

Minutes of the Miami Township Board of Trustees Regular Meeting

April 12, 2016

Trustee President Douglas Barry called the Miami Township Board of Trustees Regular meeting to order on Tuesday, April 12, 2016 at 7:00 pm and led in the reciting of the Pledge of Allegiance. The following were present:

Elected Officials:

Douglas Barry – Trustee President
Robert Matthews Jr. – Trustee Vice President
Andrew Papanek – Trustee
Aaron Newell – Fiscal Officer

Township Staff:

Greg Rogers – Township Administrator
Penny Bogner – Financial Specialist
Ron Hess – Police Chief
Dan Mayberry – Public Works Director
Mukesh Singh – Compliance Director
Kyle Hinkelman – Community Development, Deputy Director

Clay McCord – Finance Director and Chris Snyder – Community Development Director were absent.

DISCUSSION ON AGENDA

Mr. Barry reviewed the agenda and how the meeting would proceed as a result of the panel discussion on Layer Park.

CONSENT AGENDA

All matters under the Consent Agenda are considered by the Board of Trustees to be routine and will be enacted by one motion. Any Trustee may remove an item from the Consent Agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

- A. Meeting Minutes
 - March 22, 2016
- B. Payroll and Bills
 - Payroll dated 4/1/2016 total \$187,507.14.
 - Write on check run checks 66789 - 66871, totaling \$722,650.24.

Mr. Barry motioned and Papanek seconded the motion to approve the Consent Agenda items.

Mr. Barry - yes
Mr. Matthews - yes
Mr. Papanek- yes

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NEW BUSINESS

Department Reports

Police- Chief Hess discussed the following item:

1. A liquor permit for BL Restaurant Operations LLC, DBA Bar Louie
Chief Hess discussed a liquor permit for ML Restaurant Operations LLC at 10267 Penny Lane. The background checks and applications have shown no reason to deny a D5J permit. A D5J permit is for on premises consumption of beer, wine and mixed beverages in a community entertainment district.

Public Works- Dan Mayberry had nothing formal for the board.

Community Development/ IT- Kyle Hinkelman discussed the following items:

1. Authorizing the township's participation in an ED/GE application (Resolution 029-2016)
Mr. Hinkelman stated that this is a required resolution to submit an application for ED/GE funding to assist in bringing a new employer to Miami Township. The proposed project would bring 40 jobs currently located out of the state, retaining 37 positions currently within the township. The project included a 3-5 year employment projection of over 100 employees. This project also included refurbishing the facility at 3447 Newmark Dr.
2. Authorizing the township administrator to contract with Juniper CRE Solutions to provide marketing and real estate services (Resolution 030-2016)
This resolution is to contract with Juniper CRE Solutions for the marketing of township parcels. This focuses on the Wood Road property and the Lyons Ridge property. Juniper CRE Solutions will assist the township by acting as a real estate advisor and consultant for the township and marketing those locations to developers and other interested parties. The contract is for \$3,500 monthly with a maximum price of \$21,000. Juniper CRE Solutions anticipates accomplishing these tasks within 6 months.
3. Mr. Hinkelman noted that the Community Development staff attended the National APA conference in Phoenix, Arizona and made a presentation on the Dayton Mall Masterplan. The plan was well received with over 300 people at the session. Mr. Rogers noted that this is quite an elite class of participants. This conference allows planners from all over the nation to earn credits for their accreditation and to be able to make a presentation is quite an honor.

Compliance- Mukesh Singh had nothing formal for the board.

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VOTING ON RESOLUTIONS

Motion for a Liquor Permit for BL Restaurant LLC, DBA Bar Louie

Mr. Barry motioned and Mr. Matthews seconded the motion to **approve** the motion for a Liquor Permit for BL Restaurant LLC, DBA Bar Louie.

Mr. Barry - yes
Mr. Matthews - yes
Mr. Papanek- yes

Resolution 029-2016

Mr. Papanek motioned and Mr. Barry seconded the motion to approve Resolution 029-2016 to authorize the Township's participation in an ED/GE Application.

Mr. Barry - yes
Mr. Matthews - yes
Mr. Papanek- yes

Resolution 030-2016

Mr. Matthews motioned and Mr. Papanek seconded the motion to approve Resolution 030-2016 to authorize the Township Administrator to contract with Juniper CRE Solutions to provide marketing and real estate services.

Mr. Barry - yes
Mr. Matthews - yes
Mr. Papanek- yes

COMMENTS FROM THE BOARD

Douglas Barry welcomed the newly elected Aaron Newell to the bench.

PANEL PRESENTATION REGARDING LAYER PARK

Mr. Rogers gave a brief history of the area currently known as Layer Park.

- Prior to 1927 area owned by Edward Deeds
- 1927 sold to Moraine Park which included skeet ranges on the property from 1939 possibly earlier
- 1951 sold to Skeet Realty Company
- 1956 sold to Robert Boswell
- The Miami Valley Hunt and Polo club retain ownership in 1956
- 1972 land donated to Montgomery County
- 1992 County leased a portion of the area to Miami Township for Bush-Dell Park
- 1998 renamed Layer Park after long-term trustee Berman Layer

The following individuals were present to participate in the panel discussion:

- Amy Wiedeman, Assistant Montgomery County Administrator
- Steve Wolfe, US EPA On-Scene Coordinator

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- Mike Proffitt, Ohio EPA DERR Chief
- Russell Brown, Southwest District, Assistant Chief, Ohio EPA
- Thomas Hut, Supervisor – Bureau of Special Services Public Health – Dayton & Montgomery County

Mr. Proffitt thanked all for coming out and stated that in 2013 a group from the Ohio EPA worked on a study to determine background lead levels in Montgomery County. These studies were to be used to see what normal concentrations are in the area. When the data was received in 2013, it was noticed that levels within Layer Park were elevated. Mr. Proffitt stated that at this point the Ohio EPA made a very big mistake. The elevated levels were noticed, but the file was set aside to work on other pressing projects. In 2016, a new director was hired and he wanted to review all possible problem files. While new samples were taken and reviews, it was discovered that this area in the 1930s-1950s used to be a skeet range. Now a reason was known for the elevated levels. The OEPA along with the Public Health and Miami Township met to discuss what was needed to be done short term to ensure the citizens were protected. The agreement was to keep the park closed until it can be shown the park is safe.

After finding the file and doing more testing there was reasonable belief that some of the residents' properties may also contain elevated levels. The Southwest District of the Ohio EPA created a plan of action and has asked to take samples from residents' properties and send those samples to the US EPA to determine what steps are necessary to remove, stabilize and correct this situation.

Thomas Hut shared why lead is a health concern. Lead is a neurological toxin, which affects children younger than 6 and pregnant women. The effects are the same whether the lead is inhaled or swallowed, and exposed soil is the main concern for lead contact.

Mr. Hut stated that just using the park did not mean that a person was exposed to lead. The individual must come into contact with the lead to be exposed. Mr. Hut indicated that the main thing to keep in mind is dosage and frequency – how much did someone ingest, how long were they exposed, and how often did the exposure happen. Mr. Hut also explained 400 ppm (parts per million) is a health based screening level and not a predictor of illness; simply a predictor of increased risk of an adverse health affect.

Mr. Hut indicated that the area around the baseball field is less contaminated due to it lush grass cover, however the eastern side tree line has a greater risk. Mr. Hut also indicated that while the park is closed the health risk is mitigated by eliminating the chance of contact with the lead in the soil.

Steve Wolfe is an on scene coordinator for the US EPA. His position is to determine whether an emergency response or a time critical removal action is required. Emergency responses involve pollutants which need to be cleared immediately such as chemical spills, accidents, or factories on fire. The park is a time critical removal situation. With the good vegetative covering on the

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park and on residents' properties the risk is lowered. Windblown material is not likely unless the grass cover is removed. Mr. Wolfe indicated that no hits for lead were detected in the air. Mr. Wolfe also stated that it is unknown if residential properties are directly affected. The Ohio EPA has asked residents for permission to test and the resident must allow the EPA permission to enter their property. If the resident does not want their property tested, the resident must sign a waiver.

If testing is allowed, the EPA will give the resident his/her results. If the results indicate levels over the allowed standard of 400 PPM, a cleanup action is triggered and a plan of action will be presented to the resident. The cost of this clean-up work is not the responsibility of the homeowner, but the homeowner must tell the EPA what will be allowed to be done on the property. For example, if the homeowner doesn't want certain trees or flowers to be touched, the EPA will not remove those items. Anything the EPA removes is replaced with a similar item.

The removal and replacement of contaminated areas is done on an individual homeowner-by-homeowner basis, not as a group.

As for the park, Mr. Wolfe indicated that the higher concentrations are in the area owned by the county. Mr. Wolfe discussed three options for dealing with this area:

1. Put a two-foot cap over the facility. Proper drainage is maintained so as to not flood the residential areas. This takes care of any risk from exposure from contact.
2. Dig a deep pit to one area of the park, put all the contaminated soil in that area and then cover that area, essentially reducing the size of the area of risk and capping that smaller area.
3. Removal of the top two feet of soil, take it offsite and dispose of it and replace it with fresh soil, reseed and get the park ready for use again.

Mr. Wolfe noted that it is very unlikely that many of the trees can be saved. He said that while an effort could be made to try to save the trees, it's quite likely that they would die within 2 years and then the county and township would be responsible for removal and replacement of those trees. While the samples already taken are approximately 50 yards apart, Mr. Wolfe indicated that more samples will be taken to tighten the areas of concern to save as many of the current trees and disturb the park as little as possible.

Mr. Wolfe indicated that a timeframe for beginning this process is unknown. First, due diligence is needed to search for a responsible party. Also, US EPA must get the rest of the information and collection from the Ohio EPA.

Assistant Montgomery County Administrator, Amy Wiedeman, who oversees the county owned property, stated that the county is working with the Ohio and the US EPA to clean up this area and get the park back to the residents.

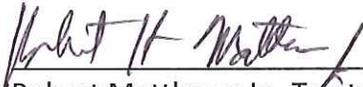
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Mr. Barry adjourned the meeting at 7:34 pm to allow residents the ability to ask questions of the panelists.



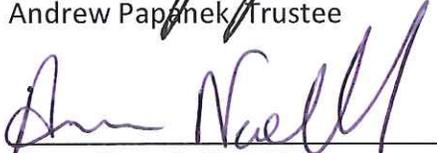
Douglas Barry, Trustee President



Robert Matthews Jr., Trustee Vice President



Andrew Papenek, Trustee



Aaron Newell, Fiscal Officer

AFN: pdb