

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held FEBRUARY 28, 2012

CONVENE: President Stoker convened the meeting at 6:00 P.M.

ROLL CALL: Mrs. Stoker, Mr. Wong and Mr. Lang responded.

PLEDGE OF ALLEGIANCE: Repeated by those present.

CITIZEN'S COMMENTS:.....NONE.....

MOTION TO APPROVE TRUSTEE MEETING MINUTES OF JANUARY 24, 2012: Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

MOTION TO APPROVE PAYMENT OF BILLS: Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

REQUISITIONS – GREATER THAN \$2,500.00: Submitted by Mrs. Boyko:

- 1. Adm. \$53,517.79 Frost Brown Todd, LLC – Legal services through December 31, 2011 for various depts.
- 2. Adm. \$ 3,840.00 EC Link – Renew hosting and annual maintenance of Township website
- 3. Adm. \$ 3,825.00 Center for Local Government – Renew membership for 2012
- 4. Adm. \$ 5,000.00 Cincinnati USA Regional Chamber – Renew Economic Development Partnership for 2012
- 5. Services \$ 3,200.00 AAA State of Play – Replace four picnic tables at Muhlhauser Barn

Mr. Lang moved approval of the requisitions, seconded by Mr. Wong. RCA/MC

MOTION TO HIRE NANCY S. CONLON TO THE VACANT POSITION OF RECEPTIONIST FOR ADMINISTRATION EFFECTIVE MARCH 1, 2012 AT THE HOURLY RATE OF \$10.60 WITH A ONE YEAR PROBATIONARY PERIOD AND CONTINGENT UPON SUCCESSFUL COMPLETION OF APPLICABLE TESTING AND PROCEDURES: Mrs. Boyko read the motion.

Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

Mrs. Reshard introduced Mrs. Conlon to those present.

MOTION TO HIRE THREE ON-CALL SNOW PLOW OPERATORS ON AN AS NEEDED BASIS FOR THE 2011-2012 WINTER SEASON: LAWRENCE ALBERT HENKEL EFFECTIVE JANUARY 18, 2012, KEVIN MICHAEL HICKEY AND MICHAEL P. KERR EFFECTIVE JANUARY 20, 2012 AT THE HOURLY RATE OF \$15.00.

Mrs. Boyko read the motion. Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

MOTION TO APPROVE FIRST AMENDMENT TO MASTER AGREEMENT BETWEEN WEST CHESTER TOWNSHIP BOARD OF TRUSTEES AND FIRST ENERGY SOLUTIONS, CORP. TO SUPPLY ELECTRIC AND TO PROVIDE CERTIFICATION AND OTHER RELATED ADMINISTRATIVE SERVICES TO A GOVERNMENTAL AGGREGATOR AND AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO MAKE NON-SUBSTANTIVE CHANGES IF NECESSARY WITH LAW DIRECTOR APPROVAL AND EXECUTE AMENDMENT:

Mrs. Boyko reviewed the reasons for this Amendment resulting in a reduction in First Energy's rate to .0524/kwh through 2012, with an extension through 2013 at the revised rate. Mr. Lang read the motion, seconded by Mr. Wong.

Discussion: Mr. Lang said he did not think this would be in the best interest of the Township, but he applauds FES for lowering their rate when Duke lowered their rate. He said for them to want a year extension for this commodity, that it is often not wise to lock-in a commodity price, because it is never known what the market is going to do. If the market should go down significantly lower, in the next few months, and since this is an election year and Washington will do every thing they can to try to make the market

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as friendly to the electorate as possible, it would hurt the citizens involved in this program. He said he would encourage not moving forward with this Agreement. Let it, as is, for 2012 and let them compete for our business again in 2013. **Mr. Wong said** it is not a good idea for one company like Duke to set up a monopoly. This country is about competition and free enterprise. I think it is healthy and besides Township residents can opt-out anytime they want to. **Mr. Lang agreed** but stated that what Mr. Wong said has nothing to do with this decision tonight. This is giving this provider an additional year and wanting them to compete is good, but it has nothing to do with people opting in or out. This is just doing an extension until the end of 2013. **Mr. Wong agreed. Mrs. Stoker said** that if they are offering to lower their price per penny on the kilowatt, we should grab it and run with it. She said she sees nothing wrong with it. This aggregation program has put the Cincinnati region open to market pressures that we didn't have before. Now whenever an energy provider shows up, they know they will have to offer their best rate to get any customers in the Cincinnati region. **After further brief comments,**

Mrs. Stoker asked for a Roll Call. Mrs. Stoker, Yes – Mr. Wong, Yes – Mr. Lang, No. RCA/MC

MOTION TO ESTABLISH THE WEST CHESTER TOWNSHIP ZONING RESOLUTION REVIEW COMMITTEE 2012 TO APPOINT ITS MEMBERSHIP AS REFLECTED ON THE ATTACHED ROSTER, TO APPROVE ITS GOVERNING PROCEDURES AS INDICATED ON THE ATTACHED SHEET, AND TO DISSOLVE THE COMMITTEE AFTER ITS WORK OF THE CURRENT REVIEW HAS BEEN COMPLETED: Mr. Wong read the motion, seconded by Mr. Lang. **Discussion: Mr. Lang commented** that after working on this for quite a while, that the makeup of this Board will be a powerful group and will make some very strong recommendations, and that a lot of thought has gone into the makeup of the people who have been put on this Board and also the governing procedures – he applauded his fellow Trustees. **RCA/MC**

MOTION TO ENTER INTO LICENSE AGREEMENT BETWEEN WEST CHESTER TOWNSHIP AND CINCINNATI PUBLIC RADIO FOR THE USE OF A PORTION OF TOWNSHIP PROPERTY, THE NATIONAL VOICE OF AMERICA MUSEUM OF BROADCASTING AND SURROUNDING TOWNSHIP PROPERTY, FOR THE PRODUCTION AND PRESENTATION OF THE AIRWAVES KITE FEST 2012 AND AUTHORIZE THE TOWNSHIP ADMINISTRATOR TO EXECUTE SAID AGREEMENT: Mrs. Boyko noted that the Cincinnati public radio WGUC has again asked approval to stage The Airways Kite Fest utilizing the property of The National Voice of America Museum of Broadcasting as well as portions of MetroParks Voice of America Park. (VOA) The event will be held on April 14 and 15 from noon until 5:00 P.M. **Mr. Lang moved approval,** seconded by Mr. Wong. **Discussion: Mr. Lang and Mrs. Stoker each commented** that this is a great event for the Township **RCA/MC**

MOTION TO APPOINT ONE MEMBER (TERM MARCH 1, 2012 THROUGH FEBRUARY 28, 2017) TO THE WEST CHESTER TOWNSHIP BOARD OF ZONING APPEALS: Mrs. Boyko reported that several applicants were considered, Bradley Swillinger, Jerry Nelson and Bryan Hellard. The incumbent is Ron Moeller. **Mrs. Stoker said** the applicants were well qualified. Ron Moeller showed himself to be very knowledgeable and she would like to see him be reappointed. **Mr. Lang agreed** and that he was very impressed with the applicants and would have no problem with any of them. **Mr. Wong said** there were very good candidates and that Ron Moeller had been on this board for a while and he would like to continue. **Mr. Wong said** that this is a volunteer position and he really appreciates that. **Mrs. Stoker read the motion,** seconded by Mr. Lang. **RCA/MC**

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RAYTON LEGAL BLANK, INC., FORM NO. 10148

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MOTION NOT-TO-OBJECT TO A NEW LIQUOR PERMIT FOR PIZZA BAKERS OF CINCY NORTH LLC DBA MELLOW MUSHROOM, 9238 FLOER DRIVE: Mrs. Boyko read the motion. She reported that this restaurant will take over the Rafferty's site. Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

MOTION NOT-TO-OBJECT TO A LIQUOR PERMIT TRANSFER FROM TPE LLC DBA TIC TOC FOOD MART TO FIRA INC. DBA AMERI STOP, 9069 CINCINNATI-COLUMBUS ROAD: Mrs. Boyko read the motion. Mr. Lang so moved, seconded by Mr. Wong. RCA/MC

MOTION TO ADVERTISE FOR 2012 CURB REPLACEMENT PROGRAM: Mrs. Boyko read the motion. Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

MOTION TO ACCEPT THE FOLLOWING STREET IN THE UNION CENTRE COMMERCE PARK: PHASE 4, LOTS 26 - 34 TO BE DEDICATED AND JOURNALIZED AT 25 MPH: WEST CHESTER TOWNE CENTRE DRIVE, 923.92' - 0.18 MILES: Mrs. Boyko read the motion. Mr. Lang moved approval, seconded by Mr. Wong. RCA/MC

EMERGENCY READING: RESOLUTION NO. 03-2012 AUTHORIZING THE ADOPTION OF PERMANENT APPROPRIATIONS FOR YEAR 2012 AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING: Mrs. Boyko noted that these permanent appropriations must be certified to the Butler County Auditor prior to April 1, of the current calendar year. Mrs. Boyko read the Resolution.

EMERGENCY READING: RESOLUTION NO. 04-2012 AUTHORIZING THE ISSUANCE OF NOT-TO-EXCEED \$8,585,000 VARIOUS PURPOSE REFUNDING BONDS FOR THE PURPOSE OF REFUNDING OUTSTANDING BONDS, THE EXECUTION OF A BOND PURCHASE AGREEMENT APPROPRIATE FOR THE SALE OF THE BONDS, THE EXECUTION OF A CERTIFICATE OF AWARD CONTAINING THE FINAL TERMS OF THE BONDS, AN OFFICIAL STATEMENT, THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT SECURING THE REFUNDED BONDS AND OTHER NECESSARY AGREEMENTS AND CERTIFICATES AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING: Mrs. Boyko noted that these bonds were issued in 2003 and used to renovate and equip the West Chester Safety Services Center for a Police Station, construct the West Chester Baseball Complex, make other improvements to Beckett Park, and at that time, because it was a Township project, to explore further construction of a community recreation center. This project was never activated. Mr. Brossart, bond underwriter, has been analyzing the market and reported that this is the time for refunding and to recognize some significant savings on these bonds. Mrs. Boyko read the motion.

CITIZEN'S COMMENTS: Bruce Jones, 5685 McCarthy Court commented in reference to the Zoning Resolution Review Committee 2012, and a lot of fine people have been appointed to it. He noted that the purpose of it was to take steps necessary to be recognized as a business-friendly community. He said we might assume that we already are but it is critical to expressly let this be known, because we are taking the necessary steps to position ourselves for economic recovery, "Come to West Chester".

DECLARE RESOLUTION NO. 03-2012 AN EMERGENCY: Mrs. Stoker asked for a motion to declare Resolution No. 03-2012 an emergency and dispense with the second reading. Mr. Lang so moved, seconded by Mr. Wong. RCA/MC

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OPTIONAL LEGAL BLANK REC. FORM NO. 31148

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VOTE TO APPROVE RESOLUTION NO. 03-2012: Mrs. Stoker asked for a motion to approve Resolution No. 03-2012 as read. Mr. Lang so moved, seconded by Mr. Wong. RCA/MC

DECLARE RESOLUTION NO. 04-2012 AN EMERGENCY: Mrs. Stoker asked for a motion to declare Resolution No. 04-2012 an emergency as read. Mr. Lang so moved, seconded by Mr. Wong. RCA/MC

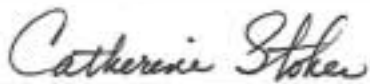
VOTE TO APPROVE RESOLUTION NO. 04-2012: Mrs. Stoker asked for a motion to approve Resolution No. 04-2012. Mr. Lang so moved, seconded by Mr. Wong. Discussion: Mr. Lang said this is really good for the Township and complemented Mr. Brossart, the consultant, on this. The Township will save more than one million dollars on this. RCA/MC

Discussion Items & Trustees Comments: Mr. Lang commented on the rise in the stock market to 13,000. He noted that Mrs. Williams has only two more meetings to attend. He said he agreed with Mr. Jones comments on the Zoning Review Committee. Mr. Wong said he agreed and thinks there has to be a balance between businesses and residents. Mrs. Stoker said zoning is one of the most powerful tools to deal with. She said she doesn't want to put a label on the review, but approach it as building a sustainable infrastructure and community to benefit both the residents and businesses and not lose the balance between the two.

At 6:35 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, specifically dismissal of a public employee and the compensation and benefits of certain collective bargaining employees, and the Board will not return. Mr. Lang so moved, seconded by Mr. Wong. RCA/MC

APPROVED:

RESPECTFULLY SUBMITTED:



Catherine Stoker, President



Patricia Williams, Fiscal Officer