

**Record of Proceedings: February 25, 2014**  
**West Chester Township Board of Trustees - Regular Meeting**

Convene: President Lang convened the meeting at 6:00 p.m.  
Roll Call: Mr. Lang, Mr. Welch, and Mr. Wong responded.  
Pledge of Allegiance: Lead by Asher Cook, son of Jason Cook, a firefighter/paramedic applicant.  
Repeated by those present.

Citizen's Comments

Carl Rullmann, 8285 Ventle Drive, expressed his appreciation for the performance of the West Chester Township Services personnel for their snow removal efforts. He also commented on an agenda item pertaining to School Resource Officers, saying he trusted that the Township would be fully compensated for using the Township police officers. He said they should be paid from the recently passed "excessive (school) levy increases", adding the levy was sold as a means of paying for added security.

Presentations

Christy Quincy, President, Partners in Prime, gave the annual presentation on activities at the West Chester Activity Center. She provided its history, programming offerings, and rental availability. She expressed gratitude for the Township's \$75,000 contribution last year. The Trustees had no questions or comments.

Action Items – For Approval by Motion

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of January 14, 2014. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve the 2014 Operational Budget Work Session Minutes of January 21, 2014. Discussion: Mr. Wong asked and Mr. Jones confirmed that they were addressing the minutes distributed to everyone earlier. **Motion carried unanimously.**

**MOTION** made by Mr. Welch, seconded by Mr. Wong, 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    \$4,977.97    OrderUp Equipment – Purchase refrigerator/freezer for the Muhlhauser Barn (CIP #1140)
2. Adm    \$4,000.00    Peck Shaffer & Williams LLP – Calculate arbitrage rebate and file required reports pursuant to IRS regulations

3. Adm \$2,700.00 Cogent, Inc. – Upgrade fingerprint software and related network configuration
4. Fire \$5,433.00 Vogelpohl Fire Equipment – Replace thermal imaging camera

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve payment of requisitions 1 through 4. Discussion: Mr. Welch asked if an extended warranty was available for the refrigerator/freezer proposed for purchase in item 1, and Mrs. Boyko indicated she was not aware if there was. Mr. Wong asked if the rental price had been increased for the Barn. Mrs. Boyko said there have not been any price adjustments, though they could revisit that issue if the Board so desired. **Motion carried unanimously.**

#### Personnel Items

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to hire two (2) Firefighter / Paramedics to fill vacant positions at the annual salary of \$54,365.02 per collective bargaining agreement with a one (1) year probationary period and contingent upon successful completion of applicable testing and procedures: Jason Witte effective March 4, 2014 and Jason Cook effective March 17, 2014. Discussion: Fire Chief Goller introduced the two applicants who introduced their families in turn. Mr. Lang expressed appreciation to the applicants' wives for the stress they bear as the wife of a firefighter. (Fiscal Officer note: There were over two dozen West Chester Township firefighter/paramedics in attendance at the meeting as an expression of support.) **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to hire Troy Bonfield as Captain of Emergency Medical Services effective March 10, 2014 at the annual salary of \$84,898.24 with a one (1) year probationary period and contingent upon successful completion of applicable testing and procedures Discussion: Fire Chief introduced Mr. Bonfield who introduced his family in turn. Trustees expressed their appreciation to the applicant and his wife. **Motion carried unanimously.**

#### Business Items

Mrs. Boyko introduced the next item saying the Lakota Local School District approached the Township with this proposal, predicated upon passage of their pending levy. It would entail use of three West Chester police officers as School Resource Officers for approximately 180 days a (school) year, and, unlike in the past when Lakota paid half of the cost, they would now pay the full cost of their salaries and variable benefits during the time they're assigned to the schools. **MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve School Resource Officer Agreement between the West Chester Township Board of Trustees and the Lakota Local School District for the remainder of the 2013 – 2014 school year and authorize the Township Administrator to execute said agreement, inclusive health care cost to be paid by the Lakota Local School District. Discussion: Mr. Wong asked if the full cost included patrol cars, maintenance, gasoline. Mrs. Boyko said it did not because they were used in other aspects within the Township. Mr. Wong asked why Sheriff Jones and his department are not involved in this. Mrs. Boyko said the Sheriff's department is involved as it provides service to Liberty Township, therefore they have an agreement with Lakota to provide resources to the schools in

Liberty Township. Mr. Wong said he supports security in the schools, however it comes down to funding, noting Lakota just passed a levy and that our police levy is "pretty thin". He said the schools should pay for the full amount. Mr. Lang responded that the schools would pay 100% of the cost and it would actually help the Township stretch its levy. Mr. Wong said the police have plenty to do in the Township and our resources can be used elsewhere. Mrs. Boyko said Chief Niehaus is very supportive of the program as it enables the officers to engage with and foster relationships with the students. Mr. Lang said he thought our Police Department did an excellent job in responding in a timely fashion. He also observed that the agreement did not reference health insurance, and suggested that the motion be amended to include it. (Fiscal Officer note: The original motion did not reference healthcare costs, however, as a result of the discussion, the original motion was modified to include it, as written above.) He suggested they could revisit the matter if Lakota did not agree to inclusion of healthcare costs. Thereupon Mr. Wong withdrew his original motion – that made no reference to healthcare costs - and Mr. Welch motioned as written above. **Mr. Lang and Mr. Welch voted affirmatively, and Mr. Wong voted in opposition.**

Mrs. Boyko suggested and the Board agree to delaying the next 3 agenda items, items 8, 9, and 10 until the Public Hearing at 7:00.

#### First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko introduced the next item saying the Board was required by law to adopt temporary appropriations in the preceding year and permanent appropriations before April 1<sup>st</sup> of the current year. Whereupon she read Resolution No. 06-2014 adopting and certifying the Township 2014 permanent appropriations and authorizing the transfer of funds from the General Fund to the Road and Bridge Fund and to the Cemetery Fund and declaring an emergency and dispensing with the second reading. The Board had no questions.

#### Citizen's Comments

Mark Morris, 8876 Eagleview Drive, reminded the Board that he asked them last July when were they going to implement the Pisgah plan for Route 42. He observed a disparity compared to what Mason accomplished, that the residents along Route 42 overwhelmingly voted for a change of Trustees the past election, and that those residents wanted free sidewalks.

David Warne, 8640 Rupp Farm Drive, wanted to follow-up on their discussion the previous meeting about coyotes in the neighborhood. He wanted the Board to comment on other options they might be able to pursue, and if there was any progress along those lines.

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

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to declare Emergency Resolution No. 06-2014 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve Resolution No. 06-2014 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Responding to the Citizen Comment about Route 42, Mrs. Boyko said the Board had not provided her with really any direction, and proceeded to give a lengthy history of the Township's interaction with property owners and initiatives along that corridor. She said they proposed a \$250,000 capital improvement in the budget for Route 42 for the 2014 operational budget, though no specific improvements, and hoped to be able to identify priorities with property owners in 2014. From there she hoped to be able to bring projects along Route 42 to the Board for their consideration. She also said the City of Mason has made improvements that do not require approval by ODOT. Mrs. Boyko also commented that the Township was previously prepared to install sidewalks along a portion of Dimmick Road if there had been a super majority of support by the property owners, but there wasn't.

Mr. Lang asked if it was possible to implement a TIF on that corridor. She said, yes, but the idea was previously studied and it was determined the creation of a TIF district in that area at that time would not create much revenue. She suggested a Community Reinvestment is an option. It would abate property taxes for improvements, though it is applicable to properties that have been deemed "blighted", a term about which the property owners are very sensitive. In response to Trustee comments Mrs. Boyko discerned that it was their direction they wanted the property owners to create the priorities and then explore funding mechanisms to make those priorities possible.

Mrs. Boyko then commented on coyotes saying that, other than Indian Hills, she was not aware of any area communities that use their resources to address coyote problems, and she had nothing more to add above what she's already presented. Additional discussion about coyotes ensued. Mr. Lang concluded by saying the Township was limited in what it could do. He then advised that it was time for the Public Hearing scheduled for 7:00. **(Fiscal Officer note: The Discussion Items and Elected Official Comments portion of the agenda resumed following the Public Hearing.)**

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**Public Hearing:**

**Removal of structures at 6975 Tylersville Road (Parcel M5640-129-000-012)**

**Removal of structure at 7911 Fourth Street (Parcel M5640-130-000-081)**

Mr. Lang declared the Public Hearing open at 7:00 p.m.

Mike Juengling, West Chester Community Development Department Director, presented on behalf of staff. He identified the hearing as pertaining to removal of structures at 6975 Tylersville Road (Parcel M5640-129-000-012) and 7911 Fourth Street (Parcel M5640-130-000-081). He presented numerous overhead video slides identifying the specific property at 6975 Tylersville Road and the complaint history. He said the Butler County Chief Building Official had inspected the property and determined it was unsafe, and dangerous to human life and

welfare. The Official issued an order requiring the owner to either eliminate the hazards or raze the property.

Mr. Juengling then presented numerous overhead video slides identifying the second structure at issue, an outbuilding at 7911 Fourth Street, and its complaint histories. He said the (Butler County) Building Department had been there, and issued an order for the property to be repaired or razed, determining the structure was in a state of collapse. He showed slides indicating the structure had in fact collapsed since their inspection.

He concluded by saying they were asking the Trustees to authorize removal of the two structures, and then pursue reimbursement of the costs by either assessing the removal costs against the properties or by applying to Butler County for reimbursement via the Community Development Block Grant Program.

Mr. Lang asked if the Township would be fully reimbursed. Mr. Juengling said the Township would be fully reimbursed, either by a property assessment or the grant. In response to additional Trustee questions, he said he was not aware of there being asbestos in the property; the owners had been contacted, they did not have the resources to abate the problems, and "have walked away from the property"; the property owners did not object to the Township removing their structures; the Township was applying the process pursuant statute. Scott Phillips, Township counsel from Frost, Brown, and Todd, said they've been working with staff and they were confident the Township would be protected as long as it followed the resolution pursuant statute.

At this point, as there were no more questions from the Board, Mr. Juengling concluded his presentation.

Mr. Lang then asked if there were any property owners or representatives of property owners who would like to address the Board. Hearing none he asked if there were any proponent comments.

**Proponent Comments:**

Hearing no proponent comments, Mr. Lang closed off proponent comments and asked if there were any opponent comments.

**Opponent Comments:**

Hearing no opponent comments, Mr. Lang closed off opponent comments and asked if there were any neutral comments.

**Neutral Comments:**

Hearing no neutral comments, Mr. Lang closed off citizen comments.

Mr. Lang again asked the other Trustees if they needed clarification from staff on any points presented during any part of the presentation. Both Mr. Wong and Mr. Welch indicated they had no more questions. Thereupon Mr. Lang closed the Public Hearing and asked Mrs. Boyko to address agenda item #8. Mrs. Boyko then read the motion for statutory Resolution No. 04-2014. **MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve statutory Resolution No. 04-2014 approving the removal of blighted, insecure, unsafe, or structurally defective structures located at 6975 Tylersville Road (Parcel M5640-129-000-012). Discussion: none. **Motion carried unanimously.**

Mrs. Boyko then read the motion for agenda item #9 for statutory Resolution No. 05-2014. **MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve statutory Resolution No. 05-2014 approving the removal of blighted, insecure, unsafe, or structurally defective structure located at 7911 Fourth Street (Parcel M5640-130-000-081). Discussion: none. **Motion carried unanimously.**

Mrs. Boyko then introduced the next item, agenda item #10, pertaining to the option the Board had for recouping the cost of removing the two structures discussed during the Public Hearing and addressed in the previous two motions: The Board could either assess the cost to the property owner's subject property or apply to the Butler County Community Development Block Grant demolition program for reimbursement, funded through HUD. She asked the Board to consider applying for the Block Grant, and read the subject motion.

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to request Board of Trustee consideration to submit for reimbursements from the Butler County Community Development Block Grant Demolition Program for removal of structures identified in resolution numbers 04-2014 and 05-2014 and to authorize the Township Administrator to execute all necessary actions and documents to submit for reimbursements. Discussion: In response to Mr. Welch's question, Mrs. Boyko said the cost for removal were estimated at \$16,000 collectively. She said the grant should enable repayment this year, however assessments would enable repayment when the property owners paid their property taxes, noting that delinquencies were possible, thereby delaying repayment. In response to Mr. Lang's question Mr. Juengling said the property taxes were current on the Tylersville property, but delinquent for the Fourth Street property. Mr. Lang said he was prepared to move forward with the Block Grant, but was concerned that the Board would be rewarding undesirable behavior: The property owners would not be responsible for the cost of allowing their property to fall into a state of disrepair. Mr. Lang said he recognized Mr. Welch's suggestion that the Township could recoup the cost sooner with the grant, but he struggled with this issue. Mr. Wong was concerned with liability and said the cost should be the owner's responsibility. Scott Phillips interjected that he did not believe there was any liability issue and said any pre-existing liens would be paid before the Township's lien/assessment. He concluded by saying, based on his experience, it would be quite a while before they got paid via an assessment. Mr. Wong commented the removal of the structure could make the property more attractive, and he said to put a lien on it. Mr. Welch said he was leaning the other way as a means of getting the eyesore cleaned up and get the Township's money back. Mr. Lang said he was struggling, saying he thought he was leaning in Mr. Wong's direction. Mrs. Boyko noted that a motion was on the table and that a denial would be to not authorize submittal of a grant. **Motion carried with Mr. Welch and Mr. Wong voting affirmatively, and Mr. Lang voting in opposition.**

#### Discussion Items & Elected Official Comments – Cont'd from prior to the Public Hearing

Mrs. Boyko resumed the Discussion Items and Elected Official Comments portion of the agenda. She said she'd received input from staff, legal counsel and the Trustees individually about several zoning matters initiated by a Trustee earlier in the year. That input will enable to her finalize her recommendations in the next month for the Board's action. Those recommendations pertain to adoption of a policy for refusing anonymous complaints. She said she would have a policy for a moratorium for enforcement of the applicable zoning code provisions prohibiting

commercial vehicles on private property until the zoning text process can be completed. She noted that the Public Safety and Services Departments have expressed their concern about commercial vehicles in the public right-of-way, and alternative language will be presented for the Board's direction.

In response to a Citizen's Comment about a bike path in the Rt. 42/Field-Ertel area, Mr. Wong said he always supports bike paths. He commented that comes under funding, saying his colleague always has a problem with funding, that we don't want public money to be used to build sidewalks, that it is not a core competency, noted revolving maintenance costs, and he just wanted to bring this up. He concluded by saying sidewalks are still a good thing to connect communities with businesses.

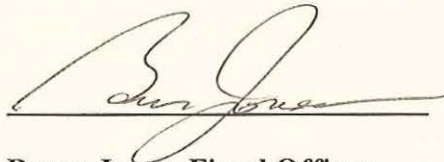
Mr. Lang recognized Mike Campbell from the Butler County Port Authority in the audience.

### Adjournment

At 7:29 p.m., Mr. Lang 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 not return.

The vote was **unanimous**.

**Respectfully Submitted,**



**Bruce Jones, Fiscal Officer**

**Approved,**



**George Lang, President**