

## RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES:  
HELD ON: NOVEMBER 10, 2011**

**REGULAR MEETING  
7:00 pm**

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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; Jim Reed, Trustee; John Faulkner, Fiscal Officer; David Shuey, Public Works Superintendent; Fire Chief Meyers; and Assistant Fire Chief Dean Fox

**GUESTS:** Carrie Smith, Tim and Susan Spradlin, Barb Miller, Judy Randall

### **PUBLIC COMMENT ON ACTION ITEMS:**

Tim Spradlin said that he thinks the Township has great roads and he appreciates the community's support of the levy. He then spoke about the email he sent regarding a public records request and he thinks it should be pretty easy to get the activity records and details of how many calls he has gone on to see how much the Township vehicle is used. He then congratulated Amy Lewis and thanked her for what she has done so far and looks forward to continuing to work with Jim Reed. He also congratulated Barb Miller and said they look forward to helping her and doing whatever they can. He told Faulkner that he takes no pleasure in what he must be going through but politics is difficult. He then said "you reap what you sow" and said that elected officials serve the people and politicians serve themselves and he hopes that when Mr. Faulkner is no longer a politician his neighbor John will come home and maybe they can have that cup of coffee. He then thanked Faulkner for his service. Spradlin said that he talked to Roy Colbrunn before the meeting and he wants to get back to work as soon as possible and he sent Spradlin a note that there are vacancies this weekend that can be covered. So they still have that problem. He said that he met with Kenny Rigsby this morning and he shared the contract proposal and asked him to look at it. Spradlin will work with them on that. Spradlin said he was contacted by a former firefighter and this person would like to be interviewed. Spradlin said he was contacted because he did not know who he could trust at Xenia Township. Spradlin said this person claimed that he was bullied into quitting by Chief Meyers.

Susan Spradlin spoke about her request to see Dennis Painter's public records requests and it does not say the date of the receipt that he paid for the public records it just says October 1 through 31. She said it was September 22 that Mr. Painter came to a meeting and tried to slander her and her husband. She also would like to know how he can review records not being a citizen of Xenia Township and he hadn't paid for them before this meeting and why it is taking so long for their records requests. She also believes that some of the records are being cleansed. She requested records on Mr. DeVoe and she has not received many documents, she claims that according to the records he has nothing in the file about his promotion and his raise and has nothing to document that he is qualified. Reed asked Faulkner to comment since he is in charge of records requests. Faulkner said that everything in the file was given to the Prosecutors office and when the file was returned the requestor was given a copy of everything that was in the file. Reed explained that if she has issues with what was presented, her questions should be directed to Stephanie Hayden at the Prosecutors Office. Faulkner said that his office never cleanses records.

Dennis Painter spoke and said that he has been around the Township a long time through his wife and he has been a citizen for going on 30 years. This is a public meeting and until the Township does not take money from the State of Ohio he has the same right as anyone else to be here. Mr. Painter said that the last time he spoke he was complementary of the Trustees. He thinks that what Mr. Spradlin said tonight to Mr. Faulkner was insulting to both Mr. Faulkner and to him because he had to listen to it, and that's the kind of thing that is destructive to this Township. Mr. Painter said that everything he spoke about is on the internet and what he spoke about is false allegations. Painter said that he is as much a citizen as anyone in this room. He comes here in the interest of the community and to support the Township.

Susan Spradlin spoke up and said no, he does not.

Mr. Painter said that it is wrong to threaten anyone with things like “you’re going to get to know my attorney” and threatening with the Attorney General without anything to back it up. Mr. Painter said that he would expect the Chairperson to stop that type of talk during a meeting and it is wrong to expose the community to that. He thinks that Tim Spradlin has been insulting and if he could apologize to Mr. Faulkner for that, he would. Mr. Painter has known Faulkner for a while and he does not believe that he has done anything dishonest. Mr. Painter said that his concern is that people are coming here and tearing down this community, and they claim they are here for the community but they are tearing it down. Mr. Painter said that everything he spoke about was on the internet and he would be ashamed if that type of thing was said about him. He said that those types of comments and activities are childish, immature and destructive and bullying. If the Spradlins don’t like it they need to look in the mirror.

Reed said that as the Board they are allowed to limit time, content and residency. He said that the ORC says that they have the right to limit him speaking and that they have been courteous in allowing him and everyone else to speak.

Mr. Painter wanted to make clear that he only wants to make sure that what is done is for the good and welfare of the Township and he only spoke now because his name was brought up. It is not good to have constant bashing of the Trustees and Fiscal Officer. His issue is the treatment of the Trustees, Fiscal Officer and employees. Painter said that there is nothing wrong with the community participating to build it up and not to tear it down.

Susan Spradlin said that Mr. Painter said that the Spradlins are wasting the Township’s time and she said that he took up 15 minutes that night and took up 15 minutes tonight which is wasting the time. She also said that it was after they named Mr. Painter as the person who was requesting records from her husband’s employer he turned around and wrote another letter to her husband’s employer. She gave the Trustees a copy of the letter. She also stated that she has a video camera recording the meeting tonight to show that her husband is here in civilian clothes and not here representing the state.

Reed said that they don’t feel any resident is wasting their time and they are welcome to come and speak. Reed then said in regards to the letter and his requests, those are outside of Township business and they have no control over what he does and he is not doing any of it on behalf of the Township but just as a private citizen.

Susan Spradlin said that when he comes to Township meetings and claims they are wasting time that she has to rebut that. Reed said that when he makes that statement it doesn’t mean that it is true but he is welcome to make the statement. Susan Spradlin said that she has the right to rebut because she does not believe they have done anything to hurt the Township. Mr. Painter then said that he never claimed he used his business and Mr. Spradlin found that out by his address for the request.

Susan Spradlin said that she did not receive the date of the receipt for the records request. Faulkner said that she requested the receipt and the system says October 1 through October 31 and he said there is a receipt number and date. She said there is no date. Faulkner said he will get that date and she will not have to pay for the extra copy.

**MINUTES:**

Work Session—September 14: Trustees had no time to review and were tabled.

Special Meeting—October 11: Trustees had no time to review and were tabled.

Regular Meeting—October 13: Trustees had no time to review and were tabled.

Work Session—October 19: Trustees had no time to review and were tabled.

Faulkner noted that that in addition to the August 25 minutes there is a court reporter transcript available at the Xenia Township Office which can be reviewed on the premises but cannot be copied per the reporting company rules.

**FISCAL OFFICER/FINANCE:** John Faulkner

Bills from October 26 of \$564.83 and two payrolls including payroll taxes of \$49,938.34 for a total of \$50,503.17. Reed move to approve. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-177.**

The PO to Midwest for years of four and five warranty coverage of computers. The contract has not been received.

Firefighter unpaid tuition reimbursement was tabled until the work session. Later in the meeting Assistant Chief Dean Fox asked if he could try to resolve this issue and the Trustees agreed.

The Board discussed the Annual Roads Report for 2011 presented at the last meeting. Reed moved to approve the Annual Roads Report for 2011. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-173.**

Faulkner said that the old tables and chairs need to be disposed of and they need to be declared as excess inventory. Faulkner said that there is a local church that may be interested in the chairs. Reed made a motion to declare the tables as excess inventory. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-178.**

Reed made a motion that the old tables and chairs be donated to Goodwill with a voucher for the donation to be made available to the Greene County Women's Shelter in Xenia for the purchase of clothing. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-179.**

Faulkner requested a resolution for transfer of \$7,500 from the part time account 0030 to the paid-on-call account 0040. Reed moved to transfer part-time to paid-on-call accounts. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-180.**

Faulkner had a request for timesheets for salaried staff, such timesheets do not exist and he asked the Trustees why they do not exist. Reed said this is something they are looking into and is in the works. A letter should be sent to the requester that there are no timesheets for salaried staff. Tim Spradlin spoke up and said he is the one who requested it, so there is no need to send a letter. He also said he thinks there should be timesheets for salaried people so they know they are working.

**ROAD DEPARTMENT:** David Shuey

Shuey said the Woodland/Lamplighter right-of-way work order has been resolved. Shuey said he looked at the drain and made sure there was nothing there and that is all they can do.

The Union Road property is being looked at to install a construction entrance, remove underbrush, install a drainage way, and remove the pool. Shuey said he did walk the property but he is going to look at prices for a brush mower for the bobcat to clear the brush and to prevent flat tires.

Shuey thanked everyone for their help in the passage of the road levy.

**ZONING DEPARTMENT:** Rhonda Painter—not present

The following permits have been issued since October 27:

- 712 Crestline Drive, Charles Bingamon, 10x12 shed
- 1584 Jasper Road, Tammy Sheffs, 640 sq ft addition

Zoning Commission has a public hearing on November 17, at 6:00 pm for text amendments and on December 1, at 6:00 pm for a rezoning request of 84.7 acres from A to M-3 from American Aggregates on Dayton-Xenia Road.

The KilKare/Crusiefest criminal case has been settled but the Board is not sure of the amount of the agreed entry in lieu of a trial.

**FIRE DEPARTMENT:** Chief Daryl Meyers

Bill Hull was on a leave of absence and he is requesting a reinstatement. Reed made a motion to reinstate Bill Hull as Lieutenant. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. **RESOLUTION #2011-181.**

Chief Meyers requested a PO for Miami Valley Fire EMS for Haz Mat Annual Fees of \$915.18. Reed moved to approve. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. **RESOLUTION #2011-182.**

Chief Meyers has information he will share later about the Ohio Region 3 Strike Team.

The purchase of protective clothing request was tabled at the last meeting. Chief Meyers hoped the questions the Trustees had have been answered. Reed said all questions were resolved and asked Chief Meyers to pass along his apologies for the confusion. Reed moved to approve \$20,000 for the protective clothing. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. **RESOLUTION #2011-183.**

Lewis brought up under the new business about the reinstatement of Roy Colbrunn. Lewis asked if this was the appropriate time to approve this. She asked about the requirements of the Doctor release and if his Doctor release for his job at Wright-Patt would do. Chief Meyers said that the only problem he has is the fact that he is on medical leave and he would like him to be seen by another doctor to keep the Township from being liable. He said it is his understanding that Colbrunn will be seen at GMH on Monday, November 14. Lewis brought this up because she knows that they are short staffed. Chief Meyers said that the only problem he has with this is that Colbrunn did not come to the Chief and he did not follow the proper steps.

Reed made a motion that as long as Roy Colbrunn makes his appointment on November 14 and the Doctor gives him a release he be reinstated. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Absent; Reed-Aye. **RESOLUTION #2011-184.**

**TRUSTEES OLD BUSINESS:**

Consultant and Employee Interviews: Dean Fox said that employees are going to the consultant for the interviews and he was told the process should be done in about 30 days.

Code Enforcement Officer: Rhonda Painter has received some applications but this was tabled until the next meeting when she is present.

Going Places Committee: Faulkner said the resolution for MVRPC Going Places should be done no later than the first meeting in December. This is not an action item but a vision of MVRPC. Reed suggested getting the input of Miller and it was tabled until the work session.

**TRUSTEES NEW BUSINESS:**

The Trustees will meet at 10:00 am on December 22 and at the conclusion of the meeting have a holiday luncheon. Tentatively the reorganizational meeting will be held at 8:30 am on December 22.

**UPCOMING MEETING DATES:**

November 16, Wednesday, 4:00 pm	Work Session, Jim Percival scheduled to attend
November 22, Tuesday, 4:00 pm	Trustees Meeting
November 30, Wednesday, 11:30	Water & Wastewater
February 25, 2012, Saturday	Chamber Awards Dinner

**COMMITTEE REPORTS:**

Miami Valley Regional Planning	In read file with a map with the highway projects
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):	November 15, 7:00 pm
Safety Council:	Next meeting December 7, 8:00 am, Dean Fox will attend.
Chamber of Commerce:	No report

Barb Miller spoke and said that she did not know anything about Cruisefest but wanted to know why after this event her address was changed from Xenia to Beavercreek Township. She said the Postmaster told her it was because Xenia Township didn't want to take responsibility for Cruisefest and Beavercreek Township would. Reed, Lewis, and Faulkner assured her this is not the case, they did take responsibility for Cruisefest and they don't know why some addresses were changed.

**ADJOURNMENT:**

Having completed all of the regular business, Reed moved to adjourn at 8:20 pm. Lewis seconded the motion, all Trustees voted aye and the meeting adjourned.

Absent  
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Scott Miller, Chairman

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Amy Lewis, Trustee

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Jim Reed, Trustee

ATTEST:

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John Faulkner, Fiscal Officer

ccs