Record of Proceedings: September 24, 2013
West Chester Township Board of Trustees - Regular Meeting

Convene: President Wong convened the meeting at 6:00 p.m..
Roll Call: Mr. Wong, Mrs. Stoker, and Mr. Lang responded.
Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Roger Reynolds, Butler County Auditor, noted his childhood in West Chester as well as the refund from his office's real estate fund. He said the two main functions of the Butler County Auditor's office are to serve as the County Fiscal Officer and, secondly, performing all the real estate appraisal work on behalf of the County, including administering levies. His office is funded by tax levy fees and they refund the surplus when they've realized efficiencies in his office. He cited examples of efficiencies, including that his office presently has 45 employees as opposed to the 75 employees when he took office in 2008. As a result of these efficiencies he presented a check for West Chester Township in the amount of $164,000 to Fiscal Officer Bruce Jones. Lastly, as an example of efficiencies, he held up a time sheet that's being phased out of a Butler County office and being replaced with computerized entries and computations.

Steven Clark, 7392 St. Ives Place, asked the Board, adding that he was specifically interested in Mr. Wong's response, if it is appropriate for a sitting West Chester Trustees to solicit the opportunity to do consulting work from businesses that do business in the Township.

Presentations

The Ohio Enterprise Zone Program: Mrs. Boyko recognized two members of the Enterprise Zone negotiating committee present, Larry Brueshaber, Chairman, and Tom Zenge, and their work to retain and expand two businesses in West Chester. Mrs. Boyko then introduced Brad Evans, West Chester Business Attraction & Retention Manager, to present to the Board the two applications for the Ohio Enterprise Program and the incentives negotiated therein.
Mr. Evans then introduced Jeff Stine, CFO of Contingent Network Services, and Dan Borsky, consultant from Enterprise Advisory Group. Mr. Evans said Contingent Network Services was considering expanding their West Chester headquarters facility as well as several other locations in the U.S. He termed their company a global technology services company, described their specialties, and identified some of their name customers. The proposed project consists of constructing a 75,000 sq. foot at a cost of $5.4 million, $4.5 million of which would be new, real property improvements. Another $165,500 would be invested in new equipment. 124 existing full time, permanent jobs, averaging $65,000 annual income apiece, would be retained. 75 new, full time, permanent jobs would be created, averaging $40,000 annual income apiece. The Community Development Department investigated the application and the Enterprise Zone Committee subsequently recommended an exemption of 65% on the $4.5 million new real property investment for a term of 8 years. The recommendation was based on the retention and expansion of an existing company in one of West Chester's targeted industries, in the IT sector, further referencing the new jobs and income and tax revenues. Additional terms and conditions were identified. Thereupon he invited Mr. Stine to speak. Mr. Stine then gave a history of his

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company, noted their substantial growth, said they were Fast 55 this year as well as the past 3 years. He offered to take any questions from the Board, but there were none. Mr. Evans then reiterated the terms and conditions, adding that the matter would be forwarded to Butler County for their meeting on September 26th if the Trustees approved the applicant's request.
MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve Contingent Network Services' application to the State of Ohio Enterprise Zone Program for a 65% exemption on the new real property investment of $4.5 million for a term of 8 years based on (1) the retention and expansion of an existing company in a targeted industry; (2) the retention of 120 jobs in West Chester plus the creation of 75 new full-time, permanent positions; (3) the expansion eliminates the risk of relocation to another community; (4) the new real property improvements generate new tax revenue. The Enterprise Zone Agreement is conditioned upon: (1) Contingent Network Services successfully negotiating and executing a school compensation agreement with the Lakota Local School District; (2) the company's compliance with other program requirements set forth in the Enterprise Zone Agreement, including annual program fees to Butler County and the West Chester Development Council; (3) conformance with applicable land development regulations; and (4) subject to formal review by the Butler County Prosecutor's Office and approval by the Butler County Commissioners. Should Contingent Network Services fail to meet the terms and conditions of the Enterprise Zone Agreement, West Chester has the right under the Ohio Revised Code, in cooperation with Butler County, to require the company to repay the total tax benefit received while operating at the Project Site. Discussion: Mrs. Stoker said this was a very exciting company to be growing in our community and in a sector consistent with the goal of growing good, quality businesses and jobs. Mr. Lang noted the project would entail maintaining additional 120 jobs with an average annual salary of $65,000, and an additional 75 jobs averaging about $40,000, and an aggregate annual payroll increase of about $7.8 million to $10.8 million. He concluded by saying this was the type of business to have in a community because it enables the community to sustain itself, and commended the applicant for making the investment in West Chester. Mr. Wong said this is the type of industry West Chester is targeting, and it was the Board's desire to retain the applicant. **Motion carried unanimously.**

Mr. Evans then introduced the second applicant, Systecon and its' President, Mike Tierney. Mr. Evans said Systecon was considering an expansion of their West Chester headquarters and manufacturing facility, they develop and manufacture custom pumping control systems for heating, ventilation, and air conditioning water systems, described their specialties, and identified some of their name customers. The project would entail construction of an additional 50,000 sq. feet onto their existing 60,000 sq. foot facility. The proposed project would create 18 full time, permanent positions with an average annual wage of $45,000. The expansion will also result in the retention of 63 full time, permanent positions with an average annual wage of nearly $75,000. He said Systecon intends to make an initial capital investment of $2.7 million, $2.1 million of which would be for new, real property improvements. Another $600,000 would be invested in new equipment. The Community Development Department conducted a thorough review and the Enterprise Zone Committee recommend an exemption of 55% on the new, real property investment of $2.1 million for a term of 7 years. Their recommendation was based on the retention and expansion of an existing company, further referencing the new jobs and income and tax revenues. Additional terms and conditions were identified. Thereupon he invited Mr. Tierney to speak. Mr. Tierney then gave a history of his company, noted their substantial growth, identified a competitor and the basis for Systecon's competitive advantage. He said

their growth required them to use a facility in Fairfield, but termed that arrangement inefficient, so they determined they needed to expand. He concluded by characterizing his workforce, their need to expand, and offered to take any questions from the Board, but there were none. **MOTION** made by Mrs. Stoker, seconded by Mr. Lang, to approve Systecon's application to the State of Ohio Enterprise Zone Program for a 55% exemption on the new real property investment of $2.1 million for a term of 7 years based on (1) the retention and expansion of an existing company in the manufacturing sector; (2) the retention of 63 jobs in West Chester plus the creation of 18 new full-time, permanent positions; (3) the expansion eliminates the risk of relocation to another community; (4) the new real property improvements generate new tax revenue. The Enterprise Zone Agreement is conditioned upon: (1) Systecon successfully negotiating and executing a school compensation agreement with the Lakota Local School District; (2) the company's compliance with other program requirements set forth in the Enterprise Zone Agreement, including annual program fees to Butler County and the West Chester Development Council; and (3) conformance with applicable land development regulations; and (4) subject to formal review by the Butler County Prosecutor's Office and approval by the Butler County Commissioners. Should Systecon fail to meet the terms and conditions of the Enterprise Zone Agreement, West Chester has the right under the Ohio Revised Code, in cooperation with Butler County, to require the company to repay the total tax benefit received while operating at the Project Site. Discussion: Mr. Wong clarified an earlier comment he made regarding the prior applicant's sector. Mrs. Stoker said the applicant's sector is very good for the community and recounted her experience in advanced manufacturing techniques and custom programming before moving on to the internet. She termed the applicant's sector as dynamic and she was very pleased with their development. Mr. Lang thanked them for the investment the applicant was making in West Chester. Mr. Wong said West Chester would like to keep companies like the applicants, and noted there are a number of bio-tech companies and hospitals here. **Motion carried unanimously.**

Fire Prevention Week presentation, October 6-12, 2013: Mrs. Boyko said the community commemorates Fire Prevention Week this time of year with various themes, and the theme for this year was "Prevent Kitchen Fires". Chief Tony Goller and Captain Scott Brooks came to the lectern to receive the proclamation, and Captain Brooks expressed his appreciation to the Board and Administrator for their support of the fire department. Mrs. Stoker recalled the fire at Woodbridge on the Lake approximately 15 years ago, that it originated from a grease fire, and that it consumed an entire building, displacing 53 families. She termed it a miracle that no people were injured. She thanked them for their service, subsequently echoed by Mr. Lang and Mr. Wong.

Action Items – For Approval by Motion

MOTION made by Mr. Wong, seconded by Mrs. Lang, to approve addition to a lighting district in Grace Meadows Subdivision, Phase 2B. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of August 13, 2013. Discussion: none. **Motion carried** with Mr. Wong and Mrs. Stoker voted in favor of the motion and Mr. Lang abstained because he was absent due to a funeral.

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MOTION made by Mr. Wong, seconded by Mrs. Stoker, to approve the Public Hearing Minutes for Beckett Ridge PUD – Case #MC 02-13 dated August13, 2013. Discussion: none. **Motion carried** with Mr. Wong and Mrs. Stoker voted in favor of the motion and Mr. Lang abstained for the reason stated in the previous motion.

MOTION made by Mrs. Stoker with the proviso that a comment she made be clarified as well as inclusion of a modification by Mr. Lang, seconded by Mr. Lang, to approve the Trustee Meeting Minutes of August 27, 2013. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

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

Requisitions – Greater than $2,500.00

1. Comm Dev	$4,893.00	Viox – Paint offices and common areas in the Community Development Department (CIP#380)
2. Fire	$27,470.00	Howell Rescue Systems – Replace Hurst extrication equipment (CIP#864)
3. Fire	$3,158.20	Assistant Chief Rick Prinz – Reimburse tuition per Township policy
4. Fire	$3,017.20	Best One Tire – Purchase four (4) rear tires for vehicle #502, Engine 74
5. Police	$16,900.00	Shelving, Inc. – Replace evidence lockers for property room
6. Police	$15,682.72	Kronos – Renew annual service and support for TeleStaff scheduling Payroll functions of public safety departments

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve payment of requisitions 1 through 6. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next agenda item by noting the request is a result of their desire to realize a full staffing complement in the subject job classification.
MOTION made by Mr. Lang, seconded by Mrs. Stoker, to hire three (3) part-time employees to fill vacant positions: FFII/EMT Joseph Englebert, FFII/EMT Jacob Garnett, FFII/EMT John Bonert effective September 25, 2013, all at the hourly rate of $15.92 with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next agenda item by saying a member of the Enterprise Zone Committee is resigning due to relocation from the township, and they are recommending the appointment to the vacancy by Scott Gilliam. She said the term has no expiration or renewal dates.
MOTION made by Mr. Lang, seconded by Mrs. Stoker, to appoint Scott Gilliam to the Enterprise Zone Committee. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang that, having reviewed the staff reports and affidavits, we declare the properties listed on the West Chester Township Board of Trustees meeting agenda dated September 24, 2013 to be public nuisances as authorized by the Ohio Revised Code. 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 contractor fee for the properties. Motion seconded by Mrs. Stoker. Discussion: none. (Fiscal Officer note: The five subject properties were 5976 Glenn Trace Lane, Eagleridge Court (parcel M5620-325-000-017), 7487 Knights Knoll, 6533 Timberwolf Court, 6532 Coachlight Way.) **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve statutory Resolution No. 15-2013 finding Hurst extrication equipment not needed or unfit for public use, and authorizing the sale of said equipment to Howell Rescue Systems and crediting the sale price of said equipment toward the purchase of Genesis extrication equipment from Howell Rescue Systems. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to not object to new liquor permit for American Multi-Cinema Inc. DBA AMC West Chester 18. Discussion: none **Motion carried unanimously.**

Mrs. Boyko introduced the next agenda item saying this item pertains to items with a fair market value of $2,500 or less pursuant the Ohio Revised Code. She noted that all the subject items were itemized on supporting documentation.
MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve statutory Resolution No. 16-2013 declaring surplus items for disposal Discussion: Mr. Lang asked Mrs. Boyko what vehicle would be used to sell these items. Mrs. Boyko said they are posted on the Township website. In response to Mr. Lang's question, Mrs. Boyko said they previously looked into using commercially available web sites to sell the Township disposal items. Mr. Lang concluded the administrative fees relative the sales price made that avenue impractical, with Mrs. Boyko concurring. Mrs. Boyko then explained that statute has different requirements for conducting auctions in order to liquidate such items. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko introduced the next item by saying they did not have a first reading, rather a reading of an emergency resolution, and that it pertained to their annual requirement of having the Board approve the Amounts and Rates as determined by the Butler County Budget Commission, and this item was the resolution and the process to accomplish same. Thereupon Mrs. Boyko read, "Emergency Resolution No. 17-2012 accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor and declaring an emergency and dispensing with the second reading."

Citizen's Comments

Carl Rullmann, 8285 Ventle Drive, commented on transparency. He said government should not withhold information through either legal agreements or liberal interpretations of the law, rather they should apply the spirit of the law. He said legal bills appeared on the agenda for approval, ranging from $20,000 to $60,000 per month, but stopped appearing on the agenda for approval after the July 10, 2012 meeting. He asked if the legal bills have been for under $2,500 and therefore not subject to public Board approval. He asked if the citizens are entitled to see all bills greater than $2,500. on the Trustee agenda or not. He asked if they're approved in Executive Session where they've prevented the Fiscal Officer from attending. He asked how much did West Chester spend on legal services in 2012 and through August of this year. He asked that the Trustee give an answer in that public forum, and if there was any agreement that lead up to this, why did the Board wait until July of 2012 to be absent transparency.

Vernon DeMois, 5906 Hazeltine Court, said he had two issues. First, he was thoroughly impressed with the courtesy and professionalism of the West Chester EMTs during a recent experience of his. Secondly, he recounted visiting with each Trustee five or six months ago about putting cameras in police cruisers, and, having not heard anything from them since, asked if the Trustees would comment on his suggestion.

Brian McManus, 7694 Kennesaw Drive, thanked the fire department - given the earlier agenda item to replace Hurst extrication equipment, aka Jaws of Life - for their effort to maintain such equipment that dates back to the 1970's. He also thanked the Board for approving the purchase of such equipment given their ability to save lives.

Mark Morris, 8876 Eagleview Drive, asked about the park on Beckett Road, questioning it's maintenance. He said there are snakes among the wild flowers and geese have filled the pond with "bird waste", creating a health hazard. He concluded by asking if the Township planned to maintain that park as well as they maintain the park across the street.

Steven Clark, 7392 St. Ives Place, thanked Judi Boyko for providing him with information about the Eagleridge crosswalk that was installed last year. He said it appeared the Township paid $10.00 a square foot to dig up some sod and pour 4 inch concrete. He just wanted the Board to know that his company recently bid $5.00 a square foot to install 8 inch thick concrete.

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

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to declare Resolution 17-2013 an emergency and dispense with a second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve Resolution 17-2013 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Trustees Comments

Mrs. Boyko said she had no items for discussion, but could comment on issues as the Board desired. It was agreed she would comment and the Trustees could each add their own comments. Mrs. Boyko said the cost of the crosswalk included making sure they were ADA compliant, including ancillary requirements. Regarding development of the west side of Beckett Park, she said the primary goal was to decrease the cost of continued, long term maintenance. As a result, it was designed to work with the existing topography, flowers and species native to the area, and allow it to grow in a very natural state. She noted that there can be varying opinions as to the appearance. She said the referenced pond/"clear lake" is a challenge, but they have a constant treatment of the pond/"clear lake" several times a week. Regarding Mr. DeMois comments about police cameras, she said there is a need for public discussion, adding that whatever information Police Chief Niehaus presents about in-cruiser cameras, that it is the most up-to-date technology. She said they could possibly make a presentation at the next meeting as to their findings if the Board so desires. Regarding legal expense by Frost, Brown & Todd, Mrs. Boyko said Ohio statute does permit that recurring, ongoing type of expenditures can be approved as part of the operational procedure, giving utilities, payroll, health insurance payments as examples. She said she discussed it with the Law Director, they did present that process to the Board and a majority agreed with implementing the new practice. She said they could revert back to the previous approval practice if the Board so desired. Mrs. Stoker said the bills are all subject to public perusal, there are no votes going on in Executive Session, much less any votes to pay anything.

Mr. Lang commented on the remark by Mr. Clark about the cost of the Eagleridge crosswalk, saying he thinks business does things much more efficiently than government. Regarding the Citizens Comments about legal bills, he said he was the one Trustee that did not want the Township's legal bills categorized as ongoing expense and, for the sake of transparency, said he wished the legal bills would be on the agenda as they were for the first 9 years he was on the Board. Regarding the comments by Mr. DeMois about installing police cameras, he said he agreed and gave some credit to Police Chief Niehaus for meeting with him in the last year about this subject and taking the time to thoroughly research the matter.

Mrs. Stoker said she agreed with Mr. Lang about installing cameras in the police cruisers, said she knew Mrs. Boyko was working on the matter, and cited reasons for installing them such as transparency. She said they haven't had a public discussion because government moves slowly and they were thoroughly researching the matter. Mr. Wong said he'd like to look at the cost. Regarding the citizen comment about trustees soliciting from businesses that do business in the Township the opportunity to do consulting work, Mrs. Stoker said she and Mr. Lang are in business for themselves and do business with people in the township because that's the natural exchange of business. Mr. Lang added that disclosing conflicts was the key. Mrs. Stoker said she didn't know of any Trustees that voted on something with which they had a conflict of interest, but she would not vote if it wasn't clear. Mr. Wong said he gets out a lot, riding his bicycle, and he sees a lot of people using sidewalks and Beckett Park, and saw someone with his wife and dog there today. He said it's a good thing. Regarding the citizen comment about soliciting business, he said he does not own a business, and he helps businesses to be successful in West Chester.

Adjournment

At 7:09 p.m., Mr. Wong asked for a motion to adjourn the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing (1) personnel matter, (a) discuss contract negotiations for a certain collective bargaining unit, (b) review provision of benefits for non-contract and contract employees, (2) acquisition, sale, or swap of real property, (3) current and pending litigation. He added that the Board would not return. Motion made by Mrs. Stoker, seconded by Mr. Lang. Discussion: none. **Motion carried unanimously.**

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Bruce Jones, Fiscal Officer **Lee Wong, President**

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