

Held

May 25, 2010

**OPENING OF MEETING**

Mr. Deters called the meeting to order at 6:07 PM. Mr. Wolterman and Mrs. Harlow were in attendance. Mr. Ritter was not in attendance as he was traveling on Township business.

**EXECUTIVE SESSION**

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing the employment and compensation of public employees and officials and pending and imminent litigation.

At 6:08 PM, 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. Wolterman. "Aye"

Mr. Deters reconvened the meeting at 7:03 PM. Mr. Reuter 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.

**APPROVAL OF MINUTES**

The minutes will be approved at the next meeting.

**POLICE REPORTS**

Lt. Schoonover of the Hamilton County Sheriff's Office said the following statistics were generated in April 2010:

- 72 cases were assigned to the Sheriff's Criminal Investigation Section and 35 were closed, with \$74,750.00 in stolen property recovered.
- 6 D.U.I. arrests by County contract and non-contract Deputies
- 156 citations were issued by Hamilton County Sheriff's Office Colerain contract cars. 129 cites by non-contract Deputies with a total of 285.

Police Chief Meloy said the Township's department issued 305 citations with eight arrests for DUI. Chief Meloy also made the Board aware that May is motorcycle safety month. He said they did a saturation patrol on two nights, which resulted in our department and the Sheriff's Office issuing 30 citations for various moving and operator license violations.

**TRUSTEE REPORTS****MR. WOLTERMAN**

Mr. Wolterman said the 4th of July will soon be here. He said the Committee is looking at changing the structure of the venue. They are meeting Thursday morning to take a look. The fire marshal has updated the code for site distance for the fallout of fireworks, which required some changes.

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Mr. Wolterman said that he brought something to Mr. Reuter's attention. He has never been involved in zoning appeals matters. But, he has received information about a cellular tower on Gaines Road in a residential neighborhood. He forwarded this information to Dr. Roschke. He said the material shows that there may be some circumstances that the entity doesn't fall under the FCC rules. Mr. Wolterman asked Mr. Reuter to get with Dr. Roschke on this and review it. He knows that the BZA will take it into consideration. But, he does not think this is a good idea.

Mr. Reuter said that he is certain that all of that will be presented to the BZA tomorrow. It is an independent board, which must decide on the evidence provided to them at the hearing. Mr. Wolterman said this information should be brought to them before the meeting. Mr. Reuter said contact with the Trustees and staff do not affect this as the BZA will make the decision.

Mr. Wolterman said on the issue of electric aggregation, the majority of Board voted in favor of it. He received e-mail after the vote from the consultant. He wishes the e-mail to be a part of the record of this meeting. This is attachment A to these minutes.

#### **MR. DETERS**

Mr. Deters said that regarding the Tower issue, he believes the residents are represented by counsel.

Mr. Deters said that Paul Schwab of the Public Works department and his family as well as a Northwest School District bus driver were involved in tragedies on the roads. The Northwest Local School Transportation office is sponsoring a blood drive on June 1. He said that we will relay information when available and how we can help.

#### **CITIZEN ADDRESS**

Dale Ramminger of 8396 Wuest Road approached the Board because he is having a difficult time with a fence and his neighbor. There are tree branches and limbs in between the neighbor's two fences. He said Dr. Rochke said 10' limbs are not rubbish.

In response to Mr. Deters, Mr. Reuter said there is some experience with yard waste debris.

Dr. Roschke is ill tonight and the Board would like to hear from her.

Mr. Ramminger will contact Mr. Reuter at his office.

Mr. Wolterman said he seems to have a legitimate concern and Mr. Deters agreed.

Mr. Ramminger said his request is to have the limbs removed along with debris in between the fences.

#### **UNFINISHED BUSINESS**

##### **POLICE DEPARTMENT**

##### **Part-Time Clerk Hiring Update**

Chief Meloy said as of May 7, 2010, 16 persons applied for the weekend clerk positions. One candidate removed himself from the process prior to the interview step. The interviews were scheduled for Monday, May 24 and Tuesday,

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May 25. Now, six candidates remain and they will now move to the background investigation phase. He said he plans to have a hiring recommendation in June.

#### **PUBLIC WORKS**

##### **Geraldine Drive Reconstruction SCIP**

Mr. McClain said that the Ohio Public Works Commission (from whom we obtain SCIP grants) has requested a resolution from us specifying David Foglesong as our designee for applying for the Geraldine Drive reconstruction grant.

Mr. McClain read Resolution 31-10, "Authorizing D. Foglesong to Prepare and Submit an Application to Participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to Execute Contract as Required."

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

Mr. Deters. "Aye"

Mr. Wolterman. "Aye"

#### **PARKS AND SERVICES**

##### **Clippard Park Update**

Mr. Schwartzhoff requested the Board approve change orders, as recommended by the architects. He said these have no cost increases. The change orders increase the contract time for Complete Construction, Steve Hattersely Plumbing, and Atkins and Stang by 111 days. This is due to weather causing delays.

Mr. Wolterman said he has no problem, but hopes they will not rest on the breathing room.

Mr. Schwartzhoff said they have been working this week.

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

Mr. Deters. "Aye"

Mr. Wolterman. "Aye"

#### **ZONING**

##### **Sharing Hope Update**

For Dr. Roschke, Mr. Foglesong said that the Sharing Hope fundraiser, "HopeFest" was a success. After minimal expenses, the dinner, raffles, and auction raised \$2,264.50

##### **House Bill 393**

For Dr. Roschke, Mr. Foglesong said Ohio House Bill 393 passed the Ohio House on May 19 by a vote of 95 to 1. The bill seeks to shorten the time frame for responding to repeat nuisance offenses. It now must be considered by the Ohio Senate.

#### **ADMINISTRATION**

##### **State of the Township**

Mr. Foglesong said the Board had discussed a State of the Township presentation on June 8, 2010. He suggested the Board begin that night with

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Executive Session at 5PM and hold the presentation at 6PM, with regular business at 7PM.

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

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

Mr. Wolterman recognized a Boy Scout in attendance. He introduced himself as Sam Moore from Troop 641 from St. John the Baptist.

#### **Public Buildings**

Mr. Foglesong said he will present information on the public building electric energy charges at the June 8, 2010, regular meeting.

#### **Pay Rate Change**

Mr. Foglesong said Chief Meloy completed the required probationary period in 2009 and therefore is due an increase in salary. He suggested the Board increase his salary by \$3,200/year effectively immediately.

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

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

#### **NEW BUSINESS**

##### **POLICE DEPARTMENT**

##### **Mutual Aid Agreement**

Chief Meloy said that a recent incident required review of our mutual aid agreement with the City of Cincinnati. We found that the City of Cincinnati does not have a current agreement with Colerain Police Department. This resolution fulfills the requirements necessary to ensure consistent and expected cooperation between the two agencies.

Chief Meloy read Resolution 32-10, "Authorizing Execution of Hamilton County Local Government Mutual Aid Agreement for Law Enforcement."

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

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

##### **FIRE DEPARTMENT**

Chief Smith recommended the Board approve the termination of employee of Lisa Hogeback, effective today.

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

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

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**ZONING DEPARTMENT**

**Nuisance Resolution**

For Dr. Roschke, Mr. Foglesong read Resolution 33-10, Nuisance Abatement.

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

Mr. Wolterman asked about the timing with a change of ownership. Mr. Reuter said they tend not to cut the time too close and notify more entities than needed.

The roll was called:

Mr. Deters. "Aye"

Mr. Wolterman. "Aye"

**Request for Public Hearing**

For Dr. Roschke, Mr. Foglesong said the Land Use Advisory Board has completed its review of the Southeast Sector and has prepared an update as part of the regular five-year update process. He said that we will wait until the June meeting to set-up the hearing.

**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. Wolterman. "Aye"

The Fiscal Officer has recorded the following receipts:

<b>REC</b>	<b>VENDOR</b>	<b>FOR</b>	<b>AMOUNT</b>
281-2010	Police Dept.	March Reports	5.15
282-2010	Police Dept.	April Reports	2.35
283-2010	Rumpke Sanitary Landfill	March Solid Waste Disposal Fee	71,763.34
284-2010	Time Warner Cable	1 <sup>st</sup> Qtr Franchise Fees	88,897.11
285-2010	OTARMA	Reimburse Brd. 4/29/10	724.00
286-2010	Fire & EMS Dept.	Inspection & Plan Review Fees	90.00
287-2010	David Foglesong	Copies	5.00
288-2010	Fire & EMS Dept.	EMS Billings	62,191.84
289-2010	Parks & Services	Groesbeck Plans	1,650.00
290-2010	Police Dept.	Court Reimbursement	6.00
291-2010	Senior & Comm. Ctr.	Prog Fees, Rent Event Dep, Rent Event Fee, HDM Don, Lunch	949.25
292-2010	Police Dept.	Vendor Permit Fee	150.00
293-2010	Planning & Zoning Dept.	Certificates, Other	706.00
294-2010	Police Dept.	Court Reimbursement	12.00
295-2010	Police Dept.	DUI, Drug, State Park and Juvenile Traffic Fines; and Jury Reimbursement	532.00
296-2010	Senior & Comm. Ctr.	Prog Fees, Rent Event Dep, Rent Event Fee, Room Rent Fee, HDM Don, Lunch	1,711.72

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297-2010	Police Dept.	Court Reimbursement	84.00
		Shelter, Amphitheater, Baseball Field and Concession Stand Rentals, and Court Order Repayment	
298-2010	Parks & Services		1,725.00
299-2010	Planning & Zoning Dept.	Certificates	545.00
		CTTC Rent, Reimb. T-Shirts, Signs, SPR, Overpay Atty. Fees, Reimb. Fire Inst. Exam, Cell Calls	
300-2010	Fire & EMS Dept.		9,440.76
301-2010	Dusty Rhodes, HCA	Property Maint. Reimb.	1,000.00
302-2010	Dusty Rhodes, HCA	Recycling Incentive Program	12,473.18
303-2010	Dusty Rhodes, HCA	2 <sup>nd</sup> Half Estate Tax Advance	5,800.00

Mrs. Harlow requested the Board make an appropriation adjustment from 1000-930-930-0000 (contingencies) to 1000-990-990-0000 (other financing uses) in the amount of \$578.28. Mr. Deters made such motion and Mr. Wolterman offered the second. The roll was called:

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

**ADJOURNMENT**

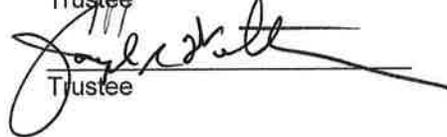
With no further business to come before the Board, at 7:43 PM, Mr. Deters motioned for adjournment. Mr. Wolterman offered a second.

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

  
Fiscal Officer

  
Trustee

  
Trustee

  
Trustee



Phone: 330 995-2675  
Toll Free: 888 862-6060  
Fax: 216 274-9176  
naturalgas-electric.com

March 15, 2010

To: Joe Wolterman, Colerain Township Trustee

From: Mark Burns

Subject: **Electric Aggregation Program Questions**

Shown below are my replies to a series of questions you recently raised concerning Colerain's electric aggregation program. Please call me if you have further questions.

**Q1.** Mr. Deters states that he cannot support aggregation (even though the public voted in favor) because it would cause an increase in some resident's rates. Can you address this issue with the facts of how you handle and determine this and also in your experience what percentage of Duke's customers would fall into this category?

**A1.** The simple fact is the rates would not increase for any resident. If that were the case, and it is not, we would identify them and exclude them from the program. There is an enormous amount of "head room" between the Duke Energy Price to Compare (avoidable costs from Duke for a shopping customer) and the fixed rate offer of 6.2 cents/kWh that we recommended in our bid review 3/3/10. Shown below is a calculation of the price to compare values for Colerain residents using prior 12-months usage history obtained from Duke Energy's pre-enrollment list. **Note from the table below and associated histogram chart on the next page that ALL are well above 6.5 cents/kWh and MOST are above 9.5 cents/kWh!**

<i>PTC Bins</i>	<i>Frequency of Occurrence</i>	<i>Cumulative %</i>
6.5	0	0.00%
7	2	0.01%
7.5	52	0.25%
8	446	2.31%
8.5	1336	8.50%
9	2098	18.21%
9.5	3582	34.79%
10	13699	98.19%
10.5	352	99.82%
11	38	100.00%

It is interesting to note that a 15% discount off the current Duke price to compare yields a rate of 8.02 cents/kWh. That's what the lion's share of your residents would be paying if you select a percent discount offer. That is why we are not recommending the 15% discount that FirstEnergy Solutions is willing to provide. It makes no sense to consider that option, when all of your residents can pay 6.2 cents/kWh and all will save. 6.2 cents/kWh is an equivalent 34.3% savings!



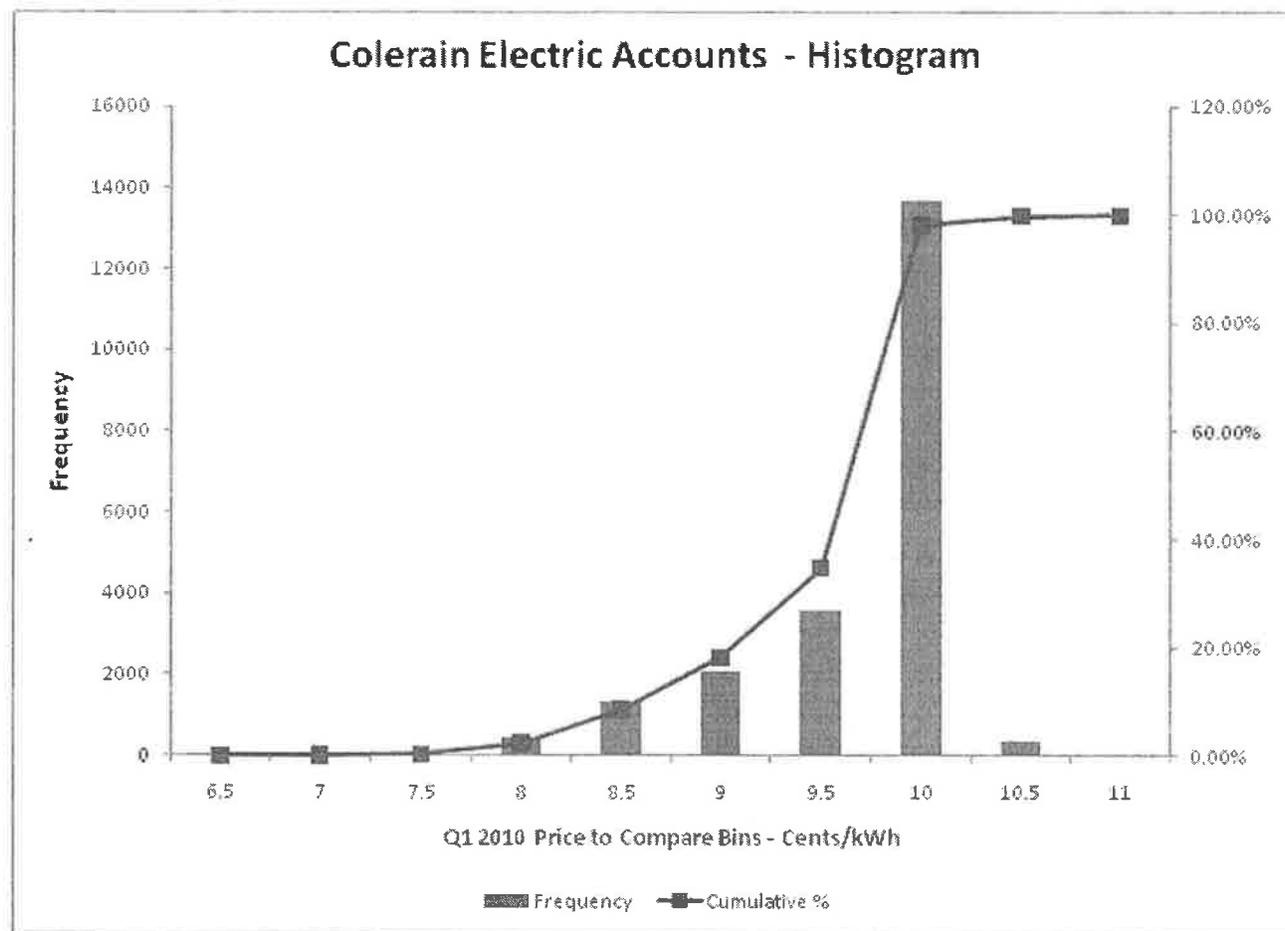
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**Q2.** Mr. Ritter states that he is against it because of a perceived inflation due to your commission or fee. Please explain or dismiss this point.

**A2.** We make no apologies for our fee and it was well known when we were hired and rehired. Here are a few points to put this issue into perspective.

- If you move forward with a program, our fee reflects a 25% discount that is passed on to your residents in the form of lower rates.
- Our fee of \$0.00045 is very low by industry standards. Many consultants/brokers charge \$0.001 to \$0.002/kWh. Please contact FirstEnergy Solutions and/or Dominion Retail if you care to confirm this.
- We more than make up for our fee by the competition we create resulting in a lower net fee to our clients.
- We handle the administrative tasks of running a program. This relieves a supplier from having to handle many tasks and our overhead is considerably lower than that of a large electric supply company.
- We have been working for you since April 2005 and have not yet earned a penny for our efforts supporting your electric aggregation program. We helped get your ballot passed, we held 2 public hearings, we obtained your PUCO certification and recertification 2 more times since then, we have spent countless hours issuing RFPs and working with suppliers on your behalf, we have prepared numerous reports and bid presentations to you, along with quarterly and annual reports to the PUCO, and the list goes on. To question our fee now is inappropriate.
  - We have donated \$33,940.46 to Colerain and/or your residents in your gas program. We have donated \$110,160.50 collectively to Colerain, Springfield and West Chester.
  - I even personally donated to Mr. Ritter's reelection campaign - at his request.
- Finally, I would ask you to consider the following. None of this would be possible had it not been for the efforts of Independent Energy Consultants, Inc. Can you think of any other consultants that work for Colerain that:
  - Do not charge you a fee, and
  - Return 25% of their administrative fee to the community, and
  - Have brokered an offer that would save your residents, small businesses and government owned facilities \$7 million annually, and
  - Provides an estimated civic grant of \$170,000 to your general fund for you to use as you see fit.
  - I think an objective individual; would be thanking this consultant instead of undermining his efforts, challenging his recommendation and acting against the directive of his/her voters.

**Furthermore Duke's Q2 rates were recently announced and they will be going up again. If you had already selected a percent discount offer, that would have caused a rate increase for your residents.** The fixed rate offer we are recommending gives your residents price protection and the ability to leave free of charge at any time for any reason.





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 naturaigas-electric.com

**Q3.** Also, Duke is offering an "Endorsement Program" that these two Trustees seem to feel is a much better deal for our residents. Please provide your experience with this approach.

**A3.** The question should be moot, but I'll address it anyway.

- Your Trustees discussed at length the pros/cons of opt-in vs. opt-out aggregation back in 2005, before deciding to go with an opt-out program.
- Your voters **PASSED AN OPT-OUT PROGRAM**
- You have an opt-out gas program. Attempting to run an opt-in "endorsement" program would create confusion between the two.
- Opt-In programs generate about 5-15% participation amongst eligible accounts.
- Opt-out programs generate over 90% participation from eligible accounts.
- The vast majority of programs around Ohio are opt-out programs. Those community leaders went through the same thought process and agreed opt-out programs are better for the community. Consumer advocates fought to have opt-out aggregation as part of Ohio's deregulation bill because they too knew it was the best option.
- Colerain and IEC have completed all the hard work to permit an opt-out program. All you have to do now is say yes.
- It does not surprise me that DERS might want to push an endorsement program. The people leading DERS are the same people who used to work for Duke Energy and who opposed Governmental Aggregation for the past 9 years! Now they see Governmental Aggregation growing in popularity as the gap between Duke Energy's rates and the rates from other marketers has grown to over 30%. An opt-in endorsement program, limits the customers switching away from Duke Energy, keeps them in the Duke Energy family of companies, and prevents a community from doing what their voters instructed them to do – form an opt-out aggregation program.
- Please do not lose sight of the fact that DERS has no experience serving residential customers or governmental aggregations; while the other suppliers serve over 100 communities and have been doing so for many years. It's not a trivial matter and you don't want the program causing problems for your staff.
- I think one could also argue that you have an obligation to do what's best for your residents and the community they support. At this time it is clearly an opt-out program that your residents passed at the ballot. The chart below shows the opt-out offer is clearly better in all regards.

Program Type	Estimated Accounts Enrolled	Effective Rate cents/kWh for Most or All	Est. Annual Savings to Colerain	Early Termination Fee	Civic Donation to Colerain
Opt-Out	17,000	6.2 for all	~\$7 million	None	\$170,000
Endorsement	1,900	8.02 for most	~\$300,000	\$50-\$100	None

**Joe Wolterman**

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**From:** "Mark Burns" <mburns@naturalgas-electric.com>  
**To:** "David Foglesong" <dfoglesong@coleraintwp.org>  
**Cc:** "Jeffrey Ritter" <jritter@coleraintwp.org>; <joewolterman@cinci.rr.com>; <ddeters@coleraintwp.org>; "Frank Birkenhauer" <fbirkenhauer@coleraintwp.org>; <fargob@firstenergysolutions.com>; "William. Stout@dom. com" <William.Stout@dom.com>; "Anne Czerwinski" <annec@naturalgas-electric.com>  
**Sent:** Saturday, May 15, 2010 9:26 PM  
**Attach:** ElectricProgramReply031510.pdf  
**Subject:** Colerain's Electric Program

David,

I just read, with great interest, an article about your electric endorsement program.

<http://communitypress.cincinnati.com/article/20100514/NEWS/5140310/Colerain+Twp.+approves+electric+aggregation>

David, we all know the DERS program is a lousy deal versus what we brokered for you. I'll refrain from stating why I think this decision was made, but will ask that my professional reputation not be tarnished by your Board. Also, after 5 years of hard work for Colerain, I would have thought I deserved at least the courtesy of knowing this was about to happen.

I've reattached the analysis I did for you 2 months ago. You might be interested to know that the disparity between what we brokered and the DERS offer has grown even greater - now that Duke Energy's Price to Compare has increased to 9.69 cents/kWh. You might also like to know that we just brokered an offer in your area that is 41% lower than Duke Energy's rates and provides a civic donation.

In closing, I'd like to express my empathy to the suppliers who spent so much time and effort preparing bids that were obviously much better than what was chosen.

Mark Burns, CEM

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