

RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES:
HELD ON: FEBRUARY 23, 2012**

**REGULAR MEETING
7:00 pm**

NOTE: These minutes are a summary of the meeting and are not a word for word account of the discussion. The proceedings were electronically recorded on tape, but limited by the quality of the recording equipment. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio. This was a regularly scheduled meeting on a date established during the reorganization meeting. No additional notices were given.

Jim Reed called the meeting to order at 7:05 pm. All participated in the Pledge of Allegiance.

PRESENT: Amy Lewis, Trustee; Scott Miller, Trustee; Jim Reed, Trustee; John Faulkner, Fiscal Officer; David Shuey, Public Works Superintendent; Daryl Meyers, Fire Chief; Dean Fox, Captain; Stephanie Hayden, Prosecutor's Office

GUESTS: Lester Ferguson

PUBLIC COMMENT:

Lester Ferguson, attorney, is present to discuss the matter of his invoice from November 2011 for services regarding the KilKare/CruiseFest case. Reed said that on July 14, the Trustees passed Resolution #2011-90 to allocate \$3000 for the legal work done by Lester Ferguson. Reed said that at some point in time that amount was exceeded to \$7,844.34 without permission from the Trustees. Reed explained that no supervisor can spend over \$500 without the Trustees approval. Lester Ferguson said that cost included all work and copies needed for exhibits. The Board asked about the cost for subpoenas served. Ferguson said that to have them processed and served it costs \$75 to \$100. Ferguson said for the record he has four files of information from this case and several letters and correspondence that he did not bill for towards the end and that his record itself shows the last billing date October 6 and there was work done after that. Lewis asked about the subpoena preparations expenses. Ferguson said that was for preparing and meeting with an individual who came to his office and signed a form. He added that a majority of the time was spent at the hearings. Reed asked for a contract that he may have signed with Rhonda Painter. Ferguson said they did not have a contract. Miller said that this was a major situation that included the Prosecutors office and that is why Ferguson was hired. Miller thinks that with the favorable outcome of the situation he does not have a problem with the bill. Reed moved to pay Lester Ferguson in the amount of \$7,844.34. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-038.**

MINUTES:

Regular Meeting—January 26: Lewis moved to approve the minutes. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Regular Meeting—February 2: Lewis moved to approve the minutes. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Special Meeting—February 13: Lewis moved to approve the minutes. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

FISCAL OFFICER/FINANCE: John Faulkner

Faulkner asked for approval of payroll and bills from February 1-February 24 for a total of \$82,643.43. Miller moved to approve bills and payroll. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-039.**

Then and Now PO for Lester Ferguson: Faulkner said that with the approval of the PO to Ferguson for the KilKare/CruiseFest work he will issue a check for Mr. Ferguson tomorrow.

CLOUT Resolution through the OTA: Miller and Faulkner attended the OTA meeting and there are things that large townships will incur that small ones don't. They are creating a resolution and it has not come as of today.

WS Electronics Annual Repair Radios: the annual maintenance for the 800 radio system is \$11,200.00. This includes the four sirens at \$190 each. Reed said those are the sirens that they have talked about getting rid of. Lewis asked about the radios and what the plan is if they will be

replaced in the next few years. Miller said there is discussion about upgrading the radios. Lewis asked what is going to happen in terms of the radios. Meyers explained the bandwidth will change but we should not need to buy new equipment. Reed asked what is the cost of the radio; Meyers said approximately \$2,300.00 each. There was a discussion on the bandwidth and number of radios the township has and who has them. Reed would like to see a copy of the contract. The Board had a long discussion on the amount and how to keep the cost down. Miller moved to pay the annual repair of \$11,200.00. Lewis seconded the motion and added that they start looking at an alternative now so that next year they won't be in the same position. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-040.**

Jeff DeVoe requested the purchase of a 50 hour block of maintenance for Midwest Computers for \$4,250.00. Reed suggested tabling this until a work session to discuss maybe going with another company or replacing the computers. Lewis suggested maybe Jeff could be present at that work session to answer any questions.

2012 per capita assessments to Greene County Regional Planning approved by the issue and signing warrant #13405 for \$1,098.22. (Population 6,537 x .1680 = \$1,098.22)

There is now a meter on the water line going into the firehouse. Since the firehouse is outside of the municipal line the cost of water is billed at the regular rate plus 50%. Faulkner just wanted everyone to be aware. Reed asked how often the trucks are filled from the water with the meter. The Fire Department employees said they never use the fire hydrant and just use that water to wash the trucks.

Rhonda Painter has left her position as Zoning Administrator as of February 20 and per the employee handbook she has requested to be paid for her accrued vacation and sick leave. Vacation is paid out as is, and sick leave is paid at 25%. Reed asked table this matter until executive session.

Faulkner reported on the property taxes on the Coleman Road Lots. The Township is exempt from paying the real estate taxes but they do have to pay the lighting district approximately \$75 per half for two lights and the special assessments for water and sewer.

Faulkner requested a temporary budget item for heating oil bills for both township facilities. The cost of the fuel oil has depleted the temporary funds in January and February. He requested \$9,000. Reed asked Chief Meyers what the bay area thermostat is set at. The Chief said it should be set at 60 degrees. Reed asked if it could be put on 50 degrees, Meyers said that there are items in the drug bag in the medic that need to be kept above 50 degrees. Reed also asked about people on duty during the night and if they are still pulling in their vehicles and washing them and how that affects the heat with the door open. The Chief and Dean Fox both said that they are not aware of anyone doing this anymore and they do not believe this goes on anymore. Faulkner again suggested looking at propane heat for the buildings. Miller asked what authorizations are needed tonight. Faulkner would like to have \$9,000, primarily into utilities. Miller moved to authorize temporary appropriations of \$9,000 into utilities. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-041.**

ROAD DEPARTMENT: David Shuey

Shuey reported that the yearly crack fill will start and he is requesting a PO for DJL in the amount of \$6,119.80. He is ordering more this year because there are more roads that need to be done. Reed moved to approve the PO. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-042.**

Shuey said he can purchase six sets of snow plow edges at 30% off. He did not use even one set this year, however in past winters he has used several sets and would like to purchase these now to save about \$300. Miller made a motion to approve the purchase from D N Equipment. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-043.**

2012 County Road Program: the new roads on the list are Hawkins for overlaying at \$80,000; Bickett between Jasper and Hoop at \$30,000; Boyd at \$5,000 for chip and seal; and replacing

pavement at Station 2 for \$15,000; for a total of \$130,000 total asphalt bid through Greene County.

Reed asked Shuey about the policy of going on residential property and taking measurements and locating pins for surveys. He has concerns about this. Reed does not think that is appropriate if it involves more than the right of way, and unless it is a dispute along the right-of-way, the Township should not do this.

Shuey attended the TAC last month and they voted on some recommendations for the new Transportation Improvement Programs. They also talked about bulk salt storage areas in Ohio and how this is contaminating the one-year to five-year time-of-travel areas for wells. He will put the information in the read file if anyone wants to read it.

Reed wanted to ask a question before Shuey left; Reed said that the Fiscal Officer elect, Leona and another person told him that it is required by the state that all salaried employees must keep a time sheet in order to be paid. Faulkner said he is not aware of that. Stephanie Hayden also said she has not read anything in the ORC that says this. Reed thinks it is strange that three different people told him about this. Reed said that Leona said that past audits sited the Township for not having salaried employees keep a time sheet. Faulkner said that in the past they did keep a time sheet but due to the irregular schedule of one salaried employee and how hard it was for him to keep a time sheet, Xenia Township made a policy that they do not need a time sheet. Faulkner said that this was before he was a Trustee. Lewis suggested getting the old time sheets out and having salaried people keep track of the hours.

Miller asked Shuey about dates for the road ride, they will set a date in the next work session.

ZONING DEPARTMENT:

Reed read the report. One permit has been issued since February 2: 9 Sexton Drive, Ryan Johnston, chain link fence.

The BZA met on February 22 for a Public Hearing for the KilKare property.

The Zoning Commission will hold a public hearing on March 13 at 6 pm regarding Flood Plain Text Amendments.

FIRE DEPARTMENT: Chief Daryl Meyers

Meyers asked for the appointment of Ward J. Leach as a part-time Fire Fighter/EMT. Reed asked for a number of how many people are on the roster. Meyers said 50-54. Reed asked how many paramedics and Meyers could not say right now he would have to look. Reed made a motion to appoint Ward J. Leach as part-time Fire Fighter/EMT. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-044.**

Meyers said that Engine 52 is in need of repair as it is leaking oil. He obtained four different prices for the repair and Meyers suggested going with Fire Apparatus Services and Repair in the amount of \$870. Reed made a motion to repair the fire apparatus and added that they watch that no outrageous bill results of this. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-045.**

Nate Todd completed training to become a paramedic. He has met all requirements and Meyers requests that he be increased to paramedic pay effective February 19 when the current pay period started. Lewis made a motion to approve. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-046.**

Brad Whitley completed paperwork today to be a part-time EMT/Paramedic. Meyers would appreciate his appointment. Reed is concerned that a lot of these people have a loyalty to another place they may call off here to go somewhere else that pays more. Meyers said that they are working on a policy for that right now. Reed made a motion to table this recommendation.

Meyers requested \$483 for the Greene County Sheriff's Department for background checks for fire department employees. Reed wondered where this step comes in the process of hiring a new employee. Miller suggested continuing at the Sheriff's Office as the lack of use may result in the elimination of this service. Miller made a motion to approve a PO for background checks. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-047.**

TRUSTEES OLD BUSINESS:

Sourcewater study: Lewis will set up a meeting.

TRUSTEES NEW BUSINESS:

Public Works Integration Committee is a committee Miller has served on and his term is up, this group takes nominations and then a vote. The group is called District 11 and is made up of eight counties. Miller said a resolution is needed to nominate him for re-election on this Committee. Carrie Smith, of Spring Valley Township will serve as an Alternate if he is chosen. Lewis made a motion to formally nominate Miller to be a representative for Greene County. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-048.**

The position vacancy was discussed and Reed said that they are still crafting that job description. Miller would like to get a copy of that electronically.

CORRESPONDENCE:

Faulkner read his letter of resignation:

Honorable Trustees;

My time at Xenia Township has for the most part been a wonderful journey. Interestingly, all journeys have two points – a starting and an ending point. It all began on October 13, 1983 when I applied for membership on the Xenia Township Fire Department. That appointment is dated February 14, 1984. Later the same year the Trustees appointed me to the Board of Zoning Appeals where I had the pleasure of serving as a member and chairman until the fourth quarter of 2006, when I was appointed to the Xenia Township Board of Trustees.

After serving the appointment I was elected to a full-term as Trustee and served in that capacity until February 28, 2011 when I stepped down to become the Fiscal Officer at the resignation of the former Fiscal Officer Seiter. I thought this would be a natural fit because of my academic degree in accounting and experience as well as being familiar with Xenia Township finances. Boy was I surprised...this quickly became an albatross; the Fiscal Officer's position is NOT a part time job in Xenia Township.

I wrote to a group of constituents after the election expressing just how many hours I was working each week and then started asking myself the question...why do you want to do this month after month and be beaten up by a small group of people that has found fault in everything going on in Xenia Township. That group just wanted to "fire" John Faulkner the same way they "fired" Trustee Richard Montgomery and now have targeted another elected official.

The elected term ends on March 31, 2012 which brings me to the end of my journey. The constant turmoil, lack of vision, denying responsibility plus the constant attacks on staff and employees just simply says to me...it is time to go. So, using the Uniform Accounting Network term I close each day with... "I quit."

Please accept this letter as my resignation, effective with the close of business on Friday, March 2, 2012.

Should your appointed successor be desirous of assistance or help, I will be selectively available for contracting as a consultant.

So now, the journey is complete and the end is now on the calendar.

*Sincerely Submitted,
John D Faulkner*

Miller thanked Faulkner for all his service and said he hates to see him go. Miller then made a motion to accept the resignation effective March 2. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2012-049.**

UPCOMING MEETING DATES:

February 25, 2012	Chamber Awards Dinner
February 29, Wednesday, 3:00 pm	Land Use Planning Committee Meeting
March 1, Thursday, 6:00 pm	Joint Meeting Trustees and Zoning Boards
March 7, Wednesday, 8:00 pm	Safety Council Meeting
March 8, Thursday, 4:00 pm	Work Session
March 8, Thursday, 5:00 pm	Continue American Aggregates Public Hearing
March 8, Thursday, 7:00 pm	Trustees Meeting
March 13, Tuesday, 6:30 pm	GC Twp Association Mtg, GC Fairgrounds
March, 15, Thursday, 6:00 pm	Work Session
March 20, Tuesday, 8:00 am	Chamber of Commerce Meeting
March 22, Thursday, 4:00 pm	Work Session
March 22, Thursday, 4:00 pm	Trustee Meeting
April 25, 2012	MVRPC Annual Spring Dinner, WPAFB

COMMITTEE REPORTS:

Miami Valley Regional Planning:	Please RSVP for the April 25 dinner
Tech Advisory:	No report
Greene Co Regional Planning Committee:	No report
District Advisory Council of Health Dist:	No report
Water & Wastewater Advisory Committee:	No report
Source Water (1-2 per year):	No report
Safety Council:	Dean Fox will attend March 7
Chamber of Commerce:	Lewis will attend the next meeting

EXECUTIVE SESSION:

Miller moved the Xenia Township Trustees retire to Executive Session to discuss purchase or sale of property, on this day February 23, 2012, at 8:41 pm. This is an exception to the Open Meeting Act as permitted by the ORC 121.22 (G). Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. Those in attendance included Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer, John Faulkner; Assistant Prosecuting Attorney, Stephanie Hayden.

Miller moved to return to regular session at 9:04 pm. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Miller moved the Xenia Township Trustees retire to Executive Session to discuss appointment of personnel, on this day February 23, 2012, at 9:04 pm. This is an exception to the Open Meeting Act as permitted by the ORC 121.22 (G). Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. Those in attendance included Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer, John Faulkner; Assistant Prosecuting Attorney, Stephanie Hayden.

Reed moved to return to regular session at 9:26 pm. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Reed moved the Xenia Township Trustees retire to Executive Session to discuss a personnel matter regarding discipline, on this day February 23, 2012, at 9:26 pm. This is an exception to the Open Meeting Act as permitted by the ORC 121.22 (G). Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. Those in attendance included Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer, John Faulkner; Assistant Prosecuting Attorney, Stephanie Hayden.

Reed moved to return to regular session at 9:32 pm. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

There was a discussion about the draft proposal with Central State University regarding Fire/EMS services.

ADJOURNMENT:

Having completed all of the regular business, Lewis moved to adjourn at 9:43 pm. Reed seconded the motion, all Trustees voted aye and the meeting adjourned.

Jim Reed, Chairman

Amy Lewis, Trustee

Scott Miller, Trustee

ATTEST:

John Faulkner, Fiscal Officer

ccs