

## RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES:  
HELD ON: AUGUST 25, 2011**

**REGULAR MEETING  
4:00 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.

There is also a court reporter transcription available at the Xenia Township Office which can be read on the premises, but cannot be copied.

Chairman Scott Miller called the meeting to order at 4:06 pm. All participated in the Pledge of Allegiance.

**PRESENT:** Trustee Amy Lewis; Trustee Scott Miller; Trustee Jim Reed; Fiscal Officer John Faulkner; Zoning Administrator Rhonda Painter; Public Works Superintendent David Shuey; Chief Daryl Meyers; and Captain Dean Fox.

**GUESTS:** Stephanie Hayden, Greene County Prosecutors' Office; Frank Harmon, Ohio Insurance Services Agency; Thom Sears, Stone Road; Nancy McKinney, Valley Dale Rd.; Roy Colburn, Wilson Drive; Harold Snyder, Foust Rd.; Carrie Smith, Krepps Road; Tim and Susan Spradlin, Hilltop Road; Greg and Christy Beegle, Foust Rd.

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

Frank Harmon, of Ohio Insurance Services Agency, Inc. proposed extending the current health insurance for one month while the Trustees review the options for a new policy. With a new policy to be effective October 1, for there to be enough time to get insurance cards for everyone. Lewis moved to extend the insurance for one month. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-131.**

Roy Colbrunn, Wilson Drive, had questions about how discipline is handled in the township Fire Department. He stated as the Board is aware he was suspended immediately for insubordination and conduct unbecoming of an officer while serving on the Fire Department. He had to turn in keys, radio and was forbidden from talking to anyone for almost 45 days. Colbrunn expressed his concerns that this discipline came about because of the statement of one individual (CJ Keene). He then stated that during his disciplinary hearing this specific individual was involved in an inappropriate incident and was not disciplined in the same, as he was given an oral reprimand. Colbrunn stated that he gets the impression that if you go against the Fire Chief he is going to get you. He would like to see some fairness. Lewis then stated that there are some discrepancies in the personnel manual on discipline and they are being reviewed now.

Tim Spradlin, Hilltop Road, first he followed up regarding Colbrunn's concerns and he stated that his situation was handled wrong. He went on to say that he believes that there is a hostile work environment in the Fire Department. He then spoke about the two incidents that Colbrunn discussed. He said that Colbrunn should be reinstated as a Captain. Next he discussed his public records request that was referred to Prosecutor, Stephanie Hayden. He stated this has never happened before, but he did talk to Stephanie and she asked to clarify some of the documents. Spradlin then gave a lengthy list with clarifications of the several things that he is requesting copies of as a public records request. (1) time sheets of the fire department personnel, (2) copy of the minutes from when DeVoe was promoted, (3) mowing contract has been settled, however Faulkner read from a Prosecutor's opinion at a work session and if that makes it a public record Spradlin would like to see it, (4) Fire House software request of dates and times of DeVoe's responses since promoted to captain, (5) policy on use of vehicles for personal use and why the chief lives so far away and putting miles on the vehicle and costing tax dollars (6) Spradlin's sources say that Meyers has a file with documents and CD's with his name on it and he wants to see it (7) not sure if this exists but he would like to see something regarding the project at 721 Kinsey Road, where was this project approved. Spradlin then told Faulkner that he has an attorney too, and he will get to know him in the next month or so. Spradlin also stated that he has asked the Attorney General to do an investigation on Scott Miller for theft in office regarding

the road project at 721 Kinsey, and is calling for his resignation now so he can avoid that investigation.

Thom Sears, Stone Road, asked how much money and what kind of work Spradlin is talking about with the work on Kinsey. Miller said he is not sure what the cost. No one explained the work done. Reed said he has a rough estimate of materials and labor of upwards of \$5,000.

Greg Beegle, Captain with the Xenia Township Fire Department, said first he wanted to stand up and defend the fire department and the names that have been dragged through the mud and said the statements that were made are unfounded. As far as the consultant job that Spradlin was going to be offered by Reed outside of a regular Trustee meeting, he then read an email that Spradlin wrote regarding the job. Beegle absolutely objects to Spradlin's accusations and stated they are unfounded.

Dean Fox, Captain with Xenia Township Fire Department, commented on the CJ Keene interview. He stated that he was interviewed by him and he would testify to that.

Scott Miller made a statement that he thinks Xenia Township has a very professional fire department and that it is staffed quite well in his opinion. At this time we have a different Fire Chief and he would expect that the current chief should get the respect that the former chief received. The Trustees try to do their best at their job.

Jim Reed stated that if criminal activity has taken place that he would be the first one to point that out and make sure that it is taken care of, and why anything that happened wasn't take care of months ago he has no idea.

Amy Lewis wanted to make sure that the public knows that the Trustees are addressing these concerns in executive session and they are being taken care of.

#### **MINUTES:**

Regular Meeting—July 28, 2011: Reed moved to approve the minutes. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Regular Meeting—August 11, 2011: Lewis moved to approve the minutes. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—August 17, 2011: Miller moved to approve the minutes. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—August 19, 2011: Miller moved to approve the minutes. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Absent. Motion passed 2-0.

#### **FISCAL OFFICER/FINANCE:** John Faulkner

2012 Tax Budgets have been received from the Auditor and need approval from the Trustees, there were no levy amount changes. Lewis moved to approve the resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-132.**

Faulkner introduced Carrie Smith, who is going to start doing the minutes for the Trustee meetings as a contract service. Reed stated that hiring of someone is up to the Fiscal Officer; Faulkner agreed but wanted to bring it to the Trustees. The Trustees were all in agreement with her hiring.

Approval of bills and payroll for the last period of vendor checks, \$26,259.23, payroll of \$21,265.30 for a total of \$47,524.53. Faulkner stated that the second half of real estate taxes have been received since the last meeting. Reed moved to approve the bills and payroll. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

#### **ROAD DEPARTMENT:** David Shuey

Finished all the road striping and cracking filling will be done in the next three weeks. The Citizens for Safety committee will meet on September 1, 2011, at 7:00 pm to discuss the road levy on the ballot this fall.

**ZONING DEPARTMENT:** Rhonda Painter

The following permits have been issued since August 11:

- 3048 W Enon Rd, Billy Coleman, 30 x 40 pole barn
- 97 Country Place Ct, Cal Bridges, 26 x 48 pole barn
- 235 Green Acres Dr, James Holt, 24 x 19 addition to rear
- 205 Purcell Ave, Ron Ward, 10 x 16 shed
- 2026 Purcell Ave, Martin Johnson, 10 x 12 deck
- 410 Winding Trail, James Chubner, 10 x 22 front porch

Board of Zoning Appeal

- Had a public hearing on Tuesday night, August 23. Continued public hearing of an appeal by Kil-Kare. The attorneys came to a tentative verbal agreement and Stephanie Hayden will discuss in Executive Session.

Zoning Commission

- September 15, 6:00 pm, work session.
- September 20, 6:00 pm, rezoning from A to M3 by Cemex at the Norman Ward Center Ballroom, CSU, 1400 Brush Row Rd.

**FIRE DEPARTMENT:** Daryl Meyers

Expressed his concern with all of the talk earlier in the meeting, he stated he has done nothing wrong and he is okay with that. He apologized for the waste of time, and his attitude.

E-52 needs an Electronic Transmission Selector, with Purchase Order for \$2,458.20 to W.W. Williams. Miller moved to approve the PO. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-133.**

E-52 also needs an Intake Valve Repair Kit, with a Purchase Order for \$623.89 to Findley Fire Equipment. Lewis moved to approve the PO. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-134.**

SCBA Identifiers are needed for the equipment to identify as Xenia Township's; the cost is \$645.00 from FD Company Identifiers. Reed moved to approve the PO. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-135.**

Identifier stickers, also for Xenia Township equipment identification are needed. Lewis moved to approve the purchase. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-136.**

Meyers got a second quote as requested for M-53 A/C repair. Fire Apparatus Services & Repair, \$3,844.84; and Horton Manufacturing, \$3,298.05. The Trustees decided to table this decision.

Daniel Schrand has resigned and all gear has been returned. Miller moved to approve Schrand's resignation. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

There was a discussion again on the hail damage of the vehicles and whether to fix them, total the vehicles or replace them. Miller moved to settle the claim with the insurance company, and once the check is received decide what to do. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

The Sugarcreek Fire Department is applying for a grant for the replacement for the new radio system. It would be a joint purchase of a radio system for the entire county. This process is going to happen very quickly. We would be responsible for a maximum of \$10,000, but won't know the exact amount until we see what amount other townships are putting in. Miller moved

to approve and authorized the fire chief to sign any documents related to applying for the grant. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

**TRUSTEES OLD/UNFINISHED BUSINESS:**

Liability insurance: This will be extended for one month until a new plan is decided on. Miller moved to extend for one month. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-137.**

The safety issue of US 68 and Brush Row Road was tabled until later.

Miller stated that Beavercreek Township will be replacing old antennas, and it was discussed that Xenia Township could make a deal with Beavercreek for the old antennas for Old Town. The questions are if the height will work for what we need. He stated that the condition is very good, and we could get maybe 10 to 12 years out of it. Miller suggested we ask Beavercreek Township to help us out with this. He said we should have an engineer see if the towers will work before we do anything else. The trustees were all in agreement to have a study done.

The November 1, Greene County Township Association meeting will be at Xenia Township. The details are being worked on. Lewis is getting an estimate from the Greene County Career Center and someone from the Old Town Methodist church.

Stephanie Hayden reviewed the DP&L contract and asked they remove one paragraph. Other than that it is the same.

Miller passed out a spreadsheet of the copier options. The current lease will expire on August 30. A decision was not made and it was tabled.

**TRUSTEES NEW BUSINESS:**

Reed is unable to make the September 8 meeting and suggested changing the meeting to September 14. All agreed, with making the work session at 3:00 pm, September 14 before the regular meeting at 7:00 pm.

Painter presented an agreement for the street light districts in Xenia Township. A resolution must be passed and given to the auditor. Miller moved to approve the street light agreement. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-138.**

Painter also presented a weed and tall grass nuisance resolution. Faulkner stated that the Township has already done the work at these properties and this is a resolution to assess the owner's taxes. Lewis moved to approve the resolution for a lien on the real estate taxes. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-139.**

Painter asked how much the Trustees would like to spend on preparing the Trade Center artifact for the Xenia Community Festival Parade. Around \$500 was the agreed amount.

The CruiseFest issue has come to a verbal settlement and Painter would like to discuss this in executive session with Stephanie Hayden.

Painter is looking into the purchase of tables and chairs for the meeting room and getting prices.

**UPCOMING MEETING DATES:**

August 25, Wednesday, 4:00 pm	Board of Trustees' Meeting
September 13, Tuesday	Greene County Township Assoc, Ledbetter Rd
September 14, Wednesday, 3:00	Work Session
September 14, Wednesday, 7:00	Board of Trustees' Meeting
September 16-17, Friday-Saturday	Xenia Community Festival
October 4, Tuesday	Greene County Township Assoc

October 7, Friday  
November 1, Tuesday, 6:00 pm  
February 25, 2012, Saturday

Chamber Golf Outing  
Greene County Township Assoc, Xenia Twp  
Chamber Awards Dinner

**COMMITTEE REPORTS:**

Miami Valley Regional Planning Technical Advisory Committee Greene Co Regional Planning Committee:	No report They are working on updating policies. Reviewed the survey that was done last winter and discussion of transferring Township powers to the County taking more responsibility. There is a letter forthcoming regarding this.
District Advisory Council of Health Dist: Water & Wastewater Advisory Committee: Source water (1-2 per year): Xenia Economic Growth Corp: County Managers and Officials: Safety Council:	No report September 28 Next meeting October 18, 2011, 7:30 pm No report No report September 7—Life Cycle of a Claim
Chamber of Commerce:	No action was taken on the Route 35 project

**EXECUTIVE SESSION:**

Miller moved the Xenia Township Trustees retire to Executive Session to conference with Stephanie Hayden, Greene County Prosecutor's office, on this day August 25, 2011, at 6:23 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 include Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer, John Faulkner; Zoning Administrator, Rhonda Painter; Chief Daryl Meyers; and Assistant Prosecuting Attorney, Stephanie Hayden.

Lewis moved to return to regular session at 6:55 pm. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Lewis moved the Xenia Township Trustees retire to Executive Session to discuss personnel issues, on this day August 25, 2011, at 6:55 pm. This is an exception to the Open Meeting Act as permitted by the ORC 121.22 (G). Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. Those in attendance include Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer John Faulkner; Zoning Administrator Rhonda Painter; Chief Daryl Meyers; Captain Gregg Beegle; Captain Dean Fox; and Assistant Prosecuting Attorney Stephanie Hayden.

Miller moved to return to regular session at 7:45 pm. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

**ADJOURNMENT:**

Having completed all of the regular business, Lewis moved to adjourn at 7:45 pm. Reed seconded the motion, all Trustees voted aye and the meeting adjourned.

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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

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