidence located on the scene matches pawn records already recovered. The investigation is pending. Chief Schade said they know who it is, and that three search warrants will be executed tomorrow. Arrests should be made in the next couple of weeks.
- There are several juvenile cases that are being investigated with the assistance of Children's Services and CareHouse.
- They have had several crashes, some weather related, others people not paying attention.

Mr. Moyer stated they are looking into newer vests and asked Chief Schade to explain. Chief Schade said there is new technology being used that helps take the weight of the vests off the gun belt and lower back and hips and transfers it to the bullet proof vest. They are modular and the officers can take them off and on. He will be receiving several samples of the new vests and will be testing the different samples once he receives them. One of the visitors asked Chief Schade about front license plates. Chief Schade answered by saying a front license plate will no longer be required beginning July 1, 2020. Discussion followed regarding how often police officers actually read front license plates. Mr. DeVilbiss said he heard rumors there is current legislature trying to overrule that particular law to keep front license plates on.

Minutes Cont.'d

Road & Service Dept.: Mr. Pohl gave the following report:

- They have been working on equipment maintenance.
- They are working to repair pot holes on Lower Gratis and Fort Anthony Roads.
- Changing out lights to LED's in the shop area.
- There were hanging trees on Swartzel Road, so they have been cutting them down
- Mr. Pohl said he looked at the type of chip seal used on Rt. 55 and Rt. 571 in Darke County that ODOT used. Mr. Pohl is working with Kramer and Associates on chip seal specifications.
- Plans for this year included looking at striping and crack sealing Chicken Bristle and Mile Roads – first Swartzel Rd., and then Chicken Bristle.
- Will be doing pipe replacement on Swartzel, Rhoads and Guntle Roads. Will try to chip seal Swartzel and part of Chicken Bristle Roads.

Mr. Pohl had no further business.

Park: Mr. Moyer stated the Park Board has ordered new gas heaters for the pool and the 1000-gallon tank. This will save on electricity. Mr. DeVilbiss explained to those present that DP&L currently has “demand meters” at the park and pool, and explained how “demand meters” came to be and how they work. Basically, these meters run all year round whether the pool is open or not, therefore we have high electric bills year round. DP&L will not remove or change them. The new heaters will run on propane, not electricity. No further park business.

Zoning and Refuse: Mrs. Hamaker submitted the following report:

ZONING: Mrs. Hamaker stated she has processed a couple of zoning permits so far this year. There is going to be a new house built at 12690 Farmersville-West Carrollton Road.

Mrs. Hamaker sent a letter to the resident at 14200 Eaton Pike stating there is a building on the property that does not have a permit. She spoke with the homeowner today. The homeowner stated the structure was already on the property when he bought it – he is just working on it to make it look nicer.

REFUSE: The WRCG has extended the refuse contract with Rumpke for 3 more years.

Mrs. Hamaker asked Rumpke about recycle stickers and is waiting on their reply.

IWORQ: Refuse bills were sent out on December 3, 2019. Late letters were sent out on January 14, 2020. Many payments were paid after the late letters were received.

SENIOR CENTER: Tax appointments started February 4, 2020. Everything seems to be going well. End of report.

Fiscal Officer: Mrs. Winkler presented the Trustees with the UAN Financial Reports and asked if anyone had any questions. Seeing there were no questions, Mrs. Winkler asked the Trustees if they received their emails and if they were able to review the resolutions. All Trustees replied by saying they have reviewed the resolutions. Mrs. Winkler presented the Trustees with

Resolution 2020-05 and explained this resolution authorizes the Montgomery County Engineer's Office to execute contracts with Kramer & Associates, LLC, for engineering, surveying and consulting services to complete projects in the Township. Mr. Hodson made a motion to approve Resolution 2020-05, seconded by Mr. Moyer. Vote: Mr. DeVilbiss – Yes Mr. Moyer – Yes Mr. Hodson – Yes Motion passed. Mrs. Winkler presented the Trustees with **Resolution 2020-06**, explaining that on January 23rd, she received an email from Cheryl Miller at the MC Auditor's office which contained a draft of the Township's 2020 Official Certificate of Estimated Resources. In that email, Ms. Miller stated the Local Government Fund and the Road and Bridge amounts were different from what the Fiscal Officer originally sent her.

Mrs. Winkler told the Trustees she increased the Local Government Fund by \$7,158.00 and decreased the Road & Bridge fund by \$.20 to be in compliance with the County. Mr. Hodson made a motion to approve Resolution 2020-06, seconded by Mr. Moyer. Vote: Mr. DeVilbiss – Yes Mr. Moyer – Yes Mr. Hodson – Yes Motion passed. Mrs. Winkler presented the Trustees with **Resolution 2020-07** which is the agreement to renew Rumpke's Trash contract. Mr. Hodson made a motion to approve Resolution 2020-07, seconded by Mr. Moyer. Vote: Mr. DeVilbiss – Yes Mr. Moyer – Yes Mr. Hodson – Yes Motion passed.

Minutes Cont.'d

Mr. Moyer asked if the percentage will be going up. Mr. Hodson replied that once we are past our contract date, it will be 3%. Mr. Hodson said he believes we have one more extension after the current extension before we have to go with a new contract. Mr. Hodson stated that contracting together with the other entities will keep costs down. Discussion followed regarding trash pickup. Mr. Hodson said he spoke with Rumpke about some of our residents' trash not being picked up. Rumpke told him they took this issue to their corporate office, and we now have a more experienced driver that will be handling our area, and there should be no further problems – times for pickups may vary depending on the routes the drivers' take. Mr. DeVilbiss asked if Perry Township has decided to stay in the WRCG. Mr. Hodson replied by stating the Perry Twp. Trustees did decide to stay with the WRCG, which is a very good thing. No further discussion regarding Rumpke. Mrs. Winkler presented the Trustees with **Resolution 2020-08**. Mrs. Winkler stated she entered the wrong amount in the Police Appropriation Account 2081-210-211 (OPERS), therefore she had to increase the amount by \$46,877.04 in order to make January's OPERS payment. Mr. Hodson made a motion to approve Resolution 2020-08, seconded by Mr. Moyer. Vote: Mr. DeVilbiss – Yes Mr. Moyer – Yes Mr. Hodson – Yes Motion passed. Mrs. Winkler informed the Trustees she transferred \$434,000.00 from the Township's US Bank account into the Township's Star Ohio account per last months' vote. The interest for January is \$1,541.85, and the current US Bank balance is \$286,907.50. Mrs. Winkler had no further business.

Ongoing Issues: Mr. Hodson brought a sample of the sign that may be used in the Township. Mr. Moyer asked Mr. Hodson if he was able to get a price on the signs. Mr. Hodson said a rough estimate will be around \$50.00 for each completed sign, but this depends on how many signs we order. Mrs. Winkler reminded the Trustees that the purchase amount for these signs will come out of the General Fund. Someone asked how many signs we needed, to which Mr. Hodson responded by saying he thinks they will need 23 or 24 signs to place in the Township. Discussion followed on how the Trustees came to agree on the colors of blue, gray and white, as well as the picture of the bottle farm. Mr. DeVilbiss ask if there were any further comments and asked those present what they thought. There were several favorable comments. Mr. Moyer made a motion to accept the sign, as is. Discussion followed on how big the signs would be. It was decided to make them 24 inches. With no further discussion, Mr. Hodson seconded the motion. Vote: Mr. DeVilbiss – Yes Mr. Moyer – Yes Mr. Hodson – Yes Motion passed. Mr. Moyer stated we should discuss the flashing stop signs' issues. Mr. Moyer stated there was a petition on Facebook to keep the signs up at the intersection of Clayton and Hemple Roads. There are, so far, 870 signatures that are in favor of keeping the flashing signs. Mr. Moyer stated Mr. Kilroy, one of our township residents, has been in discussion with the County Engineer and the State of Ohio. Mr. Moyer said that according to Mr. Kilroy, we have an extension on having to take these signs down. Mr. Moyer stated he really does not know where it stands at this point. Mr. Moyer asked Chief Schade if he knew anything. Chief Schade stated he has not seen anything official. Mr. Moyer continued by saying the signage rules according to the Ohio Department of Transportation, and the number of wrecks needed to change signs, are just guidelines – not law, and is not in the Ohio Revised Code. Mr. Moyer said the DOT stated it is up to the Township – if they feel an intersection is dangerous and is necessary for a change in signs, they can do it. Discussion followed regarding the intersection of Clayton and Hemple Roads and the accidents that have taken place there. Jeff Erisman asked if the problem was the actual signs, or the fact we cannot place new signs in the township. Mr. Moyer replied by stating we can place any signs on township roads, but the engineer is responsible for roads that are intersected by the county and township. Mr. Moyer stated the County was asked about the placement of these signs and was given the ok, but evidently the wrong person was asked because there is now an issue with the County Engineer. Mr. Hodson stated he has a problem with this issue because he feels it is the Trustees' responsibility to make sure our township roads are safe for our community and that he doesn't understand why it needs to be justified. Discussion followed regarding other roads in the township and county/township roads that need these types of signs.

Minutes Cont.'d

Mr. DeVilbiss stated he does agree these flashing stop signs bring attention that this is a dangerous intersection, but, there are manuals you need to follow, such as the Ohio Manual of Traffic Control Devices, which dictates the exact specifications of signs. Mr. DeVilbiss stated his main concern is the reflectivity of these signs – the STOP letters do not reflect and he feels this can be very dangerous. Mr. DeVilbiss continued by stating other non-compliance issues with these signs. Mr. DeVilbiss said that when the flashing stops, you cannot see the word STOP, and again, this is of great concern to him. Mr. DeVilbiss stated he is very concerned about the legality of these signs, and explained, according to the Sign Designs Markings Manual, the LED lights should not be bigger than a ¼ of an inch. Mr. Moyer said he has not seen any Ohio state specs regarding led signs. Mr. DeVilbiss continued by stating the lights have to blink no fewer than 50 but no more than 60 times a minute. Mr. DeVilbiss stated he based his original decision on purchasing flashing stop signs on the sign that was presented to the Trustees at one of the previous meetings– it was bright and he would feel comfortable placing these signs in the township. His decision would have been to purchase 2 of these signs @ \$1,300.00 each. Then the trustees had an offer that we could purchase the same type of sign from China for \$300.00 each. Mr. DeVilbiss stated the current signs do not come near the compliance issued in the above stated manuals, and if someone was in a crash due to these signs, the township could be in big trouble. Mr. DeVilbiss stated he is not against the flashing stop signs, but they belong to the county, and he feels we should have requested approval from the County Engineer asking for permission to place these signs. Mr. DeVilbiss stated we are a small township and we rely on the County for many things. He would like to make sure we have a good relationship with the County. Mr. Moyer stated he feels the County has not done that much for our township – giving the example of an issue that happened several years ago regarding the hill on Farmersville-Gratis Road. The previous trustees asked for help and the County put up a sign with a picture of a tractor on it. Mr. Moyer continued by saying the County Engineer has never stated the signs were not in compliance. Mr. Moyer stated he understands Mr. DeVilbiss's position on the reflectivity of the word STOP. Discussion followed regarding reflectivity. Mr. DeVilbiss said the bottom line is, the signs at this intersection belong to the county and are not in compliance. Mr. DeVilbiss stated maybe there is something else we can come up with. Mr. DeVilbiss said if the residents want to keep these signs, they should continue to petition and send it directly to the county. Mr. DeVilbiss continued by saying he will “take the hit” if there is any backlash, but he feels we need to slow down a little, investigate the issue, and get permission from the county because the signs belong to the them. Discussion followed regarding regulations between township roads and roads that connect with county/state roads. Mr. DeVilbiss continued by stating he is still very concerned about these signs because they do not meet the requirements listed in the Control Device manual. Mrs. Kozarec commented that after listening to Mr. DeVilbiss, she is also concerned about the reflectivity of the signs – what if the solar stopped working. You cannot see the STOP very well when the flash is off. Mrs. Kozarec said she loves the signs, but agrees you cannot see the sign very well when it is not flashing. Mr. Moyer suggested ordering 2 of the \$1,300.00 signs, which Mrs. Kozarec thought a good idea, and to place them at this intersection and re-use the ones that are there now. Mr. DeVilbiss stated, again, these are the county's signs, and he has to respect that they are the property of the county. Mr. DeVilbiss stated there is another statement in the manuals which states the signs have to be the same color in the day and night – the current signs are red during the day, and pink at night. Mr. DeVilbiss continued explaining other regulations stated in the manuals. Discussion followed regarding the manuals. Mr. DeVilbiss feels the trustees overstepped their boundaries on the placement of these signs. Mr. DeVilbiss encouraged those present to continue to petition if they really want to keep these signs. Discussion followed about the purchase of these signs and the date the county wants the township to take down the signs. Mr. Hodson wanted to discuss the possibility of options to make any corrections to the signs – possibly updating the reflectivity. Mr. DeVilbiss stated he has been in touch with the County Engineer, and asked if we could have another week.

Minutes Cont.'d

Mr. Moyer said the county sent a letter stating the signs have to be taken down by February 14th. Mr. Moyer said the County Engineer called him at home, and Mr. Moyer told him we were not going to take them down, that if the county wanted them down, they would have to do it. Mr. Hodson asked if there could be some work done on the signs to make them reflect properly. If we could correct the reflectivity somehow, would the sign look red or pink? Mr. Hodson continued his thought by saying we may not know until we do it. Mr. Hodson said if there is a way to make them compliant, we could keep the signs up. Mr. DeVilbiss replied by saying we received a letter from the county asking us to remove the signs, and that's what we should do. Mr. DeVilbiss stated again, he is still concerned about the legality of these signs, and based on the legal points he presented, and because he feels we did not have the authority to do this in the first place due to the county owning these signs, again, stating, he would "take the hit" if there is any backlash, and until we can regroup and get with the county, he wants the signs to be taken down immediately. Mr. DeVilbiss made a motion to have our Road Supervisor remove the signs tomorrow morning and replace the old stop signs. Discussion followed. Mr. Hodson said, if we are to take the signs down, we would use the same post, correct? Mr. Pohl said there are two posts for each sign. Mr. DeVilbiss said he would call the county in the morning, advising them we replaced the signs and ask them to verify we did it correctly. Mr. DeVilbiss said, again, he is not saying the flashing signs are a bad idea, he just wants to make sure we are in compliance. Mr. Hodson asked if there is any law stating we cannot put up a flashing stop sign on the other side of the road – leave the primary sign on the right side, and the flashing on the left side. Mr. DeVilbiss replied by saying, once again, these signs belong to the county, and it is not legal. Discussion followed regarding placing the primary sign on the right and the flashing sign on the left side, as a secondary sign – this way we will be in compliance. Mr. DeVilbiss said he will take this to the engineer and get his opinion, but wants it in writing. Mr. DeVilbiss wants to have the county involved in this decision. Mr. Hodson asked if we had an extension from the county to remove these signs. Mr. Moyer replied by saying as far he knows, we have until March to take down the signs. Mr. Hodson said if we have until March, we would not have to waste the engineer's time at this point. Mr. DeVilbiss replied by saying it has nothing to do with wasting the engineer's time right now– the point is these signs are illegal. Mr. DeVilbiss stated if these signs were 100% compliant to the manuals, he would not have a problem, but they are not legal – they are not in compliance with the State of Ohio. Mr. Hodson said the letter received from the engineer said nothing about compliance. Mr. Moyer said the content of the letter was all about cost. Discussion followed regarding how signs are purchased. Mr. DeVilbiss continued to say these signs are illegal. Mr. Moyer asked if they are illegal, why didn't the County Engineer say that in the letter? Mr. DeVilbiss said he does not know why – possibly because they are immune. More discussion. Mr. DeVilbiss continued stating his reasons why he wants the signs down immediately – bottom line, they are not up to code and not compliant. Mr. DeVilbiss said he may have some other ideas, but has to think about them. Mr. DeVilbiss said there has been a motion to take down the signs tomorrow, is there a second to the motion. Mr. Moyer said he would not second the motion. Mr. DeVilbiss asked Mr. Hodson what he thought. Mr. Hodson feels if we have until March to take them down, we have time to have more discussion with the county. Mr. Hodson is happy with the signs, and seeing the engineer did not state the signs were not in compliance in his letter, he wants to try and find a way to keep them – he wants them to be in compliance, but we don't have to act immediately and take them down if we have an extension. Mr. DeVilbiss said the letter that was received said we had to have the signs down by February 14th. He called the engineer and left a message to see if the township could have an extension, but has not heard back from him. If the engineer told Mr. Kilroy that we had an extension, Mr. DeVilbiss stated that was "word of mouth". Mr. Hodson asked if Mr. DeVilbiss could call the engineer to see if they do have until March. Mr. DeVilbiss stated again, these signs are not legal and need to come down. Mr. DeVilbiss stated, in his opinion, even if the county said we can keep them up and they're not in compliance, we are liable according to what he has read in the manuals. If there was an extension, Mr. DeVilbiss was not told about it from the county. Mr. DeVilbiss asked again if there was a second to his motion.

Minutes Cont.'d

Mr. Hodson said he would still like to see the original sign on the right side and the flashing sign on the left side, making us compliant – maybe the county would be more understanding that this intersection needs more caution. Mr. Hodson said he does not feel the right answer is totally removing the signs at this stage, but maybe the right answer might be as he described above. Mr. DeVilbiss said we could do that, but he wants to email the engineer and have, in writing, whether this will be approved. Mr. Hodson told Mr. DeVilbiss he understands what he is saying, but Mr. Hodson wants the county to understand that we are very concerned about the safety of our community passing through that intersection – we are not trying to overstep our bounds, and we are willing to put their signs back up, but we just want to bring attention to this dangerous intersection by placing these flashing signs on the left. If we have the original sign on the right and the flashing sign on the left, we would be in compliance. Mr. DeVilbiss said IF the county approves it – he is not against the LED flashing, but we have to be in compliance. Mr. Hodson asked if placing the original sign on the right would make us compliant, to which Mr. DeVilbiss said yes. Mr. Hodson made a motion to place the LED lights on the left side of the road. Mr. DeVilbiss said he would have to make another motion, because he already has a motion on the floor – if Mr. Hodson wanted to alter the motion and wait until a later date in order for Mr. DeVilbiss to get with the county on the movement of the signs. If we put the LED lights on the left, and the county does not approve it, they can come and take them down. Mr. Hodson feels the county understands why we did what we did, and if they tell us we have to take them down, at least give us time to let our residents know the signs are coming down. Mr. DeVilbiss said he remembers reading in the manual the domineering sign has to be on the right hand sign, so your eyes will go to the flashing sign, which would make that the domineering sign. Mr. DeVilbiss said he wants to take the signs down for now, and he will talk to the county. More discussion. Mr. DeVilbiss asked, again, if there is a second to his motion to remove the signs and put up the old ones. Mr. DeVilbiss wanted the record to reflect there was no second to his motion.

Trustees:

Mr. DeVilbiss: Mr. DeVilbiss told everyone he just got back from Columbus where he attended a 3-day trustee conference. (OTA Winter Conference)

Mr. Moyer: Mr. Moyer informed everyone that he was appointed to the Montgomery County ED/GE (Encouraging Diversity, Growth and Equity) committee for 2020, stating he enjoys being on this committee. They awarded around \$1.9 million last year to the different business who wanted to handle grants. Mr. Moyer stated he and Kristen Hamaker attended a meeting last Wednesday with recycle center about reporting our recycling. Everything is done on computer now. Mr. Moyer said there is a recycle grant for education that he would like to apply for. This education grant would help update the residence on recycling. Anyone new moving to the township will receive a recycle can that has a color picture of what is and what is not recycling. Mr. Moyer stated he would like to educate the people and get enough stickers for all recycle cans. These will be paid from this grant. All trustees agree this would be a good grant to apply for. Mr. Moyer had no further business.

Mr. Hodson: Mr. Hodson wanted to let everyone know that he has been invited to a meeting at the school regarding a JEDD (Joint Economic Development District). Mr. Hodson stated if the school levy passes, it would be critical to put a JEDD in place. Mr. Hodson said it is not his intent to sway anyone's vote for the levy, but wants to make sure that something is in place to make sure Farmersville will not go "bankrupt" due to lack of tax revenue. Due to the land swap, moving the new school to the Germantown side, this will take Farmersville out of the picture. (The township will not be affected). Since Farmersville will be supplying the water and sewer for the new schools, Mr. Hodson feels we would all benefit from a JEDD, solidifying tax dollars we never have had before. Mr. Hodson stated he will be at the meeting and has requested that there be representatives from Germantown, German Township and Farmersville as well.

Minutes Cont.'d

Mr. Hodson wants to make sure that Farmersville is taken care of. Mr. Moyer said he received 2 calls today asking where the trustees stand on creating a JEDD. Discussion followed regarding JEDDs. Mr. Moyer said if the township does not get involved, Farmersville will be left out. Mr. Hodson explained the water main that is now in place is a 6 in. line from 1968. The water pressure is moderate, at best. Discussion followed regarding the possibility of having to install a new water line – making sure the funds were available. Mr. Hodson stated he has had people ask him why there was a land swap. Mrs. Kozarec stated the reason for the land swap was to ensure the safety of the students. All facilities will be where the high school is – and will become a school “campus”. The students will not have to cross any major roads for athletics and classes. There was further discussion on JEDDs and the school levy. Mr. Moyer told everyone there were JEDD pamphlets in the trustee office if anyone would like one. Mr. Hodson had no further business.

Mr. DeVilbiss asked if anyone had a need for an executive session. There was no need for an executive session at this time.

With no further business, Mr. Moyer made a motion to adjourn, seconded by Mr. Hodson. Meeting was adjourned at 7:16 p.m.

Submitted by: _____
Diana Winkler, Fiscal Officer

Attested by: _____
Randall DeVilbiss, President