

UNION TOWNSHIP – WARREN COUNTY

BOARD OF TRUSTEES – Regular Meeting – March 18, 2024

CALLING THE MEETING TO ORDER: The regular meeting of the Union Township Board of Trustees was called to order by President of the Board, Chris Koch on Monday, 3/18/24 at 6:00 p.m. at the Union Township Building. Trustees in attendance: Fred Vonderhaar, Chris Koch, & Rhonda Cockerham, as well as Attorney Kathryn Horvath from the Warren County Prosecutor’s Office. The prayer was led by Mrs. Cockerham. Mr. Vonderhaar led everyone in The Pledge of Allegiance.

POLICE SUMMARY: Sergeant Adams had nothing to report.

ROAD SUPERINTENDENT’S REPORT: Mr. Sandlin reported there had been a complaint about excess water at 2240 Bone Road, which he did investigate, but found it was not in the Union Township right of way. Mr. Vonderhaar also spoke to this homeowner about the issue.

CHIEF’S REPORT: Chief Napier said the Easter Egg Hunt had been successful. He stated on 3/11/24 there was a dispatch issue within the Warren County CAD system that he was told had been rectified. Chief Napier had a fire records request about 1937 Wood Road that he has sent to the Warren County Prosecutor’s Office for direction but has had no response at this time. Mr. Koch said this property has been turned over to the Warren County Prosecutor’s Office, as well as the Humane Association as per the Warren County Zoning Office. Mrs. Cockerham stated she had visited the Warren County Health District about this same complaint at Wood Road (see attached). Chief Napier then asked if his department could participate in the annual Memorial Day Parade & ceremony, the July 4th Parade, & Halloween candy hand-outs. No Trustees had any issues with the requests. Chief Napier had the emergency run statistics report from 2023 (see attached). The Chief said Engine 46 hit a concrete barrier on the bridge on Columbia Road last week due to an on-coming car. He will get estimates on the damages.

FISCAL OFFICER’S REPORT: The Fiscal Officer presented the bills to pay, fund status, cemetery deeds, etc. thru March 18, 2024. All were signed and approved by Mr. Vonderhaar, Mr. Koch, & Mrs. Cockerham. Mrs. Lamb stated a refund of \$8,774.00 was received from the Warren County Grants Administration (see attached) due to a lower paving construction cost from the 2023 CDBG Project at Highland Park.

NEW BUSINESS:

Mr. Vonderhaar mentioned the upcoming health insurance renewal. Mr. Koch said he would like to review it for more discussion at the next meeting. Mr. Vonderhaar made a motion to accept the minutes from the regular meeting held on 3/4/24, seconded by Mrs. Cockerham. The motion was carried by all “yeas”.

Mrs. Cockerham made a motion to adopt the Annual Permanent Appropriation Resolution #03182024-01 (see attached), seconded by Mr. Vonderhaar. The motion was carried by all “yeas”. Mrs. Cockerham made a motion to pay the bills, seconded by Mr. Koch. The motion was carried by all “yeas”.

Mr. Koch made a motion for Union Township to join the litigation effort brought by Attorney Bruce McGary (see attached) concerning the Loeb Foundation’s verification of “rural” fire department annual donations, seconded by Mr. Vonderhaar. The motion was carried by all “yeas”. Mr. Koch stated a “third & final public record request” was fulfilled with help from Attorney Horvath. Mr. Koch made a motion at 6:04 p.m. to go into executive session concerning the investigation of charges or complaints against a public employee or official, seconded by Mrs. Cockerham. The motion was carried by all “yeas”. Attorney Horvath was invited into the executive session. At 7:07 p.m. Mr. Koch made a motion to go back into the regular meeting, seconded by Mr. Vonderhaar. The motion was carried by all “yeas”. No action was taken during the session concerning a letter received from someone identifying themselves as “Whistleblower” due to the answers provided by Chief Napier. Mr. Koch made a motion to adopt the Review of Property Tax Receipts Resolution #03182024-02 (see attached), seconded by Mr. Vonderhaar. The motion was carried by all “yeas”. Mr. Koch stated he was looking into compensation for the Fiscal Officer to be split among other funds, not all coming out of the General Fund (1000). He said he wanted to look at putting together a public committee to discuss funding issues and providing emergency services when Union Township is not receiving tax monies due to TIF’s given to new developments by the City of South

Lebanon. Mr. Koch also mentioned he wanted to make sure the Union Township website is updated and in compliance.

ADJOURNMENT: There being no further business, Mr. Koch made a motion, seconded by Mr. Vonderhaar to adjourn the meeting at 7:32 p.m. The motion was carried by all "yeas". The next regular meeting will be held on Monday April 1, 2024, at 6:00 p.m.

**Warren County Combined Health District
COMPLAINT INVESTIGATION FORM**

ID #: 7306

Date Received: 05/12/2021

Referred to: BRAD KING

By: CHRISTY WAITE

Type: S143 SEWAGE COMPLAINT-SEWAGE
Serv:

Nature: SEWAGE LEAKING BEHIND THIS HOUSE AND RUNNING ACROSS SEVERAL PROPERTIES. ROOF TARPED ON THE BACK SIDE OF THE HOUSE FOR AT LEAST 5 YEARS WITH NO REPAIR. TRASH PILED ON PROPERTY IN VARIOUS LOCATIONS. ZONING COMING OUT TO TAKE PICTURES OF ABANDONED CARS

Location: MARY ROBINSON LEBANON	1937 WOOD ROAD 45036 UNION TWP.	P.S.: U
Owner: MARY ROBINSON & LEONARD ROBINSON 1937 WOOD ROAD LEBANON, OH 45036	Complainant: ANONYMOUS , OH	

Date Investigated: 05/14/2021 Orders Issued: No 1st Date Orders Issued: / /

2nd Date Orders Issued: / / 3rd Date Orders Issued: / /

Due: / / Board Orders Issued: / / Date Completed: / /

Law/Regulation(s) Violated:

Final Disposition: No orders issued, will re-inspect

Person(s) Contacted:

Rechecks: 09/02/2021 / / / / / / / / / /

Findings and Actions: 5/14/2021: Owner accompanied us outside and walked us through the leach field, said tank was buried and had tank pumped at least a year ago. Findings based on the complaint were nil; however, there was a small patch of sewage ponding near the back of the property.

Recommended calling a service provider, getting the tank pumped, possibly adding soil to the affected area and said we would be back out to re-inspect the property within a month's time. Based on the complaint given, no orders were issued at this time. AT

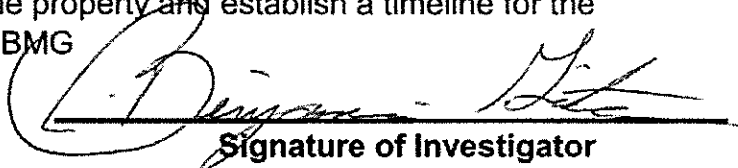
09/02/2021: Re-inspected based on above, no nuisance exists still, the sewage nuisance complaint is considered abated.

10/31/2023: Re-opened investigation. Inspected the property and found no evidence of sewage. The home appears to be in acceptable condition, and there is a tarp on the roof that secures the roof and prevent leaking. The barn in the backyard is damaged from a fire and is in disrepair. The barn is not causing a public health nuisance. Abated. BMG

2/22/2024: Re-opened investigation due to a complaint from Union township trustee. BMG

2/26/2024 : The property is in the same condition as it was in previous inspections. The roof still has a large tarp over it, which appears to be functioning as intended. The backyard has building materials stacked and somewhat organized. These materials include siding, wood, paints, and wiring. The barn is damaged by the fire, and the homeowner is in the process of organizing and removing items. There hasn't been much progress since the inspection in October. There was no garbage present at the time of inspection. The sewage system was not causing a nuisance at the time of inspection. There was no sewage in the yard, or at the discharge points. The homeowner was instructed to properly dispose of the paints, and the tire without a rim. BMG

3/11/2024: Rhonda Cockerham, Union Township Trustee visited the health district the week of March, 6 2024. The trustee asked the WCHD to visit the property again and to speak with Mrs. Mary Robinson to determine a timeline for cleaning up and removing the building materials, as well as the junk items. On March 11, 2024, Mrs. Mary Robinson agreed to clean up two piles of junk items and building materials by June 22, 2024. After that, the WCHD will revisit the property and establish a timeline for the remaining piles of building materials and junk items. BMG



Signature of Investigator



Union Township Fire Department

285 E. Pike St. South Lebanon, Ohio 45065

Phone (513) 494-2566

www.utsbfd.com

Fax (513) 494-9055



Chief Robert Napier

March 14, 2024

2023 Run Stats

Items is (RED) are from 2022

Total Incidents	1502	(1444)	Within the Village Limits	779	(759)
Fire Runs(100)	57	(104)	TIF Areas	95	(102)
EMS/Rescue(300)	947	(822)	Structure Fires	9	(2)
Hazardous Conditions(400)	48	(45)	EMS Transports	691	(608)
Service Calls(500)	62	(70)	Back to Back 2 nd Medic	24	(21)
Good Intent(600)	320	(302)	Mutual Aid Medics	36	(35)
False Calls(700)	67	(90)	Open Shift Hours	5767.75	(4522.25)
Severe Weather(800)	1	(11)			

M/A Given	Dispatched-346(381)	Canceled-146	Canceled Staffing-61	Made-139	
City of Lebanon	Dispatched-20(46)	Canceled-7	Canceled Staffing-2	Made-11	Billing \$2,878.00
Hamilton Twp	Dispatched-188(120)	Canceled-73	Canceled Staffing-37	Made-78	Billing \$11,110.60
Mason	Dispatched-45(20)	Canceled-19	Canceled Staffing-7	Made-19	Billing \$1,351.48
Salem/Morrow	Dispatched-23(4)	Canceled-6	Canceled Staffing-3	Made-14	Billing \$1,456.91
Deerfield Twp	Dispatched-57(15)	Canceled-35	Canceled Staffing-12	Made-10	Billing \$0.00
Turtlecreek Twp	Dispatched-11(4)	Canceled-6	Canceled Staffing-0	Made-5	Billing \$1,892.53
Franklin Twp	Dispatched-1	Canceled-0	Canceled Staffing-0	Made-1	N/A
Clinton/Warren	Dispatched-1	Canceled-0	Canceled Staffing-0	Made-1	N/A
					Billing Total \$18,689.52

M/A Received	Dispatched-198(64)	Canceled-81	Made-117
City of Lebanon	Dispatched-48(12)	Canceled-22	Made-26
Hamilton Twp	Dispatched-59(15)	Canceled-25	Made-34
Mason	Dispatched-7(9)	Canceled-2	Made-5
Salem/Morrow	Dispatched-10(0)	Canceled-4	Made-9
Deerfield Twp	Dispatched-57(12)	Canceled-20	Made-26
Turtlecreek Twp	Dispatched-17(1)	Canceled-8	Made-9

Warren County Office of Grants Administration

406 Justice Drive, Room 251
Lebanon, Ohio 45036
(513) 695-1259
(513) 695-1210
FAX (513) 695-2980

MEMO

TO: Union Township Trustees
FROM: Warren County Grants Administration
DATE: February 13, 2024
RE: FY23 Highland Park CDBG Project

Warren County entered into a contract with JK Meuer on September 26, 2023 for \$57,024 for work on the referenced project.

Originally, this project was to be funded with both CDBG funds as well as funds from Union Township's general fund as follows:

CDBG Funds:	\$48,250.00
Union Township:	\$ 8,774.00
Total:	\$57,024.00

Union Township sent payment of \$8,774.00, which was paid into the County on 1/8/2024.

JK Meuer determined that fewer construction quantities were needed to complete the job, therefore the total cost is \$42,112.00, which will be fully covered with CDBG funds, therefore a refund of \$8,774.00 is being sent to Union Township.

ANNUAL PERMANENT APPROPRIATION RESOLUTION

03182024-01

The *Board of Trustees of Union Township, in Warren County*

met in regular session on the 18th day of March 2024 at the office of Union Township with the following members present: Chris Koch, Rhonda Cockerham, Fred Vonderhaar

Rhonda Cockerham moved the adoption of the following Resolution:

BE IT RESOLVED by the *Board of Trustees of Union Township Warren County*

County Ohio that to provide for the current expenses and

other expenditures of said Board of Union Township, during the fiscal year, ending

December 31, 2024

the following sums be and the same are hereby set aside and *appropriated* for the several purposes

for which expenditures are to be made for and during said fiscal year, as follows:

Fred Vonderhaar seconded the Resolution and the

roll being called upon its adoption the vote resulted as follows:

Chris Koch - yes
Rhonda Cockerham - yes
Fred Vonderhaar - yes


Adopted March 18, 2024

Shelley Lamb
Clerk/Fiscal Officer

THE STATE OF OHIO, WARREN COUNTY, ss:

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

WITNESS my signature, this 18th day of March 2024.



Clerk/Fiscal Officer

**CERTIFICATE OF THE COUNTY AUDITOR THAT THE TOTAL
APPROPRIATIONS FROM EACH FUND DO NOT EXCEED THE
OFFICIAL ESTIMATE OF RESOURCES**

UNION TOWNSHIP

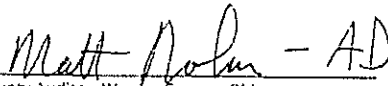
for the fiscal year beginning January 1st, 2024.

March 24, 2024

FUND	Original Appropriations 03/24/24	Current Appropriations
<u>General Fund</u>		
	429,000.00	429,000.00
<u>Special Revenue</u>		
1 Motor Vehicle License Tax	10,000.00	10,000.00
2 Gasoline Tax - 2021	176,526.00	176,526.00
3 Road and Bridge - 2031	204,617.00	204,617.00
4 Cemetery - 2041	115,365.00	115,365.00
5 Special Levy - Fire / EMS - 2191	2,178,261.00	2,178,261.00
6 Special Levy - EMS - 2193	273,760.00	273,760.00
7 Permissive Motor Vehicle Lic. Tax - 2231	91,600.00	91,600.00
8 American Rescue Plan Act -2273	188,000.00	188,000.00
9 Lighting Districts 2402-2405	24,200.00	24,200.00
<u>Capital Projects</u>		
1 Capital Projects - 4401	122,800.00	122,800.00
2 Misc. Capital Projects - 4901	51,500.00	51,500.00
 		3,865,629.00
TOTALS	3,865,629.00	3,865,629.00

I, Matt Nolan, County Auditor of Warren County, Ohio do hereby certify that the total appropriations from each fund taken together with all other outstanding appropriations, do not exceed the official estimate of resources for the fiscal year beginning January 1st, 2024 as determined by the Budget Commission of said County, when considering actual unencumbered balances as filed by clerk of said district.

Filed March 27, 2024
Matt Nolan, Secretary


County Auditor, Warren County, Ohio

STATE OF OHIO, WARREN COUNTY
COMMON PLEAS COURT
PROBATE DIVISION

LCNB NATIONAL BANK fka
LEBANON CITIZENS NATIONAL BANK,
TRUSTEE OF THE LOEB TRUST

CASE No. 20244001A

(Judge Joseph W. Kirby)

and

BERNARD H. WRIGHT, JR.
TRUSTEE OF THE LOEB TRUST

Plaintiffs,

-vs-

BOARD OF COUNTY COMMISSIONERS
OF WARREN COUNTY, OHIO
SHANNON JONES
DAVID G. YOUNG
TOM GROSSMAN

and

CLEARCREEK TOWNSHIP TRUSTEES

and

DEERFIELD TOWNSHIP TRUSTEES

and

FRANKLIN TOWNSHIP TRUSTEES

and

HAMILTON TOWNSHIP TRUSTEES

and

HARLAN TOWNSHIP TRUSTEES

and

MASSIE TOWNSHIP TRUSTEES

and

SALEM TOWNSHIP TRUSTEES

and

TURTLECREEK TOWNSHIP TRUSTEES

and

UNION TOWNSHIP TRUSTEES

and

WASHINGTON TOWNSHIP TRUSTEES

and

WAYNE TOWNSHIP TRUSTEES

and

OHIO ATTORNEY GENERAL

Defendants.

ANSWER OF DEFENDANTS, BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY OHIO, SHANNON JONES, DAVID G. YOUNG, TOM GROSSMAN, FRANKLIN TOWNSHIP TRUSTEES, HARLAN TOWNSHIP TRUSTEES, MASSIE TOWNSHIP TRUSTEES, SALEM TOWNSHIP TRUSTEES, TURTLECREEK TOWNSHIP TRUSTEES, UNION TOWNSHIP TRUSTEES, WASHINGTON TOWNSHIP TRUSTEES & WAYNE TOWNSHIP TRUSTEES, AND COUNTERCLAIM FOR DECLARATORY JUDGMENT OF TURTLECREEK TOWNSHIP BOARD OF TRUSTEES

ANSWER

Now come the Defendants Board of County Commissioners of Warren County Ohio, Shannon Jones, David G. Young and Tom Grossman (sic), Franklin Township Trustees, Harlan Township Trustees, Massie Township Trustees, Salem Township Trustees, Turtlcreek Township Trustees, Union Township Trustees, Washington Township Trustees, Wayne Township Trustees, and, for their Answer to the Plaintiffs' Complaint (the "Complaint"), through their statutory legal counsel, Warren County Prosecuting Attorney David P. Fornshell, and hereby submit the following Answer to Plaintiffs' *Complaint to Construe Trust/Foundation*. The foregoing Defendants shall collectively be referred to as "these answering Defendants."

FIRST DEFENSE

1. Defendant, Board of County Commissioners of Warren County, Ohio are a sui juris entity, and therefore, admit it is a properly named defendant having the capacity to sue and be sued under R.C. 305.12, et seq., however, Shannon Jones, David G. Young and Tom Grossmann (corrected spelling) in their official capacity are not properly named or necessary to this action as they are not sui juris and do not have capacity to take any official action without acting by majority vote (ie., as the Board of County Commissioners of Warren County, Ohio).

2. Defendants, Franklin Township Trustees, Harlan Township Trustees, Massie Township Trustees, Salem Township Trustees, Turtlcreek Township Trustees, Union Township Trustees, Washington Township Trustees, Wayne Township Trustees, regardless of the fact the complaint fails to name each individual trustee, are not sui juris, rather, each Township [acting through its Board of Township Trustees] is a body politic and corporate that may sue and be sued pursuant to R.C. 503.01, et seq.

SECOND DEFENSE

3. The subject matter for which Plaintiff is seeking a declaratory judgment, specifically in Plaintiffs' prayer for relief, is for the same point of law and/or fact that was the issue in a former action between all of the same parties herein¹ for which a valid, final judgment was rendered on the merits², and therefore, the doctrine of res judicata bars the prayer for relief sought in this subsequent action.

THIRD DEFENSE

4. For their answer to paragraph 1 of the Complaint, these answering Defendants deny any personal knowledge of the allegations set forth therein but admit the partial copy of the Trust Agreement attached to the Complaint as Exhibit "A" (known as The Loeb Trust or The Loeb Foundation) are true and accurate copies of the attached pages of the Trust Agreement filed of public record in this Court.

5. For their answer to paragraph 2 of the Complaint, these answering Defendants assert paragraph 2 is a recitation of legal authority that does not require an admission or denial. Further answering, these answering Defendants stipulate they are on notice that Plaintiffs are seeking direction and judgment of this Court, and further stipulate this Court has jurisdiction over and is the proper venue for the controversy herein.

6. For their answer to paragraph 3 of the Complaint, these answering Defendants deny having any personal knowledge of the allegations set forth therein but admit all of these allegations are substantiated by filings of public record in this Court docketed as Case No. 10803, opened on May 11, 1992, and closed on January 10, 1994.

¹ See *Complaint to Construe Terms of Loeb Foundation* filed April 14, 1993, docketed as Case No. 934001.C.

² See *Order* filed September 13, 1993 attached to Plaintiffs' Complaint as Exhibit B.

7. For their answer to paragraph 4 of the Complaint, these answering Defendants assert the Trust Agreement speaks for itself as to the purposes of the Loeb Trust so that the first sentence of paragraph 4 of the Complaint does not require an admission or denial. As to the other allegations in paragraph 4 of the Complaint, these answering Defendants admit the partial copy of the Trust Agreement attached to the Complaint as Exhibit "A" are true and accurate copies from the Trust Agreement filed of public record in this Court.

8. For their answer to paragraph 5 of the Complaint, these answering Defendants assert the Trust Agreement speaks for itself so that the first sentence of paragraph 5 of the Complaint does not require an admission or denial. Further answering, these answering Defendants stipulate that the language recited in paragraph 5 of the Complaint is an accurate excerpt from Item II, paragraph B, page 1 of the Trust Agreement filed of public record in this Court and contained within Exhibit "B" attached to the Complaint.

9. For their answer to paragraph 6 of the Complaint, these answering Defendants admit that they each participated as a party defendant, through their statutory legal counsel, in the previous declaratory judgment action (fn. 1) which resulted in a valid, final judgment rendered on the merits (Exhibit "B" attached to Complaint), and that the recitations in paragraph 6 of Complaint are accurate excerpts from this Court's Order. Further answering, these answering Defendants deny the factual allegations in the last sentence of paragraph 6 of the Complaint on the grounds it is a vague general statement relating to the entire County which may be accurate in parts of the County but are inaccurate in other parts of the County especially as it relates to some of these answering Defendants.

10. For their answer to paragraph 7 of the Complaint, these answering Defendants deny the allegations for lack of knowledge but admit they are on notice that Plaintiffs are seeking

continuing guidance of this Court as it relates their fiduciary decision making under the terms of the Trust.

11. For their answer to paragraph 8 of the Complaint, these answering Defendants answer only on their respective behalf and such allegations set forth therein relates only to Turtlecreek Township which Defendant Turtlecreek Township Trustees admit Turtlecreek Township continues to remain “rural” despite some significant development which has occurred over the years in part of Turtlecreek Township but deny the amount of development has changed its rural status, and therefore, Turtlecreek Township continues to be eligible for distributions from the Loeb Trust/Foundation at the discretion of the Plaintiffs.

12. For their answer to paragraph 9 of the Complaint, these answering Defendants assert paragraph 9 is a recitation of legal authority that does not require an admission or denial. Further answering, these answering Defendants stipulate that the Ohio Attorney General is a necessary party to these type of proceedings pursuant to the Charitable Trust Act, R.C. 109.25 (C), et seq.

13. For their answer to the prayer for relief set forth in the final “WHEREFORE” paragraph, these answering Defendants assert the prayer for relief is inconsistent with the relief sought in paragraphs 7 and 8 of the Complaint.

ADDITIONAL DEFENSES

14. These answering Defendants reserve the right to assert all other affirmative defenses pursuant to Civ. R. 12, statutory and common law, which investigation and/or discovery might provide a basis.

WHEREFORE, these answering Defendants pray for the following relief:

- a) The Court ratifies the previous Order (Exhibit B attached to the Complaint) which shall remain binding and enforceable without redefining the terms “rural” or “urban.”

- b) The Court finds and orders that no parts of the unincorporated areas of Turtlecreek Township belong to a “city or town.”
- c) The Court finds and orders that Turtlecreek Township constitutes a rural area of Warren County, Ohio as defined in this Court’s previous Order (Exhibit B attached to the Complaint).
- d) The Court finds and orders that under the terms of the Trust Agreement that Plaintiffs remain authorized to make disbursements to all of these answering Defendants for fire protection and prevention in the rural areas of Warren County, Ohio and/or crime detection and prevention in the rural areas of Warren County, Ohio.
- e) Such other relief these answering Defendants are legally or equitably entitled, and such as is just and proper.

COUNTERCLAIM FOR DECLARATORY JUDGMENT

Now comes Counterclaimant, Turtlecreek Township Board of Trustees (“Turtlecreek Township”), and for its Counterclaim for Declaratory Judgment states as follows:

1. Turtlecreek Township incorporates by reference Plaintiffs’ *Complaint to Construe Trust/Foundation* (the Complaint”) as if fully rewritten herein, not for the purpose of establishing the truth and veracity of the allegations contained therein, but instead for the purpose of making this Counterclaim.

2. As result of the Complaint pending before this Court, a present, actual, justiciable controversy exists between the Plaintiffs and Turtlecreek Township necessitating Turtlecreek Township to seek a declaratory judgment as Turtlecreek Township, upon annual application, has been and continues to desire to be a beneficiary and recipient of charitable distributions from The Loeb Trust/Foundation.

3. This counterclaim is brought by Turtlecreek Township pursuant to R.C. 2721.05(B) and Civ. R. 73(B) seeking a declaratory judgment as a person interested as a *cestui*

que (beneficiary) of and in the administration of a trust, in respect to directing trustees to do or abstain from doing any particular act in their fiduciary capacity under a trust agreement.

4. Pursuant to this Court's previous Order filed September 13, 1993 attached to the Complaint as Exhibit B, a valid, final judgment was rendered on the merits that ORDERED the following for purposes of Plaintiffs being entitled to make discretionary distributions under the Trust to or for the benefit of Turtlecreek Township (as well as all of the answering Defendants in the foregoing Answer):

- (1) The Trustees of THE LOEB TRUST are authorized to expend money and to provide benefits to any fire and/or police departments within the confines of Warren County, Ohio, notwithstanding whether or not said department also serves an urban area of Warren County, Ohio. For the purposes of this Entry, urban is defined as 'of or belonging to a city or town.' For the purposes of this Entry, rural is defined as 'not belonging to a city or town.'

5. Consistent with the remedy sought in paragraphs 7 and 8 of the Complaint, Turtlecreek Township through this Counterclaim is seeking a declaration from this Court that the unincorporated area of Turtlecreek Township is not "of or belonging to a city or town."

6. The unincorporated area of Turtlecreek Township does not belong to a city or town. Notably, a "city" is a political subdivision and corporation recognized under Ohio law, but a "town" is not a classification of political subdivision recognized under Ohio law.

7. Consistent with the relief sought in paragraphs 7 and 8 of the Complaint, Turtlecreek Township through this Counterclaim is also seeking a declaration from this Court that the unincorporated area of Turtlecreek Township has been and continues to constitute a rural area of Warren County, Ohio for which Plaintiffs are authorized to expend money and to provide benefits to fire and/or police departments within the confines of Turtlecreek Township, Warren County, Ohio.

8. In addition to this Court's previous Order, another source for this Court to rely upon to make the finding sought in the foregoing paragraph is the 2020 U.S. Census.

9. The unincorporated area of Turtlecreek Township deemed urbanized by the 2020 U.S. Census is only 17.67% being 6,838 acres of the total 38,701 acres of the unincorporated area of Turtlecreek Township. The remaining 82.33%, being 31,862 acres of the total 38,701 acres of the unincorporated area of Turtlecreek Township is rural.

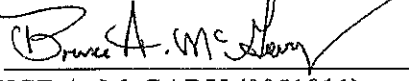
10. The population of the unincorporated area of Turtlecreek Township as determined by the 2020 U.S. Census is 15,733 residents, thus, the residential population is 260 residents per square mile of unincorporated area of Turtlecreek Township.

WHEREFORE, Defendants pray for the following relief:

- a) The Court ratifies the previous Order (Exhibit B attached to the Complaint) which shall remain binding and enforceable without redefining the terms "rural" or "urban."
- b) The Court finds and orders that no parts of the unincorporated areas of Turtlecreek Township belong to a "city or town," and that Turtlecreek Township constitutes a rural area of Warren County, Ohio as defined in this Court's previous Order (Exhibit B attached to the Complaint).
- c) The Court finds and orders that under the terms of the Trust Agreement the Plaintiffs remain authorized to expend money and to provide benefits to any fire and/or police department within the confines of Turtlecreek Township, Warren County, Ohio, notwithstanding whether or not said department also serves an urban area of Warren County, Ohio.
- d) Such other relief Turtlecreek Township is legally or equitably entitled, and such as is just and proper.

Respectfully submitted,

DAVID P. FORNSHELL
PROSECUTING ATTORNEY
WARREN COUNTY, OHIO

By: 
BRUCE A. MCGARY (0051811)
ASSISTANT PROSECUTING ATTORNEY
Warren County Prosecutor's Office
520 Justice Drive, Suite 200
Lebanon, OH 45036
T. 513.695.1384; F. 513.695.2962
E. bmcgary@warrencountyprosecutor.com
Attorney for Counterclaimant

CERTIFICATE OF SERVICE

I certify that on March 14, 2024, the foregoing pleading was served upon all counsel of record and/or parties herein pursuant to Civ. R. 5(B)(2)(f), as follows:

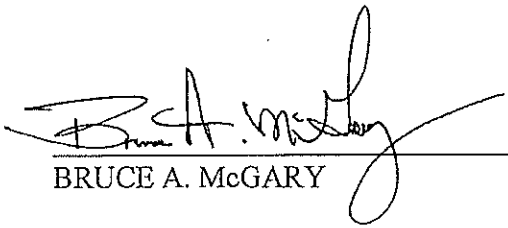
William H. Kaufman
Attorney for Plaintiffs
Email: whk@kaufmanflorence.com

Clearcreek Township Trustees
c/o Bryan Pacheco, Law Director
Email: bryan.pacheco@dinsmore.com

Deerfield Township Trustees
c/o Benjamin J. Yoder, Law Director
Email: BYoder@brickergraydon.com

Hamilton Township Trustees
c/o Benjamin J. Yoder, Law Director
Email: BYoder@brickergraydon.com

Dave Yost
Ohio Attorney General
Attn. Charitable Law Section, Section Chief
Email: Daniel.Fausey@OhioAGO.gov


BRUCE A. MCGARY

STATE OF OHIO, WARREN COUNTY
COMMON PLEAS COURT
PROBATE DIVISION

LCNB NATIONAL BANK fka
LEBANON CITIZENS NATIONAL BANK,
TRUSTEE OF THE LOEB TRUST

CASE No. 20244001.A
(Judge Joseph W. Kirby)

and

BERNARD H. WRIGHT, JR.
TRUSTEE OF THE LOEB TRUST

Plaintiffs,

-vs-

BOARD OF COUNTY COMMISSIONERS
OF WARREN COUNTY, OHIO
SHANNON JONES
DAVID G. YOUNG
TOM GROSSMAN

and

CLEARCREEK TOWNSHIP TRUSTEES

and

DEERFIELD TOWNSHIP TRUSTEES

and

FRANKLIN TOWNSHIP TRUSTEES

and

HAMILTON TOWNSHIP TRUSTEES

and

HARLAN TOWNSHIP TRUSTEES

and

MASSIE TOWNSHIP TRUSTEES

and

SALEM TOWNSHIP TRUSTEES

and

TURTLECREEK TOWNSHIP TRUSTEES

and

UNION TOWNSHIP TRUSTEES

and

WASHINGTON TOWNSHIP TRUSTEES

and

WAYNE TOWNSHIP TRUSTEES

and

OHIO ATTORNEY GENERAL

Defendants.

NOTICE OF APPEARANCE OF COUNSEL ON BEHALF OF DEFENDANTS, BOARD OF COUNTY COMMISSIONERS OF WARREN COUNTY OHIO, SHANNON JONES, DAVID G. YOUNG AND TOM GROSSMAN, FRANKLIN TOWNSHIP TRUSTEES, HARLAN TOWNSHIP TRUSTEES, MASSIE TOWNSHIP TRUSTEES, SALEM TOWNSHIP TRUSTEES, TURTLECREEK TOWNSHIP TRUSTEES, UNION TOWNSHIP TRUSTEES, WASHINGTON TOWNSHIP TRUSTEES AND WAYNE TOWNSHIP TRUSTEES

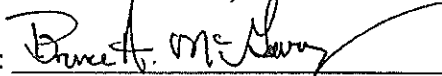
Now come Defendants Board of County Commissioners of Warren County Ohio,
Shannon Jones, David G. Young and Tom Grossman (sic), Franklin Township Trustees, Harlan
Township Trustees, Massie Township Trustees, Salem Township Trustees, Turtlcreek Township
Trustees, Union Township Trustees, Washington Township Trustees, Wayne Township Trustees
(collectively the "Defendants" herein), and give notice that the following will serve as counsel of
record for the Defendants herein in this action:

Bruce A. McGary, Asst. Prosecuting Attorney
520 Justice Drive, 2nd Fl.
Lebanon, OH 45036
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Fx. (513) 695-2962
Email: bruce.mcgary@warrencountyprosecutor.com

The Defendants herein request that the Clerk of Courts serve all notices and other
communications upon their counsel of record.

Respectfully submitted,

DAVID P. FORNSHELL
PROSECUTING ATTORNEY
WARREN COUNTY, OHIO

By: 

BRUCE A. MCGARY (0051811)
ASSISTANT PROSECUTING ATTORNEY
Warren County Prosecutor's Office
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E. bmcgary@warrencountyprosecutor.com
Attorney for Defendants

CERTIFICATE OF SERVICE

I certify that on March 14, 2024, the foregoing pleading was served upon all counsel of record and/or parties herein pursuant to Civ. R. 5(B)(2)(f), as follows:

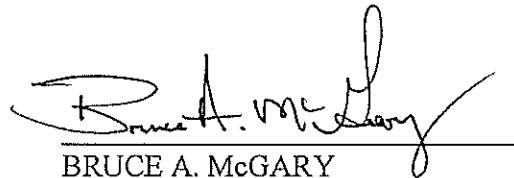
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Dave Yost
Ohio Attorney General
Attn. Charitable Law Section, Section Chief
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BRUCE A. MCGARY

UNION TOWNSHIP
285 E. PIKE STREET
SOUTH LEBANON, OH 45065
513.494.1966

RESOLUTION NO. 03182024-02

WHEREAS, Union Township has established a viable system of internal controls by which officials (Trustees/Township Administrator) will review the biannual receipts pertaining to property tax, homestead, & rollback from the Warren County Auditor's Office and/or the State of Ohio ensuring sufficient oversight is in place to prevent incorrect reporting thus maintaining financial statement accuracy, and

WHEREAS, all proceedings relating to deliberation and action on this resolution were held in regular public meeting and in accordance with Section 121.22 of the Ohio Revised Code.

Trustee Koch made a motion to adopt Resolution No. 03182024-02, seconded by Mr. Vonderhaar.

Upon call of the roll, the following vote resulted:

Mr. Koch - YES

Mrs. Cockerham - YES

Mr. Vonderhaar - YES



Shelley Lamb, Fiscal Officer