

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**WORK SESSION
OCTOBER 16, 2014 5:00 P.M.**

NOTE: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Scott Miller, Chairman; Susan Spradlin, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Chairman Scott Miller called the work session to order at 5:03 pm. This was a work session advertised on the Xenia Township website within 24 hours of scheduling the meeting.

EXECUTIVE SESSION:

Mr. Miller made a motion to go into Executive Session with counsel to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official (Trustee vacancy). Mrs. Spradlin seconded. All voted Aye. Executive Session began at 5:04 p.m.

Mr. Miller made a motion to end the Executive Session and return to regular session. Mrs. Spradlin seconded. All voted Aye. Executive Session ended at 5:14 p.m.

Mrs. Spradlin made a motion to go into Executive Session with counsel to consider the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official (Road Superintendent position). Mr. Miller seconded. All voted Aye. Executive Session began at 5:15 p.m.

Mrs. Spradlin made a motion to end the Executive Session and return to regular session. Mr. Miller seconded. All voted Aye. Executive Session ended at 5:33 p.m.

TRUSTEES' BUSINESS:

There were no questions about the Greene County Solid Waste Management Amended Plan Overview. A resolution will be needed at the Trustees' meeting.

FISCAL OFFICER:

Mr. Miller asked about a Post Office box bill. Mrs. Miller answered it is for bills.

Mrs. Spradlin asked Chief Fox if he approved of the Dayton Regional Hazardous Material Response Team bill as he had not signed it. Chief Fox asked how the Fiscal Officer was paying the bill without his approval. Chief Fox thought the Trustees had discussed paying this out of Admin because it is possible any part of the Township could use this, and he asked if others remembered that. Mrs. Spradlin remembered questioning the need for it because there are other resources that are free. Chief Fox had told her he thought it was necessary and the response time is faster with it. Mr. Miller explained to the audience what the Team is and that it is based on a per capita tax with two counties putting in additional money. Mrs. Spradlin asked who was the President of the Dayton Regional Hazmat. Mr. Miller responded he was the Chairman, appointed by the Dayton Regional Hazmat. Mrs. Miller said she used the fund number that was used on the last bill from them. Chief Fox wanted to continue this for at least the next year.

Mrs. Spradlin asked if the Chief had seen all the bills for the items for the new vehicle. He replied he had seen them. Some bills came out of Admin.

Mrs. Miller wanted to give an answer to Mr. Miller's question about the Post Office box. She said the Fiscal Officer is in charge of paying bills and knowing what they are for and why they are there. She wants to get control of these by having a Post Office box. She said Chief Fox and Deputy Chief Beegle sit down with her to go through bills and put correct fund numbers on them. She has expressed her concerns on receiving multiple copies of bills and that bills are being paid twice because of it. There is no way for her to remember if she paid the bill with as many bills as she

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pays. She said she will be sitting down with every department head to go through the bills. Mrs. Miller said there are still several people permitted to use the credit cards. She said she does not have control over the credit cards yet but that is coming.

Mrs. Miller said there will be minutes for approval. There are some 2012 minutes and there has been some question on how to approve the minutes without two signatures. Stephanie Hayden said for purposes of Roberts' Rules an abstention does not count as a vote. She said Mr. Stock researched to see if Trustees ever adopted a rule of "majority of those present", and he could not find anything stating this. She said at this stage with an abstention and a yes vote that will pass the minutes. Mr. Miller asked if they had to take any other action. Ms. Hayden answered they do not want to pass a "majority of those present" rule now because when a third Trustee is appointed, they won't be able to pass minutes with two abstentions. Mrs. Miller said she was told by Local Government Services the minutes from 2012 do not mean anything and whatever resolutions were done then do not stand because they were never approved. For not having the 2012 minutes there will be a fine from the audit. Ms. Hayden said there are about thirty seven (37) different versions of Roberts' Rules so it hinged on whether the Township followed "simple majority" or "majority of those present". Mrs. Spradlin asked if there could be some disclaimer at the bottom of the minutes explaining the reason for the abstentions or for one signature. Ms. Hayden said that would be a good idea. There was discussion about the minutes in 2012 not being done. Mrs. Miller said she hired someone to do the minutes but the Trustees put a cap on it and when she was done with that much money she had to quit. Mr. Stock said for clarification there was a resignation letter that said she was no longer going to do the minutes but there was nothing about a cap on it. Mrs. Miller said there was a cap and it was in the minutes. Mr. Stock asked if they could put on the bottom of the minutes that they were approved by simple majority.

TOWNSHIP ADMINISTRATOR:

Mr. Stock provided information about the Ohio Plan. It has gone up about 18% because of ongoing legal fees. This is for liability insurance and the cost is \$36,225. Mrs. Spradlin pointed out towards the back of The Ohio Plan book they were given, Kil-Kare is named twice as open litigation with the Township. She said that is why she did not want to hold the Greene County Township Association meeting at Kil-Kare Raceway. Mrs. Spradlin said the Township per se is not named in the lawsuit, however, it says in one of the letters filed within the courts that a suit against an individual in his official capacity is the equivalent of a suit against the government entity that employed him. She read a document that purported an alleged Sunshine Law violation referenced in their fourth case of action that takes issue with the procedures of the Xenia Township Board of Trustees. (A copy of this was made to be entered into the record of these minutes.) Ms. Hayden said generally speaking what Mrs. Spradlin said is correct when you name one individual Trustee, which can be the equivalent of suing the entire Board. However, in order for the Township to be liable for that conduct, the individual has to be acting within the scope of their employment. If they are found to be acting outside the scope of their employment, they are personally liable for that conduct and the Township is not, so it becomes a factual determination for the court to sort out. She said the case is still pending and multiple attorneys are involved. When something like this happens, it is pretty standard to turn it into the insurance counsel so they can review it and determine whether there is going to be coverage or not. During the litigation at any point the insurance company can determine and change their level of involvement. They can remain active or remove themselves from the case. Civil suits take a very long time. The Township insurance company is still involved.

Mr. Stock provided the inventory for the County Engineer. It is due the first part of the year.

A Special Meeting date was proposed for bills and payroll only on Thursday, October 30 at 8:00 a.m. Mrs. Miller said there was no need for the meeting.

A conveyance letter from the Zoning Commission was provided for proposed Rural Entertainment and Hospitality text amendments. A Trustees' public hearing needs to

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be set within thirty (30) days. The Trustees set the hearing for November 6 at 6:30 p.m.

A Trustee's public hearing needed to be scheduled for a zoning map amendment of CEMEX owned properties. Mr. Stock apologized for his error in considering the Zoning Commission's denial of the rezoning as the last step. Since the Zoning Commission is a recommending board, it has to go to the Trustees for the final decision. The public hearing on September 3 for the Zoning Commission was held at Central State University, took about three (3) hours, had about fifty (50) attendees and cost about \$150 for rent. Around four hundred (400) notices were mailed. The Zoning Commission made recommendations for the resolution to have ongoing reclamation, a fund for set-aside water and periodic review of the reclamation bond. They voted not to rezone this. If the Trustees consider the rezone, the Zoning Commission wants them to consider the three (3) provisions. Mr. Stock asked for two (2) dates to work with because of setting up a place--November 12 and November 13 were given.

The Township Christmas lunch was set for Monday, December 22 at 11:30 a.m.

The Reorganization/Budget Meeting was set for Monday, December 29 at 9:00 a.m.

The Employee Handbook will be reviewed once the third Trustee is in place.

ROAD DEPT:

At the last meeting Trustees asked for a price from Duncan Oil for fuel oil. It ended up being the highest price; Hartley had the best price and was recommended.

The Annual Report of Township Roads for the Engineer was provided. The Road Department determined the condition of the roads.

Sealed bids for the Navistar dump truck are due and will be opened Monday, October 20 at 3:00 p.m. Over twenty (20) bids have been received so far. All who have looked at the truck have been impressed by how clean and well maintained the vehicle is.

FIRE DEPT:

Chief Fox said Jefferson Township Fire Department purchased the Durango for \$2,495. Mrs. Miller is researching the fund to apply the revenue.

Chief Fox would like to seal coat and stripe the Station 52 parking lot at a cost of \$2,260.68. This would include crack fill. Collett was the suggested vendor. This should preserve it for another five (5) years.

ADJOURNMENT:

A motion was made by Mr. Miller to adjourn the Work Session, seconded by Mrs. Spradlin. Roll Call vote: All voted Aye. Work Session adjourned at 6:41 p.m.

Xenia Township Board of Trustees

Date Approved: _____

Scott Miller, Chair

Resolution # _____

Attest:

Susan Spradlin

Barbara Miller, Fiscal Officer