

Miami Township Trustees
Greene County, OH
Minutes of June 15, 2026

**see acronym glossary following minutes*

Call to Order

The meeting was called to order at 5:00 p.m. by Chairperson Moir, with Trustee Mucher and Trustee Askeland present.

Fire Chief James Cannell, Fiscal Officer Cyndi Pauwels, and Road Department Supervisor Dan Gochenouer were in attendance.

Greene County Prosecutor David Hayes and residents Peter Buswinka and KellyAnn Tracy were also present.

Trustees Agenda Approval

Trustee Moir **moved** to move the discussion with Prosecutor Hayes from Old Business to immediately before the Fire Department Report. Trustee Askeland **seconded**, and **the motion carried unanimously**.

Adoption of Minutes

Trustee Mucher **moved to adopt the minutes** of June 1, 2026, as presented. Trustee Askeland **seconded**, and **the motion carried unanimously**.

Correspondence

The Trustees received no correspondence that needed further discussion.

Citizen Concerns

No comments.

Discussion with Greene County Prosecutor David Hayes

After being assured the Trustees had waived attorney-client privilege for the topic at hand, Mr. Hayes restated the opinion presented in two (2) previous letters to the Trustees re: reimbursement of Medicare premiums. He acknowledged that prior advice from the Prosecutor's Office had been "uneven," but stressed the latest opinion, while "others may disagree," was the "best advice to avoid legal complications" on a "complicated" issue. "Whether it's prospective or retrospective, you are permitted to do so under Ohio law under certain conditions provided you pass a Resolution. But to do so will expose you to potential liability under the Affordable Care Act." (*see Minutes of May 18, 2026, for complete text of the letter in question*)

Highlighted points from the wide-ranging discussion (*see the video of the meeting for the complete exchange*):

Trustee Moir asked that, since **there appeared to be no past Resolution authorizing such reimbursements, and no written policy of same if it did exist**, how could the Trustees authorize such reimbursements in arrears as they are being requested to do?

Trustee Askeland referenced ORC 5056 in connection to reimbursements, noting “If you offer reimbursements, they have to be written in such a way that they treat all reimbursements equally. **You cannot single out Medicare.**”

Mr. Hayes said **the same opportunity for reimbursement must be offered to all employees**. He added, “It’s **the potential for exposure to penalties under the Affordable Care Act**. That’s the big red flag. That’s the unknowable...**the best advice I can give you is to stay away from it.**”

Trustee Mucher asked if Mr. Hayes could provide a **tax attorney reference**, as mentioned in his letter; Mr. Hayes said he could offer a short list of those **experienced in healthcare matters and in small government**, who are “**fluent in the intersection between state and federal tax law.**”

Trustee Mucher then **moved to consult with a tax attorney on those reimbursement issues that merit further review, per Trustees discussion**. Trustee Askeland **seconded**. During the further discussion, Mr. Hayes stated, “**The best advice I can give you** is that you can have a healthcare plan for your employees and not provide reimbursement for outside plans. Or you can *not* have a healthcare plan for your employees, but provide reimbursement for them seeking outside plans, whether that’s Medicare or anything else. ...If you heed that advice, you will not have any exposure. You will satisfy both Ohio law and you will satisfy federal law unquestionably.”

After Ms. Pauwels read aloud a vote in question (during the discussion) from the January 6, 2025, minutes, noting it was a motion, not a Resolution, **Trustee Mucher said a Resolution had been passed re: reimbursements in 2018** (*later found to be Resolution 2018-12*).

In response to Trustee Mucher’s questions re: **retroactive reimbursements** being allowed, or **continuing Resolutions**, Mr. Hayes said he was not prepared to answer that question today, but that “**off the cuff, he would say no**. He added, “These are not continuing Resolutions.”

Trustee Mucher referenced “background material” he had provided to the Prosecutor’s Office including the 2018 Resolution. Mr. Hayes apologized for not having them at hand and said, “We have spent an incredible amount of time researching this issue...I do know, however, that that would not change my advice today.”

After clarifying the motion to “to accept the advice to consult a tax attorney for those items referencing medical reimbursement that Mr. Hayes feels merit further review,” the **motion carried 2-1 with Trustee Moir voting “No.”**

Trustee Moir noted she is **in favor of further advice for any reimbursement plans going forward, but not to reopen past non-compliant payments.**

After further discussion, Trustee Moir **moved** to “**expand the tax attorney consultation to not just reimbursement, but also how the Township handles all insurance matters and pre-tax premiums.**” Trustee Mucher **seconded**, Trustee Askeland clarified the final wording, and **the motion carried unanimously.**

Mr. Hayes agreed to **provide the names of three (3) firms before the Trustees’ July 6, 2026, meeting.** Trustee Moir will forward to him the contact information for the firm OTA provided that handled the Township consultation re: the Section 125 Cafeteria Plan (proposed under New Business below) for his consideration as well.

Fire Department Report

Chief Cannell shared his written report (attached), noting the department is maintaining **100% paramedic coverage** for runs, with 589 runs year-to-date for **an average of 3.5 runs per day.**

FEMA grant applications are underway with the contractor. Trustee Moir asked if the required SAM.gov application number is current; a brief discussion determined it is.

Street Fair was a success, with only six to seven (6-7) incidents and no transports.

Cemetery and Road Report

Cemetery:

Mr. Gochenouer reported **three (3) burials**: one (1) at Clifton, one (1) cremains, and one (1) in the Natural Burial area.

There will be a **headstone repair/restoration seminar** at Clifton Cemetery on June 26, 2026.

Roads:

Mr. Gochenouer reported they are finishing **mowing the ditches** this week, then moving on to trimming.

Trustee Moir reported on the **Harbison Road grant** meeting she and Mr. Gochenouer attended at Greene County. The project is slated to be finished in August 2027, **with a Township cost of \$550,000.** The Engineer’s Office is preparing to put out the work for bid on behalf of Miami and Cedarville Townships.

To that end, she presented **Resolution 2026-19 Authorizing the Advertisement of the Harbison Road Project** and **moved** for its adoption. Trustee Askeland **seconded**, and the **Resolution was adopted unanimously.**

Trustee Mucher shared with Mr. Gochenouer a citizen concern re: **mowing on Larkin Road**. Mr. Gochenouer said he would take care of it this week.

Fiscal Officer's Report

Presentation of current payment listing: **6/1-12/2026 - \$131,205.91**

Ms. Pauwels presented **Resolution 2026-20 to Amend Permanent Appropriations** (Workers' Comp, etc.) and asked for its adoption. Trustee Mucher so **moved**, and Trustee Moir **seconded**. The **Resolution was adopted unanimously**.

She reminded the Trustees that **auditors will be in the office on Thursday and Friday, June 18-19, 2026**.

She will be **out of the office June 24-27, 2026**, and asked Trustees to please stop in no later than Tuesday, June 23, to sign checks.

Standing Committee Reports

- Miami Valley Regional Planning Commission (MVRPC): Trustee Moir reported they discussed a Dayton Foundation initiative re: **age-friendly communities**; Trustee Askeland will assist with follow-up on that. They also heard presentations on a proposed **2026-29 Transportation Program** and from **Dark Sky Ohio**, which helps combat light pollution.
- Greene County Regional Planning & Coordinating Commission (RPCC): Trustee Mucher reported they reviewed **two (2) subdivision plans** (Beavercreek Township) and a **Zoning Resolution change** from Miami Township (after the grant updates just completed). They also discussed personnel issues and will be **advertising for a full-time planner and an administrative assistant**.
- Clifton-Union Cemetery Board: **no report**
- YS Development Corporation (YSDC): Trustee Moir reported that after extensive and expensive repairs/safety upgrades by YSDC, the **old hardware store** is now occupied by Miami Valley Pottery, and Golden Goodies is operating in the **old toy store**.
- Greene County Township Association: Trustee Moir attended the outdoor dinner where **the new OTA director spoke**.
- YS Active Transportation Committee: **no report**

Old Business

Trustee Askeland presented a report from the latest Tech Committee meeting held June 11, 2026. They reviewed the **compliance document prepared for HB 96** (Township cybersecurity compliance). A Resolution will be needed to adopt the plan, which is still being revised, but as long as it is noted to take effect on the July 1, 2026, deadline, that should satisfy the State.

Trustee Moir outlined some **lingering email issues** due to the domain change, all of which TechAdvisors is handling as they arise.

New Business

Trustee Moir presented **Resolution 2026-21 Declaring the Necessity for Levying a Tax Exceeding the Ten-mill Limitation** and Requesting the County Auditor to Provide Certain Information Pursuant to OHR 5705.03(B) for **fire/EMS capital needs** and asked for its adoption. Trustee Askeland so **moved**, and Trustee Mucher **seconded**. The **Resolution was adopted unanimously**.

Trustee Askeland read into the record a **draft press release informing the public of the levy's purpose** and asked for comments. After a brief discussion, she **moved** for it to be released to the media. Trustee Mucher **seconded**, and the **motion passed unanimously**.

Trustee Moir presented **Resolution 2026-22 to Adopt Section 125 Premium-only Plan** re: staff healthcare coverage. Trustee Askeland **moved** to adopt the Resolution, and Trustee Mucher **seconded**. The **Resolution was adopted unanimously**.

Trustee Mucher delayed his requested Board of Trustees policy review to a future date.

Adjournment

The meeting was adjourned at 6:29 p.m., with the next meeting scheduled for **Monday, July 6, 2026**, at 5 p.m.

Chairperson _____ Attest _____

*Acronyms:

- MTFR: Miami Township Fire & Rescue
- MVRPC: Miami Valley Regional Planning Commission
- OTA: Ohio Township Association
- RPCC: Greene County Regional Planning & Coordinating Commission
- YSDC: Yellow Springs Development Corporation

/clp

Miami Twp. Trustee Meeting- Fire Chief Report

Personnel/Staffing-

New personnel continue to progress through their orientation packets and are quickly learning our operations, procedures, and expectations. Their transition into the department has been smooth, and they are integrating well with our existing staff.

Operations-

589 runs year-to-date (see run/staffing report)- 3.5 runs/day

Building-

Entered into annual inspection agreement with Silco - includes inspection/testing of fire extinguishers, kitchen hood system, alarm panel and systems, backflow preventer. And emergency lighting

Apparatus/Vehicles/Equipment-

The Chief's vehicle upfit is complete and scheduled for graphics installation on Wednesday. It will be completed and ready for pick up next week.

The FEMA grant applications are being finalized. Capt. Ayers is working closely with Allyson from Grant Source Professionals to finish up the fire prevention grant.

Misc.

The Yellow Springs Street Fair was a success with very few incidents. MTFR staffed three vehicles throughout the event and assigned personnel specifically to the venue.

The UTV borrowed from Springfield Township Fire Department proved to be an asset, allowing rapid access through crowded areas. Given the activity in our parks and the two annual Street Fairs, adding a department-owned UTV would enhance our operational capabilities and improve response in areas not easily accessible by traditional apparatus.