

Record of Proceedings: April 22, 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 Troop 951 and repeated by those present.

Citizen's Comments

Dieter Lubert, 7573 Granby Way, expressed his concern for the safety of elementary children along Cox Road, saying they had to walk on grass. He said he didn't expect to have sidewalks built, but hoped the Township would implement means to share the road.

Presentations

There were no presentations.

Action Items -- For Approval by Motion

MOTION made by Mr. Welch to approve the Special Meeting Trustee Meeting Minutes of March 4, 2014. Mr. Wong said he didn't receive a copy of these minutes. Mr. Jones noted they were included in his Friday afternoon upload. It was agreed to defer this item until the May 13, 2014 meeting.

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of March 25, 2014. Discussion: Mr. Lang confirmed that these minutes included a change requested by Mrs. Boyko. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, 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 \$35,126.17 Frost Brown Todd LLC – Legal services through February 28, 2014 (various departments)
2. Adm \$5,839.50 OnviSource, Inc. – Renew annual service agreement for software and support for recording emergency communications and certain landlines
3. Adm \$2,746.98 Staples Business Advantage – Purchase two (2) tower/rack mountable UPS systems
4. Fire \$2,618.50 Vogelpohl Fire Equipment – Repair extension cylinder on Quint 75, vehicle #797
5. Police \$21,960.00 PAAC Inc. DBA IES Interactive Training – Subscribe to three (3) year full warranty coverage for the Judgmental Training Simulator
6. Police \$6,675.00 M.H. Corbin Inc. – Purchase four (4) Traffic Classifiers, covers, software and cable upgrades (CIP #1091)

- 7. Police \$3,554.44 Stallings Bicycles LLC / Trek Bicycle Store of Cincinnati – Purchase two (2) fully equipped trek police mountain bikes (CIP #1092)
- 8. Services \$20,000.00 Valley Asphalt Corp. – Purchase pavement materials for in-house repair of various Township streets
- 9. Services \$10,000.00 Strawser Construction Inc. – Purchase crack sealant materials for Durapatcher machine
- 10. Services \$3,641.18 Clarke Power Services, Inc. – Repair transmission on maintenance fleet truck #19

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve payment of requisitions 1 through 10. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying this position had been vacant since November of last year and the Chief recommended Bill Knight for the position. She added that Mr. Hardwick had already passed all the procedures and testing.

MOTION made by Mr. Welch, seconded by Mr. Wong, “to approve agenda item 11”: hire Kevin Hardwick as part-time Fire and Life Safety Inspector to fill vacant position effective April 24, 2014, at the hourly rate of \$17.17 with a one year probationary period and contingent upon successful completion of applicable testing and procedures Discussion: none. **Motion carried unanimously.** (Fiscal Officer note: the agenda item the Trustees voted to approve named “Kevin Hardwick” for the position. Mrs. Boyko inadvertently, previously referred to former Inspector “Bill Knight”.)

Mrs. Boyko introduced the next item saying there were 11 part-time Firefighter/EMT vacancies when this item was drafted on April 18th. She noted that the Board had previously approved a complement of 73 part-time members in the fire department. She also commented that Mr. Bradford had already passed all the procedures and testing.

MOTION made by Mr. Wong, seconded by Mr. Welch, to hire Brian Bradford as part-time Firefighter/EMT to fill vacant position effective April 24, 2014, at the hourly rate of \$15.92 with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Board fully actualized and capitalized on this seasonal complement the last two years, approving a seasonal complement of 12 positions in the Services Department. They would be addressing seven positions that evening, and their terms would be staggered - a practice they implemented last year - in order to address seasonal operational needs.

MOTION made by Mr. Wong, seconded by Mr. Welch, to hire six (6) 2014 April through October seasonal employees: Mr. Jason Schrudder (UCB Landscape District), Mr. Jason Nocero (Cemetery), Mr. Brian Newman (Parks) and Mr. Clinton Weisbrod (Roads) effective April 15; Mr. Roger Spurlock (Roads) effective April 21; Mr. Kevin Kick (Parks) effective April 28; and one (1) 2014 May through September seasonal employee: Mr. Alex Vohland (Parks) effective May 12, all at the hourly rate of \$11.25. Discussion: none. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Wong, seconded by Mr. Welch, to set a date for the West Chester Volunteer Appreciation Reception for May 21, 2014 from 5:30 p.m. to 7:00 p.m. at the Muhlhauser Barn. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this is the third year this event has been held at the Beckett Park, and that it is a fundraiser for Arnold Chiari research and education at Cincinnati Children's Hospital. Chiari are malformations of the brain and are found in 1 in 1,000 babies born. She noted it is not a public event, rather it is a ticketed event.

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve a license agreement between West Chester Township and Neurosurgery Fitzpatrick Chiari Foundation (NFCF) for the use of a portion of Township property at 8630 and 8558 Beckett Road and ancillary and adjacent public roadways for the production and presentation of the LEI 5K Run/Walk and Post Race LEI Bash (Friday, July 11, 7 p.m. until midnight) and authorize the Township Administrator to execute said agreement. Discussion: Mr. Welch asked where tickets could be obtained and Mrs. Boyko referred him to their website. Mr. Wong said it was well attended last year. Mrs. Boyko added that a portion of Beckett Road was closed for this event last year without complaint. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying there would be a 50% reimbursement if the Township received the grant.

MOTION made by Mr. Welch, seconded by Mr. Wong, to apply for 2014-2015 U.S. Department of Justice Bulletproof Vest Grant and if awarded authorize the Township Administrator to accept said grant. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Township vehicles have exhausted their usefulness and the forfeited vehicles disposals are based on court orders.

MOTION made by Mr. Welch, seconded by Mr. Wong, to auction five (5) police vehicles and dispose of four (4) forfeited vehicles by auction or through a salvage dealer. Discussion: Mr. Welch asked for the date of the auction. Mrs. Boyko said it would all be handled by Cincinnati Auto Auction on Mulhauser Road. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to not object to a liquor permit transfer from JAI Laxmi Enterprises LLC, DBA The Spot, 1st Floor Unit 6 & Patio, 7340 Kingsgate Way, to Great Tang Chinese Restaurant LLC, 7334-7340 Kingsgate Way. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to not object to a new liquor permit for Sterling Hospitality LLC, DBA Hilton Garden Inn, 9306 Schulze Drive. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying, as part of the Capital Improvement Plan within the 2014 Operational Budget, they've budgeted \$190,000 for this item. She said this would include 13 corrugated steel pipes, all would be consistent with ODOT standards, and the bid process will comply with statute.

MOTION made by Mr. Wong, seconded by Mr. Welch, to advertise for 2014 Storm Water Pipe Replacement Program. Discussion: Mr. Lang noted that this \$190,000 are funds they've already budgeted. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve statutory Resolution No. 11-2014 declaring surplus items for disposal. 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

Dan Meehan, 9412 Patti Circle, commented on several recently changed policies/procedures, one having to do with a complaint procedure and the other with commercial vehicles parked in residential areas. He said he was on the Zoning Review Committee, they were not asked about these changes, and he thought they were supposed to review these matters. He thought a policy that did not allow anonymous complaints only promoted vengeance, citing his personal experience. In the absence of the option to file a complaint anonymously people would not file complaints. He related multiple zoning violations near his home, saying no one will write out a complaint. He said he checked 16 communities and all but one have an anonymous complaint policy. Regarding the second issues, commercial vehicles parked in residential areas, he said he had no problem with someone parking a commercial vehicle in a residential area unless they were operating their business out of their home. He concluded by expressing his displeasure that people were placing "Fire Boehner" signs in the public right of way, here in his home community, saying he wasn't promoting a candidate, but people should "give the guy a break". In response to Mr. Welch's question as to which other community had a no anonymous complaint policy, Mr. Meehan said Liberty Township also had such a policy. However, he understood that the complainant would notify a Trustee who would then address the complaint.

Dieter Lubert, 7573 Granby Way., said Keehner Park needs attention to and maintenance of its trails.

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 & Elected Trustees Comments

Mrs. Boyko gave the Board an update on staff's implementation of the new Trustee initiated zoning matters: adopting a policy refusing anonymous complaints, "promotional costume devises" as well as commercial vehicles in neighborhoods. She asked for the Boards preference in initiating this process in determining which alternative was their preferred course of language. All three Trustees indicated they would like to give her their response in two weeks. She said the Public Safety Department still sees significant benefit in regulating commercial vehicles in the public right of way. She said the Police Chief and the Fire Chief are developing language to

regulate commercial vehicles over 14,000 pounds or greater than 96" in width, including a "10' of passable pavement" provision. Mrs. Boyko indicated she would try to provide that language to them so they could advise her how to proceed in two weeks.

Mrs. Boyko also confirmed that she notified Mark Burns, the Township's current aggregation broker, that they are terminating his contract effective April 15 of next year when the current contract expires, pursuant to the Board's direction. She said, for the development of an RFP/RFQ, she'll bring alternatives to the Board for a broker or other types of alternative suppliers for the Township's aggregation programs, adding that they needed to have that in place probably by fall as either a broker or supplier. Mr. Lang said he would be open to allowing the supplier to do that as well.

Mrs. Boyko said the Community Development and Services Departments have been working collaboratively to address the litter that has accumulated during the winter along Interstate 75. She hoped ODOT and the Butler County Engineer's Office would assist. She noted that a woman was walking along Beckett Park picking up litter, for which she was appreciative. She also observed that this was Chief Niehaus's last meeting as Police Chief and expressed her appreciation for his service to the community.

Mr. Wong said he thought Mr. Meehan's comments about anonymous complaints made a lot of sense, and thought the Board should re-visit the issue.

Mr. Welch commented on Mr. Meehan's comments, saying the policy of anonymous complaints didn't affect whether or not the community was in a state of deterioration. He added that any threats levied against a complainant for filing the complaint was a police matter, suggesting that a complainant might consider getting others to join him in filing a complaint so they are not alone in the matter.

Mr. Welch then responded to comments by Mr. Wong at the March 25th Trustee meeting when they discussed Resolution 10-2014: Mr. Wong said he did not support the Resolution, there was nothing wrong with the law, the law is for everybody, it was being changed as a political favor, and if someone didn't like the law they could talk to their Trustee and they would change the law for them. Mr. Welch said the law, or Resolution for a moratorium on enforcement of action against people that use costumes to promote their business, was not for everybody. Rather he thought it was a discretionary overreach by government, limiting people's ability to promote their business. He said he did not do a political favor, but made political promises as a Trustee candidate and cited the ones he's fulfilled. Mr. Welch praised a system wherein people could have the law changed by talking to their Trustee. He also commented how he believed the role of government was to create an environment where people could prosper, then get out of the way.

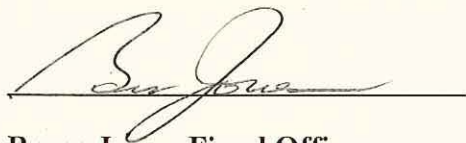
Mr. Wong said Mr. Welch was entitled to his opinion.

Mr. Lang said he agreed with Mr. Welch's comment that threats were a police matter, but was opposed to anonymous complaints because people should be allowed to face their accuser. He suggested other communities might follow West Chester's lead. He asked Mrs. Boyko to get someone out to Keehner Park to check on the concerns Mr. Luberts' stated during Citizen's Comments. Lastly, he recognized West Chester business EnterTrainment Junction as a recipient of the 2013 Ohio Excellence Award by the U.S. Trade and Commerce Institute.

Adjournment

At 6:54 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, (a) discuss contract negotiations for a certain collective bargaining unit, (b) consideration of candidates for employment, and (c) discipline of an employee of a certain collective bargaining unit; (2) acquisition, sale, or swap of real property; (3) current and pending litigation. The Board would not return. Motion made by Mr. Welch, seconded by Mr. Mr. Wong. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Bruce Jones", is written over a horizontal line.

Bruce Jones, Fiscal Officer

Approved,

A handwritten signature in cursive script, appearing to read "George Lang", is written over a horizontal line.

George Lang, President