

Record of Proceedings: December 17, 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

(Fiscal Officer note: Mr. Wong made an exception to the practice of limiting comments to no more than 10 minutes because it was Mrs. Stoker's last meeting and "quite a few people" wanted to comment as noted in all of the following comments.)

Steven Reinel, 8108 Long Meadow Drive, commented how he appreciated Catherine Stoker for working in the 1990's to prevent commercial development in front of the VOA on Tylersville. He also expressed appreciation for Linda Rosselot who he said was unable to attend due to another commitment.

Donna Nicol, 7750 Shenandoah Court, said she was there to say thank you to Catherine for her service, the research she put into issues, and thoughtfulness. She also said she hoped Catherine would occasionally come back to the meetings to "stir it up".

Christy Miller, 8013 Eagleridge Drive, said thank you to Mrs. Stoker on a professional and personal level. She said her 20 year political career shows girls they can have a future in politics, termed her a leader among women, and also Woman of Excellence. She also thanked Mrs. Stoker for being a mentor to her and guiding her in "how to maneuver the political waters of the world". She also suggested Mrs. Stoker spend her time enjoying her new granddaughter and husband.

Mark Morris, 8876 Eagle View Court, also thanked Mrs. Stoker for her service. He also commented that in 2009 the Township approved the current Law Director's contract and his contract was due to expire at the end of the month. He was concerned that the Township would be without a Law Director if they didn't approve a contract for legal services that night.

Presentations

Mrs. Boyko recognized Mrs. Linda Rosselot and her late husband Jim Rosselot for their organic farming in the Township, and for her development of and commitment to the West Chester Farmer's Market. She noted Linda was not able to be there that evening, but presented a collage of the downtown Farmers' Market for Mrs. Rosselot. Mrs. Stoker said she thought it was the most visited Farmer's Market outside of downtown Cincinnati, and it was a wonderful amenity for the Township. Mr. Lang said the Rosselot's originated the Farmer's Market on their property and it wasn't until 2008 that the Township asked them to host it on The Square. It realized substantial growth under their leadership.

Mrs. Boyko had Mrs. Stoker step to the front, and invited staff and peers to join the two of them as Mrs. Boyko presented a key to the Township to Mrs. Stoker on behalf of the other two Trustees. Mrs. Boyko noted the support Mrs. Stoker gave the staff and their appreciation in turn.

Mrs. Stoker then commented, expressing her appreciation to the staff and the work they perform. Mr. Lang then spoke her praises as well as Butler County Engineer Greg Wilkens. Mrs. Stoker said she hoped to make a positive impact and would continue to volunteer in the community. She said she was not planning on leaving the community and expressed her thanks.

Action Items – For Approval by Motion

MOTION to approve payment of bills: Mrs. Stoker motioned approval, seconded by Mr. Lang. Discussion: none. **Motion carried unanimously.**

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

Requisitions – Greater than \$2,500.00

1. Adm \$30,695.36 Harris ERP – Renew annual license and support agreement for GEMS financial accounting software
2. Adm \$6,000.00 Five Visual Communication & Design – Design and print the 2014 Community Guide
3. Adm \$4,044.00 ESRI, Inc. – Renew annual license and maintenance agreement for Geographic Information System mapping
4. Fire \$4,000.00 Buckeye Power Sales – Replace logic board in Fire Station 74 emergency stand-by power generator
5. Police \$6,910.00 Nightforce Optics, LLC – Replace four rifle scopes and four ultra-lite scope rings (CIP #1005)

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve items 1 through 5. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying she understood the Board would like to consider extending her employment agreement.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve and execute Township Administrator Employment Agreement. Discussion: Mrs. Stoker said Mrs. Boyko had not an increase in salary in five years while contract employees typically had 2 to 3 percent salary increases. She said Mrs. Boyko did the work of three people, and received less salary than her peers in either Fairfield or Hamilton where they have Assistant Administrators. She said the Law Director termed her the equivalent of a high level paralegal and that Mrs. Boyko has put her heart and soul into the community. She said she disagreed with the three year retention bonus of \$25,000 because it was her opinion other communities across the country would pay her twice her salary to gain her skills. She added she understood Mrs. Boyko however refused to accept more. Mr. Lang said he thought she was the best Administrator in all of southwest Ohio. He said he negotiated on behalf the Board and had offered her more than the \$25,000 retention salary over three years, but she declined it, which he attributed to her humility and character. He stated she had saved the Township millions while there was substantial progress. Mrs. Stoker said probably less than 10% of their projects went over budget and then minimally, saying she was adept at project management. Mr. Wong reiterated that she hadn't a raise in five years and she had no assistant. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to hire three on-call snow plow operators on an as needed basis for the 2013-2014 winter season at the hourly rate of \$15.00: Michael Amshoff and Gregory Dobbs effective December 5, 2013; and Jeffrey Yeary effective December 7, 2013 Discussion: none **Motion carried unanimously.**

Business Items

MOTION made by Mr. Lang, seconded by Mr. Wong, to set the Board's organizational meeting for January 14, 2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to set January 21, 2014, 5:30 for the 2014 operational budget workshop. Discussion: Mr. Lang said Trustee elect Welch indicated that would be an acceptable time for him as well. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to dispose of one abandoned vehicle by auction or through salvage dealer. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to not object to a liquor permit transfer from Parlay Inc. DBA Gano Tavern to Gano Tavern LLC DBA Gano Tavern, 1st Floor and Basement and Deck, 10024 Cincinnati-Dayton Road. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to not object to a liquor permit transfer from REI KO Investment LLC DBA Akira Japanese Restaurant to Dancing Roll LLC DBA Dancing Roll Japanese Restaurant, 7759 Tylersville Road. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it was discussed at the previous meeting and tabled in order to gather additional information.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve statutory Resolution No. 21-2013 prohibiting the use of engine brakes on State Route 747 within West Chester Township pursuant to Ohio Revised Code Section 505.17 Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko read Resolution No. 23-2013 approving and authorizing adoption of the Township 2014 temporary appropriations and declaring an emergency and dispensing with the second reading. She explained that she would later discuss a summary of the 2013 Operational Budget and an introduction of the 2014 Operational Budget. She said it was staff's recommendation that they approve the temporary appropriations to allow operations and expenditures through the first four months of 2014. Mrs. Boyko added that they would like to present a final close-out of the calendar year before setting the final budget and appropriations for the following calendar year.

Citizen's Comments

There were no citizen's comments.

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

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to declare Emergency Resolution No. 23-2013 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve Resolution No. 23-2013 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Trustees Comments

Mrs. Boyko, in response to a Citizen's Comment, said the contract with the Law Director automatically continues for one year as long as nothing is modified, and she understood the Law Director will be discussing it with the Board in the next year. Otherwise, they'll continue to have Law Director services as required by statute. Mr. Lang commented that they were not addressing it because it was not an emergency.

Mrs. Boyko also gave a lengthy close-out summary of the 2013 budget. She declared all major funds appear on average 8% under budget and updated "bridge year strategies" as first introduced in 2012. This consisted of focusing on efficiencies in operations attributable to technology. She gave examples of reduced costs through (1) workforce reduction by (2) leveraging capital and personnel assets where the Township has capacity, and (3) expanded opportunities to share services and collaborative purchasing programs.

Mrs. Boyko presented details on financial figures anticipated at close of 2013 as compared to the year's budgetary estimates. In most instances revenue projections for 2013 were on target and budgetary expenses were anticipated to be lower than estimated. Mrs. Boyko emphasized the actual collections for the police levy continue to be approximately \$800,000 less than certified at the levy renewal in 2010, causing a financial strain on the projected five (5) year police levy. She said this variance was attributable to decreased property values and delinquencies. Mrs. Boyko reported the police collective bargaining negotiations have resulted with no substantial concessions to date. She reiterated the Township is committed to ensuring at a minimum the police levy extends five (5) years with the earliest possible return to the voters, if even then, in 2016.

Mrs. Boyko continued by saying the proposed 2014 Operational Budget will reflect the Township's commitment to fiscal responsibility, responding to revenue reductions from varying sources affecting the primary funds. Staff will continue to identify ways to leverage assets, assess bridge year strategies, reduce costs, and increase efficiencies to direct resources to the most critical services.

Mrs. Boyko emphasized and encouraged the Board as the economy continues to struggle and West Chester matures, it is critical every effort be made to protect property values and sustain development. She said they need to focus on keeping the West Chester economy strong by promoting development and retaining a marketable workforce, and preserving property values of an aging housing stock by encouraging property maintenance and livability.

Mrs. Boyko presented lengthy details on the 2014 projected revenues and estimated expenditures, and an explanation for both based on anticipated and strategized circumstances.

Mr. Lang said he wished everyone a safe holiday season and wished Catherine well.

Mrs. Stoker said she rolls with the punches. Poor choices are the tuition you pay in learning a lesson, and everybody makes mistakes. She had a wonderful 20 years and was looking forward to her next 20 years. She reflected on her relationships with past trustees, accomplishments and developments in the Township over the past 20 years. She referred to problems with sewer capacity and water storage capacity in the '80s and '90s. When someone disagrees with her, they just don't have the right information. She referred to a proposed license plate tax as illegal and "theft", so her group filed a lawsuit, alleging West Chester residents have been saving close to \$2 million dollars per year. She referred to a proposed sales tax increase in 2001 that didn't occur, alleging over \$70 million was saved. Mrs. Stoker said she had one last whistle she needed to blow, passed out documentation to Mrs. Boyko and the other two trustees, and referred to an email sent out just before the election by Mr. Jones: It said he had been "barred" from Executive Sessions, but she said Mr. Jones had once received an invitation to an Executive Session. She said Mr. Jones revealed confidential information protected by attorney-client privilege, cited the ORC, specifically 102.03B, 102.99, and 2929.24. Thereupon Mrs. Stoker motioned for the Board to have their Township Law Director refer the matter for review by the Ohio Ethics Commission and the Butler County Prosecutor, and take action as they deemed appropriate. Mr. Wong then seconded her motion, and said "Mr. Jones broke the law". Mr. Jones and Mr. Lang strongly objected to Mr. Wong's remark, and Mrs. Stoker then interjected she "alleged" he broke the law. She added she believed he broke the law, and "believed elected officials should be held to a higher authority. I think an elected official should not break the law. And I think if an elected official breaks the law, the very least we can do as an elected official is to say, let's have the experts look at this and make a determination", adding the County Prosecutor and Ohio Ethics Commission would be the appropriate people. Mr. Lang said this was the first he heard of this, considered it a very drastic step and asked to have a chance to review her allegations. In response Mrs. Stoker read from Mr. Jones's email about him being barred from Executive Session, his assertion it was documented, and she disagreed with that characterization. Mr. Lang responded it was documented to the extent they publically discussed it at their trustee meetings. Mrs. Stoker said her motion didn't concern what she read. Additional comments on that subject were exchanged. Mr. Lang reiterated he would like additional time to look at it, and Mrs. Stoker said she wanted to take care of it because it was her last meeting on the Board. Discussion concluded and Mr. Wong asked for a vote on Mrs. Stoker's motion: Motion passed with Mr. Wong and Mrs. Stoker voting affirmatively, and Mr. Lang voting negatively.

Adjournment

At 7:23 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 (1) Personnel matters; discuss contract negotiations for a certain collective bargaining unit: (2) Acquisition, sale, or swap of real property: (3) Current and pending litigation. The Board will return.” Motion made by Mr. Lang, seconded by Mrs. Stoker. Discussion: none. **Motion carried unanimously.**

The Executive Session concluded and the regular Trustee meeting reconvened at 7:33 p.m.

Mr. Wong said they were reconvening on a matter they discussed in Executive Session. **MOTION** made by Mr. Lang, seconded by Mr. Wong, to approve and execute Settlement Agreement and Full and Final Release of all Claims for PERSO Claim No. 0TR013488A1. Discussion: none. **Motion carried unanimously.**

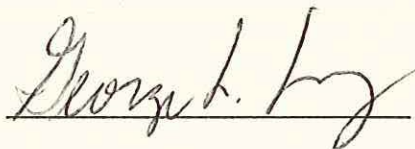
At 7:35 p.m., Mr. Wong asked for a motion to adjourn the Regular meeting. Motion made by Mrs. Stoker, seconded by Mr. Lang. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



George Lang, President