

Record of Proceedings: November 12, 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

Beth Hauer, 9740 Farmcrest Drive, said she was a 31 year resident and was the vice-president of a local environmental group in the 1990's when she sought public records. Now she's having a problem getting public records out of West Chester Township. She referred to an email sent by Fiscal Officer Bruce Jones dated November 3rd, saying it complains about alleged behavior by Trustees Wong and Stoker, and referred to portions of the content. She made a public information request on November 7th for his email and all subsequent emails between him and any other parties that pertain to his November 3rd email. She said the reply she received said there were no public records responsive to her request, and she wasn't buying it. She referenced ORC 149.43 before she was advised she used her two minute time allowance, and that there was a second Citizen's Comment when she could speak longer than two minutes.

Bruce Jones, 5685 McCarthy Court, said Ms. Hauer's public information request was submitted just 2 business days ago, and noted the Township contact information when such requests are submitted. He said her request might seem like a reasonable request if only it were about "public" information and the business of the township, but asking for other people's personal email addresses is really about other people's "private" information. That's why, in the interest of protecting people's privacy, he said his email did not disclose their email addresses. He said her request may therefore be illegal, recklessly violating the privacy rights of others. Under the guise of transparency, he said her request was nothing more than a cynical expression of post-election sour grapes, rooted in revenge and anger. Mr. Jones said here's how we know this to be true: If it weren't cynical and vengeful, then Ms. Hauer would have also submitted a similar request for the email addresses of the people to whom Trustee Stoker sent a rebuttal email. But she made no such request. Secondly, Catherine Stoker was a long time good friend of Ms. Hauer, concluding this was just post-election sour grapes. He said no one has time for this and they should get on with the business of the township. Lastly, he suggested the October 8 minutes be removed from the agenda since the Trustees just received it 4 days earlier. Mrs. Stoker and Mr. Lang however said they had time to review them.

Deter Lubert, 7573 Granby Way, said he's lived there over 10 years and that was his third occasion to speak. He congratulated Lee Wong for his re-election and said he was feeling bad about Mrs. Stoker's leaving. He said he was unhappy that the Trustees give tax breaks to businesses that pay minimum wage, and he found out that less than 30% of Butler County residents vote. He commented on foreclosures, and added that there are more fast food restaurants creating more traffic on Tylersville. Mr. Lubert said people are hurting here in West Chester, and concluded by questioning pedestrian safety.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve the Trustee Meeting Minutes of September 24, 2013 with the changes submitted by Mrs. Stoker. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve the Trustee Meeting Minutes of October 8, 2013. Discussion: Mrs. Stoker noted several corrections, and took issue with language pertaining to her position on retire/re-hire. Mr. Lang suggested they table these minutes until Mrs. Stoker had time to take another look at it. She agreed. Mr. Lang withdrew his motion.

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. Adm \$269,129.00 OTARMA – Renew Township liability and property insurance
(December 1, 2013 – November 30, 2014)
2. Adm \$12,320.40 Data Processing Sciences Corp. – Upgrade network switch
infrastructure (CIP #1049)
3. Police \$4,195.00 John Hank Atkins d/b/a Top-Line Armor Systems – Purchase five (5)
sets of SWAT body armor
4. Services \$176,605.00 Central Salt – Purchase salt for 2013-2014 winter season
5. Services \$4,500.00 Univar U.S.A. Inc. – Purchase liquid calcium chloride for the 2013 –
2014 winter season

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve payment of requisitions 1 through 5. Discussion: Mr. Lang asked if the purchase of body armor was to replace old sets and what happens to the old sets. Mrs. Boyko said they are replacements, and the old sets have expired, are deemed unsafe, and confirmed with Colonel Niehaus that there's a process for disposing of them. Mr. Wong asked if the salt purchase was for the entire season. Mrs. Boyko said it was, adding that the Township's purchase through the Butler County Engineer's office allows for a little variation, and the cost is based on the actual amount. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying a firefighter sustained a work related injury last year and has been medically unable to perform his duties since. Their efforts to assist the employee to return to work were unsuccessful, the physician of record declared the employee's medical

restrictions permanent, and he has been unable to return to his duties as a firefighter/paramedic. Thus they were asking the Board to consider medically separating him effective November 15, 2013.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to release a contract employee for medical separation. Discussion: none **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next items saying they were asking to extend the contract with Decosimo for one year so they could pursue RFPs (Request for Proposal) for GAAP (Generally Accepted Accounting Principles) conversion and CAFR (Comprehensive Annual Financial Report) preparation services, and their independent auditing services concurrently. Currently these are staggered.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to extend current contract with Joseph Decosimo and Company, LLC for one year, January 1, 2014 through December 31, 2014, for professional accounting services for GAAP Conversion and for Comprehensive Annual Financial Reports (CAFR) preparation for the year ending December 31, 2013 not to exceed \$22,000.00 and authorize the Township Administrator to execute said contract. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next items saying they received five RFPs for these services, the best of which quoted about 35% over their current – about to expire - five year contract. Given a reduction in Township usage, they were recommending a one year contract extension to allow them time to evaluate their usage, new technologies, and a document management system.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to extend the current agreement with Donnellon McCarthy for one year, January 1, 2014 through December 31, 2014, for copier equipment and maintenance services and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next items saying the “West Chester Farmers’ Market presented by First Financial Bank” has been operated and managed by The Feed Barn since its inception, but they can no longer do so. Thus, the Staff was requesting authorization to advertise for request for qualifications to manage and operate the West Chester Farmers’ Market.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to advertise for request for qualifications for management services to program, manage, and operate the “West Chester Farmers’ Market presented by First Financial Bank”. Discussion: All Trustees expressed their appreciation for the work and accomplishments of the Rosselots in performing this work in the past. **Motion carried unanimously.**

Mrs. Boyko introduced the next items saying it was necessitated by the resignation of a West Chester staff member.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to appoint Community Development Director Michael Juengling as representative to serve on the West Chester Township JEDD-1 Board for the unexpired term October 1, 2011 to September 30, 2015. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang that, having reviewed the staff report and affidavit, we declare the property listed on the West Chester Township Board of Trustees meeting agenda dated November 12, 2013 to be a public nuisance 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 this property. Motion seconded by Mrs. Stoker. Discussion: none. (Fiscal Officer note: The subject property was 8161 Clearbrook Drive.) **Motion carried unanimously.**

Mrs. Boyko introduced the next items saying the YMCA needs an access easement on Township property at Beckett Park in order to construct its facility. She said the National Park Service would only permit such an easement for a not-for-profit, recreational type use, and explained subsequent processing. Mrs. Boyko said the Township would pay for a traffic signal and installation at the entrance to Beckett Park, and the YMCA would pay for any repairs to the easement as well as snow/ice removal/treatment.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve statutory Resolution 20-2013, authorizing the use of a portion of Beckett Park East for access purposes from Union Centre Boulevard and approving an easement, operating and maintenance agreement between the West Chester Township Board of Trustees and the Lakota Family YMCA and accepting a reciprocal recreational use easement for township's recreational use of the 1.92 acres of the Lakota Family YMCA property as illustrated on Exhibit F of the agreement; and to authorize the Township Administrator to make non-substantive changes to the respective easements, including location and language with Law Director approval and approval from the National Park Service, execute any and all necessary documents to effectuate the respective easements. Discussion: Mr. Lang recognized Greg Amend and John Schaffer from the Lakota Family YMCA in the audience, said he believed it would be a nice addition to the recreational nature of the area, and applauded them for making the investment in West Chester. Mrs. Stoker said she believed the Township had been working on it about 15 years considering their work with the previous property owner. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve a one percent (1%) Ambulance Inflation Factor increase effective January 1, 2014 and direct the EMS billing company to reflect the increase on all BLS, ALS-1, ALS-2, ambulance service rates and the mileage rate and authorize the Township Administrator to execute any and all necessary documents to effectuate the approved rates. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to apply for FY 2013 Assistance to Firefighter's Grant and if awarded authorize the Township Administrator to accept said grant. 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

Susan Hendel, 6061 Eaglet Drive, said she wanted to know why the Board permitted Bruce Jones to address the citizens and not the Board from the lectern. She said they would have required anyone else to address the Board.

Donna Nicol, 7750 Shenandoah Court, said she's live here 42 years and is a good friend of Catherine Stoker. She said she found it unusual that the Board can do the business of the township without having the previous minutes before them to know that they all approve of what is in those minutes, and then move forward. She asked why the minutes from the last meeting are not approved before moving on to the current meeting.

Deter Lubert, 7573 Granby Way, said he's a 10 year resident and that Keehner Park was his favorite park, as well as Voice of America. He said he'd address both directions so both could listen. He thought Keehner Park could be improved, suggesting a skateboard rink to attract kids. He added that he lives in a low income area, unlike the other side. He commented again on a high foreclosure rate in West Chester saying it made him kind of sad.

Greg Amend, 7365 Niger, expressed his thanks to the Board for their work on the YMCA project. He also expressed his appreciation for the West Chester fire department in their response to a fire at an office building on Circle Freeway. He said they were there quickly, were professional, and something about which to be proud.

Barry Riddell, 8069 Lawrence Drive, expressed his congratulations to Lee Wong and Mark Welch for their election victory. He said he believed the practice of the zoning department accepting anonymous complaints has a huge potential for abuse. He said he's personally been the victim of an anonymous complaint, and he didn't believe the complaint was written by a neighbor, but by a "bureaucrat". He said he spoke with Mrs. Stoker about this issue. He thought the purpose for zoning was to keep peace among neighbors, but thought it did the opposite; when he received an anonymous complaint he became suspicious of all his neighbors. Subsequently people on his street were given "citations" and they assumed he filed the complaints against them as retaliation. He also took issue with information he heard during the Trustee campaign that \$1.22 was spent for every resident and 44 cents was spent for every business, and he didn't believe that applied to certain parts of the Township, particularly his neighborhood, Maud. He said nothing has been done to the streets in Maud, unlike Ivory Hills and other areas. He said he would like to have some kind of tracking of this number, questioning if it was possible. He just wanted to make sure some areas were not left out. Lastly, he commented on his frustration with the result of a Freedom of Information Act request: He was sent an 11 megabytes PDF document, but he couldn't readily find specific information because the Township documents are stored as images and are therefore unsearchable. He said he can convert any document on his computer system to a scan-able, searchable PDF as a result of spending less than \$100 on software about 7 years ago. He said the Township's documents are everyone's documents and he asked the Township to appoint somebody to investigate how to make them readily searchable. He noted the Township meeting agendas are searchable, the Township is therefore able to make documents searchable, and asked that they do likewise with the meeting minutes. He suggested a manner for saving the signature portion of documents. Mr. Riddell also said too much time is

wasted discussing meeting minutes in their meetings because they're videotaped. He said he didn't understand their constant dispute over minutes since people can go to the videos for their exact words, and if the Board thinks people are concerned about the meeting minutes, people will go watch the video. Lastly, regarding Ms. Hauer's comments, he said it's unfortunate but a lot of politicians use their private emails to do different things, including township or government business, and he didn't agree with that. He said the email she was referring to was posted on the internet so, if she wanted to know everybody that was sent the email, she may as well find all the people that saw it on a website. He doubted if Google would give up that kind of information, and said he thought it a waste of time to try and find that out.

Carl Rullmann, 8285 Ventle Drive, said people's voices can be heard on the videos, but the problem with hearing at the Trustee meetings was the audio speakers. He asked that the Township please fix them.

Bruce Jones, 5685 McCarthy Court, just wanted to respond to some comments expressed that evening. He said Mr. Amend referred to his address outside of West Chester Township when he spoke, but Mr. Amend was a cornerstone of the YMCA project, thereby accounting for his speaking during Citizen's Comments. Board members then noted he's also a business owner in the Township, thereby entitled to speak. He also said he previously, privately expressed his congratulations to Mr. Wong for his election victory and did so again, publically. Regarding Ms. Hendel's comments, he said he's been routinely held to the 2 minute time limit for his Citizen's Comments by the Board. He also said he's moved the lectern to be positioned more neutral – between the Board and the citizens in attendance - because it was neutral for many years previously. He also re-positioned the lectern because the citizens paid for the lectern, and because the Board works for the citizens. Regarding Ms. Nicol's comments about the minutes, he said the minutes have routinely been behind for many years and the Board can speak to their comfort with that. Lastly, regarding Mr. Riddell's concern that the meeting minutes be readily searchable, he said he's 100% in favor of whatever can be done to make that possible and enhance their transparency.

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 she has no listed discussion items.

Mr. Lang commented on Ms. Nicol's comments about the minutes, gave several reasons they're delayed, and added that maybe they should look into it. Given Mr. Amends compliment of the West Chester fire department, he recognized firefighter/EMT Jeff Moore in the audience. He then praised Ms. Boyko and motioned for the Board to give her a 2% raise effective January 1, 2014. Mrs. Stoker said Mrs. Boyko's contract was expiring, there's other things she may be requesting as well, and suggested they should address the contract as a whole. When asked, Mrs. Boyko acknowledged that her employment agreement expires at the end of the year though it has an automatic renewal feature. Mr. Lang and Mrs. Boyko briefly discussed the term of the

contract. Mrs. Boyko declined the increase because there are several employee groups in the Township that did not receive any increase last year or this year, and that she would not in good conscience feel right about accepting that. Based on her comments Mr. Lang withdrew his motion. Mr. Lang recognized the son of Sharon and Jerry Nelson, Chad Nelson, stationed in Afghanistan, for being awarded the Bronze Star two days earlier. Mr. Lang also asked that every veteran contact the library because they are requesting a picture and biography of veterans for historical purposes. He also said the contract with Independent Energy Consultants, the broker for the Township's aggregation service, is set to expire March 31, 2014, and that the contract requires 120 days notice to terminate the contract. He thought it would be a good idea to extend an RFP for that service, and for that matter do so in the next few years for most all of the Township's vendors. He asked the other two Trustees to authorize Mrs. Boyko to send a termination letter to Independent Energy Consultants with the understanding that they are going to do an RFP in the first quarter of 2014 and they can compete for that business. He said the contract will otherwise automatically renew if they do not do this by the end of the month. Mrs. Stoker said the new Board, with Mark Welch replacing her on the Board, can pursue RFPs next year, but it was inappropriate to terminate this contract because there's no foundation for terminating the contract. Mr. Lang responded by saying the current contract will automatically renew otherwise, putting off an RFP a year if they do not act. Mrs. Stoker said they could wait until the end of the contract before considering whether or not to renew contract. She said "a contract is a contract", and she didn't feel comfortable taking that action unless Mr. Lang had some reason to believe the vendor has not been operating in good faith with the Township or there's some problem with the services he's provided, and asked that he share any such information with everyone. Mr. Lang said he had no such information to publically discuss, but he was just saying they should follow the rules the vendor put in the contract for termination requiring 120 days notice in order to terminate the contract. The exchange continued between Mrs. Stoker and Mr. Lang. Mr. Wong said he would wait until Mr. Welch came on board and he did not want any breach of contract. This discussion concluded for lack of a majority.

Mrs. Stoker responded to Ms. Nicol's comment saying the fact their minutes are recorded on video ensures that they are not stumbling over themselves in making decisions before the minutes are approved. In other words, they already have on record the video proof of the approval given by the Board. Mrs. Boyko said the minutes do not need to be journalized for the Board's actions to be effective, and staff could implement the action of the Board without them being journalized. Otherwise, the written minutes are the official record of the meeting. Mr. Wong said Mr. Jones has released minutes that had not been approved yet, "so what is the problem? He releases minutes all the time." Mrs. Stoker said that was a whole different topic that maybe the new Board should address. Mrs. Stoker then expressed her appreciation for Chad Nelson and hoped he returns home safely. She also said, regarding Ms. Hauer's and Mr. Jones's comments, she didn't know if the addressee of a public document is also public. She told Mr. Deter that over 50% of their property taxes are generated by commercial entities and commented on what the TIF districts have paid for. She also wished everyone a wonderful Thanksgiving.

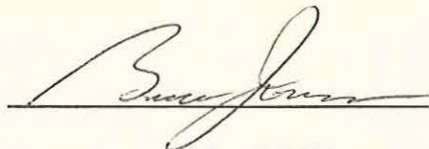
Mr. Wong said he has great respect for veterans and those who have lost their loved ones.

Mr. Lang congratulated Mr. Wong for his recent election victory and Mrs. Stoker for the forthcoming birth of her grandchild.

Adjournment

At 7:13 p.m., Mr. Wong asked for a motion to adjourn the Regular meeting and go into Executive Session for the purpose of considering and discussing (1) Personnel matters; discuss contract negotiations for a certain collective bargaining unit, review provision of benefits for a non-contract employee; acquisition, sale, or swap of real property; current and pending litigation. The Board would not return. Motion made by Mr. Lang, seconded by Mrs. Stoker. Discussion: Mr. Lang suggested it would be appropriate for them to invite Mr. Welch in to their Executive Session. Mrs. Stoker said she had no problem and that has been the tradition in past years. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



George Lang, President