

Record of Proceedings: March 28, 2017
West Chester Township Board of Trustees - Regular Meeting

Convene: President Welch convened the meeting at 6:02 p.m.

Roll Call: Mr. Welch, Mr. Lang, and Mr. Wong responded.

Pledge of Allegiance: Repeated by those present.

Mr. Welch read a statement regarding the criteria for speaking during Citizen's Comments.

Citizen's Comments

Bill Stoeckel, 7351 Wheatland Meadow Court, commented in opposition to right to work as it relates for wages and benefits.

Dominic Lejoi, 9398 Ambleside Drive, said the Taft-Hartley Act prevents requirement that people join a union as well as other features of the act. He spoke regarding the disparity of representation.

Penny Greenler, 7917 Beyer Drive, attributed the origin of "right to work" to a racist and anti-Semite in the 1920's, and she gave reasons why right to work is wrong.

Ronnie Newman, 7140 Ottawa Lane, posed the question, "what was the reason for right to work"? He said people do not have a problem with paying union dues, and sited reasons why unions are good, and right to work is bad.

John Carr, 8053 Seabery Court, spoke about his experience in the right to work south and is currently in a union, adding that right to work is wrong.

Presentations

Greg Wilkens, Butler County Engineer, accompanied by Matt Loeffler, Traffic Engineer with the BCEO, observed that the Union Centre Boulevard interchange is 20 years. He said they evaluate such an interchange with a 20 year design life capacity and presented the design options for improvements to the Union Centre Boulevard Interchange; the Diamond Divergent Diamond Interchange (DDI) and the Partial Cloverleaf (Parclo). He said the cost of the former is about \$13 million and the latter is almost \$16 million. Mr. Wilkens said the DDI might perform slightly better than the Parclo, but the cost was significantly better and recommended the DDI. He said construction might optimistically start in 2019 and answered questions from the Trustees. He also commented on the future of driverless cars. In response to Mrs. Boyko's question as to whether the Board still endorsed and pledged TIF funds for the project as they did in December 2015, the Board unanimously supported the DDI recommendation.

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for February 28, 2017. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for March 14, 2017. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve a lighting district in Glenview Farm Estates at Foxborough, Phase 2C. Discussion: none. **Motion carried unanimously.**

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

Requisitions – Greater than \$2,500.00

1. Fire \$17,334.71 Bound Tree Medical LLC – Purchase various disposable EMS supply items for annual bulk order
2. Fire \$12,962.56 Midwest Medical Supply – Purchase various disposable EMS supply items for annual bulk order
3. Fire \$4,537.68 Henry Schein Matrix Medical – Purchase various disposable EMS supply items for annual bulk order
4. Police \$13,457.50 RJ Wagener Marketing, Inc. – Purchase seven replacement bulletproof vests for SWAT members
5. Police \$5,366.24 JBG New York Hotel Operator LLC – Purchase lodging and parking For West Chester Police Department Honor Guard for four nights while attending National Police Memorial Week in Washington, D.C.
6. Services \$75,982.00 FYDA Freightliner Cincinnati, Inc. – Purchase 2018 Freightliner cab and chassis for fleet replacement (CIP #826)
7. Services \$60,447.00 Henderson Products, Inc. – Purchase and install snow removal equipment for 2018 Freightliner truck (CIP #826)
8. Services \$12,229.00 Kaffenbarger Truck Equipment

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 8. Discussion: Mr. Welch inquired why item 5 was \$2,000 more than two years ago. Chief Herzog and Mrs. Boyko addressed the question. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Wong, seconded by Mr. Lang, to hire Mr. Paul Broxterman as a 2017 April through October seasonal employee (Parks) effective April 3, 2017 at the hourly rate of \$11.25. Discussion: none. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve license agreement between West Chester Township and the Rotary Club of West Chester/Liberty for the use of a portion of Township property at 9285 Centre Pointe Drive and adjacent and ancillary public roadways for The Buckeye BBQ Fest on Friday, May 19 from 5 to 11 p.m. and Saturday, May 20 from 12 to

11 p.m., and to authorize the Township Administrator to execute said agreement. Discussion: The Trustees spoke favorably of this event. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying she presented her findings and analysis of two vendors at the previous Board meeting, and her recommendation. She expressed the benefits of the initiative.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve scopes of work and a three year software agreement with OpenGov, Inc. for sole source open data platform software services and applications as identified on appendices A, B, and C not to exceed \$56,000 in year one; \$48,000 in year two; and \$48,000 in year three; to authorize the Township Administrator to make non-substantive changes to appendices A, B, and C with Law Director approval; to remit approved payment amount in each subsequent year; and to execute the software agreement and any and all other necessary documents to effectuate said agreement, services, and applications. Discussion: Mr. Lang said this will make us more efficient and applauded Ohio Treasurer Mandel for Open Checkbook. Regarding the deployment timeline, Mrs. Boyko said the Township needs to align with OpenGov since the Township had been preparing to implement Open Checkbook, saying the financial data might be available in 60 to 90 days, and the non-financials should be soon thereafter depending on system compatibilities. They'll begin tomorrow. **Motion carried unanimously.**

7:00 Public Hearing

At 7:05 pm Mr. Welch declared open the Public Hearing for limited duration parking at Towne Centre Drive and Centre Pointe Drive, and asked staff to make their presentation.

Mrs. Boyko said this matter entailed limited duration parking of 15 minutes at 6 identified parking spaces along Center Pointe Drive and West Chester Towne Centre Drive, noting that the Township was approached by the owners of the building and a restaurant owner at that location. These spaces would enable local businesses to have pick-up business, and said the Township would passively enforce the time limitation. She understood all stakeholders were supportive.

Mr. Welch asked for comments as follows:

Proponent Comments:

Briana Sheppard, 7088 Dimmick Road, said she's the manager at Dingle House and they favor the limited parking as it will help their take-out business.

Tom McGill, 6764 Cincinnati-Dayton Road, said he's one of the owners and that multiple tenants have asked for this parking. He said it could be especially helpful to Subway, and asked that the restriction be enforced between 11 a.m. and 2 p.m.

William M. James identified himself as one of the owners and investors of Dingle House Pub in the Towne Centre Building. He observed that dining out decreased last year and carry out is increasing, therefore the need exists for such parking.

Ed Conway, 5464 Pine Vista Court, agreed with the proposal.

Opponent Comments: none.

Neutral Comments: none.

In response to Mr. Welch's question as to whether either of his peers had any additional questions, neither had any. Mrs. Boyko said this matter was not pursuant Limited Home Rule, rather statute, therefore there need not be two readings.

Thereupon Mr. Welch declared closed the Public Hearing for Limited duration parking at Towne Centre Drive and Centre Pointe Drive.

Mrs. Boyko introduced the next item saying she had previously briefed the Board on this matter, and that this coalition entailed seven communities with West Chester being the epicenter. She said the six other communities had already pledged \$7,500 apiece to this initiative. She said the \$7,500 buys the entities a seat at the table to be part of the feasibility study.

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve a memorandum of understanding among Tri-State Trails, West Chester Township Board of Trustees, and other boards of township trustees or city councils (collectively M2M Coalition) and a financial contribution not to exceed \$7,500.00 to collaborate, plan for, and develop a network of bicycle and pedestrian connections between the Great Miami River Trail and the Little Miami Scenic Trail and to authorize the Township Administrator to execute the memorandum of understanding. Discussion: Mr. Wong expressed his support for the motion, saying it will enhance a pedestrian friendly infrastructure. Mr. Lang expressed his opposition, saying it was not the Township's core competency. Mr. Welch said this is just exploratory and was to determine the feasibility. **Motion carried.** Mr. Lang voted in opposition.

Mrs. Boyko introduced the next item saying the following three motions were inter-related, and related the Township's history with gas and electric aggregation. She said these would entail renewing their agreement with Energy Alliances to be the Township's agent for the natural gas program and broker in the electric program. She said she had presented this to the Board and it unanimously said they would like to renew and she was presenting it for their formal approval. She said Energy Alliances was the sole representative for Constellation Inc, the natural gas supplier, and Energy Alliances was the sole agent for Constellation in the Cincinnati market. **MOTION** made by Mr. Lang, seconded by Mr. Wong, to approve independent agent agreement effective April 1, 2017 – March 31, 2019 between the West Chester Township Board of Trustees and Energy Alliances, Inc. in substantially the same form as attached for natural gas aggregation professional agent services; to authorize the Township Administrator to make non-substantive changes with Law Director approval; and to execute the agreement and any and all other necessary documents to effectuate said agreement. Discussion: Mr. Wong said we might have a sweet heart deal, and asked if it might be beneficial to go out for an open bid. Mrs. Boyko said the Township just went out for bids two years ago, and the process was very complex and time consuming. Mr. Lang said Energy Alliances has consistently beaten Duke's price and our taxpayers have benefited as a result. Mr. Welch said residents can see the savings they've realized versus Duke on the Township website. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this agreement manages electric aggregation professional broker services. The broker will do an RFP for electric supply and she's bringing to the Board the most responsive bid for electric supply services.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve independent broker agreement effective April 1, 2017 – March 31, 2019 between the West Chester Township Board of Trustees and Energy Alliances, Inc. in substantially the same form as attached for electric aggregation professional broker services; to authorize the Township Administrator to make non-substantive changes with Law Director approval; and to execute agreement and any and all other necessary documents to effectuate said agreement. Discussion: Mr. Lang said the Township's former broker had the gas and electric contracts on different timelines which made it more complicated, but now it's on the same timeline and a two year agreement. Now it's much easier to take advantage of better opportunities. Mr. Welch said Energy Alliances has saved the average household \$8.50 a month, there are 14,500 households enrolled with Energy Alliances, and that translates into almost \$1.5 million in savings annually. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying, because Energy Alliances is the sole agent for Constellation as the natural gas supplier in the Cincinnati market, Constellation is by default the Township's supplier for its natural gas program.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve an agreement in substantially the same form as attached for a 24 month term effective April 1, 2017 – March 31, 2019 for Duke Energy's last March 2019 meter read closest to this date between West Chester Township Board of Trustees and Constellation – Natural Gas, LLC to supply natural gas and to provide certification and other related administrative services to a governmental aggregator; to authorize the Township Administrator to make non-substantive changes with Law Director approval and to execute the agreement and any and all other necessary documents to effectuate said agreement. Discussion: Mr. Welch said Constellation's prices have beaten Duke. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, to accept donation from an anonymous donor to the West Chester Police Department for two protective police canine vests. Discussion: Mr. Lang expressed his appreciation for the donation **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, to not object to a new D2 liquor permit for SBSN LLC, dba Korealistic, 7735 Cox Lane. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this application is a result of the new Kroger store to be built at the corner of Rt. 747 and Tylersville Road. Kroger does not transfer permits- they apply for new.

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to a new C1, C2 and D2 liquor permit for Kroger Limited Partnership I LP, dba Kroger 959, 8000 Princeton Glendale Road. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to a D5 liquor permit transfer from Tap & Barrel LLC, 7741 Tylers Place Boulevard, to Tap Barrel LLC, 7741 Tylers Place Boulevard. 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

Jasmine Williams, 7423 Kingsgate Drive, spoke in opposition to right to work, specifically regarding comments previously made by Mr. Welch. She said it was her opinion that representative government, a republic, meant people could not be unelected based on their position on issues. She said she's been pondering running for Trustee. She questioned what businesses would not want to negotiate with employees. She concluded by saying right to work sounded like a personal agenda, though she could be mistaken, and the Trustees could be mistaken if they don't listen.

Emily Osterling, 7962 Pinnacle Point Drive, questioned the motivation for advocating right to work, and stated her reasons for being in opposition to right to work.

Tony James, 7852 Ironwood Way, expressed his opposition to right to work and said he was humiliated by non-union employers.

Gerald Kennedy, 5213 Putter Circle, expressed his opposition to right for work.

Ronnie Newman, 7140 Ottawa Lane, asked whose idea was right to work here. He said that not everybody pays their fair share, and that's the conundrum. He stated why he was opposed to right to work, and reiterated, "Whose idea is it?" to proposed right to work in West Chester. He concluded by expressing his appreciation for the work Schumacker-Dugan has done in West Chester.

Kevin Prather, 8211 Lois Drive, expressed his opposition to right to work.

Mary Ann Penska, 6864 Gregory Creek Lane, said she had an MBA, said right to work does not attract businesses, and concluded that the issue was only for the Trustee's own political gain.

Ed Conway, 5464 Pine Vista Court, expressed his opposition to right work, and said he'll do all his business outside of the township if right to work is approved in West Chester. He said he'll continue to speak his mind.

Mark Sennett, 8685 Cincinnati Dayton Road, suggested the Township use stronger barriers around The Square when there are special events.

Brandon Lay, 8275 Dimmick Road, expressed his opposition to right to work.

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

There were no second readings, or votes on pending resolutions or emergency resolutions.

Discussion Items & Elected Official Comments

Mrs. Boyko said the additional expense of \$2,000 for housing the West Chester Police Honor Guard for the National Police Memorial Week in Washington, D.C. was attributable to their needing one additional room, though she didn't know if the additional room translated to \$2,000, but she could look into.

Regarding an Olde West Chester Lighting District, Mrs. Boyko said this was unique to other lighting district applications because it was commercial, and she would be following statute. She said the West Chester Alliance, which represents 56% of the lineage front of the project, applied, and the Township engaged with the BCEO. With the Board's contribution of \$3 million as part of the capital improvement in Olde West Chester, these lights can be considered part of the Township's support for this lighting district. The Board agreed to have a Public Hearing on the Olde West Chester Lighting District at the April 25th Trustee meeting.

Mr. Jones commented on the OpenGov agreement approved this evening. He said he originally objected to the Open Checkbook program which the Trustees subsequently approved for development, however, given the time and expense resulting from the development, he thought it should have been implemented and made available to the public since it now entailed no additional expense. Because the new OpenGov product will soon be available, a much better product, he could understand why the Board might not proceed with Open Checkbook in the interim. He suggested people look into appgeo.com, databoston.gov, and opendataphilly.org to get an idea of the potential we have to present financial and performance data resulting in improved efficiencies in our Township. He said we're on the brink of something big.

Mr. Wong said he was elected to do the right thing for the township and doesn't care about people's ideology. He wants to focus on township matters, core competencies, but right to work was not a township matter. Rather it's a state and federal matter, and was still under appeal in Illinois. He cited public assistance provided WalMart employees. Given citizen's comments, Mr. Wong said we should focus on our core competencies.

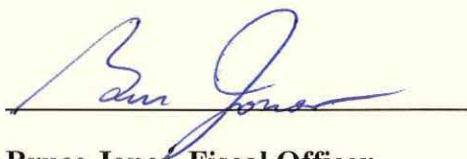
Mr. Lang said there was legislation in the statehouse pertaining to right to work and he didn't believe the Board should do anything more on the matter until the state does. He praised our first responders and asked for prayers for the Cameo Nightclub victims.

Mr. Welch said he wasn't going to comment on right to work since the Board wasn't going to act on it. He observed that the Farmer's Market was beginning that Saturday at The Square.

Adjournment

MOTION made at 8:32 p.m. by Mr. Wong, seconded by Mr. Lang, to adjourn the meeting.
Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President