

MUNICIPALITY OF GERMANTOWN COUNCIL
MINUTES OF MEETING HELD JANUARY 20, 2009

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The Municipality of Germantown Council met in regular session on Tuesday, January 20, 2009 at 7:00 p.m. in the Municipal Building Council Chambers.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mayor Theodore Landis, Mrs. Jeanne Gentry, Mr. Terry Johnson, Mr. Jim Lawson, Mr. Robert McClain and Mr. Edward Schwaberow.

MEMBERS ABSENT:

Mr. Scott Johnson was absent.

ALSO PRESENT:

Also present were Tom Schiff, Law Director; Scott Brown, Police Sergeant, Dennis Wasson, Street Department Supervisor; Steve Fugate, Water Department Supervisor; Dan Alldred, Acting Fire Chief; Rebecca Jamison, Finance Director and Anna M. Sizemore, Assistant Village Manager/Clerk of Council.

APPROVAL OF MINUTES:

None.

PUBLIC RECOGNITION:

None.

CITIZEN'S FORUM:

None.

FINANCE DIRECTOR'S REPORT:

Mrs. Jamison presented the December 2008 financial report. The 2008 year end totals will be presented at the next meeting. She added that we are starting some new procedures in the Finance Department and are trying to get used to those procedures.

Mr. Schwaberow then asked that the Audit Committee meeting start at 6:00 p.m. to allow for more time.

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MANAGER'S REPORT:

Water Department Supervisor Steve Fugate stated for the month of January they have completed 70 work orders and replaced 8 water meters. There has been 1 water main break and a couple of sewer calls. He has also started logging activity beginning January 1st.

Mr. Schwaberow questioned a list of water meters that haven't been read with Mr. Fugate stating that several have been taken care of and he will update the list.

Mr. McClain questioned if he sees any major issues in 2009 with Mr. Fugate stating he needs to replace pumps at Triangle and Astoria lift stations. The Hillcrest/Dry Run issue is also a major issue for 2009.

Mayor Landis thanked Mr. Fugate and his staff for the work done at the main break on Route 4 and Weaver Road. They did an excellent job.

Street Department Supervisor Dennis Wasson stated he has been on vacation and over the past two weeks they have received ten call outs. They did manage to get in one day of pothole patching last week and we are planning on another day this week if the weather cooperates. Christmas tree pickup will continue through the month of January. All claims to FEMA related to the storm damage have been filed and signed off on.

Mr. Wasson added that sign repair and replacement will begin soon. We are storing more road salt than usual and presently have about 500 tons on hand.

Mrs. Gentry questioned what insurance claims there were with Mr. Wasson stating damage to the fire station and the chlorine building, personnel time, and equipment use such as the generator.

Mr. McClain questioned if Mr. Wasson was still planning the 2009 street projects with Mr. Wasson stating that he is still working on it.

Mrs. Sizemore stated we have two employees that will be starting their water distribution class next week, Jack Holbrook and Brian Wooley.

She went on to say that the Pool Board meeting scheduled for January 21st has been cancelled and Dog License will be on sale until January 30th at a cost of \$16.75 per license.

Mrs. Sizemore then asked that Council approve the 3% increase in the dental insurance renewal.

MOTION: Mr. McClain motioned to approve the 3% increase in the dental insurance renewal, second by Mr. Terry Johnson.

ROLL CALL: Mrs. Gentry, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 6-yes, 0-no. **MOTION CARRIED.**

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MOTION: Mr. McClain motioned that Jeff Fannin be reappointed to the Economic Development Committee for a three year term, second by Mrs. Gentry.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

MOTION: Mr. Schwaberow motioned that Courtney Waits and Jill Lam be appointed to the City Beautiful Commission, second by Mrs. Gentry.

ROLL CALL: Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Terry Johnson, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

CLERK'S REPORT:

None.

LAW DIRECTOR'S REPORT:

None.

POLICE CHIEF'S REPORT:

Chief McGill presented the December 2008 statistical report. He then stated that before the end of the week it will be thirty years since he was sworn and he would like to thank Mayor Ralph Moler who hired him and swore him in.

FIRE CHIEF'S REPORT:

Acting Fire Chief Dan Alldred presented the December 2008 statistical report. He then commended his department for their performance over the past few weeks and thanked Steve Fugate and his department and also the Police Department for their help.

Mr. McClain stated that it is understanding that our medics are getting old and people need to be made aware of that at some point.

Acting Chief Alldred stated he already has a committee working on determining our needs.

MAYOR'S REPORT:

Mayor Landis stated he attended the FRWWTC meeting held January 7th. Germantown is allowed 15.9% capacity and we are at 14%. A 2009 budget was approved and we are still working with EPA regarding Twin Creek.

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COUNCIL MEMBER'S REPORT:

Mr. Lawson stated he did not attend the Cemetery Board meeting due to the special Fire Oversight meeting. He then asked for everyone to say a prayer for Pastor Randy Wallace.

Mr. McClain stated he attended the Senior Oversight meeting on January 9th. He was elected as Chairman and Ben DeGroat was elected Vice Chairman. There was good attendance for 2008 and the Senior Center offers a lot of programs for the members. The Center is in good shape financially.

Mr. McClain then stated letters were sent to businesses in the community from the Economic Development Committee explaining what the committee is and some of the goals. A questionnaire was also sent along with the letter.

Mr. McClain then thanked his administrative assistant, Rachel, for preparing the documents.

Mr. Schwaberow stated he attended the organizational meeting of the Board of Zoning Appeals on January 12th. Mark Heistand was elected Chairman and Jeff Jones was elected Vice Chairman. Minutes from the last meeting were also approved.

LEGISLATION:

Introduction:

Mayor Landis introduced Emergency Resolution No. 09-01.

A RESOLUTION TO AUTHORIZE THE ACTING VILLAGE MANAGER TO ENTER INTO AN AGREEMENT WITH THE CITY OF MIDDLETOWN TO ACCEPT ADULT PRISONERS OF THE VILLAGE OF GERMANTOWN WHO ARE ARRESTED ON MINOR MISDEMEANOR CHARGES, AND DECLARING AN EMERGENCY.

MOTION: Mrs. Gentry motioned to suspend the rules on Emergency Resolution 09-01, second by Mr. Schwaberow.

ROLL CALL: Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mayor Landis opened the Public Hearing. Mayor and Council were not addressed. The Public Hearing was then closed.

MOTION: Mrs. Gentry motioned to adopt Emergency Resolution No. 09-01, second by Mr. McClain.

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ROLL CALL: Mr. Schwaberow, yes; Mrs. Gentry, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mayor Landis introduced Resolution No. 09-02.

A RESOLUTION AUTHORIZING THE REQUEST FOR AN ADVANCE OF TAXES FOR 2009 COLLECTED BY THE TREASURER OF MONTGOMERY COUNTY, STATE OF OHIO.

Mayor Landis stated the Public Hearing will be held February 2, 2009.

Public Hearing:

None.

OTHER BUSINESS:

MOTION: Mr. Lawson moved to excuse absent Council Member Scott Johnson, second by Mr. Terry Johnson.

ROLL CALL: Mrs. Gentry, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

MOTION: Mr. Terry Johnson moved to adjourn to executive session to discuss personnel matters, second by Mrs. Gentry.

ROLL CALL: Mr. Terry Johnson, yes; Mr. Lawson, yes; Mr. McClain, yes; Mr. Schwaberow, yes; Mrs. Gentry, yes; Mayor Landis, yes. 6-yes, 0-no. MOTION CARRIED.

Mayor and Council adjourned to Executive Session at 7:45 p.m.

EXECUTIVE SESSION:

PRESENT:

The following members were present at the start of the Executive Session: Mayor Theodore Landis, Mrs. Jeanne Gentry, Mr. Terry Johnson, Mr. Jim Lawson, Mr. Robert McClain; and Mr. Edward Schwaberow.

MEMBERS ABSENT:

Mr. Scott Johnson was absent.

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ALSO PRESENT:

Also present was Tom Schiff, Law Director.

The aforementioned persons discussed personnel matters.

Mayor and Council reconvened into Regular Session at 8:32 p.m.

MOTION: Mr. Lawson motioned to authorize the Acting Village Manager to appoint Dan Alldred as Fire Chief, second by Mrs. Gentry.

Mr. Terry Johnson stated he was going to make his vote based on a couple of items, number one is we have two good candidates both of them from the Village, one that is still here and one that would like to come back and he feels you should give people in house a chance and if it does not work out you go out. He also made phone calls in the last couple of weeks regarding an individual coming back to the squad and in those comments he said there is a probationary period and at this point we are not in a position where we can turn down volunteers. If we do this there is six months probation and if things are not done during that time period we need to go to plan B. This should not have gone on as long as it has.

Mr. Schwaberow stated although we have had a long time in reviewing this it has been at least a couple of months since there has been any discussion. The last discussion we did have, we talked about waiting until we had a new manager. We have had limited information recently on this and have not had anything in writing regarding some kind of vote at Oversight or any preparation to give us an advance warning. He then stated he would like to postpone the vote until the next meeting to give the current acting manager to provide us with more information.

Mr. Schwaberow went on to say he has no problem with the person whose name has been suggested and any vote he would make to the contrary would not be a reflection upon that individual but upon the process.

ROLL CALL: Mr. McClain, abstain; Mr. Schwaberow, no; Mrs. Gentry, yes; Mr. Terry Johnson, yes; Mr. Lawson, yes; Mayor Landis, yes. 4-yes, 1-abstention, 1-no. **MOTION CARRIED.**

Mr. McClain stated the Oversight has been involved with two rounds of interviews for the Fire Chief. He then asked Mr. Lawson is the Fire Oversight Committee voted on the candidate that is being recommended and if the vote was unanimous. If that is the recommendation of the Fire Oversight Committee he would enthusiastically support this person for Fire Chief.

Mr. Lawson stated it was not unanimous. There was one person who did not want this person as Fire Chief.

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Mr. Schwaberow then questioned if the motion had to be followed up with legislation that indicates pay and conditions.

A brief discussion then took place regarding salary.

Mr. Schiff stated Council gave the go ahead to Annie to offer the position to Dan Alldred and it did need to come before Council at the next meeting.

Mr. Lawson stated the Trustees did have a fair amount of input into this and this Fire Chief will represent the Township also.

Mr. McClain then read the following statement into the record:

“When my son Matthew turned in his application for Fire Chief, I immediately contacted the Law Director and asked him if it would be a conflict-of-interest for my son to be Germantown Fire Chief. He replied that he would research the issue. I told him that if it was determined to be a conflict-of-interest that I would resign from Council if Matt was appointed to the position of Fire Chief.

The Law Director later informed me that his research concluded that there would be no conflict-of-interest, but that I may be required to abstain from voting on certain issues pertaining to the Fire Department.

When my son applied for the Chief’s job, I divorced myself from the process. I did not contact the manager or members of the Fire Oversight Committee with questions about the process. I did not ask questions about the process during Council meetings.

My main concern has been why it took nine months to hire a new Fire Chief.

Thank you.”

ADJOURNMENT:

There being no further business to come before the Council, Mr. Schwaberow moved to adjourn the meeting.

The meeting adjourned at 8:45 p.m.

Respectfully Submitted,

Anna M. Sizemore
Clerk of Council

Theodore E. Landis
Mayor