

Held

February 16, 2010

Note from Fiscal Officer: this is the re-scheduled meeting from the February 9, 2010, regular meeting, which was cancelled due to weather.

OPENING OF MEETING

Mr. Ritter called the meeting to order at 5:00 PM. Mr. Deters, Mr. Wolterman and Mrs. Harlow were in attendance.

The Board was joined by the Northwest Local Board of Education.

All recited the Pledge of Allegiance.

Mr. Deters made a motion to enter Executive Session for the purpose of discussing the appointment of a public employee and Mr. Wolterman offered the second. No discussion and the roll was called:

Mr. Deters "Aye"
Mr. Ritter "Aye"
Mr. Wolterman "Aye"

Mr. Ritter said the Board would be going to the Administration conference room. When they return they will discuss other matters.

Mr. Ritter reconvened the meeting at 5:54 PM. Mr. Ritter said no decisions or actions were made in Executive Session.

Mr. Ritter said he wanted to bring up the issue of Tax Increment Financing. He said TIFs are key and the best tool for attracting new businesses to the Township. We do not make TIF districts in residential areas, unlike other townships. Mr. Wolterman said he was on the Board when they had their first TIF resolution and then determined not to place the whole township under a TIF district. In fact, the state legislature has changed this and does not allow residential areas to be part of a TIF.

Mr. Birkenhauer said a previous Board looked at making a CRA on building un-built subdivisions. Additionally, the Board was asked by Wal-Mart and auto dealerships to pass a TIF for their projects. The Board decided they did not want to harm the school district and incentivize these projects. He said we bring a good development and make it great with the TIF. He said the Board looks at the TIF districts very closely. He said that we are adding \$35 million in value with a \$4 million investment.

Mr. Unger asked if the Stone Creek development contributed to the decline of Northgate Mall. Mr. Birkenhauer said this is not the case at all. He said that many retail outlets are changing their business model to leave malls. He said "de-malling" is the national trend in retail and we provided a venue for this to occur.

Mr. Birkenhauer said that we are happy to look at what can be done if there is a new development. He said that we are not in the position to play hard ball as it is a developer's market. He said that we have the same interests at heart and the school district is vital to our community.

Mr. Foglesong said that we do not get the TIF money; it goes to pay the bonds. Our own departments, like the fire and police departments, are not getting their part of the property tax money.

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Mr. Wolterman said that this goes for the proper infrastructure, like roads, to ensure the success of the property. He said that we are offering this package to the developer. If it's a ten-year obligation, after the ten years, all parties received 100% of the increased value as tax revenue.

Mr. Ritter said that we have a service agreement to ensure the developer pays the obligation.

Mr. Gladfelter said that what they are interested in is being part of the discussion and development of the TIF agreement. He said the demographics of the district make a long-term TIF agreement to be more in their best interest.

Mr. Birkenhauer said the developers are driving the processes. They are making the decisions on investing in our community.

Mr. Ritter said that this was a great chance to have our boards meet. He said he would like to be sure the dialogue continues. He suggested a rotating liaison. He said it is important for us to be more aligned.

Mr. Wolterman said that the open meetings with all board members are better because everyone has input.

The Boards discussed the frequency of those meetings. They decided on meeting semi-annually, but said that the liaisons could agree that it might be beneficial to meet sooner.

The Board asked Mr. Foglesong to set-up those meetings.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of pending and imminent litigation, employment of a public employee and the purchase of property.

Mr. Deters made a motion to enter Executive Session and Mr. Wolterman offered the second. No discussion and the roll was called:

Mr. Deters. "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

Mr. Ritter reconvened the meeting at 7:08 PM. Mr. Foglesong said no decisions or actions were made in Executive Session.

INVOCATION

Mr. Deters offered the invocation.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

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PRESENTATIONS**Electric Aggregation****Duke Retail: Paul Smith****Independent Energy Consultant: Mark Burns**

Mr. Ritter said that in 2005, residents passed a gas and electric aggregation program. Up until this time, we have only had gas aggregation. Now, we will consider electric aggregation as well. He said he hopes the Board will consider these proposals over the next week and be ready to vote next week.

Mark Burns, of Independent Energy Consultants, made a presentation to the Board. He said Bill Stout of Dominion Retail, Inc. is here tonight. Dominion is their recommended supplier. Mr. Burns said the fixed discount is a good price and does not have an early termination fee.

Mr. Deters asked about going with one of the suppliers directly. Mr. Burns said that we have a contract with them, so that would need to be considered.

Mr. Wolterman asked if they are sharing information with other suppliers. Mr. Burns said that they are not sharing information, but the bids are public information.

Mr. Wolterman asked about the opt-out program

Mr. Wolterman said he received a solicitation from Dominion seeking him to switch. Is this a similar program? Mr. Stout said the aggregation program is a lower cost.

Mr. Ritter said he also wants to talk about our government buildings. Mr. Stout said it would be the same price as the other commercial buildings or they could set up something else. There is flexibility.

Mr. Paul Smith, of Duke Energy Retail Sales, spoke to the Board. He presented three options: "preferred electric supplier" endorsement program, "guaranteed discount" opt-out aggregation program, and "fixed price" opt-out aggregation program.

He said the government buildings would be treated as residential or small commercial.

Mr. Deters said he was intrigued by the preferred electric supplier option. He asked about the process. Mr. Smith said residents would get information about the programs and that the Township is endorsing the program.

Mr. Ritter said he had questions about the contract with Mr. Burns. Does this contract prohibit us from going with Duke Energy for the electric? Mr. Foglesong said that we can go with Duke.

APPROVAL OF MINUTES

Mr. Ritter asked for corrections to the January 26, 2010, regular meeting minutes. Mr. Ritter requested the following be added to his trustee report: "to speak on behalf of the residents of the Yellowstone/Sagebrush neighborhood, and took the opportunity to express our condolences to Commissioner Portune on the loss of his mother." Mr. Ritter said, under the Groesbeck Park item, he requested "on parks at this time" and "existing" parks system be added. Mr. Reuter said that it should be "injunctive" relief.

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Mr. Wolterman moved to approve the minutes as amended and Mr. Deters offered the second. The roll was called:

Mr. Deters "Aye"
Mr. Ritter "Aye"
Mr. Wolterman "Aye"

POLICE REPORTS

Lt. Schoonover of the Hamilton County Sheriff's Office and Police Chief Dan Meloy said they had nothing to report until the next meeting

TRUSTEE REPORTS

MR. DETERS

Mr. Deters said that as a resident of the Lake Hills neighborhood, he attended the neighborhood meeting hosted by the police department. He was impressed with presentation and especially Lt. Meyer.

Mr. Deters said he received a letter about the Rumpke sub-surface fire. The letter is from the Hamilton County Public Health Department to Todd Portune, in his capacity as Chairman of the Policy Committee of the Hamilton County Solid Waste Management District. Mr. Deters read the letter, which is attached to these minutes.

He said there are odor concerns and the Ohio EPA may take action against Rumpke because of the odors. In response to Mr. Wolterman's comment, he said this is formalized through the attorney general's office

MR. WOLTERMAN

Mr. Wolterman said that he is the liaison to the Summer Events Committee, which produces the 4th of July and Taste of Colerain. He said he has reviewed the financials from last year and budget for this year. Last year the 4th of July saw a \$40,000 "loss" and Taste had a \$10,000 return. He feels that having a national act at the 4th of July is in our best interest, providing sponsors and residents with a premium product. He said that he is preliminarily going to request \$30-\$35,000 from the Board. They currently have a balance of \$21,000, with the loss of \$30,000 from last year. He will make a full recommendation at the next meeting.

Mr. Ritter said he didn't support the national act last year and it didn't work out so well. He supports the committee, but feels we can forgo the national act. He said \$30-35,000 sounds high.

MR. RITTER

Mr. Ritter said "thank you" to Mr. McClain and the Public Works staff. He said this was not an easy February, but they did a top-notch job.

CITIZEN ADDRESS

No one wished to speak.

UNFINISHED BUSINESS

POLICE DEPARTMENT

Lakehills Community Meeting Update

Chief Meloy said they held community meetings on February 1 and February 5, with 64 residents attending. Crime maps were displayed. He said they had

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good discussions about the talk in the neighborhood of burglaries, but the rumors didn't justify the actual crime numbers. He said a block watch meeting is scheduled and they are excited about the future. He is very happy with the response and the neighbors' willingness to come on board.

LEGAL

Rumpke Litigation Supreme Court Update

With regard to the Rumpke litigation, Mr. Reuter reported that the Ohio Supreme Court accepted one of the issues which we presented in the appeal of in the Single Subject Case, specifically, whether the Township had the right to participate as a party in the trial court in the action filed by Rumpke against the State of Ohio, seeking to strike down the amendment to ORC Sec 519.211 before its effective date. However, the Supreme Court declined to review the substantive issue of whether the Single Subject Clause of the Ohio Constitution was violated. No dues dates for the briefs have been set yet.

Mr. Reuter also indicated that oral arguments before the First District Court of Appeals in the appeal brought by the Township arising from Judge Winkler's decision in the Zoning case were scheduled for February 22 at 9 a.m.

ADMINISTRATION

Street light

Mr. Foglesong said that he sent a letter to the Northwest Local School District Board about the street light installation at the intersection of Pippin and Kemper. The School District Board's recommendation was to ask the county engineer to install no-turn-on-red sign. The Board directed Mr. Foglesong to check with the engineer about the sign.

Mr. Wolterman asked if there is a safety agency we could have look at this intersection to evaluate it. Is it visibility or no right turn on red? This remedy may not help.

Chief Meloy said the driver relayed that it was too dark to see, but on the other hand this intersection has been in use without other incidents.

Mr. Deters said it couldn't hurt anything to place the no-turn-on-red sign. He said it will draw attention as to why it is a no-turn-on-red intersection: What is going on? Is there a school nearby?

Mr. Wolterman still wonders if it will solve the problem. Where do we get the statement that the lighting will help? Chief Meloy said that lighting will always help.

Mr. Wolterman motioned the Board send a letter to the County Engineer requesting the installation of the no-turn-on-red sign. Mr. Ritter offered the second.

Lt. Schoonover said he will ask the head of the traffic section to look at the intersection.

The roll was called:

Mr. Deters "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

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NEW BUSINESS**FIRE DEPARTMENT****Preceptor Pay Rate Adjustments**

Chief Smith said that their preceptor group is comprised of paramedics with key levels of field experience and the special skills necessary to mentor recently graduated medics. Preceptors work closely with the new medics during their first month(s) after graduation to ensure they successfully make the difficult transition from the classroom/clinical setting to the realities of field work. Preceptors are currently paid a stipend of \$50 for each two-week pay period in which they are assigned preceptor duties. His recommendation is to transition to an incentive of 60 cents per hour for those specific hours they engage in preceptor duties. This would reduce the cost of the program and compensate specifically the hours they are mentoring.

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

Mr. Deters "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

Pay Rates Changes

Chief Smith requested the Board approve the following pay rate changes:

Name	Rank	Effective Date	Pay rate
Andrew Greenlee	Basic Firefighter/EMT	2-8-10	\$13.60
Matthew Helton	Basic Firefighter/EMT	2-8-10	\$13.60
Tom Holland	Basic Firefighter/EMT	2-8-10	\$13.60
Andrew Meyer	Basic Firefighter/EMT	2-8-10	\$13.60
Patrick Wolterman	Basic Firefighter/EMT	2-8-10	\$13.60
Jeff Wurtz	Basic Firefighter/EMT	2-8-10	\$13.60
Terrence Zellars	Basic Firefighter/EMT	2-8-10	\$13.60
Steven Widener	FF/Medic/FAO	2-1-10	\$15.38

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

Mr. Deters "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Abstain"

ZONING**Litter Grant**

Mr. Foglesong said Dr. Roschke applied for and received a \$1902 grant from the Ohio Department of Natural Resources. He requested the Board accept that grant.

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

Mr. Deters "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

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FISCAL OFFICER REPORT

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

- Mr Deters. "Aye"
- Mr Ritter. "Aye"
- Mr. Wolterman. "Aye"

The Fiscal Officer has recorded the following receipts:

REC	VENDOR	FOR	AMOUNT
41-2010	Police Dept.	Court Reimb	18.00
42-2010	Concentra	Overpayment on Invoices	195.00
43-2010	Rumpke Sanitary Landfill	Solid Waste Disposal Dec 09	65,419.81
44-2010	D. Foglesong & F. Birkenhauer	Cell Phone Usage	42.25
45-2010	Home Depot	Credit Balance on Acct.	176.72
46-2010	Fire & EMS Dept.	Plan Reviews & Inspection Fees	315.00
47-2010	Police Dept.	Salaries	2,391.14
48-2010	Police Dept.	Court Reimb	24.00
49-2010	Police Dept.	Salaries	446.80
50-2010	Senior & Comm. Ctr.	Prog Fees, Rent Even Dep, HDM Don, Lunch	761.00
51-2010	Police Dept.	Court Reimb.	18.00
52-1020	Police Dept.	Court Reimb.	6.00
53-2010	Police Dept.	Payment for Services	8,224.69
54-2010	Public Works Dept.	Snow Removal	840.00
55-2010	Public Works Dept	Snow Removal	134.75
56-2010	Public Works Dept	Snow Removal	308.56
57-2010	Police Dept.	Court Reimb.	6.00
58-2010	Senior & Comm. Ctr.	Prog Fees, Rent Eve Dep, Tran Don, Lunch	856.80
59-2010	Police Dept.	Forfeited Funds	1,047.00
60-2010	Police Dept.	Forfeited Funds	266.00
61-2010	Police Dept.	January Reports	20.30
62-2010	Fire & EMS Dept.	Permit Fees	75.00
63-2010	Public Works Dept.	Snow Removal	1,680.00
64-2010	Public Works Dept.	Snow Removal	771.40
65-2010	Public Works Dept.	Snow Removal	242.55
66-2010	Planning & Zoning Dept.	Certificates, Other	684.12
67-2010	Police Dept.	Court Reimb	42.00
68-2010	OP & F	Refund	92.29
69-2010	Fire & EMS	EMS Billing	41,180.13
70-2010	Parks & Services Dept.	Repay Damage to Sewer Line at Clippard Park	5,025.00
71-2010	Federal Express	Refund on Shipping & Damage to Merchandise	267.65
72-2010	Kim Henderson	Postage	1.00
73-2010	Fire & EMS Dept.	Permit	25.00

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74-2010	Miami Twp IAFF Local & Mr. & Mrs. Goshorn	Memorial Fund Donations	200.00
75-2010	Time Warner Cable	4 th Qtr Fees	86,788.42
76-2010	Nancy Spears	Color Copy	0.10
77-2010	Police Dept.	Court Reimb.	48.00
78-2010	Police Dept.	State Park Fines, DUI Fines, Drug Fines	906.80
79-2010	Police Dept.	Court Reimb.	6.00
80-2010	Police Dept.	Drug Forfeiture	122.87
81-2010	Police Dept.	Laser Purchase From NCH	1.00
82-2010	Lisa Hogeback	Insurance Reimb.	571.42
83-2010	Public Works Dept.	Snow Removal	339.50
84-2010	Public Works Dept.	Snow Removal	611.10
85-2010	Police Dept.	Court Reimb	6.00
86-2010	Public Works Dept.	Snow Removal	562.52
87-2010	Parks & Services Dept.	Paper Recycling	16.56
88-2010	Police Dept.	Court Reimb.	42.00
89-2010	Parks & Services Dept.	Paper Recycling, Amphitheater Rental	66.90
90-2010	Zoning Dept.	Certificates	548.00
91-2010	Senior & Comm. Ctr.	Prog Fees, Rent Even Dep & fee, HDM Don, Tran Don, Lunch,	706.00
92-2010	Senior & Comm Ctr.	Prog Fees, Rent Even Dep & Fee, Lunch	1,015.41
93-2010	Fire & EMS Dept.	Cell Calls, CPR Class, Report, Sign, Train Reimb, Don, Refund, CTTC Rent	6,726.32

ADJOURNMENT

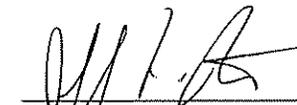
With no further business to come before the Board, at 8:39 PM, Mr Deters motioned for adjournment Mr. Wolterman offered a second

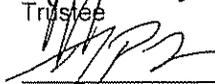
Mr. Deters "Aye"

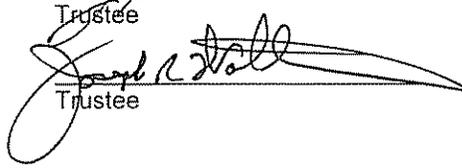
Mr Ritter "Aye"

Mr Wolterman "Aye"


Fiscal Officer


Trustee


Trustee


Trustee



**HAMILTON COUNTY
PUBLIC HEALTH**

January 28, 2010

Mr. Todd Portune
Chair, Policy Committee
Hamilton County Solid Waste Management District
138 E. Court Street
Cincinnati, OH 45202

*Timothy J. Ingram
Health Commissioner*

*250 William Howard Taft Road, 2nd Floor
Cincinnati, OH 45219*

*Phone 513 946 7800
Fax 513 946 7890*

hamiltoncountyhealth.org

Re: Rumpke Sanitary Landfill

Dear Commissioner Portune:

At the January 21, 2010 meeting of the Hamilton County Solid Waste Management District Policy Committee, an update was provided on the sub-surface reaction at Rumpke Sanitary Landfill. As per your request, the following is a written report on the situation for you to share with the Hamilton County Commission.

Background:

Currently, there are approximately 200 landfill gas recovery wells on 275 acres of placed waste at the Colerain Township site. Methane is collected from the decomposing waste and processed into natural gas, suitable for sale in Duke Energy's gas lines. These wells are routinely monitored for gas composition. New in 2009, dewatering took place on water filled wells to allow for better collection of gas. As a possible result of the dewatering, a few gas wells in the northeast corner of the facility began showing elevated temperatures.

Rumpke sampled the affected wells and several surrounding wells for more detailed gas analysis. Some showed carbon monoxide (CO) in significant quantities (generally a product of incomplete combustion). On August 31, 2009, Rumpke reported the elevated temperatures and CO detection to the appropriate agencies and implemented their contingency plan.

The affected area was believed to be approximately 12 acres involving 2 gas wells on the northeast corner of the facility (phases 5 and 6). Since that time, the area of concern has grown to additional northern portions of the landfill (phases 4, 5, 6, and 7) involving 11 gas wells. Construction of these phases include two liners, a plastic liner over three feet of clay liner. The reaction is deep within the waste mass, rather than at the surface.

Public Health Monitoring:

HCPH and HCDOES – Air Quality have a continued presence at the landfill. Several times per week air is monitored for pollutants of concern: particulate matter; organic compounds; methane; carbon monoxide; and hydrogen sulfide. US EPA has also performed extensive organic compound and hydrogen sulfide mapping of surrounding roadways on two occasions. Currently off-site results indicate values are below health based standards.

The 60 wells in this area and the gas collection trenches are routed to a utility flare where the gases are burned.

Conclusion:

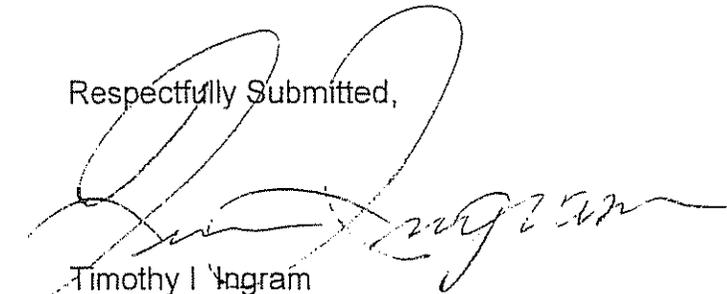
Currently, other than settling and areas with soil cracking or pressure, there is no surface manifestation – no flame, no smoke, no soot in the gas wells, no component failure and no exposed waste. There has been an increase in odor complaints and fugitive gas emissions from the affected area. All complaints continue to be investigated.

A comprehensive action plan to address odors and return operations to normal as quickly as possible is being finalized. The facility has been cooperative with regulators in formulating this plan.

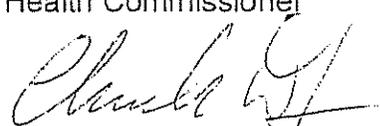
It has become clear through this process that underground reactions such as this are challenging. Efforts to control the reaction seem appropriate, but experts agree, it will be some time before things return to normal.

HCPH will continue to be engaged in the situation, ensuring the protection of public health and the environment.

Respectfully Submitted,



Timothy I. Ingram
Health Commissioner



Chuck DeJonckheere
Director of Waste Management

cc: Hamilton County Solid Waste Management District Policy Committee