

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES  
JANUARY 19, 2023*

The Board of Township Trustees of Anderson Township (“Board”) held its regular monthly meeting on January 19, 2023 at 5:00 p.m., in Anderson Center Board Room. Present were the following Board members:

R. Dee Stone  
Lexi Lausten  
Joshua S. Gerth

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers and Assistant Township Administrator for Human Resources Suzanne Parker.

**Mrs. Stone moved to retire to Executive Session to consider the appointment or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1), and to consider the purchase of property for public purposes as permitted by Ohio Revised Code Section 121.22(G)(2). Mrs. Lausten seconded the motion.**

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

**Mrs. Stone moved to return from Executive Session. Mrs. Lausten seconded the motion.**

**Mr. Dietz called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes;**

**Mrs. Stone** called the meeting to order and welcomed the additional attendees, including a number of citizens and the following public officials: Planning & Zoning Director Paul Drury, Facilities Manager, Mark Magna, Fire Chief Rick Martin, Hamilton County Sheriff’s District 5 Lt. Dan McElroy, Law Director Margaret Comey, and Office Manager Betty Cowan. She asked them to join him in the Pledge of Allegiance.

**Mrs. Stone moved to adopt the agenda with modifications. Mrs. Lausten seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes;**

## **PRESENTATIONS AND RECOGNITIONS**

Announcement of Ohio Township Day – February 1<sup>st</sup> – **Mrs. Earhart** stated that the Ohio Revised Code and the State Legislature set aside the first February in each year as Ohio Township Day in recognition of township trustees, fiscal officers, and staff.

## **PUBLIC FORUM**

**Mrs. Stone** invited members of the audience to address the Board. No one came forward.

## **FISCAL OFFICER**

Financial Reports – **Mr. Dietz** presented the Board with the end of December financial reports for their review.

Appropriations Changes – **Mr. Dietz** stated there were no appropriations changes.

Resolution Authorizing Fiscal Office to Prepare Blanket Certificates in an amount not to exceed ten thousand dollars each against any specific line item account as permitted by The Auditor of State of Ohio The State of Ohio –

**Resolution 23-0119-01: Mrs. Lausten moved to adopt a Resolution Authorizing Fiscal Office to Prepare Blanket Certificates in an amount not to exceed ten thousand dollars each against any specific line-item account as permitted by The Auditor of State of Ohio, The State of Ohio. Mr. Gerth seconded the Motion.**

### **RESOLUTION NO. 23 – 0119 –01**

#### **RESOLUTION AUTHORIZING FISCAL OFFICER TO PREPARE BLANKET CERTIFICATES IN AN AMOUNT NOT TO EXCEED TEN THOUSAND DOLLARS EACH AGAINST ANY SPECIFIC LINE ITEM ACCOUNT AS PERMITTED BY THE AUDITOR OF STATE OF THE STATE OF OHIO**

WHEREAS, in accordance with Sections 5705.41 and 5705.44 of the Ohio Revised Code,  
no subdivision or taxing unit, with certain limited exceptions, shall make any contract or give an order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances; and

WHEREAS, the 2023 Ohio Compliance Supplement of the Auditor of State of the State of Ohio (the “Compliance Supplement”) provides that fiscal officers may prepare “blanket” certificates for a sum not exceeding an amount established by resolution or ordinance adopted by members of the legislative authority against any specific line item account over a period not extending beyond the end of the current fiscal year, which certificates may, but need not, be

limited to a specific vendor; provided, that only one blanket certificate ("Blanket Certificate") may be outstanding at one particular time for any one particular line item appropriation; and

WHEREAS, in addition to regular Blanket Certificates, a subdivision's fiscal officer may also issue so-called "super blanket certificates" (each, a "Super Blanket Certificate") for any amount for expenditures and contracts from a specific line item appropriation account in a specified fund for most professional services, fuel, oil, food items and any other specific recurring and reasonably predictable operating expense; provided that the certification does not extend beyond the fiscal year of the subdivision, except in the case of counties which are more limited in duration; and

WHEREAS, the Auditor of State has provided in the Compliance Supplement that a governing authority is required to adopt only one resolution or ordinance establishing the dollar limits for Blanket Certificates, with a separate resolution or ordinance approving each individual Blanket Certificate not being necessary;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Township Trustees (the "Board") of Anderson Township, County of Hamilton, Ohio (the "Township"), as follows:

SECTION 1. That this Board hereby determines that it is the best interest of the Township to authorize, and this Board hereby authorizes, the Fiscal Officer to prepare Blanket Certificates for a sum not exceeding TEN THOUSAND DOLLARS (\$10,000) each against any specific line-item account in the budget for a period not extending beyond the end of the then current fiscal year of the Township. Only one Blanket Certificate may be outstanding at one particular time for any one particular line-item appropriation. In the Compliance Supplement, the Auditor of State has interpreted "line item" to mean accounting line item, which is not necessarily the "legal level of control."

SECTION 2. That the preambles to this Resolution are and for all purposes shall be construed to be integral and operative parts of this Resolution.

SECTION 3. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.


\_\_\_\_\_ seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone \_\_\_\_\_ Mrs. Lausten \_\_\_\_\_ Mr. Gerth \_\_\_\_\_

#### CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township (County of Hamilton), Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 19<sup>th</sup> day of January, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 19<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Kenneth G. Dietz  
Fiscal Officer

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

Minutes –

**Resolution 23-0119- 02: Mr. Gerth moved to approve the minutes of September 27, 2022, October 6, 2022, October 20, 2022, November 27, 2022, December 1, 2022, and January 5, 2023; with minor corrections. Mrs. Lausten seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

Minutes –

**Resolution 23-0119- 03: Mr. Gerth moved to approve the minutes of December 15, 2022; with minor corrections. Mrs. Stone seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, abstain; Mrs. Stone, yes;**

Minutes –

**Resolution 23-0119- 04: Mrs. Lausten moved to approve the minutes of November 3, 2022; with minor corrections. Mrs. Stone seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, abstain; Mrs. Lausten, yes; Mrs. Stone, yes;**

**LAW DIRECTOR**

Mrs. Comey had nothing requiring Board action.

## **PLANNING & ZONING**

Mr. Drury had nothing requiring Board action.

## **SHERIFF'S OFFICE**

New Liquor License Request for Yummy Bowl 3 Inc. dba Yummy Bowl located at 7578 Beechmont Avenue, Suite EC –

**Resolution 23-0119-05: Mrs. Lausten moved not to object to a new Liquor License Request for Yummy Bowl 3 Inc. dba Yummy Bowl located at 7578 Beechmont Avenue, Suite EC. Mr. Gerth seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

## **PUBLIC WORKS DEPARTMENT**

Certification of 2022 Annual Road Mileage as Required by Ohio Revised Code Section 4501.04

**Resolution 23-0119-06: Mr. Gerth moved to certify the 2022 Annual Road Mileage as submitted by the Ohio Department of Transportation and the Hamilton County Engineer's Office and as kept on file in the Township Public Works Department and Fiscal Office. Mrs. Lausten seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

## **FIRE & RESCUE**

Request Authorization to Apply for Ohio BWC Safety Grant –

**Resolution 23-0119-07: Mrs. Lausten moved to authorize the Anderson Township Fire & Rescue Department's application for an Ohio BWC Safety Grant for which the Anderson Township Fire & Rescue Department's 25% matching funds would not exceed \$11,500 for the purpose of purchasing equipment during the 2023 aware period. Mr. Gerth seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

## **TOWNSHIP ADMINISTRATION**

Recommended Acceptance of Bid for HAM-LMST Extension to Elstun Phase I Project –

**Resolution 23-0119-08: Mr. Gerth moved that this Board hereby accepts the Bid of \$220,660.88, from Prus Construction Co., deemed to be the best and lowest responsible/ responsive bidder for the HAM-LMST Extension to Elstun Phase 1 project in accordance with the Bid plans and specifications, together with a 10% contingency, for a maximum appropriation of \$242,726.88, 90% of which is funded through SORTA Transit Infrastructure Fund grant and no more than \$50,000.00 in Township funds currently secured in purchase order using 1994 TIF funds; further, this Board hereby authorizes and directs the Township Administrator to give timely Notice of Award to the contractor and, after consultation with the Law Director, to enter into contract with Prus Construction Co. in accordance with their Bid for the HAM-LMST Extension to Elstun Phase 1 project. Mrs. Lausten seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

Recommended Acceptance of Bid for Rambling Hills Sidewalk Project –

**Resolution 23-0119-09: Mrs. Lausten moved that this Board hereby accepts the Bid of \$222,139.71, from Rack & Ballauer Excavating, Co., Inc., deemed to be the best and lowest responsible/ responsive bidder for the Rambling Hills Sidewalk project in accordance with the Bid plans and specifications, together with a 10% contingency, for a maximum appropriation of \$244,353.71 from funds currently secured in purchase orders using 1994 TIF funds; further, this Board hereby authorizes and directs the Township Administrator to give timely Notice of Award to the contractor and, after consultation with the Law Director, to enter into contract with Rack & Ballauer Excavating, Co., Inc. in accordance with their Bid for the Rambling Hills Sidewalk project. Mr. Gerth seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

A Resolution Accepting Transfer of Portions of the Hillcrest African American Cemetery from the Coalition to Save Hillcrest Cemetery, Inc. –

**Resolution 23-0119-10: Mr. Gerth moved to adopt a resolution Accepting Transfer of Portions of the Hillcrest African American Cemetery from the Coalition to Save Hillcrest Cemetery, Inc. Mrs. Lausten seconded the Motion.**

**RESOLUTION NO. 23 – 0119 – 10**

**A RESOLUTION ACCEPTING TRANSFER OF  
PORTIONS OF THE HILLCREST AFRICAN AMERICAN CEMETERY FROM  
THE COALITION TO SAVE HILLCREST CEMETERY, INC.**

WHEREAS, the Coalition to Save Hillcrest Cemetery, Inc. (“Coalition”) has requested that the Board of Anderson Township Trustees (“Board”) assume ownership of the portion of Hillcrest African American Cemetery that is within its borders; and

WHEREAS, Section 517.27 of the Ohio Revised Code (the “Statute”) provides that when title or control of a public cemetery is vested in an association or its board of trustees, or is vested in a religious society, whether incorporated or not, or in its board of trustees, and such cemetery is used exclusively for cemetery purposes, such association, society, or board of trustees may convey such grounds to the board of township trustees and its successors in office.

WHEREAS, the Statute further provides that with limited exceptions therein stated and subject to the rights of the original grantor, the original grantor’s heirs or assigns, the board of township trustees shall accept and take possession of such grounds, and take care of, keep in repair, hold, treat, and manage them in all respects as required by sections 517.01 to 517.32, inclusive of the Ohio Revised Code; and

WHEREAS, the Township deems it to be in the best interests of the Township to accept such cemetery grounds; and

WHEREAS, Section 517.03 of the Ohio Revised Code provides that a board of township trustees may levy a tax, not to exceed one-half mill in any one year, upon all taxable property in the township to defray the expenses, among others, of care, supervision, repair, and improving lands for cemetery purposes, and of maintaining and improving entombments;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Anderson Township, County of Hamilton, Ohio, as follows:

SECTION 1. Subject to the recording with the Hamilton County, Ohio Recorder of a properly executed general warranty deed from the Coalition to Save Hillcrest Cemetery, Inc. to

the Board conveying Hamilton County Tax Parcel ID Nos. 500-0470-0014-90, 500-0470-0032-00, 500-0470-0033-00, and 500-0470-0333-00 (the "Grounds") comprising the real property on which the Hillcrest African American Cemetery parcels located within Anderson Township are located, this Board acknowledges its acceptance of the Grounds pursuant to the Statute for management and maintenance under Sections 517.01 to 517.32, inclusive, of the Ohio Revised Code.

SECTION 2. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 3. This Board hereby finds and determines that all formal actions of the Board concerning and relating to the passage of the Resolution were taken in open meetings of this Board, and that all deliberations of the Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

Mrs. Lausten seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

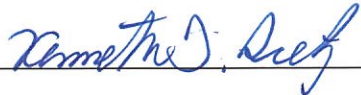
Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

#### CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 19<sup>th</sup> day of January 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned Fiscal Officer hereby certifies that the moneys required to meet the obligations of the Township under the foregoing Resolution during the remainder of the year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

This 20<sup>th</sup> day of April 2023.

  
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Kenneth G. Dietz, Fiscal Officer

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

2023 Ethics Panel Appointments -



**Resolution 23-0119-11: Mrs. Lausten moved to appoint Eric Luginbuhl (Public Works) and Sarah Donovan (Planning & Zoning) to the Anderson Township Ethics Panel for two-year terms beginning January 1, 2023 and ending December 31, 2023.**

**Mr. Gerth seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes**

Request to Ratify Hiring of Full-Time Event Attendant Lead -

**Resolution 23-0119-12: Mr. Gerth moved to ratify the Township Administrator's hiring for the Event Attendant Lead position effective January 17, 2023, with a starting pay rate of \$18.00/hour and all other benefits normally offered with full-time employment. Mrs. Lausten seconded the Motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes**

Decision Arising from Executive Session –

**Resolution 23-0119-13: Mrs. Lausten moved to authorize changing the title of the Public Works Department Secretary to Administrative Assistant and adjusting the pay rate to \$25.00 dollars an hour effective January 20, 2023. Mr. Gerth seconded.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

**Mrs. Stone moved to retire to Executive Session to consider the appointment or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1), and to consider the purchase of property for public purposes as permitted by Ohio Revised Code Section 121.22(G)(2). Mrs. Lausten seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

**Mrs. Stone moved to return from Executive Session. Mrs. Lausten seconded the motion.**

**Mr. Dietz called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes;**

**Mrs. Stone moved to adjourn the meeting. Mrs. Lausten seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes;**

These minutes were approved at the meeting of 20 April, 2023.

  
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R. Dee Stone, Chair

  
\_\_\_\_\_  
Kenneth G. Dietz, Fiscal Officer

### **CERTIFICATION**

The undersigned duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 20 day of April 2023, and that said minutes have been duly entered upon the Journal of said Township.

This 20<sup>th</sup> day of April, 2023.

  
\_\_\_\_\_  
Kenneth G. Dietz, Fiscal Officer