

Record of Proceedings: August 28, 2012
West Chester Township Board of Trustees - Regular Meeting

Convene: President Stoker convened the meeting at 6:00 p.m..

Roll Call: Mrs. Stoker, Mr. Wong and Mr. Lang responded.

Pledge of Allegiance: Led by Tyler Boes, Boy Scout Troop 974, and repeated by those present.

Citizen's Comments

Rosemary Haddad, 7612 Live Oak Dr., expressed her concern that several businesses on Cincinnati-Dayton Rd. have begun to park their business vehicles close to the road causing poor visibility, referring to these vans and trucks as "mobile billboards" with advertisements covering their exteriors. She said they look awful, are detrimental to the character of their neighborhood, and was concerned other businesses will begin to do likewise as a way to circumvent sign regulations. She suggested as a rule that any vehicle with signage covering 6 to 8 square feet or more be required to park a minimum of 50 feet away from the road. She said she's pro-business, but these businesses need to play by the rules. She concluded by advising the Trustees to take action now in order to preserve West Chester as a desirable community.

Mrs. Stoker said a member of staff would get with her regarding the matter.

Carl Rullmann, 8285 Ventle Dr., said it was hard to get through to the Board about defending the Constitution, it was really a simple document, but he would pass this evening so the Board would not have to duck any questions.

Presentations

There were no presentations

Action Items – For Approval by Motion

MOTION to approve the Trustee Meeting Minutes of June 26, 2012: point of order by Mrs. Stoker to address these minutes in two parts, (1) corrections and (2) addendums. For purposes of discussion, Mr. Wong seconded. Mr. Lang said he didn't think anyone made the motion that Mr. Wong seconded.

Mrs. Stoker made a motion to approve the June 26th meeting minutes with the corrections she had just passed out. Mrs. Stoker asked for a second. Mr. Lang said he would recognize Mr. Wong as having seconded her motion.

Discussion: Mrs. Stoker led a discussion regarding the corrections she was submitting at Mr. Jones' request that inserted missing opinions that had been expressed by residents during the June 26 meeting but omitted from the original meeting minutes.

Mrs. Stoker read into the record the missing comments from about 31 residents that had not had their opinions about the Eagleridge crosswalk recorded in the minutes. She also read in several corrections to addresses and corrected one of the action items.

Mr. Wong supplied corrections to the spelling of names and organizational titles of several of the residents.

When Mr. Lang asked if they had the authority to make her changes, Mrs. Stoker read the following opinion from the township's Law Director Don Crain:

"The minutes of the meeting should be presented at the next regular meeting of the board for corrections after the previous minutes have been read by the fiscal officer of the board. The board chair should call for any omission or correction and, if no corrections are raised, they should stand as read. If, on the other hand, there is an objection, the objection, as stated, must be voted upon by the board. If the objection is well-taken, the correction should be made, and the minutes then should be approved as corrected. It is important that the minutes are an accurate reflection of what was discussed at the public meeting."

Mr. Lang was concerned as to whether the restored comments were biased, as he hadn't had an opportunity to review the proposed correction before the meeting. Mr. Lang asked Mr. Jones to give his opinion of the proposed corrections.

Mr. Jones said, rather than sending emails back and forth, he asked that they submit any changes they wanted at the meeting, and that he can't read anyone's mind as to what they "believe is important". He said that he had no objection to Mrs. Stoker's changes (excluding addendums), and felt they were "straight-up and without spin. I have no problem with them at all. I had asked you to do it and you did it and that's fine by me." He continued that they [the requested corrections] were very objective and straight forward and he had no problem with them.

Mr. Lang said he thought her changes were voluminous, asked to delay addressing the changes so he could look them over, but asked that they address the minutes that pertain to the nuisance assessments. Mrs. Stoker said the problem with his request was that they needed to address the minutes pertaining to nuisance assessments for the County Auditor's office so she wanted to move along, her comments would take 20 minutes, and proceeded to read her additions.

Mr. Lang wanted additional time to review the corrections. However Mrs. Stoker and Mr. Wong were concerned with processing the minutes on a timely basis to enable staff to also do their work expeditiously. Mrs. Boyko reminded the Board members that the proposed corrections had been distributed on Sunday. Mrs. Stoker reported she made the corrections and distributed them to the other trustees as soon as possible—within a very few days of receipt from Mr. Jones.

Mr. Lang expressed his objection, suggesting "politics is being played". In response to laughter by Mrs. Stoker and Mr. Wong, he added, "I don't think this is funny. This is serious". Mrs. Stoker explained that she was just supplying the reasons for citizen opinions which had been expressed at the meeting but not included in Mr. Jones's original meeting minutes. Her corrections were consistent with her belief that every citizen who speaks at Trustee meetings deserves a fair and equitable representation in the minutes.

Mr. Jones said he was presenting the minutes as concisely as possible because that was the consensus from the discussion he had with Mrs. Stoker and Mr. Wong. If anyone challenges the Board's changes after they're approved, it will have been the Board that voted to include the changes.

Mrs. Stoker said she believed that's where they have a difference of opinion and that it's the responsibility of the Fiscal Officer to identify any inaccuracies they submit.

MOTION passed with Mrs. Stoker and Mr. Wong voting affirmatively, and Mr. Lang abstaining, stating he didn't have an opportunity to review her changes against the tape, but assumed they were accurate. Mrs. Stoker responded, "Please go through them and let me know if I made any errors, because I do try to do them as accurately as possible". Mr. Lang said he believed she was very thorough.

(Fiscal Officer note: The approved corrections are incorporated into the June 26, 2012 minutes.)

Mrs. Stoker then asked the Board to consider appending four correcting statements to the June 26 meeting minutes refuting erroneous statements made by Fiscal Officer Bruce Jones during Citizen Comments. Although the statements were not included in the minutes, they do exist on the video and were heard by all in attendance.

The four requested statements to append concerned:

1. The fact that meeting minutes are not discussed during Executive Sessions
2. The fact that requested corrections to minutes did stem from repeated inaccuracies in meeting minutes that Mr. Jones had refused to correct
3. The fact that Mr. Jones falsely and repeatedly accused Mrs. Stoker of making false statements in her requested corrections.
4. The fact that Mr. Jones falsely accused Mrs. Stoker of trying to force him to illegally enter false data into the township minutes

Mr. Lang again asked if he could have two weeks to review her motion before voting on them; however a majority of the board continued with the additions which had been distributed with the corrections to the board on the previous Sunday.

Mr. Jones responded that he was ambushed at the June 12th meeting by her request. Mrs. Stoker stated that asking for valid corrections to meeting minutes are not an ambush.

Mr. Jones expressed his frustration over the difficulties of recording concise minutes when the trustees add changes and corrections.

Mr. Jones then responded that, because Mrs. Stoker is a party to the discussions, some being arguments, she might inherently disqualify herself for a lack of objectivity. Mrs. Stoker said that was a silly thing to say. Additionally, it has been the custom in this township for 36 years under Pat Williams to put in changes when requested by a trustee.

Mr. Wong asked for a motion to vote. Mr. Lang agreed with Mr. Wong that we need to move forward. He asked again for two weeks to look over her comments, but agreed they could move forward if that's what they wanted to do.

Mrs. Stoker made a motion to append to the minutes of the June 26th meeting that (1) meeting minutes are not discussed in executive sessions; (2) Mr. Jones repeatedly refused to make factual changes to the May 22nd meeting minutes, though they were repeatedly requested through emails and meetings and publically during Township meetings; (3) A refutation of Mr. Jones' allegedly false statements, to wit Mrs. Stoker did indeed comment at the May 22nd meeting that she did

watch traffic; a fact Mr. Jones himself admitted in his email of July 13th to Mrs. Stoker wherein he stated "I originally did not recall your comment about sitting in your car observing traffic at the intersection . . . I again reviewed the video tape and 43:15 minutes into the May 22nd meeting you made that comment". And (4) at no time has Mrs. Stoker ever asked Mr. Jones to include in the meeting minutes any inaccurate or illegal information. Mr. Wong seconded the motion. Mrs. Stoker then said, "I would make a caveat, with the exception of one promptly corrected typo."

A spirited discussion followed where trustees discussed the importance of accurate minutes; and reflected on their frustration at trying to adequately review meeting minutes and their corrections within an inadequate time limit. It is particularly difficult when the trustees are given the minutes to multiple meetings only a few days before the next meeting. Mr. Wong asked if Mr. Jones needed help with the minutes.

Mr. Lang said he didn't disagree with anything Mrs. Stoker said, but he was caught off guard, that what she said would take 20 minutes to address probably took 50 minutes, and he asked that, if this is going to happen regularly, he be given a weeks' notice. Mrs. Stoker complained that she didn't have that much opportunity to look at the minutes. Mr. Lang said they could review the minutes up to the meeting before last, allowing time to be completed as well as reviewed.

Mr. Lang suggested they could get with Mrs. Boyko to develop a systemic way to address the timely processing of minutes.

Motion passed with Mrs. Stoker and Mr. Wong voting affirmatively, and Mr. Lang abstaining.

MOTION to approve the July 10, 2012 meeting minutes made by Mr. Lang, seconded by Mr. Wong. Discussion: Mrs. Stoker recommended approving them with the following correction: The address in Citizen's Comments for Mrs. LaChappelle's nuisance complaint is Shadybrook Drive instead of Ventle Drive. Mr. Lang modified his motion to include the address change. Mr. Wong seconded with Mrs. Stoker noting that Mr. Wong modified his second. Motion carried unanimously.

Mrs. Stoker, reflecting the opinion of the majority of the board, said they would vote on the July 24th minutes at their next meeting.

MOTION to approve payment of bills: Mr. Lang motioned approval, seconded by Mr. Wong. **Motion carried unanimously.**

Mrs. Boyko submitted the following requisitions greater than \$2,500:

Requisitions – Greater than \$2,500.00

MOTION to approve payment of bills:

1. Police \$2,960.00 Kronos – Purchase TeleStaff timecard module for electronic payroll

MOTION entertained by Mrs. Stoker to approve item 1, made by Mr. Lang, seconded by Mr. Wong. There was no discussion. **Motion carried unanimously.**

Personnel Items

MOTION to approve employment agreement between West Chester Township Board of Trustees and American Federation of State, County and Municipal Employees (AFSCME) Ohio Council 8 AFL-CIO effective June 1, 2012 – May 31, 2015 made by Mr. Lang, seconded by Mr. Wong. Discussion: Mrs. Stoker said she likes that the contract increases the employee’s share of their healthcare benefits, 13% in the first year, 14% in the second year, and 15% in the third year of the contract, and they do so in return for a modest cost of living raise. Mr. Wong said “West Chester vigorously negotiates contracts with all bargaining units, representing the community’s best interest, and good stewardship of taxpayers’ dollars”. Mrs. Stoker said this pertains to people who maintain our roads and parks, integral to essential services. Mr. Lang said it was probably not in the best interest of taxpayers, but the best we could negotiate in the current environment, and applauded Mrs. Boyko and Law Director Crain for the work in their negotiations. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve license agreement between West Chester Township and the Union Centre Boulevard Merchant Association for the use of a portion of Township property, 9285 Centre Pointe Drive, for the production and presentation of the Union Centre Music and Food Festival, and authorize the Township Administrator to execute said agreement. Discussion: Mrs. Stoker and Mr. Lang indicated they’re looking forward to the festival. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to authorize the Township Administrator to modify and renew applicable Federal Communications Commission licenses held by West Chester Township and to cancel licenses for frequencies determined to be no longer in use, not needed, or of no future benefit to West Chester Township pursuant to the applicable FCC instructions and guidelines. Discussion: none. **Motion carried unanimously.**

MOTION read by Mr. Wong, seconded by Mr. Lang, to enter into an agreement between West Chester Township Board of Trustees and Lexipol, LLC effective September 1, 2012 through August 31, 2015 for online subscription services for law enforcement risk management policies and resources not to exceed \$9,450.00 for the first year, and not to exceed \$10,035.00 annually for the remainder of the agreement, and authorize the Township Administrator to make non-substantive changes with Law Director approval and to execute said agreement. Discussion: none. **Motion carried unanimously.**

MOTION read by Mrs. Stoker, moved by Mr. Lang, and seconded by Mr. Wong that, having reviewed the staff report and affidavit, we declare the properties listed on the West Chester Township Board of Trustees meeting agenda dated August 28, 2012 to be a public nuisance as authorized by the Ohio Revised Code:

- 7487 Knights Knoll Court
- 7820 Devonshire Drive
- 8698 Monticello Drive
- 6476 Tylersville Road
- 8234 Grey Fox Drive

Staff is directed to cause removal of the nuisances identified, and monitor these properties for 90 days to require continued compliance. An administrative charge of 25% shall be added to the contract fee for these properties. Discussion: Mrs. Stoker publically read the addresses to the subject properties and asked Mrs. Boyko to address the next agenda item. Mr. Lang noted there hadn't been a vote on the motion. Mrs. Stoker expressed her thanks, commenting that everyone makes mistakes, and "That's why we all need checks and balances". A vote on the motion followed: **Motion carried unanimously.**

MOTION made by Mr. Lang to commence the process for the proposed no parking zones on portions of Manor Drive, Minuteman Way, and Smith Road, and establish a public hearing date for September 25, 2012 7:00 p.m.. Seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

There were no first readings of resolutions or readings of emergency resolutions.

Citizen's Comments

Carl Rullmann, 8285 Ventle Drive, spoke regarding unintended consequences, specifically the proposed no parking zone on Manor Drive. He asked why it exists. He noted a child was injured or killed there on the way to school many years ago, so government created an easement for the safety of the children. He noted school busing was discontinued, and it was easier for parents to drop their kids off there than drive through the school parking lot. Also, the school levy failed so the burden was put on citizens rather than the school staff. He said the levy failed due to public perception of school inefficiency and excess spending, and cited his opinions as to why. He suggested well intended public officials provide a quick fix with the unintended consequence of more taxpayer expense, and noted the process for the no parking zone was more thorough than the one for the Eaglet crosswalk. He questioned why government was trusted to solve this and other problems, commenting on citizen participation, or the lack thereof, in government.

Bruce Jones, 5685 McCarthy Court, speculated that Mrs. Stoker spent so much time on correcting minutes in order "to make sure people couldn't hear the Republican Convention broadcast." He referred to Mr. Lang's reference several months ago to the crosswalk process as "bastardizing the system", suggesting the term was most fitting to Mrs. Stoker's requested changes and appendages to the minutes this evening. He said as Fiscal Officer he has independence because he doesn't need the Trustees' vote, he doesn't report to the Board, rather he reports to the electorate, and he can keep his independence as a result. He has the prerequisite independence to be objective, he was elected to provide oversight, he'll continue to do that, he'll maintain the accuracy and integrity of the minutes, and no one has a thousand words that can obscure these facts.

Second Reading & Vote on Pending Resolutions & Vote on Emergency Resolutions

There were no second readings & vote on pending resolutions, or vote on emergency resolutions.

Discussion Items & Trustees Comments

Mrs. Stoker said she had a few comments, but Mr. Lang interjected that Mrs. Boyko usually initiates Discussion Items before Trustee Comments.

Mrs. Boyko said this Board had previously issued a policy prohibiting the posting of any candidate, issue or any election signs on township properties up until the actual day of the election; however the Board of Elections requires that these signs be permitted at polling places on the day of the election. Because an election is approaching she just wanted to make sure the Board was aware that was the exemption to the policy of the Board and in agreement. Mr. Lang and Mrs. Stoker agreed. Mr. Wong asked if there was a policy wherein signs must be removed within so many days after the election. Mrs. Boyko said they do not permit signs in the right-of-way, but they try to work with the candidates if they are in violation of policy or zoning compliance. She also said there is no policy about how many days after the election signs must be removed. Mr. Wong asked how far in advance of an election can candidates post their signs. Mrs. Boyko said there is no limit to how many days in advance of an election they can post their signs. Mr. Wong asked the other two Board members if they should set a policy on that. Mrs. Stoker told him that the signs are considered political speech which is protected by the U.S. Constitution, however they cannot be placed on someone else's property or placed so as to pose a safety issue. Mrs. Boyko asked the Board if it is their direction to continue the existing policy with the specific understanding that such signs can be placed on Township owned polling locations as of the close of business the evening before the election. The trustees agreed.

Mrs. Boyko gave an update, reminding the Board of her 911 presentation at the July 24th meeting, said she has spoken with Mr. Lang since that meeting inasmuch as he was absent that meeting, and he's in concurrence with the other two members. She said Mr. Lang was previously on the Butler County 911 Planning Committee, but Mr. Wong is now the West Chester representative, and they have been working with the committee to update a plan for the 911 dispatch centers to receive next generation cellphone technology, and would be using funds collected by the state from cell phone usage. She reviewed what she had already reported at the July 24th Board meeting, most significantly that the 911 phone system was designed to have two geographically separate master control sites, and Butler County has requested one be housed at the West Chester Data Center. In as much as the Board had no objection, Mrs. Boyko suggested that they enter into a Memorandum of Understanding (MOU) with the County Commissioners assigning and defining terms, conditions, and obligations for each party in order to properly process the county's request that they house a master control unit. Mrs. Boyko also suggested the previous plan be amended since it did not reference this new equipment that would be housed at the West Chester Data Center, and that it should preclude West Chester from any financial obligation for the equipment or the entire system for any upgrade, repair, or replacement. She asked for input from the Board regarding these suggestions, and said she hopes to present for their consideration a mutually approved MOU at their September 11th Board meeting. She also noted that the county wants to store the master control unit here until all equipment is here and they're ready for installation, and we would need to be fully insured against liability. The Board unanimously moving forward on all the points she indicated.

Mrs. Boyko responded to Mr. Rullmann's comments saying the matter of crosswalks would be thoroughly discussed during the public hearings, noted the matter was originated by the Lakota schools, said she wasn't familiar with the easement issue dating back some 25 years.

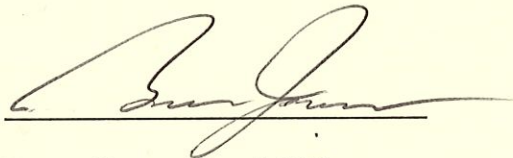
Mr. Lang asked who was responsible for maintaining the walkway. Mrs. Boyko said it was not the Township, but the property owner's responsibility.

Mrs. Stoker asked Mr. Rullmann to bring in his written comments so she could research and respond to them. She said government efficiency is abysmal in some respects, but pretty

efficient in others, citing her previous employment with the Social Security Administration many years ago. She said the administrative costs for Social Security/Medicare amounts to 1% to 3%, and the rest goes to benefits. She said she also worked for insurance companies in college and private insurance companies spend 25% to 35% on overhead. She attributed the difference to the fact Social Security doesn't pay for as much marketing or high salaries like private industry. She also said she thought it was ironic that people complain when government moves either too fast or too slow, citing inefficiency in either case. She also noted the Township outsources its legal work and building maintenance. When Mrs. Stoker said they were working on outsourcing IT, and Mr. Lang observed it was already largely outsourced to E-Technologies in a 3 year contract, Mrs. Stoker said we all make mistakes and that's why she reviews the meeting minutes.

Adjournment

At 7:56 p.m., Mrs. Stoker asked for a motion to adjourn the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing personnel matters, contract negotiations for a certain collective bargaining unit, discipline of employees of a certain collective bargaining unit, current and pending litigation, and Board will not return. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**



Bruce Jones, Fiscal Officer



Catherine Stoker, President