

Held \_\_\_\_\_

September 8, 2009

**OPENING OF MEETING**

Mr. Ritter called the meeting to order at 6:03 PM. Mr. Fiedeldey, Mr. Wolterman and Mrs. Harlow were in attendance.

**EXECUTIVE SESSION**

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing the negotiation of collective bargaining agreements, pending and imminent litigation, and the negotiation of other agreements to which the Township is a party.

At 6:04 PM, Mr. Fiedeldey made a motion to enter Executive Session and Mr. Wolterman offered the second. No discussion and the roll was called:

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

Mr. Ritter reconvened the meeting at 7:00 PM. Mr. Reuter said no decisions or actions were made in Executive Session.

**INVOCATION**

Mr. Ritter offered the invocation.

**PLEDGE OF ALLEGIANCE**

All recited the pledge of allegiance.

**APPROVAL OF MINUTES**

Mr. Ritter asked for corrections to the August 11, 2009, regular meeting minutes. Mr. Fiedeldey asked that "for the Clippard Park reconstruction project" be added under the unfinished business, Administration, Reimbursement Resolution/Bonds item. Mr. Ritter asked that "relative to the desire to be on the list" list be added to his comments under Mr. Fiedeldey's trustee report.

Mr. Fiedeldey made a motion to approve the minutes as amended and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

**PRESENTATIONS**

Chief's Commendation – Officer Hubbard

On behalf of Chief Meloy, Lt. Denney presented the following chief's commendation to Officer Hubbard:

In recognition of your commitment and dedication to the citizens and officers of Colerain Township. On July 30, 2009, police officers were dispatched to an "Aggravated Robbery in progress" at the Burger King Restaurant at 10700 Colerain Avenue. You were the first responding police officer to the scene, finding persons inside the restaurant being held at gunpoint by an unknown gunman. Your response and quick thinking allowed you to gain a position of cover and address the assailant without placing others in danger, as the assailant attempted to escape the

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restaurant in your direction. Without assistance, you were able to utilize the training and experience necessary to perform your job as a police officer to gain the compliance of the armed suspect and bring a peaceful resolution to an intensely dangerous situation for all involved. Because of your outstanding policing efforts, you are hereby awarded the Colerain Police Department's "Chief's Commendation."

This outstanding effort demonstrates your commitment to the Colerain Police Department and the citizens of the Township, along with our desire to professionally serve those with whom we come in contact. Your actions as a "Colerain Police Officer" on the evening of July 30, 2009 are a shining example to the men and women who proudly wear the badge of a Colerain Police Officer.

**PUBLIC HEARING – None**

**POLICE REPORTS**

Lt. Schoonover of the Hamilton County Sheriff's Office said the following statistics were generated in July 2009:

- 83 cases were assigned to the Sheriff's Criminal Investigation Section and 24 were closed, with \$2,000.00 in stolen property recovered.
- 2 D.U.I. arrests by County contract and non-contract Deputies.
- 87 citations were issued by Hamilton County Sheriff's Office Colerain contract cars. 64 cites by non-contract Deputies with a total of 151.

Police Chief Meloy said the Township's department issued 233 citations with 1 arrest for DUI.

**TRUSTEE REPORTS**

**MR. FIEDELDEY**

Mr. Fiedeldey said the Board received a letter from the Wernicke family about installing a stop sign on Gaines Road, at Beckridge Ct. He suggested we try asking the county engineer's office again. Mr. McClain said that in 2005 this was investigated, but residents have not seen progress. He will make the engineer aware that there was no significant improvements.

Mr. Wolterman said it's a dangerous intersection, even as a school bus stop. Does it meet the sight lines? We need to do something before someone is hurt.

The Board asked Mr. McClain to pursue this.

**MR. WOLTERMAN**

No report.

**MR. RITTER**

Mr. Ritter said the Donauschwaben Oktoberfest is the first weekend in October and suggested the Board have a proclamation at next meeting.

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Mr. Ritter said that on Friday night, a program to remember called 9 -11 will be held at the Colerain High School football game. He said there would be a special color guard presentation.

Mr. Ritter said that on Friday, September 18, 2009, there will be a program at Clippard Park for the CVS/Caremark accessible playground construction. Mr. Ritter commended Mr. Schwartzhoff and thanked CVS for this wonderful playground.

**CITIZEN ADDRESS**

Jeanne Bernard, of W. Galbraith Road, approached the Board with a problem with a resolution made in 2001, dealing with her property and condominiums next to her. She said there is a problem with the amendment and the building is not consistent with zoning resolution. The required trees are dead, not maintained. She said there is also a problem with lights coming in to her house.

Mr. Reuter said the staff report lays out the information well. This properly came before the Zoning Commission for a minor amendment and the Zoning Commission decided for the other party. Mrs. Bernard said they are amending a legal document. Mr. Reuter said the areas dealt with in the minor amendment are clear. Mrs. Bernard said that things are not spelled out.

Mr. Wolterman asked if the landscape plan is the one that will be approved. Dr. Roschke said that it is what was approved. She said Ms. Bancroft sent a letter spelling out their responsibilities. She said part of the problem is that the original plantings died. She said there was a minor amendment acted upon by the Zoning Commission, and they will work with Ms. Bernard to ensure that what was proposed will be accomplished. Mrs. Bernard said we should go back to the original resolution.

Mr. Fiedeldey said this was very contentious when it was passed. This needs to get back to the intent of the resolution. Mr. Fiedeldey said someone should have a talk with the Olde Savannah folks to let them know what the intent is.

Nancy Lindemood of Squirrelsnest Lane approached the Board about a probable underground fire at the landfill. Mr. Ritter said the Board received an e-mail from Mr. Foglesong saying that one of the wells is testing hot, and then received a follow-up press release. Mr. Foglesong said the last update was on Friday and at that time the fire department was monitoring this and would pass on information.

Chief Smith said that there is an increase in temperature on a second well. He said they are sure there is a subterranean fire in this area. Mr. Ritter said the press release indicated there were no negative health effects. He asked when we should be concerned. Chief Smith said the newer portions of the landfill have an engineered bottom and you don't have the migration. This cell is 10-12 years old. He said they are not seeing any off-site concerns. Chief Niehaus will give updates daily. We have daily contact with them and he expects OEPA to be involved in this.

Mr. Fiedeldey asked, what is the worst case scenario? What is the status today?

Mrs. Lindemood said she was told they were putting a foot of clay on top of this area. Mr. Foglesong said they put it on one acre, and will expand to another acre.

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Mrs. Lindemood said they are using new methods to increase gas production. The odors have been worse in last week or two. She urged the Board to hold the health department accountable and maintain the resolve to fight this in court.

### **UNFINISHED BUSINESS**

#### **PUBLIC WORKS**

##### **Colerain Avenue Street Sweeping Update**

Mr. McClain said ODOT says they have swept Colerain Avenue once or twice, but was not able to provide dates. Mr. McClain asked the Board if they would consider a contract to supplement the street sweeping. He said the grass and weeds also need to be removed. Mr. Fiedeldey said that chemicals should be sprayed in the spring to prevent the grass and weeds from growing. The Board agreed that Mr. McClain should get prices for street sweeping.

#### **PARKS & SERVICES**

##### **Clippard Park Project Electrical Changes**

Mr. Schwartzhoff requested the Board approve a Duke Facility agreement for \$11,300 and a change order for Atkins and Stang of \$7,750.43. He said that without the facility agreement, we would not be able to have power on this site. He said they are working to get the cost reduced.

Mr. Wolterman made a motion to approve the facility agreement, with the idea we are trying to get it reduced. Mr. Ritter offered the second.

Mr. Wolterman amended his motion to include the change order. Mr. Ritter accepted the amendment.

Mr. Schwartzhoff read change order:  
 Original Contract: \$144,400  
 Change Order No. 1: \$7,750.43  
 New Contract Amount: \$152,150.43

The roll was called:  
 Mr. Fiedeldey. "Aye"  
 Mr. Ritter. "Aye"  
 Mr. Wolterman. "Aye"

##### **Heritage Park Improvements**

Mr. Schwartzhoff requested the Board approve the following improvements at Heritage Park:

- Install additional water line and three quick connect spigots, \$4,500
- Purchase four three-row 15' bleachers, \$2,440
- Grade, level and install field mix to all four ball fields, \$12,000

He said we are using state capital improvement grant funds.

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second.

Mr. Wolterman asked if the bleachers will be able to be moved. Mr. Schwartzhoff said they will mount them to already existing concrete pads.

The roll was called:  
 Mr. Ritter. "Aye"  
 Mr. Wolterman. "Aye"  
 Mr. Fiedeldey. "Aye"

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**Skyline Park Walking Path**

Mr. Schwartzhoff requested the Board install a walking path at the Skyline Park to be five feet wide, with 2.5" #448 type 1 surface mix asphalt. The contractor is Schumacher Dugan and the cost estimate is \$15,255.

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

Mr. Wolterman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

**ZONING****NSP Update**

Dr. Roschke said that we are proceeding with a purchase of a "first look" property opportunity at 6768 Acre. Bank of America has offered a price of \$17,000. Homesteading and Urban Redevelopment Corporation is the liaison for the first look program as well as one of our non-profit partners in the Neighborhood Stabilization Program, so they will be taking over the property, rehabbing it, and selling it on our behalf. We will place one of the program signs approved at the July meeting at this location once the purchase is complete.

**Volunteer Coordinator**

Dr. Roschke requested the Board hire Township resident Elle Koch-McVay as the volunteer program coordinator. The effective date is September 9, 2009.

Mr. Ritter made such motion. He said that he got to know her with her work on the Memorial Committee.

Dr. Roschke said that she prefers to work without pay.

Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

**ADMINISTRATION****Bond Sale**

Mr. Foglesong read, by title, resolution 44-09, Authorization of Issuance of Township Park Improvement Bonds.

Mr. Wolterman made such motion and Mr. Ritter offered the second.

Mr. Fiedeldey said that we appropriated this money earlier this year. What happened to the million dollars that was appropriated for this project? We appropriated the money without discussion about borrowing it. He said he spoke to Mrs. Harlow who said the money is still there. There is money here. Why are we now going to borrow this? Why borrow when we have the cash? It's going to cost us \$92,340 in interest to borrow this money. Recently, we had some information about how we could buy some 5-year non-callable Freddie Macs at 3%. This would make sense then because we could get more back in interest than we would pay in interest. If not, it would cost us money to borrow money we already have. We have five to six times what they recommend. Just read what Moody's said about us, how strong we are and the cash we have. He said this is the dumbest thing he has ever seen in the past almost eight years.

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Mr. Ritter said that three months ago the Board discussed this issue in depth, and a majority of Trustees preferred this approach. Mr. Fiedeldey said it's not a view point; it's about spending \$92 thousand we don't need to spend.

Mr. Ritter anticipated that Mr. Fiedeldey would question this tonight, so he prepared a short analysis that compares Colerain Township's financial position with four other townships in the region, all of whom do not have residential TIF districts like Colerain (Springfield, West Chester, Deerfield, and Sycamore). Even with the additional \$1.0 million for Clippard Park, we still will not only have the least amount of gross debt compared to the other townships (\$9.1 mil.), but also have the lowest debt as a percentage of overall assessed valuation (0.69%), as well as the least amount of debt per capita (\$161). He added that we also need to preserve enough cash to cover the pending Colerain Avenue streetscape project, not to mention the continuing uncertainty with how long the recession will last.

The roll was called:

Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"  
Mr. Fiedeldey. "Nay"

Mr. Fiedeldey said that this is \$92 thousand we don't need to spend. Mr. Ritter said that there are a lot of things that go on that we don't understand. He doesn't understand why Mr. Fiedeldey voted to hire his grandkids and commit a felony. Mr. Fiedeldey said that Mr. Ritter should not say anything about his grandkids or family again and that Mr. Ritter is about the most unethical and unprofessional person he's ever met.

## NEW BUSINESS

### **POLICE DEPARTMENT**

#### **Vehicle Acceptance**

Lt. Denney said the Ohio Department of Public Safety awarded the Colerain Police Department one 2010 Ford Crown Victoria "police package" cruiser in a giveaway on September 2, 2009. The giveaway was an acknowledgment of our efforts during the 2008 "Click it or Ticket" and "Over the Limit, Under Arrest" campaigns. The Colerain Township Police Department was one of forty agencies in the State of Ohio determined as eligible for the giveaway of five new cruisers. The new cruiser has a value in excess of \$20,000.

Mr. Wolterman made a motion to accept the donation and Mr. Fiedeldey offered the second. The roll was called:

Mr. Wolterman. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"

### **PUBLIC WORKS**

#### **Pay Journalization**

Mr. McClain said that Frank D. Short is scheduled for a step increase to Maintenance Worker II (Classification 3-a), in accordance with the collective bargaining agreement, effective September 25, 2009.

### **ZONING**

#### **Nuisance Resolution**

Dr. Roschke read Nuisance Abatement Resolutions 45-09 and 46-09.

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Mr. Wolterman made such motion and Mr. Fiedeldey offered the second.

Mr. Wolterman said 60% are habitual offenders. Dr. Roschke said this is not uncommon and most are foreclosed or vacant. He asked if, on our subsequent violations, neighbors must go through the same aggravating procedure. Is there anything we can do to maintain this and abate these properties before they become a nuisance? Dr. Roschke said that we have created the abandoned property list and have inspectors come out a month after they cut the grass. Mr. Reuter said that each time we have to find that it constitutes a nuisance. He said there needs to be a legislative fix, to allow the Township to take over maintenance. Mr. Wolterman said that the legislature should act. We're wasting 60% of our time. Mr. Fiedeldey said neighbors wait until it's very tall before they call and they should call sooner and not live with it.

The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

**LEGAL**

**Approval of Access Easement Grant Cell Tower Heritage Drive**

Mr. Reuter said we have been approached by American Tower Corporation (ATC) which manages the cell tower at the end of Heritage Way, about granting them a 12 x 60 ft access easement on the south side of the existing fenced area. Verizon's placement of the generator blocked vehicular access to the existing Duke transformer from the existing gate. The Duke transformer needs to be upgraded, but Duke has refused to do that unless and until vehicular access is restored. The proposed access easement will restore that vehicular access from the south side of the enclosure, through a new gate to be constructed in front of the Duke transformer. He said we will receive a fee of \$3,192 and more importantly, the right to tap in to Duke's transformer within ATC's enclosure, as well as tap into the Verizon generator within ATC's enclosure, to supply power for our proposed township fueling station. If we could not connect our fueling station, we would have to run power lines several hundred feet to the Public Works building.

Mr. Reuter recommended the Board approve proposal and give Mr. Foglesong the authority to sign it on behalf of the Township.

Mr. Wolterman made such motion and Mr. Ritter offered the second. The roll was called:

- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"
- Mr. Fiedeldey. "Aye"

**FISCAL OFFICER REPORT**

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts. Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

- Mr. Wolterman. "Aye"
- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"

The Fiscal Officer has recorded the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
465-2009	AFSCME	Public Records Copies	29.50

**RECORD OF PROCEEDINGS  
REGULAR**

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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466-2009	Tony Hawk Foundation	Grant	5,000.00
467-2009	OTARMA	Board Meeting	869.50
468-2009	Fire & EMS	Plan Reviews	1,150.00
469-2009	Police Dept.	DUI Fines, Drug Fines, State Park Fines	310.90
470-2009	Police Dept.	Court Reimb	18.00
471-2009	Police Dept.	Court Reimb	30.00
472-2009	Police Dept.	Court Reimb	84.00
473-2009	Sr. & Comm Center	Prog Fees, Rm Rent Fee, Lunch	570.66
474-2009	Police Dept.	Juvenile Traffic Fines	44.50
475-2009	Police Dept.	Drug Test Reimb	73.00
476-2009	Planning & Zoning	Certificates, Codes	633.00
477-2009	Sr. & Comm Center	Prog Fees, HDM Don, Tran Don, Lunch	110.25
478-2009	Planning & Zoning	Certificates, Amendments	1,410.00
479-2009	Council on Aging	COA	8,731.66
480-2009	Fifth Third	Investment CD Interest	359.59
481-2009	Star Ohio	Investment Interest	1,376.44
482-2009	Fifth Third Bank	Investment General Interest	1,049.49
483-2009	Fifth Third Bank	Investment NOW Interest	1,803.35
484-2009	Fire & EMS	Plan Reviews, Inspections, Foster Care	225.00
485-2009	United Health Care	Term Changes	257.97
486-2009	Kathy Mohr	Copies	15.00
487-2009	Frank Birkenhauer	Cell Phone	21.25
488-2009	Police Dept.	Court Reimb	6.00
489-2009	Fire & EMS	Cell Phone, Sign, Reports, Fingerprints, Airfare Reimb, Name Plates, Training Reimb	2,746.90
490-2009	Fire & EMS	EMS Billings	48,375.02
491-2009	Planning & Zoning	Certificates	555.00
492-2009	David Foglesong	Cell Phone	13.00
493-2009	Sr. & Comm Center	Prog Fees, PC Don, Rent Even Dep, Lunch	390.50
494-2009	Hamilton County Auditor	LGF Aug, Municipal Court Fines July	60,632.21
495-2009	Hamilton County Auditor	2 <sup>nd</sup> Qtr Lodging Tax	1,469.19
496-2009	Hamilton County Auditor	TIP Fee May	644.51
497-2009	Hamilton County Auditor	2nd Half Advance RE	1,097,000.00
498-2009	Hamilton County Auditor	July Gas Excise	25,272.93
499-2009	Hamilton County Auditor	Motor Veh Reg July, State Local Govt Hgwy Aug.	5,560.92
500-2009	Hamilton County Auditor	Permissive Motor Veh July	38,632.00
501-2009	Hamilton County	2 <sup>nd</sup> Half Real Estate	130,084.35

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	Auditor	Settlement	
502-2009	Hamilton County Auditor	2 <sup>nd</sup> Half Real Estate Settlement for TIFs	40,509.42
503-2009	Hamilton County Auditor	2 <sup>nd</sup> Half Real Estate Settlement for Lighting Districts & Nuisance	16,891.74
504-2009	Police Dept.	Court Reimb	12.00
505-2009	Police Dept.	Sale of Cruiser & Undercover Car	1,604.00
506-2009	Sr. & Comm Center	Rent Even Dep & Fee, HDM Don, Lunch	605.65
507-2009	Police Dept	Court Reimb	30.00
508-2009	Sr. & Comm	Rent Even Dep, HDM Don, Lunch	318.00
509-2009	Public Works Dept.	Permits	36.00
510-2009	Planning & Zoning	Certificates, BZA, Amendments	2,345.00
511-2009	Rumpke Sanitary Landfill	Solid Waste Disposal Fee July	70,566.58
512-2009	Fire & EMS	Plan Reviews	325.00

Mrs. Harlow requested the Board make the following appropriation adjustments:

- For Lighting Districts, \$221.85 from 2401-310-360-0000 (contracted services) to 2401-760-314-0000 (tax collection fees).
- For the General Fund, \$125,500 from 1000-930-930-0000 (contingencies) to 1000-110-360-0000 (contracted services) for the street scape contract.

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mrs. Harlow said she received a notice of transfer from the Ohio Division of Liquor Control, from El Xochimilco, DBA El Xochimilco 3547 Springdale Rd., to Fiestia Navidena, DBA El Xochimilco, 3659 Stone Creek Blvd, Ste. D. She said she discussed this with Chief Meloy and Dr. Roschke and neither sees the need for a hearing. The Board agreed.

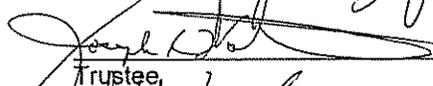
**ADJOURNMENT**

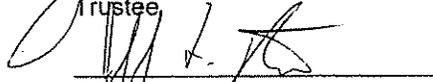
With no further business to come before the Board, at 8:50 PM, Mr. Fiedeldey motioned for adjournment. Mr. Wolterman offered a second.

- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"
- Mr. Fiedeldey. "Aye"

  
Fiscal Officer

  
Trustee

  
Trustee

  
Trustee