

Record of Proceedings: March 12, 2013
West Chester Township Board of Trustees - Regular Meeting

Convene: President Wong convened the meeting at 5:59 p.m..

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

Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Steve Reinel, 8108 Long Meadow Drive, referenced the West Chester Township Zoning Code as it applied to the Liberty Tax Service issue. He said he understood no one could stand in the right of way and promote their cause, including any business, non-profits, and anyone running for public office. He asked who enforces the code, questioning if such enforcement was always good police community relations. He said Mr. Wong seemed like a strong proponent of the zoning code, but he and others saw Mr. Wong waving during his last campaign. He asked the three Trustees if they'd stop someone from selling lemonade in their own subdivision. He concluded by saying he was just seeking clarification of the code itself, when and to whom it applies, and who enforces it.

Carl Rullmann, 8285 Ventle Drive, said negotiation and compromise can work out differences, but said compromise on "method" can be beneficial, but compromise of principal should be spurned. As an example he cited the previous Trustee meeting in which Trustees Wong and Lang were present – noted Mrs. Stoker was absent – saying they could have agreed on numerous agenda items, but Trustee Wong deferred making a decision until Mrs. Stoker was present. He said Mr. Wong made a verbal attack on Mr. Lang over an issue long ago resolved in Mr. Lang's favor. He asked Mr. Wong if he was so inclined to "cross the aisle, repeatedly vote in deference to Mrs. Stoker and oppose a true conservative public servant", then Mr. Wong should register as a Democrat.

Steve Clark, 7392 St. Ives Place, commented on the last Trustee meeting and Mr. Wong's behavior, said Mr. Wong accused Mr. Lang of receiving "illegal money", noting Mr. Lang was not indicted for that. He said Mr. Lang's comments were focused on having public discussion about unapproved expenditures over \$2500, but Mr. Wong had no constructive comments about the idea. Rather, he made personal attacks on Mr. Lang, calling Mr. Wong's comments an embarrassment. He questioned Mr. Wong as to whether he was capable of doing the job, whether his animosity toward Mr. Lang clouds his judgment, asking if Mrs. Stoker is always right and Mr. Lang is always wrong. He asked if Township affairs have suffered because of Mr. Wong's inability to get along with Mr. Lang and now Mr. Jones, concluding by telling Mr. Wong he thought his, Mr. Wong's attitude toward Mr. Lang and Mr. Jones contributes significantly to a dysfunctional administration of the Township.

Bruce Jones, 5685 McCarthy Court, said he needed to speak about his minutes during Citizen's Comments because the Trustees won't permit him to speak during discussion of his minutes, resulting in a disjointed discussion. He quoted from an email dated February 27th from Mr. Wong in which Mr. Wong expressed his displeasure with the changes to the original January

22nd minutes, that the original draft was clear and acceptable to him, and the change was an example of Mr. Jones's "editorialization". Mr. Jones said his previous email explained the change - a word-for-word account of exactly who said what - was the result of Mr. Wong needing clarification about the discussion in which Mr. Wong originally agreed to Mr. Jones participating in discussion about his minutes. He said Mr. Wong then "flip-flopped" at the next meeting, again deferring to Mrs. Stoker, because subsequently "she told you (Mr. Wong) to change your vote". He said it was fine with him if Mr. Wong approved his original draft of the January 22nd minutes, but a verbatim transcript is not editorializing, questioning if Mr. Wong understood what "editorializing" meant. He suggested Mr. Wong provide at the next meeting one example of him editorializing anywhere in any of his minutes since he took office. He then quoted Mr. Wong's comment at the last meeting that, "We've had so many problems since you (Mr. Jones) became Fiscal Officer", noting that "we" only amounted to him (Mr. Wong) and Mrs. Stoker, and that the two of them endorsed his opponents in his campaign for Fiscal Officer. He concluded that this fact accounts for their adversarial behavior toward him and his performance. Lastly, he distributed copies of the January 22nd meeting minutes, the next agenda item, "in the interest of transparency" because he wanted people to know exactly what the Trustees would be talking about.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve the Trustee Meeting Minutes of January 22, 2013 with all the changes submitted by everyone, including her previously submitted changes as well as Mr. Jones's word-for-word account of the minutes discussion. Discussion amounted to clarification of what was to be included in the minutes. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve the Trustee Meeting Minutes of February 12, 2013. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, 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. Adm \$39,735.01 X-10 Technologies – Purchase upgrade for SAN (storage area network)
2. Adm \$23,773.62 Butler County Emergency Management Agency – Remit annual fee for operational services
3. Adm \$10,000.00 West Chester-Liberty Chamber Alliance – Renew Sustaining Gold Level Membership Program
4. Adm \$3,840.00 EC Link – Renew hosting and annual maintenance of Township website
5. Adm \$3,825.00 Center for Local Government – Renew membership for 2013

6. Fire \$6,530.76 Rush Trucking Centers -- Repair the brake system of Medic Unit 609-1, 2009 Horton International (Increase PO#S130311)
7. Fire \$6,197.52 Preferred Communications, Inc. -- Replace twelve (12) AVL/GPS receivers on various fire and EMS apparatus
8. Fire \$5,642.00 Clarke Power Services, Inc. -- Repair radiator and fan blades on Vehicle 224, 1994 Pierce Engine (Increase PO#S130605)
9. Services \$5,267.42 Butler County Engineer's Office -- Remit payment for 2012 repair costs to decorative traffic signal mast arms per agreement

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve payment of requisition items 1 through 9. Discussion: none. **Motion carried unanimously.**

Personnel Items

There were no personnel items.

Business Items

This agenda item was introduced by Mrs. Boyko who explained that the event was scheduled for Thursday, May 16th through Saturday, May 18th, and that the event has been recognized as the Buckeye State BBQ Championship.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve a license agreement between West Chester Township and the Rotary Club of West Chester/Liberty for the use of a portion of Township property, 8070 Tylersville Road, for the production and presentation of the Voice of America BBQ Bash, and authorize the Township Administrator to execute said agreement. Discussion: Mrs. Stoker noted that the event is to benefit local charitable causes. **Motion carried unanimously.**

This agenda item was introduced by Mrs. Boyko who noted that the plan had been amended to include adoption of the concept master plan, and business and operating plan.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve statutory Resolution No. 03-2013 approving an amended Program of Preservation and Utilization (PPU) for the development, management, programming, use, operation, and maintenance of the Voice of America Bethany Relay Station and applicable grounds. Discussion: Mrs. Stoker commented that all the land given by the National Park Service was with a request that the VOA facility be preserved because of its historical importance. **Motion carried unanimously.**

This agenda item was introduced by Mrs. Boyko who explained that she thought it appropriate to approve the lease agreement since it was related to the aforementioned PPU agreement. She said the lease entailed non-substantive changes, excepting that the National Park Service wanted to review any improvement or modification to the VOA facility and approve it in advance. She noted the lease is for a 5 year term with automatic 5 year renewals, subject to additional terms and conditions, and the Township would endeavor to make an annual, 5 year descending financial contribution during the initial term of the lease, to be discussed at their next meeting.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve statutory Resolution No. 04-2013 approving a revised lease agreement between the West Chester Township Board of Trustees and The Board of the National Voice of America Museum of Broadcasting for the development, management, programming, use, operation, and maintenance of the Voice of America Bethany Relay Station and applicable grounds. Discussion: Mrs. Stoker said she thought this was an important step toward the VOA Board attaining independence and standing on its own. Mr. Lang said it was comparable to “seed money”, enabling the VOA Board to be self-sustaining, as opposed to a burden on taxpayers. Mr. Wong said the VOA is a national treasure. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, not to object to a new liquor permit for Asian Treasure Restaurant, Inc. DBA Taiyo Wei Asian Diner, 8179 Princeton Glendale Road, Suite K. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, not to object to new liquor permit for Bella Vino Merchants LLC DBA Bella Vino Merchants, 6064 West Chester Road. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next agenda item, a request by the Butler County Commissioners for a VOA easement for a water main extension. She explained that the need existed in order to provide proper water suppression to the facility as would be needed in the event of a fire. She said the Ohio Cultural Facilities Commission had approved the project and the Township could seek reimbursement for the cost upon completion of the project.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to grant a permanent access and construction water main easement to the Butler County Commissioners for a VOA water main extension project along the western property line and authorizing the Township Administrator to execute all necessary documents. 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

Mark Morris, 8876 Eagleview Drive, said he thought Mr. Lang had a good idea at the previous meeting to have citizen's input on lawsuits that don't make common sense, suggesting the Township allows some businesses to partake of activities that other businesses are prohibited from doing. He questioned why a Trustee would comment that such activities would make West Chester a “Shantytown”, but it's permissible for business signs to line major thoroughfares. He also questioned why Mr. Lang would be attacked for something that happened in the past and for which he was vindicated. He asked why Mr. Jones's minutes are always being discussed, suggesting the Trustees should not say something if they don't want them to appear in the minutes, and that it made no sense to him why things are being added and deleted at the following meeting. He concluded by saying he thought it was a bad reflection on the Board when they're always disagreeing.

Eric Dietrich, 5847 Wood Thrush Lane, said the Township sent workers to Jeffras Cemetery, which he said is only accessible through private property, on February 27th and 28th, and March 1st, and he was unhappy that private property was damaged. He said that he and a neighbor were told by a worker that the Township workers were there at the request of the Historical Society, and that they were invited onto the property by a neighbor of his who has since denied that assertion. He said there is no easement for access to the cemetery and no notification was given, nor was a certificate of liability or waiver of liability provided. He concluded by asking why the Township would have the right to access their property.

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. Boyko said the Board had adopted the recommendations of the Connections Committee in August, 2009, and commented on the Ohio-Kentucky-Indiana (OKI) Regional Council of Government's Transportation Alternative Program (TAP), a federal grant program. The committee identified where the Township could connect people with places in the township. She referred to the "Smith Road Connector" - originating at approximately the intersection of Smith/Beckett Roads and Beckett Ridge Boulevard, and extending along Smith Road to just west of Route 747, where it would connect with another existing pathway - as something that had been presented for consideration in the 2013 capital improvement plan. She provided additional details, including a very general projected cost approximating \$300,000; the application deadline is April 12, 2013 for a maximum grant/award of \$500,000; it would require a minimum 20% local match; noted this was a potential revenue source to offset some of the cost. She said she was not asking the Board to act on the matter that evening, but she wanted to know if this is something the Board was interested in pursuing. She said the Board would not be obligated if the Township pursued the grant and if it were awarded them, until such time that they then committed.

Mr. Lang said he objected because this program is a part of the Agenda 21 program; increasing biking and walking paths was not a core competency of the township; the federal government was already borrowing 40 cents on the dollar, adding we would be adding to our children's and grandchildren's federal debt if we took the money. He also suggested, once constructed, the township's general fund would bear all the maintenance costs, and noted the Board would be pursuing another police levy in 2016 which, if not passed, may result in another burden to the general fund. He said it was more important to him to have police men and women rather than more bike paths.

Mrs. Stoker addressed Mr. Lang's concern about adding to the national debt by saying the grant money would be spend in some community regardless what the Board did; incentivizing and encouraging local businesses was one of the Township's core competencies; she would not support the project unless the affected property owners supported it; she believed it would help generate business for businesses in the Smith Road/ Route 747 intersection proximity, given improved access for thousands of residents to that area.

Mr. Wong said the subject connections path was vital to the area; the grant was good because it would cost us less money to build; bike/walking paths get a lot of use; there's less pollution; it would enhance the quality of life; Americans need to learn other means of transportation given gas at close to \$4.00 a gallon; it is good for the community.

The discussion continued with counterpoints.

Mrs. Stoker asked if the path would be in the easement of property owners along Smith Road, to which Mrs. Boyko answered that there had been no research into that matter as yet, adding that they would need to grant some kind of easement before the path could proceed. Mrs. Stoker asked if the property owners would be responsible for maintaining the path, to which Mrs. Boyko answered that, again, there had been no such research as yet. She said she could address Mr. Lang's concerns about long term maintenance costs by researching those costs associated with the Port Union Bike Trail as well as the trail along the hillside at Beckett Road.

Regarding the comments by Mr. Dietrich's concerns, Mrs. Stoker said the Township is responsible for maintaining abandoned cemeteries, observed that there is no access to the subject cemetery, and, while no one wants to cause damage to property, the families of the deceased would want to know that the cemetery is being maintained. She suggested Mrs. Boyko could discuss a solution with him and she, Mrs. Stoker, has asked Mrs. Boyko to ascertain whether the Township can legally abandon the cemetery when there is no legal access, absent a solution. She was optimistic, however, a solution could be found.

Mr. Lang commented on Mr. Dietrich's comments, saying he met with Mr. Dietrich and believed he was upset that the Township worker's response to his assertion they needed to leave his property, the Township just re-appeared the following day, resuming their work, ignoring the request of a private property owner. He felt an email from Mr. Dietrich requesting a statement from the Township acknowledging it has no easement rights and would not trespass without prior approval, as well as other terms, was a very reasonable request. He was also very concerned with conflicting testimony from another neighbor.

Mr. Wong said it was really important for the Township to sit down with Mr. Dietrich and work this out, and asked that his fellow Trustees allow Mrs. Boyko to investigate the matter and take the lead on a potential resolution.

Mrs. Boyko said she received an email from Mr. Dietrich on March 1st who referred it to Services Director Tim Franck, but there had been misunderstanding, inferences, and incomplete communication, and she asked the Board to allow her the opportunity to meet with Mr. Dietrich and come up with a resolution.

Mr. Wong suggested Mr. Reinel speak to Community Development Director Juengling about his concern. Mr. Reinel, from his seat, said he wanted comments from the three Trustees.

Mrs. Stoker, referring to comments by both Mr. Reinel and Mr. Morris, said there's currently a citizen review of the zoning code, and said she couldn't address the Liberty Tax issue because of

pending litigation except to clarify that Liberty Tax filed suit against the Township, not vice versa.

Mr. Lang said, addressing Mr. Reinel, that he took issue with the Township's action against Liberty Tax because the action was the result of the Township's interpretation of the code and he thought the interpretation in this specific instance was wrong.

Mr. Wong apologized to Mr. Lang for comments he made at the last meeting, that he misspoke about Mr. Lang's involvement with Dynus, and it was something he should have discussed in private rather than in a public forum. He said he apologized right after the meeting and again publically that evening, concluding, "I was wrong". Mr. Lang replied, "Thank you, Mr. Wong".

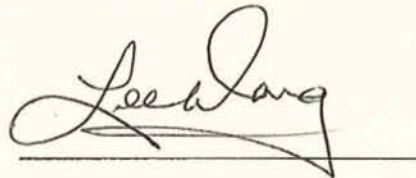
Mr. Lang commented that West Chester's Leroy Reshard won a "Pledge to Serve" contest as a result of his student mentoring efforts for which he and his wife, Audrey, received an invitation to the Presidential Inauguration. Gary Cates was also there. Mrs. Stoker interjected that the Miami University Marching Band also participated in the inauguration. Mr. Lang then commented on the spirit for life demonstrated by 20 year old West Chester resident Alisha Lang, who succumbed to cystic fibrosis several weeks earlier after a 15 year battle.

Adjournment

At 7:13 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 personnel matters, review of benefits and duties of certain non-contract and contract employees, review of the retention, tenure and evaluation of a certain public employee, acquisition, sale or swap of real property, and current and pending litigation. The Board would not return. Motion made by Mr. Lang, seconded by Mrs. Stoker. Discussion: none. **Motion carried unanimously.**



Bruce Jones, Fiscal Officer



Lee Wong, President