

UNION TOWNSHIP – WARREN COUNTY

BOARD OF TRUSTEES – Regular Meeting – September 21, 2020

CALLING THE MEETING TO ORDER: The regular meeting of the Union Township Board of Trustees was called to order by President, Fred Vonderhaar on Monday, 9/21/20 at 6:00 p.m. at the Union Township Municipal Building. The meeting was opened with the Fiscal Officer, Shelley Lamb, taking roll call of the trustees: Fred Vonderhaar, Tony Ledford, and Jamie Allen. Prayer was led by Mr. Ledford. Mr. Vonderhaar led everyone in The Pledge of Allegiance.

CITIZENS IN ATTENDANCE (IF KNOWN): Mike Grimmer (2294 Manistique Lakes Dr.) was in attendance. He was representing the Home Owners' Association from Timberlake Estates. They are concerned about the condition of the road in their subdivision. Mr. Grimmer did mention in the past whenever he called Road Superintendent, Josh Sandlin about pot holes and/or cracks, Mr. Sandlin would get those small issues taken care of in a timely manner. Mr. Grimmer mentioned they did not think the black top has ever been sealed, which in turn has caused many of these issues and will all have to be torn out soon if nothing significant is done. Mr. Ledford stated he would take a look at the road, but they could possibly do crack sealant as they will have the equipment next week. Mr. Grimmer did send photos of the more serious areas to Trustee Vonderhaar. Mr. Grimmer stated they feel they have paid quite a bit in tax money to the Township and they should be able to request these road improvements. Mr. Vonderhaar explained how the tax monies received by Union Township is divided up between departments and the Road Department receives a minimal amount of the funds, so improvements such as these must be budgeted, possible loans procured, etc. Mr. Vonderhaar will also contact the Warren County Engineer's Office to get some advice from their office about the situation. Mr. Grimmer said he would report all the information gathered from the meeting to the HOA. Chief Napier told Mr. Grimmer he would like to contact him about getting a dry hydrant installed by the lake in the subdivision. Mr. Grimmer thought that would be a good idea.

POLICE SUMMARY: Sergeant Boylan and Deputy Pangallo reported the bridge on Columbia Road is closed indefinitely due to an accident over the weekend.

CHIEF'S REPORT: Chief Napier presented a bid for the parking lot concrete replacement, but is still waiting on another 2 bids before discussions continue. He would like to get the project done this year. Chief Napier did state he was receiving information about new COVID-19 cases in the Township, but there are still reporting issues from the Warren County Board of Health. Chief Napier stated there was a complaint from Kathy Thomas (Mustang Trail) concerning someone living in a tent at a property on Cox-Smith Rd. Mr. Vonderhaar stated there is really nothing that can be done about this and Sergeant Boylan agreed.

ROAD SUPERINTENDENT'S REPORT: Josh Sandlin stated the road work on Wood Road was done. He would be using the crack sealer next week on different roads in the Township. Mr. Sandlin then mentioned he purchased salt last week. Mr. Vonderhaar stated someone had put dirt in the road ditch (neatly) on Cox-Smith Road. Mr. Sandlin had noticed this too and would be removing it, as no one knows who did this.

FISCAL OFFICER'S REPORT: The Fiscal Officer presented the bills to pay, fund status, cemetery deeds, etc. thru September 21, 2020. All were signed and approved by the Board of Trustees.

NEW BUSINESS: Mr. Allen made a motion to pay the bills, seconded by Mr. Ledford. The motion was carried by all "yeas".

Mr. Ledford asked Mr. Sandlin if he knew about any work being done to a ditch on Shawhan Trail. Mr. Sandlin did not. Mr. Ledford said he would check into it. Mr. Ledford stated the construction for the sidewalk on Lebanon Road will not be starting until 2021. Chief Napier said there is a meeting about it next month with the Village of South Lebanon. Mr. Ledford made a motion to accept the minutes from the meeting held on 9/8/20, seconded by Mr. Allen. The motion was carried by all "yeas".

Mr. Vonderhaar made a motion to adopt Resolution #092120-03 seconded by Mr. Ledford. This is for the sale of the old Union Township fire engine to Franklin Township. The motion was carried by all "yeas". See attached resolution. The sales agreement is attached also.

Mr. Ledford made a motion to adopt Resolution #092120-02 seconded by Mr. Vonderhaar. This is for the mowing at 3567 Trovillo Road. See attached resolution. The notice will be sent certified mail to the homeowner, Jeff Chasteen.

Mr. Ledford made a motion to adopt Resolution #092120-01 seconded by Mr. Vonderhaar. This is for the mowing at 4068 Riley Avenue. See attached resolution. The notice will be sent certified mail to the homeowner, Daniel Meece.

Mr. Vonderhaar asked Chief Napier if he would contact the homeowner at 3314 Trovillo Road concerning getting this property mowed. Chief Napier agreed to this request.

Mr. Vonderhaar stated Henry W. Bergman, Inc. agreed to pay the \$2,750 for the repairs needed on Glosser-Richardson Road, and we did receive a credit from them in that amount. Leader Machinery will be taking care of these repairs in the near future for the amount of \$2,750.

ADJOURNMENT: There being no further business, Mr. Vonderhaar made a motion, seconded by Mr. Allen to adjourn the meeting at 7:08 p.m. The motion was carried by all "yeas".

The next meeting will be Monday, October 5, 2020 at 6:00 p.m.

**UNION TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO**

RESOLUTION NO. 092120-03

DATE: SEPTEMBER 21, 2020

RESOLUTION TO FIND THE TOWNSHIP'S VEHICLE, MAKE: INTERNATIONAL/E-ONE, MODEL:490/FIRETRUCK, YEAR: 1995, VIN #1HTSDADR7SH668302; UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED; AND, FURTHER APPROVING THE SALE OF SAID VEHICLE TO FRANKLIN TOWNSHIP BOARD OF TRUSTEES WITHOUT ADVERTISEMENT; AND, AUTHORIZING THE BOARD PRESIDENT TO EXECUTE THE CERTIFICATE OF TITLE TO TRANSFER AND CONVEY OWNERSHIP

RESOLUTION

WHEREAS, Ohio Revised Code §505.10 (A) provides that when the township has property, including motor vehicles, road machinery, equipment, and tools, and the Board, by resolution, finds is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, the board may sell and convey that property or otherwise dispose of it in accordance with this section; and,

WHEREAS, Ohio Revised Code § 505.101 provides that the board of trustees of any township may, by resolution, enter into a contract, without advertising or bidding, for the sale of materials, equipment, or supplies to any department, agency or political subdivision of the state; and,

WHEREAS, this Township owns a vehicle, Make: International/E-One, Model: 490/Firetruck, Year: 1995, VIN # 1HTSDADR7SH668302, that is unfit for the use for which it was acquired and this Board desires to sell the same; and,

WHEREAS, this Board has been informed that the Franklin Township Board of Trustees, of Warren County, Ohio desires to purchase the said vehicle for the sum of \$500.00 and has adopted a Resolution authorizing the purchase of the said FIRETRUCK pursuant to Ohio Revised Code §§ 505.10 (A) and 505.101; and,

WHEREAS, this Board finds that the purchase price offered by Franklin Township is fair and reasonable considering the vehicle is unfit for the use for which it was acquired.

THEREFORE, BE IT RESOLVED by the Board of Trustees of Union Township, Warren County, Ohio, at least a majority of all Trustees casting a vote concur as follows:

Section 1. That the Board does find in accordance with Ohio Revised Code §505.10 (A), that the Township's vehicle, Make: International/E-One, Model: 490/Firetruck, Year: 1995, VIN #1HTSDADR7SH668302, is unfit for the use for which it was acquired.

Section 2. That the Board does hereby approve selling the above-described, without advertising, to the Franklin Township Board of Trustees for the sum of \$500.00.

Section 3. That the Board does hereby authorize the President of the Board to execute the certificate of title to transfer and convey the above-described vehicle to the Franklin Township Board of Trustees, without further delay.

Section 4. That the Board is acting in its administrative capacity in adopting this Resolution.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Vonderhaar moved adoption of the foregoing Resolution, being seconded by Mr. Ledford. Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	-	<u>Yes</u>
Mr. Ledford	-	<u>Yes</u>
Mr. Allen	-	<u>Yes</u>

Resolution adopted this 21st day of September , 2020.

UNION TOWNSHIP TRUSTEES


SHELLEY LAMB, FISCAL OFFICER

SALES AGREEMENT

This Sales Agreement is made as of the date last signed below between the Union Township Board of Trustees [hereinafter "Seller"] and the Franklin Township Board of Trustees [hereinafter "Buyer"], collectively referred to as "parties", for the purposes of transferring ownership of a vehicle.

WHEREAS, Seller owns a vehicle described as follows, Make: International/E-One, Model: 490/Firetruck Year: 1995 VIN# 1HTSDADR7SH668302 that has been deemed unfit for the use for which it was acquired and thus wishes to sell said vehicle pursuant to Section 505.10 of the Ohio Revised Code;

WHEREAS, Buyer desires to purchase the above described vehicle pursuant to Section 505.101 of the Ohio Revised Code;

NOW WHEREFORE, the parties agree as follows:

Seller for and in consideration of the sum of \$500.00, the receipt, adequacy, and sufficiency of which are hereby irrevocably stipulated by Seller, paid by Buyer to Seller, does hereby sell and convey the above described vehicle, and hereby agrees to execute the certificate of title to transfer ownership of the above described vehicle to Buyer.

Buyer acknowledges that the above described vehicle subject to this Agreement has been deemed unfit for the use it was acquired by Seller and is otherwise of an unknown condition. Parties acknowledge and agree that the vehicle is offered for sale "AS IS." The Buyer acknowledges and agrees that the Seller makes no warranty, guaranty or representation of any kind express or implied as to the merchantability or fitness for any purpose of the vehicle offered for sale.

This Agreement contains the entire contract between Seller and Buyer with respect to the matter hereof and may not be modified in any manner unless in writing and executed by both parties. By signing below the parties acknowledge they have read and understood this Agreement and agree to forever be legally bound by all provisions and conditions set forth within.

The parties have executed this Agreement at the place and day indicated below:

IN EXECUTION WHEREOF, the Union Township Board of Trustees, the Seller herein, has executed this Sales Agreement by themselves or a duly authorized representative on the dates shown below, pursuant to the resolution referenced below.

Union Township Board of Trustees,

Fred D. Vanderhaar 9/21/2020
Authorized Signatory Date

Resolution Number 092120-03

IN EXECUTION WHEREOF, the Franklin Township Board of Trustees, the Buyer herein, has executed this Sales Agreement by themselves or a duly authorized representative on the dates shown below, pursuant to the resolution referenced below.

Franklin Township Board of Trustees,

Authorized Signatory Date

Resolution Number _____

**UNION TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO**

Resolution Number: 092120-02

Date of Resolution: 09/21/2020

TOPIC OF RESOLUTION: BOARD RESOLUTION FINDING THE MAINTENANCE BY THE OWNER OF VEGETATION, GARBAGE/REFUSE IN FRONT, SIDE AND REAR OF THE REAL PROPERTY AT 3567 TROVILLO ROAD IN UNION TOWNSHIP TO BE A NUISANCE; DIRECTING THE FISCAL OFFICER TO SEND A SEVEN (7) DAY NOTICE BY CERTIFIED MAIL ORDERING ABATEMENT TO THE OWNER AND ANY LIEN HOLDERS; PROVIDING FOR THE ABATEMENT AND REMOVAL BY THE TOWNSHIP OF THE GARBAGE/REFUSE IN THE EVENT THE OWNER FAILS TO COMPLY WITH THE ORDER OF THIS BOARD WITH SEVEN (7) DAYS; AND, INSTRUCTING THE FISCAL OFFICER TO CERTIFY ALL COSTS/EXPENSES RELATING TO THE TOWNSHIP HAVING TO ABATE AND REMOVE THE VEGETATION, GARBAGE/REFUSE TO THE COUNTY AUDITOR TO BE PLACED UPON THE TAX DUPLICATE AS A LIEN FROM THE DATE OF ENTRY AND REQUESTING COLLECTION ALONG WITH TAXES AND ALL OTHER ASSESSMENTS

RESOLUTION

WHEREAS, Ohio Revised Code § 505.87 provides:

(A) A board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.

(B) At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:

(1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the board to be a nuisance;

(2) If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement, control, or removal, and any expenses incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township.

WHEREAS, this Board has become aware that the owner has failed to maintain or allowed garbage/refuse to be maintained in the front of 3567 Trovillo Road, which is located in Union Township, Warren County, Ohio, identified as Parcel #1320400017 and Auditor's Acct. # 6400787; and,

WHEREAS, the items in the front of 3567 Trovillo Road that are the subject of this legislation, consists of vegetation, garbage/refuse, some items of which are, prone to attract and become infested with bed bugs, insects, rodents and other vermin that create a public health concern; and,

WHEREAS, to date the owner of 3567 Trovillo Road has failed to comply with numerous verbal requests from Township officials to remove from the premises the garbage/refuse depicted in Exhibit "A" attached hereto; and,

WHEREAS, based upon a recent title review by the Warren County Prosecutor's Office, the public records of Warren County, Ohio evidence that the property is titled as follows:

<u>Owner(s)</u>	<u>Tax Mailing Address</u>	<u>Vesting Deed Reference</u>
<u>Jeff Chasteen</u>	<u>3567 Trovillo Road</u> <u>Morrow, Ohio 45152</u>	OR Vol. <u>5253</u> , PG <u>430</u>

WHEREAS, based upon a recent title review by the Warren County Prosecutor's Office, the public records of Warren County, Ohio evidence that the property is encumbered in favor of the following lien holders:

<u>Lien holder(s)</u>	<u>Address</u> _____
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None.

THEREFORE, BE IT RESOLVED by the Board of Trustees of Union Township, Warren County, Ohio, at least a majority of all Trustees casting a vote concur as follows:

Section 1. That this Board does hereby declare the garbage/refuse in the front of 3567 Trovillo Rd as depicted in Exhibit "A", to be a nuisance; and, that the owner of the premises of 3567 Trovillo Road is hereby Ordered to Abate and Remove the said garbage/refuse depicted in Exhibit "A" within seven days of receipt of this Resolution.

Section 2. That the Fiscal Officer shall cause a copy of this Resolution along with a written demand to abate and remove the said garbage/refuse no later than seven (7) days of the date of such demand, to be sent by certified mail, return receipt requested, to the Owner of 3567 Trovillo Road, namely Jeff Chasteen (there being no lien holders of record to be given notice).

Section 3. That the Township Fire Chief shall inspect whether the owner of 3567 Trovillo Road has complied with the Order of this Board upon the expiration of the said seven (7) days, and in the event the Order to Abate and Remove the garbage/refuse depicted in Exhibit "A" is not fully and completed complied with, the Township Fire Chief shall notify the Township Road Department to enter onto the premises and remove the garbage/refuse depicted in Exhibit "A" and properly dispose of the same, as well as deliver an itemization of all costs and expenses related thereto to the Fiscal Officer.

Section 4. In the event the owner of the premises fails to timely abate and remove the garbage/refuse depicted in Exhibit "A", any costs/expenses incurred in performing the task of abating, removing and disposing of the garbage/refuse shall be certified by the Fiscal Officer to the Warren County Auditor as a special assessment from the date of entry to be placed on the tax duplicate for 3567 Trovillo Road as a lien, to be collected by the County Treasurer along with taxes and other assessments.

Section 5. That the Board is acting in its administrative capacity in adopting this Resolution.

Section 6. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 7. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Ledford moved adoption of the foregoing Resolution, being seconded by Mr. Vonderhaar. Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	-	<u>Yes</u>
Mr. Ledford	-	<u>Yes</u>
Mr. Allen	-	<u>Yes</u>

Resolution adopted this 21st day of September, 2020.

UNION TOWNSHIP TRUSTEES



SHELLEY LAMB, FISCAL OFFICER

**UNION TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO**

Resolution Number: 092120-01

Date of Resolution: 09/21/2020

TOPIC OF RESOLUTION: BOARD RESOLUTION FINDING THE MAINTENANCE BY THE OWNER OF VEGETATION, GARBAGE/REFUSE IN FRONT, SIDE AND REAR OF THE REAL PROPERTY AT 4068 RILEY STREET IN UNION TOWNSHIP TO BE A NUISANCE; DIRECTING THE FISCAL OFFICER TO SEND A SEVEN (7) DAY NOTICE BY CERTIFIED MAIL ORDERING ABATEMENT TO THE OWNER AND ANY LIEN HOLDERS; PROVIDING FOR THE ABATEMENT AND REMOVAL BY THE TOWNSHIP OF THE GARBAGE/REFUSE IN THE EVENT THE OWNER FAILS TO COMPLY WITH THE ORDER OF THIS BOARD WITH SEVEN (7) DAYS; AND, INSTRUCTING THE FISCAL OFFICER TO CERTIFY ALL COSTS/EXPENSES RELATING TO THE TOWNSHIP HAVING TO ABATE AND REMOVE THE VEGETATION, GARBAGE/REFUSE TO THE COUNTY AUDITOR TO BE PLACED UPON THE TAX DUPLICATE AS A LIEN FROM THE DATE OF ENTRY AND REQUESTING COLLECTION ALONG WITH TAXES AND ALL OTHER ASSESSMENTS

RESOLUTION

WHEREAS, Ohio Revised Code § 505.87 provides:

(A) A board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance.

(B) At least seven days before providing for the abatement, control, or removal of any vegetation, garbage, refuse, or other debris, the board of township trustees shall notify the owner of the land and any holders of liens of record upon the land that:

(1) The owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the board to be a nuisance;

(2) If that vegetation, garbage, refuse, or other debris is not abated, controlled, or removed, or if provision for its abatement, control, or removal is not made, within seven days, the board shall provide for the abatement, control, or removal, and any expenses incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry.

The board shall send the notice to the owner of the land by certified mail if the owner is a resident of the township or is a nonresident whose address is known, and by certified mail to lienholders of record; alternatively, if the owner is a resident of the township or is a nonresident whose address is known, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph that posted notice with a camera capable of recording the date of the photograph on it. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the township.

WHEREAS, this Board has become aware that the owner has failed to maintain or allowed garbage/refuse to be maintained in the front of 4068 Riley Street, which is located in Union Township, Warren County, Ohio, identified as Parcel #1201203003 and Auditor's Acct. # 6602983; and,

WHEREAS, the items in the front of 4068 Riley Street that are the subject of this legislation, consists of garbage/refuse, some items of which are, prone to attract and become infested with bed bugs, insects, rodents and other vermin that create a public health concern; and,

WHEREAS, to date the owner of 4068 Riley Street has failed to comply with numerous verbal requests from Township officials to remove from the premises the garbage/refuse depicted in Exhibit "A" attached hereto; and,

WHEREAS, based upon a recent title review by the Warren County Prosecutor's Office, the public records of Warren County, Ohio evidence that the property is titled as follows:

<u>Owner(s)</u>	<u>Tax Mailing Address</u>	<u>Vesting Deed Reference</u>
<u>Daniel Meece</u>	<u>4068 Riley Street</u> <u>South Lebanon, Ohio 45065</u>	OR Vol. <u>493</u> , PG <u>156</u>

WHEREAS, based upon a recent title review by the Warren County Prosecutor's Office, the public records of Warren County, Ohio evidence that the property is encumbered in favor of the following lien holders:

<u>Lien holder(s)</u>	<u>Address</u>
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None.

THEREFORE, BE IT RESOLVED by the Board of Trustees of Union Township, Warren County, Ohio, at least a majority of all Trustees casting a vote concur as follows:

Section 1. That this Board does hereby declare the garbage/refuse in the front of 4068 Riley Street, as depicted in Exhibit "A", to be a nuisance; and, that the owner of the premises of 4068 Riley Street is hereby Ordered to Abate and Remove the said garbage/refuse depicted in Exhibit "A" within seven days of receipt of this Resolution.

Section 2. That the Fiscal Officer shall cause a copy of this Resolution along with a written demand to abate and remove the said garbage/refuse no later than seven (7) days of the date of such demand, to be sent by certified mail, return receipt requested, to the Owner of 4068 Riley Street, namely Daniel Meece (there being no lien holders of record to be given notice).

Section 3. That the Township Fire Chief shall inspect whether the owner of 4068 Riley Street has complied with the Order of this Board upon the expiration of the said seven (7) days, and in the event the Order to Abate and Remove the garbage/refuse depicted in Exhibit "A" is not fully and completely complied with, the Township Fire Chief shall notify the Township Road Department to enter onto the premises and remove the garbage/refuse depicted in Exhibit "A" and properly dispose of the same, as well as deliver an itemization of all costs and expenses related thereto to the Fiscal Officer.

Section 4. In the event the owner of the premises fails to timely abate and remove the garbage/refuse depicted in Exhibit "A", any costs/expenses incurred in performing the task of abating, removing and disposing of the garbage/refuse shall be certified by the Fiscal Officer to the Warren County Auditor as a special assessment from the date of entry to be placed on the tax duplicate for 4068 Riley Street as a lien, to be collected by the County Treasurer along with taxes and other assessments.

Section 5. That the Board is acting in its administrative capacity in adopting this Resolution.

Section 6. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 7. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Ledford moved adoption of the foregoing Resolution, being seconded by Mr. Vonderhaar. Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	-	<u>Yes</u>
Mr. Ledford	-	<u>Yes</u>
Mr. Allen	-	<u>Yes</u>

Resolution adopted this 21st day of September, 2020.

UNION TOWNSHIP TRUSTEES


SHELLEY LAMB, FISCAL OFFICER