

Record of Proceedings: July 10, 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

Bruce Jones, 5685 McCarthy Court, expressed his appreciation to the Board and staff for their kindness during his mother's recent illness and passing. Also, he withdrew the May 22, 2012 Trustee meeting minutes that were listed on the agenda as "pending".

Carl Rullmann, 8285 Ventle Drive, reiterated his belief that our Fiscal Officer should be permitted in the Board's executive sessions, citing portions of the Ohio Revised Code.

Bernie LaChappelle, 7706 Ventle Drive, accompanied by her daughter, Laura Douglas who spoke on her behalf, expressing their concern that the property at 8220 Shadybrook Dr. is an eyesore.

Presentations

There were no presentations

Action Items – For Approval by Motion

There were no Trustee Meeting Minutes.

MOTION to approve payment of bills: Mr. Lang motioned approval, seconded by Mr. Wong. There was no discussion. **Motion carried unanimously.**

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

Requisitions – Greater than \$2,500.00

1. Adm \$60,000.24 Frost Brown Todd, LLC – Legal services April 1 - May 31 (various depts.).
2. Fire \$4,814.00 Masimo Corporation – Purchase CO/Oximeter for new medic unit.
3. Services \$3,619.70 Simplex Grinnell – Repair fire alarm at Administration building.

MOTION to approve items 1 through 3 was made by Mr. Lang and seconded by Mr. Wong. There was no discussion. **Motion carried unanimously.**

Personnel Items

There were no personnel items.

Business Items

MOTION made by Mr. Lang to auction 11 police vehicles, 3 abandoned vehicles, and 5 forfeited vehicles, seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

July 10, 2012 *Approved September 6, 2012 Catherine Stoker*

MOTION made by Mr. Lang to not object to a liquor permit name change from Stone Creek West Chester LLC to CRG Holdings, LLC DBA Stone Creek Dining at 6200 Muhlhauser Road, seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

MOTION made by Mr. Lang to not object to a new liquor permit for AED Enterprises LLC, DBA Dewey's Pizza at 7663 Cox Lane, seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

MOTION made by Mr. Wong not to object to new liquor permit for Fresh Market, Inc. DBA The Fresh Market at 7720 Voice of America Centre Drive, seconded by Mr. Lang. There was no discussion. **The motion carried unanimously.**

MOTION made by Mr. Lang to approve statutory Resolution No. 06-2012 declaring surplus items for disposal, seconded by Mr. Wong. Mrs. Boyko said the items would be disposed per the Guidelines referenced in her explanation if the Resolution were approved. There was no discussion. **The motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Emergency Resolution No. 07-2012 authorizing the Township Fiscal Officer to transfer funds from the General Fund to the Road and Bridge Fund and to the Cemetery Fund and to the Sustainable Infrastructure Fund and declaring an emergency and dispensing with the second reading, was read and explained by Mrs. Boyko.

Emergency Resolution No. 08-2012 adopting the 2013 Tax Budget and declaring an emergency and dispensing with the second reading, was read and explained by Mrs. Boyko.

Citizen's Comments

Carl Rullmann, 8285 Ventle Drive, said his previous comments about the Fiscal Officer participating in executive sessions were his comments alone, without consultation with Mr. Jones. Then, in the name of protecting, defending and preserving the Constitution of the United States he reiterated his request that the Trustees "push back" with formal grievances against the overreach of the Federal government as it relates to West Chester Township.

Bruce Jones, 5685 McCarthy Ct., reviewed emails from the Trustees expressing approval and praise of minutes he previously created and noted their disapproval just the previous couple of meetings. He suggested they meet with him to discuss their new concerns with the minutes. He further observed that, according to the Ohio Revised Code, the meeting minutes need not be approved by the Board of Trustees, that elected Fiscal Officers do not report to Trustees, and it is this independence that allows Fiscal Officers to protect the integrity of the recorded proceedings. Lastly, he offered to provide to the public copies of the minutes he's submitted to the Board as well as what the Trustees have submitted to him as proposed changes so they could judge for themselves as to whether or not there is any merit in their recent complaints.

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

MOTION made by Mr. Lang to declare Resolution 07-2012 an emergency and to dispense with a second reading. The motion was seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

MOTION made by Mr. Lang to approve Resolution 07-2012. The motion was seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

MOTION made by Mr. Lang to declare Resolution 08-2012 an emergency and to dispense with a second reading. The motion was seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

MOTION made by Mr. Lang to approve Resolution 08-2012. The motion was seconded by Mr. Wong. There was no discussion. **The motion carried unanimously.**

Discussion Items & Trustees Comments

Mrs. Stoker asked Mrs. Boyko to address the concerns expressed during Citizen's Comments by Ms. LaChappelle and Ms. Douglas. Mrs. Boyko said the Administration was very aware of the nuisance posed by the property they were speaking about, they realized some compliance by the owner, but their efforts have been hampered because the property has changed ownership. They'll escalate enforcement with assistance from legal counsel.

Mrs. Boyko also said the Friendship Concert hosted by West Chester during the World Choir Games generated approximately 1,000 spectators, and she applauded the Trustees for their leadership in bringing the venue to West Chester. She also thanked the Township employees who worked that event, especially Barb Wilson, Tim Franck, Josh DeHart and the whole Maintenance team.

Mrs. Boyko spoke about predictive and preventive maintenance for township facilities, saying the Board approved an extension of the contract with Viox through July 2012 at its March 27th, 2012 meeting to allow time to advertise and receive Requests for Proposals (RFP) from other vendors. She also said that, according to industry standards, every \$1.00 spent on predictive, preventive or planned maintenance equates to about \$1.50 if repairs are unplanned or unscheduled, and up to \$3.00 for emergency or breakdown type repairs. Consequently there is a demonstrated cost reduction to predictable, preventative maintenance. Additionally, the Township has spent about \$370,000 in the past 3 years for "fix services", including janitorial services, on 300,000 plus square feet of township facilities. They have since received only 2 RFP's, one from Neyer Management and the other from current vendor Viox, and the Services Department is evaluating those proposals. A strictly negotiated contract will be presented to the Board at the next meeting.

Referring to Mr. Rullmann's comments, Mr. Lang said he's always been on record that Mr. Jones should be permitted in their executive sessions. He reviewed the past comment by Mr. Wong several meetings ago that Liberty Township does not permit their Fiscal Officer in their executive sessions, but he, Mr. Lang spoke to Liberty Trustee Dave Kern who said their Fiscal Officer is welcome to and participates in all their executive sessions. He said Mr. Wong then said Colerain Township does not allow their Fiscal Officer to attend executive sessions, but he, Mr. Lang has since checked with Colerain Township Fiscal Officer Heather Harlow who said she attends all their executive sessions, but excuses herself from disciplinary discussions. He then asked Mr. Wong and Mrs. Stoker if they could identify any other township in Ohio that doesn't allow their Fiscal Officer to attend their executive sessions. He also noted The Beckett Ridge Golf Course did not sell, so it was still for sale. He also expressed his appreciation to the West Chester Police, noting their hot and heavy attire while on duty at the World Choir Games concert

July 10, 2012 *Approved September 6, 2012 Catherine Stoker*

in West Chester. He also expressed appreciation to the corporate sponsors for helping make the event possible, and helping West Chester in general.

Mr. Wong said he wanted to discuss the minutes publically, and he wanted them transcribed in their entirety, verbatim, instead of paraphrased.

Mrs. Stoker then asked Mr. Lang if he had any other comments and Mr. Lang said he thought there were errors of omission in the minutes, but asked Mr. Wong to identify one inaccuracy in the minutes. Mr. Wong responded, saying he spoke in a meeting, "I couldn't believe that we are still harping on a certain issue", and he, Mr. Jones, put down, "Mr. Wong do not understand why we are still harping on certain issue". Mr. Jones asked if he could respond, but Mrs. Stoker said this was time for Trustee comments and she would like to have a meeting about the minutes, but suggested they get topics besides the minutes discussed first.

Mr. Wong, responding to Mr. Rullmann's question during Citizen's Comments, said less than 1% of the population served in the military, even less for immigrants, he served 20 years in the military, and he's currently representing the people he serves.

Mrs. Stoker commented that she and Mr. Wong passed out literature to veterans for The Hero's Fund at the recent event at the Butler County Airport celebrating post 9/11 veterans. The fund provides one-time financial assistance to veterans in need. Regarding Mr. Rullmann's comments about federal regulations and signage, she drove out to California last year and appreciated the uniformity of traffic signs nationwide and attributed it to federal regulations. Regarding Mr. Rullmann's comments about the Fiscal Officer being permitted in executive sessions and citing the Ohio Revised Code, she said the law says executive session is limited to those invited by the township trustees. Mrs. Stoker said it has been the accepted practice and policy of the organizations that she's belonged to over the years where minutes are taken that the minutes are discussed and revised. They are the "legal record of what happens at our township meeting", and there were some issues that hadn't been expressed in the May 22nd minutes, citing some of her own comments about the Eagleridge crosswalk. The minutes do not reflect the opinions of just one person, but the consensus of everybody of what was stressed and discussed. She had submitted "points" that she made, some made by others, some not, but she thought they were important, for inclusion in the May 22nd minutes, but they had not been included. As a point of order, Mrs. Boyko interjected that Mr. Jones did not submit the May 22nd minutes for approval at this meeting. Mrs. Stoker invited Mr. Jones to comment, asking if it was his intent to never change the minutes.

Mr. Jones said he expressed his intent when he spoke earlier, inviting them to discuss the minutes one-on-one as to what format will work for everyone. He also said that there might just be too much detail in the minutes currently, noted they have not taken issue with anything in the business portions of the agenda, but only with the Trustee Comments, and we can "cut them down", adding that we can have discussion about that. Mr. Jones also noted Mrs. Stoker's comment about the "accepted policy and practice" of boards regarding their minutes, but, regarding Fiscal Officers in executive sessions, it is the accepted policy and practice in townships throughout Ohio to have the Fiscal Officer attend their executive sessions. However West Chester Township is the exception, having made the decision that our Fiscal Officer is not allowed in executive session. Mrs. Stoker suggested she may have misspoke if she said "not allowed", and what she said was the Trustees make the decision as to who can attend. Mr. Jones suggested these are semantics, and their contention with semantics has got to stop. He also noted

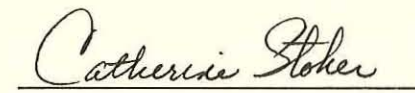
the minutes are reviewed by 3 members of staff before a courtesy copy is sent to the Trustees. He then took issue with several comments Mr. Stoker wanted included in the May 22nd minutes. Mr. Jones then said meeting minutes use to be the final record of meetings, however, given the advent of videotaping the meetings, the written minutes are merely a "gateway" to the recorded videotape where the word-for-word documentation is to be found. When he told the audience they could request this information, Mrs. Stoker advised him to speak to the Board. Mr. Jones then commented that he does not report to the Board and he really doesn't produce the minutes for the Board. He reports to the public and he makes the minutes for the public. He again invited the public to request a copy of the minutes and what Trustees submitted for inclusion so they, the public, could be the judge. Otherwise, we have better things to do with our time. Mr. Jones said the first criteria for inclusion in the minutes is whether or not the comment was in fact said. Secondly, has the point already been made, or would it merely be redundant. Otherwise, he invited the trustees to type up their own Trustee Comments, submit them to him and as long as they're factually documented in the video, they'll be included in the minutes. Mrs. Stoker then asserted she already did that. Mr. Wong said he talks very little, adding, "I'd prefer you type verbatim what I say. Don't try to second guess me and paraphrase me and all that. Type every word I say". Mr. Jones said we could pursue voice recognition technology. Mrs. Stoker asked him if he'd include their comments if they can be shown demonstrably to have been said. Mr. Jones replies he would, again suggesting they meet to discuss the minutes. Mr. Lang suggested they take a breather, and said the purpose for the minutes is to capture the essence of what was said and if anyone wanted more detail they can look at the DVD. Mr. Wong said the minutes could just state the subject that was being discussed, and if they want the details of the minutes, they could look at the video. Mrs. Stoker again said she'd like to bring up the topic of minutes at a future meeting.

Adjournment

At 7:18 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.**



Bruce Jones, Fiscal Officer



Catherine Stoker, President