

UNION TOWNSHIP – WARREN COUNTY

BOARD OF TRUSTEES – Regular Meeting – September 6, 2022

CALLING THE MEETING TO ORDER: The regular meeting of the Union Township Board of Trustees was called to order by President of the Board, Fred Vonderhaar on Tuesday, 9/6/22 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, Chris Koch, & Tony Ledford. The prayer was led by Mr. Ledford. Mr. Vonderhaar led everyone in The Pledge of Allegiance.

CITIZENS IN ATTENDANCE (IF KNOWN): David Pittman & Attorney Bruce McGary were in attendance.

Mr. McGary presented Resolution #09062022-02, concerning 2376 Manistique Lakes Drive property owner(s) meeting opportunity participation (see attached), moved for adoption by Mr. Koch, seconded by Mr. Vonderhaar.

Mr. McGary presented Resolution #09062022-03, concerning the closing of the acquisition of 2.9813 acres for Union Township Fellowship Cemetery (see attached), moved for adoption by Mr. Vonderhaar, seconded by Mr. Ledford. Both adoptions were carried by all “yeas”.

POLICE SUMMARY: Sergeant Adams & Deputy Pangallo stated residents need to make sure they are locking their vehicles and keeping all items out of them, as there have been cars and items stolen close to the Union Township area.

CHIEF’S REPORT: Chief Napier presented a breathing air compressor quote in the amount of \$2,834.00. Mr. Koch made a motion to accept the quote for the purchase, seconded by Mr. Ledford. The motion was carried by all “yeas”. Chief Napier stated the 9/11 Luncheon would be held on Friday, September 9, 2022. Chief Napier requested approval to obtain roof repair/engineering estimates, which was approved by all Trustees. Chief Napier asked about approval for the new policy manual, and this will be addressed at the next meeting.

ROAD SUPERINTENDENT’S REPORT: Josh Sandlin stated there was a parking issue reported to him at 3513 Harvest Ridge in Aberlin Springs. Deputy Pangallo left the meeting to address this situation, returning to report it had been taken care of with the involved parties. Mr. Sandlin reported Jason Fisher with the Warren County Engineer’s Office has inspected the Trovillo Road drainage issue and will be issuing permits to Union Township & the appropriate homeowner(s) to rectify the situation. Mr. Sandlin stated he needed to do some repairs on Dry Run Road concerning the banking around the guard rail.

FISCAL OFFICER’S REPORT: The Fiscal Officer presented the bills to pay, fund status, cemetery deeds, etc. thru September 6, 2022. All were signed and approved by Mr. Vonderhaar, Mr. Ledford, & Mr. Koch.

NEW BUSINESS: Mr. Koch made a motion to pay the bills, seconded by Mr. Vonderhaar. The motion was carried by all “yeas”. Mr. Koch said he would like to request a traffic study from the property owner(s) concerning the possible new gravel/mining business on Turtlecreek Road. Mr. Vonderhaar & Mr. Ledford agreed with this request.

Mr. Ledford made a motion to accept the minutes from the meeting held on 8/15/22, seconded by Mr. Koch. The motion was carried by all “yeas”.

Mr. Vonderhaar made a motion to adopt Resolution #09062022-01, acceptance of the amounts & rates by the Budget Commission (see attached), seconded by Mr. Ledford. The motion was carried by all “yeas”.

Mr. Vonderhaar made a motion to accept the bid from Lincoln-Napier-Builders for new firehouse doors in the amount of \$21,614.03, seconded by Mr. Koch. The motion was carried by all “yeas”.

Mr. Vonderhaar stated the CDBG funds are allocated for the Highland Park Resurfacing Project and Barrett Paving had the winning bid in the amount of \$126,995.00. The grant is in the amount of \$107,800.00 and Union Township is responsible for the difference of \$19,195.00.

Mr. Vonderhaar presented a quote/invoice from Leader Machinery Company due to additional material used on Cox-Smith Road repairs in the amount of \$1,500.00. He then made a motion to pay this invoice, seconded by Mr. Ledford. The motion was carried by all “yeas”.

ADJOURNMENT: There being no further business, Mr. Vonderhaar made a motion, seconded by Mr. Ledford to adjourn the meeting at 7:15 p.m. The motion was carried by all "yeas". The next regular meeting will be held on Monday, September 19, 2022, at 6:00 p.m.

UNION TOWNSHIP

RESOLUTION # 09062022-01

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

*The Governing Board of Union Township Trustees, Warren County, Ohio, met
in regular session on the 6th day of September 2022, at the office of the Board
of Union Township Trustees with the following members present:*

Mr. Fred Vonderhaar, Trustee; Mr. Tony Ledford, Trustee;

Mr. Chris Koch, Trustee; Mrs. Shelley Lamb, Fiscal Officer

*RESOLVED, by the Governing Board of Union Township, Warren County, Ohio,
in accordance with the provisions of law has adopted a Tax Budget for the
next succeeding fiscal year commencing January 1st, 2023; and*

*WHERE AS, the Budget Commission of Warren County, Ohio, has certified its
action thereon to this Board together with an estimate by the County Auditor
of the rate of each tax necessary to be levied by this Board, and what part
thereof is without, and what part within, the ten mill limitation; therefore, be it*

*RESOLVED, By the Governing Board of Union Township, Warren County, Ohio,
that the amounts and rates, as determined by the Budget Commission in its
certification, be and the same are hereby accepted' and be it further*

*RESOLVED, That there be and is hereby levied on the tax duplicate of said
township the rate of each tax necessary to be levied within and without the*

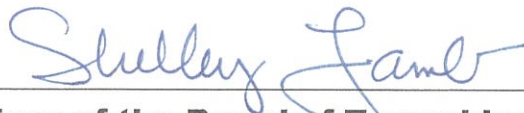
ten mill limitation as follows:

Mr. Vonderhaar moved for the adoption of the Resolution, seconded by Mr.

LED FORD. **The resolution was carried by all "yeas".**

I, Shelley Lamb, Fiscal Officer of the Board of Township Trustees of Union Township, in said County, and in whose custody, the Files and Records of said Board are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Annual Temporary Appropriations now on file with said Board, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

Witness my signature this 6th day of September, 2022.



**Fiscal Officer of the Board of Township Trustees of
Union Township – Warren County, OH**

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

Resolution Number: 09062022-02

Date of Resolution: 09-06-2022

RESOLUTION: TO SERVICE NOTICE AND ALLOW THE PROPERTY OWNERS AT 2376 MANISTIQUE LAKES DRIVE IN UNION TOWNSHIP THE OPPORTUNITY TO PARTICIPATE IN A TRUSTEES MEETING AND BE HEARD AND HAVE THEIR COMMENTS CONSIDERED AS PART OF THE PROCESS WHEREIN THE BOARD OF TRUSTEES MAY MAKE A DETERMINATION THE CURRENT CONDITION OF TALL GRASS ON A PART OF THE PROPERTY AT 2376 MANISTIQUE LAKES DRIVE CONSTITUTES A NUISANCE

WHEREAS, in accordance with section 505.87 of the Ohio Revised Code, 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; and,

WHEREAS, in accordance with section 505.87 of the Ohio Revised Code, in the event a board of township trustees declares the owner's maintenance of vegetation, garbage, refuse, or other debris on an owner's property to be a nuisance, the board is required to send a seven day notice to the property owner and any lienholders of record upon the land that the owner is ordered to abate, control, or remove the vegetation garbage, refuse, or other debris the board has declared to constitute a nuisance, and if such vegetation garbage, refuse, or other debris is not abated, controlled or removed, or if provision is not made to do so within seven days, the board shall provide the abatement, control, or removal, and any costs incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land; and,

WHEREAS, this Board of Trustees received a private complaint regarding a strip of land with approximately 3ft tall grass and/or weeds on a part of the property at 2376 Manistique Lakes Drive in Union Township (the "Subject Property"); and,

WHEREAS, Trustee Koch met with Dan Cunningham who identified himself as the property owner of the Subject Property, and he refused to voluntarily abate the approximate 3ft tall grass and/or weeds on the grounds it is not his responsibility; and,

WHEREAS, the Board's legal counsel has verified by conducting a title search of the deed records of Warren County, Ohio, the current owners of the subject property are Daniel Baker Cunningham and Margaret Gast Cunningham, husband and wife, and that Union Savings Bank, 8534 E. Kemper Road, Cincinnati, Ohio 45259, is the sole lienholder of record upon the Subject Property; and,

WHEREAS, in order for this Board to provide for the abatement, control or removal of the approximate 3ft tall grass and/or weeds on a part of the property at 2376 Manistique Lakes Drive, the Board may determine that the owner's maintenance, or lack thereof, of the vegetation constitutes a nuisance; and,

WHEREAS, persuasive legal precedent in five separate Ohio appellate districts have upheld that the procedure under section 505.87 of the Ohio Revised Code requires no prior notice for a board of township trustees to make a nuisance determination, and such procedure is not quasi-judicial [administrative] requiring a hearing; nevertheless, this Board desires to give notice and an opportunity to the property owners of the Subject Property to attend a Trustees meeting and be heard on the matter with any comments from the property owners being considered as part of the process wherein the Trustees may make a determination the current condition of tall grass on a part of the Subject Property constitutes a nuisance.

NOW 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. the Board of Trustees does hereby direct the Fiscal Officer to send a copy of this Resolution, by certified mail, addressed to: Daniel Baker Cunningham and Margaret Gast Cunningham, 2376 Manistique Lakes Drive, Lebanon, OH 45036, advised them that the Board will hear this matter during the Trustees Meeting scheduled for the 19th day of Sept, 2022, at 6:00P.M. at the Union Township Offices, 285 E. Pike Street, South Lebanon, Ohio 45065. No notice is required to the Lienholder unless a seven day letter needs to be served.

Section 2. the Board of Trustees does hereby direct the Township Administrator, on the day of and prior to the Trustees meeting, to verify whether the aforementioned tall grass and/or weeds still exists on the property at 2376 Manistique Lakes Drive. The Township Administrator shall make all personal observations from the right of way of Manistique Lakes Drive and not enter onto the private driveway at 2376 Manistique Lakes Drive.

Section 3. the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. this Resolution constitutes a ministerial act that shall takes effect immediately upon its adoption.

Section 5. 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 R.C. 121.22.

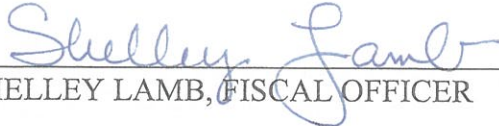
Mr. Koch moved adoption of the foregoing Resolution, being seconded by Mr. Vonderhaar. Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	-	<u>yes</u>
Mr. Koch	-	<u>yes</u>
Mr. Ledford	-	<u>yes</u>

Resolution adopted this 16th day of Sept, 2022.

CERTIFICATION

I hereby certify that the foregoing is a true, accurate and complete copy of the Resolution No. 09062022-02 adopted on 09-06, 2022, by the Board of Trustees of Union Township, Warren County, Ohio.



SHELLEY LAMB, FISCAL OFFICER

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

Resolution Number: 09062022-03

Date of Resolution: 9/6/2022

AUTHORIZING THE COUNTY PROSECUTOR TO CLOSE THE ACQUISITION OF 2.9813 ACRES FOR THE USE AND BENEFIT OF UNION TOWNSHIP FELLOWSHIP CEMETERY, AND AUTHORIZING THE FIRE CHIEF/TOWNSHIP ADMINISTRATOR TO EXECUTE ALL CLOSING DOCUMENTS ON BEHALF OF THE BOARD PREPARED BY THE COUNTY PROSECUTOR

WHEREAS, in accordance with Resolution 04-18-2022-01 adopted on 4/18/2022, the Board executed a Real Estate Purchase and Sale Agreement (“PSA”) on April 18, 2022 with the City of Lebanon who executed the PSA on 4/25/2022, for the property owned by the City that abuts the Union Township Fellowship Cemetery, with the exact acreage to be determined by new survey; and,

WHEREAS, the new survey was obtained by the City and filed in the Warren County Map Department as Survey Record 156, Plat No. 54 of the Warren County Engineer’s Record of Land Division, thereby determining the exact acreage to be 2.9813 acres; and,

WHEREAS, the Board having been advised that the County Prosecutor’s Office has received from the City of Lebanon a quit claim deed to transfer the property to Union Township which the County Prosecutor’s Office has reviewed and approved, and the County Prosecutor’s Office further advised the City that the Prosecutor’s Office will need to prepare the necessary documents to close the transaction in order to document payment of the \$1.00 purchase prices, the tax proration and CAUV recoupment the City is obligated to pay pursuant to the PSA; and,

WHEREAS, the Board now desires to consummate the transaction by closing.

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

- 1) The Board does hereby authorize the County Prosecutor to close the said transaction.
- 2) The Board does hereby authorize its Fire Chief/Township Administrator to execute, on behalf of the Board, the closing documents prepared by the County Prosecutor’s Office that this Board is required to sign.
- 3) The Board does hereby authorize the Fiscal Officer to issue payments for the closing costs that are the responsibility of the Board pursuant to the PSA, which are itemized on the attached File Memorandum prepared by the County Prosecutor’s Office.
- 4) All action taken relating to and this Resolution is an administrative act by the Board.
- 5) The findings made by the Board in the above WHEREAS clauses are hereby adopted as a part of these resolving paragraphs.
- 6) All action taken relating to and this Resolution occurred in an open meeting of this

Board in compliance with the Ohio Public Meeting Act, Section 121. 22, et seq. of the Ohio Revised Code.


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

Mr. Koch	-	yes
Mr. Ledford	-	yes
Mr. Vonderhaar	-	yes

Resolution adopted this 6th day of September, 2022.

CERTIFICATION

I hereby certify that the foregoing is a true, accurate and complete copy of Resolution No. 09062022-03 adopted on September 6, 2022, by the Board of Trustees of Union Township, Warren County, Ohio.



SHELLEY LAMB, FISCAL OFFICER

cc: Prosecutor's Office (Bruce McGary)