

**Record of Proceedings: May 22, 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: Repeated by those present.

Citizen's Comments

There were no citizen's comments.

Presentations

There were no presentations.

Action Items – For Approval by Motion

**MOTION** to correct a portion of a previously read and approved motion from the West Chester Township Board of Trustees' April 24, 2012 meeting and direct the Fiscal Officer to note the correction in the subject meeting's record of proceedings and to amend motion to correct hire dates for May – September seasonal employees - Matthew Wulf effective hire date of May 7, 2012 and Matt Brown effective hire date June 4, 2012. All other wording of the original motion remains. Mrs. Stoker motioned for approval, seconded by Mr. Lang. Discussion: Mrs. Boyko said Mrs. Stoker inadvertently misread the hire dates at the April 24, 2012 meeting for these employees and the Board subsequently voted, approving the incorrect motion. **Motion carried unanimously.**

**MOTION** to approve the Trustee Meeting Minutes of May 8, 2012. Mr. Lang motioned approval, seconded by Mr. Wong. **Motion carried unanimously.**

**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

1. Fire                    \$3,500.00    Simplex-Grinnell – Perform annual fire prevention system testing
2. Fire                    \$3,000.00    Baldwin & Sours – Purchase Opticom GPS Preemption kit
3. Fire                    \$2,884.00    Mobilcomm – Convert five (5) fire station alerting system receivers and one (1) VHF transmitter to narrow band
4. Services            \$1,662,703.50    Barrett Paving– 2012 paving contract (various Township streets)
5. Services            \$274,190.56    American Pavements -2012 slurry seal contract (various Township streets)

6. Services \$8,015.80 Miller-Mason Paving – 2012 chip seal contract (Township street)

**MOTION** entertained by Mrs. Stoker to approve items 1 through 6, made by Mr. Lang, seconded by Mr. Wong. There was no discussion. **Motion carried unanimously.**

Personnel Items

There were no personnel items.

Business Items

**MOTION** to approve settlement agreement and release among the West Chester Township Board of Trustees and Valor Construction Company, Inc., Crider Masonry, Inc., and Fountains Specialist, Inc. and to authorize the Township Administrator to execute the settlement agreement and all necessary documents to effectuate the settlement agreement; and motion to approve purchase orders exceeding the Township Administrator's limit in the amounts to and for the respective contractors as follows:

Final Pay to Valor-	\$11,273.62
Fountain Specialist-	\$55,600.00
Crider-	\$14,754.80
Kerkan Roofing-	\$3,700.00
Quality Curb-	\$2,952.00
Woolpert-	\$2,911.75

Motion was read and made by Mr. Wong, seconded by Mrs. Stoker. Discussion: Mr. Lang indicated he was opposed to this project all along, did not believe it was a good use of taxpayers' monies and for many other reasons he had expressed previously. There was no additional discussion. **Motion carried with Mrs. Stoker and Mr. Wong voting yes. Mr. Lang voted no.**

**MOTION** to declare twelve (12) properties as public nuisances: Mr. Lang motioned, having reviewed the staff report and affidavit, to declare the following properties to be a public nuisance as authorized by the Ohio Revised Code –

- 9183 Centre Pointe Drive – high grass, weeds, miscellaneous debris
- 7024 Jerry Drive– high grass, weeds, miscellaneous debris
- 7971 Victory Court– high grass, weeds, miscellaneous debris
- 8939 Seminary Street– high grass, weeds, miscellaneous debris
- 5354 Barkwood Drive– high grass, weeds, miscellaneous debris
- 4858 Wunnenberg Way– high grass, weeds, miscellaneous debris
- 6697 Coachlight Way– high grass, weeds, miscellaneous debris
- 7081 Kirkcaldy Drive – high grass, weeds, miscellaneous debris
- 7727 West Chester Road– high grass, weeds, miscellaneous debris
- 9228 Centre Pointe Drive– high grass, weeds, miscellaneous debris
- 8135 Hearthstone Drive - high grass, weeds, miscellaneous debris
- 8664 Eagleridge Drive - high grass, weeds, miscellaneous debris

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 these properties. Discussion: none. **The motion carried unanimously.**

**MOTION** to accept bid from G.M. Pipeline for the 2012 Storm Water Pipe Replacement

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*Approved August 13, 2012 Catherine Stoker*

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Program not to exceed \$91,737.55 and authorize the Township Administrator to execute said bid was made by Mr. Lang, seconded by Mr. Wong. Discussion: Mr. Lang, noting the bid by G.M. Pipeline was significantly lower than the other bidders, asked where they were located and if staff had researched the quality of their work. Mrs. Boyko said they have denied bids from vendors in the past when they were not most responsible and responsive. **The 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

**Citizen's comments:** Carl Rullmann, 8285 Ventle Drive, West Chester, stated he's a 40 year West Chester resident. Mr. Rullmann reminded all that he spoke during Citizen's Comments at the April 24, 2012 meeting, expressing his concerns with a federal mandate costing the Township over \$10,000. He referred to the 10<sup>th</sup> Amendment to the U.S. Constitution as the basis for the federal government having no constitutional authority to be involved in street sign regulations in a local, legally chartered entity. Rather, the federal government should only be involved in matters that cannot be fulfilled by local government. He asked the Trustees if they had written to protest this intrusion into their authority to handle their own affairs, and if not, why not. He also asked Mrs. Stoker if any of her asserted objections to federal mandates were "on the record". He noted the Board took an oath "'to preserve, protect and defend the constitution of the United States'", and that the public was counting on them to do their public duty and fulfill their oath.

#### 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

Mr. Lang, citing the Eagleridge Drive crosswalk issue discussions during the April 24, 2012 and May 8, 2012 Trustee meetings and the subsequent decision at the May 8, 2012 meeting to approve the installation of a crosswalk, said it was "highly unusual for us to make a decision on taxpayer money, on such a short notice, with limited information, and without any citizen's comments before we rendered a decision". He proceeded to list 7 concerns with the discussion and the project: (1) deciding on a crosswalk project rather than other possible options, (2) a crosswalk already exists at the roundabout about a hundred yards away, (3) that the two crosswalks are so close to one another, (4) the absence of lighting at the proposed crosswalk, though it is present at the existing crosswalk by the roundabout, (5) potentially precedent setting, (6) safety to children, noting an informal investigation by a resident who, over the course of two mornings, allegedly observed no grade school children crossing Eagleridge at Eaglet Drive, 1 high school student who crossed at the roundabout crosswalk, and scores of grade school children walking in the street on Beckett Ridge Blvd. on their way to Freedom Elementary, and (7) the "bastardizing of the system", having not properly vetted the project. Mr. Lang concluded by saying Mrs. Boyko told him that evening that work on the project would begin tomorrow, asked "why the rush?", and asked the other two Trustees to reconsider their decision and vet the project. Mrs. Boyko spoke to clarify the statement attributed to her, saying the work on the project had already begun, the sidewalks were in, and the crosswalks would be painted the

next day. Subsequently there was extensive discussion about the crosswalk between the three Trustees.

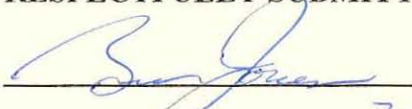
Mr. Wong made the following comments: The Township was very successful and there are now over 3,000 homes in Beckett Ridge, creating increased traffic; the crosswalk was requested by the Beckett Ridge Homeowner's Association; it is unsafe for children to cross the street, though a crosswalk would not guarantee their safety, a driver or pedestrian could be more sensitive when they cross the street; the issue of children walking in Beckett Ridge Blvd. on their way to school is being addressed with a grant from the "Safe Routes to School Program" and the Butler County Engineer's office. Mrs. Stoker made the following comments: Regarding the exception made for Mr. Cho to speak outside the Citizen's Comments portion of the agenda, it wasn't an issue because their policy allows for exceptions if a majority of the Trustees agree to allow someone to speak outside the Citizen's Comments portion of the agenda; Mr. Cho had previously asked Mr. Wong for an opportunity to speak at a Trustee meeting on this issue; receipt of the letter from the Beckett Ridge Homeowner's Association the day after the April 24, 2012 Trustee meeting indicates the representatives of the 7,000 to 10,000 residences of Beckett Ridge wanted a new crosswalk installed; the matter was vetted to the extent the Board had asked staff to investigate safety options at the April 24, 2012 meeting; she had made a point of parking at the proposed crosswalk to observe traffic and personally concluded that there was indeed a lot of traffic on Eagleridge; crossing at the crosswalk by the roundabout would be more dangerous than crossing at a new crosswalk at Eaglet Drive; considered the project a "straight forward safety issue"; there was no need for delay given the request from the representative of maybe 10,000 people; the money was already budgeted for the project; "we were moving forward efficiently". "I cannot agree with Mr. Lang that the students would be safer stumbling "100 yards" in total darkness along the edge of a very busy street, than crossing the street on a crosswalk to get to a safe sidewalk. We had a gentleman killed a few years ago along Fountains Boulevard where he was hit by a car while walking after dark along the edge of the road. We built a sidewalk there with the cooperation of the Union Station apartment owners. Trustee Staff conferred with the County Engineer who approved the project and said it had some benefit." She concluded by saying the "Safe Routes to School Program" grant was pursued by the Lakota School Board and therefore was a matter for them to pursue, not Trustees.

Mr. Lang said the subdivisions were not "exploding" because the Township was about 92% developed 5 years ago - about the same as today, there was no evidence a problem existed for children at the site of the new crosswalk, comparable safety issues exist all around the Township, asked that emphasis be placed on "what does the greatest good for the greatest number of people", but conceded he could "count to two". Mr. Lang concluded his comments by saying the previous weekend's Backyard BBQ Bash was very enjoyable, and noted The Farmers' Market is open for the season at The Square on Saturday mornings. There were no other comments.

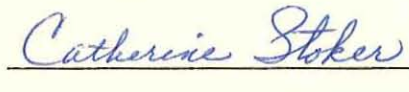
#### Adjournment

At 6:58 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 a personnel matter, particularly the release of a public employee. The Board would not return. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

RESPECTFULLY SUBMITTED:

  
Bruce Jones, Fiscal Officer *7-27-12*

APPROVED:

 *August 13, 2012*  
Catherine Stoker, President