

# HAMILTON TOWNSHIP TRUSTEES

## October 15, 2014

Mr. Weber called the meeting to order at 6:00 p.m. with Mr. Weber and Mr. Wallace present.

Mr. Duvelius was not able to attend due to illness.

The Pledge of Allegiance to the Flag was recited by all in attendance.

Mr. Weber made a motion and Mr. Wallace seconded the motion to adopt the proposed agenda for the October 15, 2014 meeting.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to dispense with the public reading of the minutes and approve as written for the October 1, 2014 meeting.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to pay the bills before the Board for checks numbered 73866 through 73905.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to pay the withholding checks for checks numbered 73846 through 73865 and payroll direct deposit vouchers numbered 1829 through 1917.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Ms. Melissa Brock, Human Resources, stated Major Scott Carlton with the Police Department started his transitional duty as of yesterday and will last through the next four (4) to six (6) weeks.

Ms. Brock asked the board to make a motion to approve a 90 day Leave of Absence request for Mr. Thomas Duvelius, Hamilton Township Fire Rescue, beginning October 8<sup>th</sup>, 2014 through January 8<sup>th</sup>, 2015.

Mr. Weber made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Ms. Brock asked the board to make a motion to approve an unpaid medical leave of absence to Ms. Diana Little, Hamilton Township Fire Rescue. Ms. Little was involved in a non-work related incident that will require time off. The absence will begin October 24<sup>th</sup> and last a minimum of four (4) weeks until she receives a full non-restrictive duty acceptance letter from her physician.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Ms. Brock asked the board to make a motion to approve the purchase of cemetery lots to Mr. Jerry Krebs within the Murdoch Cemetery – New Section - lot 132, grave 1, 3, & 4 at the current resident rate of \$400.00 each or a total of \$1,200.00. The deed number is #2014-22.

Mr. Weber made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Ms. Brock asked the board to approve Cemetery Policy CEM-02 Fee Schedule with clarification of the new 2014 rate from this point forward to be listed as a resident cost of \$600.00 and a non-resident cost of \$1,200.00 per gravesite.

Mr. Weber made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Gary Boeres, Administrator, stated he sent the Board an email containing a bid proposal for Mounts Park hay/mowing. At the last meeting Ms. Becky Ehling raised the issue that there may already be a valid, written contract with another person to bail the hay. Mr. Boeres reported that no written lease or contract was found by the Township of such an agreement, but a verbal agreement was made by former trustees when the property was sold to the Township years ago. Receipts of \$100 each were found for proof of payment to the Township from Carl Oeder Trucking for the past three years. Mr. Warren Ritchie, Law Director, stated we are not bound by a verbal agreement at all. Mr. Wallace wanted to make sure this was only a verbal agreement. Mr. Boeres stated there was no written agreement found and no other parties could produce a written agreement. Mr. Wallace stated Ms. Becky Ehling mentioned the agreement last meeting and it was verbal agreement with her father, Fred Oeder, when he was a trustee. Mr. Boeres stated in a phone conversation, Mr. Oeder felt the verbal agreement dated back to when the property was sold to the Township. Mr. Wallace wanted to know who was aware of such an agreement whether it was written or verbal. Mr. Wallace asked Mr. Boeres if he was aware of it. Mr. Boeres stated no. Mr. Weber stated he was not aware of it. Mr. Wallace stated the people who were aware of it were the Oeder family or at least Ms. Ehling and our past Fiscal Officer, Ms. Jackie Terwilleger. Mr. Boeres agreed with the assumption that Ms. Terwilleger would be aware of it because she receipted the money. Mr. Wallace stated this is the type of behavior that upsets the residents of the community and wanted people to know that as soon as the Township is made aware of these items, the township will do what we can to stop it. Mr. Wallace doesn't think that \$100.00 for 12 acres was fair market value. When Mr. Wallace talked to local farmers, he found just bailing hay alone can get them anywhere from \$5,000.00-\$8,000.00 for such acreage. Mr. Wallace felt the verbal agreement between the Oeder's and the Township was a conflict of interest and the Township received a low end price for the agreement. Mr. Wallace did not want to continue that kind of practice here in the Township. Moving forward, these types of agreements need to be approved by the Board of Trustees. Obviously a verbal agreement lasting thirty something years that went un-noticed by the new elected officials would not be honored. Mr. Boeres then reviewed the information he was going to include in the bid packet to be distributed to the community.

Mr. Weber made a motion and Mr. Wallace seconded the motion to advertise for bid the bailing of hay at Mounts Park which includes the grass cutting and weed cutting twice a year.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres reported the findings of the IT Committee. It was previously discussed to use Go Concepts out of Lebanon for IT Services. Since then there were two (2) other companies that requested a meeting to discuss services. Firefighter Sean Connelly had met with the companies and brought the information back to the Committee. The Committee is now recommending the township move forward with Martin & Associates at a lower price than what was bid by Go Concepts. The email licenses will be purchased separately and will use Time Warner for the connectivity. The contracts will be forwarded to Mr. Ritchie for review and exact pricing will be brought before the board at the next meeting. There will be a transition period of two (2) to three (3) months and some hardware that will need to be purchased. Mr. Boeres commended all who serve on the IT Committee for all their hard work to save the township more money. Mr. Rusty Holman, Volunteer Financial Analyst, stated there is a sequence to follow, cancel MindShift Technologies, and run fiber-optic cable to the Administration Building from the Fire Houses and Maintenance Department. Then a server would be installed at the Administration Building and the purchase of email licenses would happen. No IT equipment will be purchased any place in the township without competitive bids and referring it back to the committee.

Mr. Boeres stated the Hamilton Township Fire Rescue Mandate Policy was submitted to the Board. There was a small change since then and that is the removal of overtime from the policy language. The Chief will draft a separate policy just for overtime. The updated policy is in response to recent Staff shortages in the firehouse. Mr. Weber noted employees would still get paid for overtime if they deserve it. Mr. Wallace asked if this policy would ensure there would be six (6) personnel on shift at all times. Chief Greatorex stated it should, but will come with some dispute from the union. Mr. Boeres stated the original policy has been shared with the employees. Chief Greatorex stated the revised policy would be shared when the Board approves it. This does not preclude personnel from going in on days prior to short days. The shifts can still be picked up days prior.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve the Hamilton Township Fire Rescue Standard Operating Procedure, Subject Full Time Personnel Mandate Policy #1.20 effective October 16, 2014.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres gave an update on Tax Increment Financing Funds (TIF). At the last meeting plans were approved for Kiddie Academy. Some funding will be recommended for the public right of way on State Route 48. Mr. Ritchie will review some documents and then it will be presented to the Board. The funding would be for a right turn lane into Kiddie Academy on State Route 48. More information will be brought to the next meeting. Mr. Ritchie stated he wanted to review the documents as it suggests the developer would obtain bids for the work, but do the work themselves and the TIF Funds would go to compensate them. That is not how TIF Funds are normally structured. Public improvements are typically projects the township would advertise for bid and have direct control over the funding.

Mr. Boeres prompted discussion in regards to the Mounts Park fishing lake and opening it up another time this year. Mr. Boeres took this to the Park Board who voted to wait until next year.

Mr. Boeres requested an Executive Session to discuss Employee Discipline.

President Weber opened the floor to the public.

Ms. Ruth Phipps, 10429 Cozaddale Murdoch, spoke about opening the park for fishing for the next three (3) weekends. Ms. Phipps volunteered to be the one to open and shut the gate during operating hours. She feels the park should be open to the public so everyone can enjoy its beauty. The residents need this and families need this amazing park. Mr. Wallace thanked Ms. Phipps for speaking and likes the idea of opening it for more weekends. Mr. Weber agreed it was a beautiful place. His only concerns are liability issues, the Police Department's gun range and providing adequate signage.

Mr. Mike Cremeans, 9603 State Route 48, stated he agreed with Ms. Phipps one hundred percent. Mr. Cremeans stated the township keeps worrying about liability, but it is a park and people are in there all the time whether it is open or not. Mr. Cremeans asked if the township was still liable if an accident happens when the park is closed. Mr. Wallace stated the township can mitigate risk, but can't police it. Ms. Phipps stated if funding is an issue Phipps Towing can donate cans for garbage or money for signage. Mr. Kenny Hickey, Maintenance Foreman, stated signage was needed. Mr. Cremeans asked if the park does open up next year, would it have to be closed during the range qualification times or would it stay open. Police Chief Jon Wheeler stated there are only a few qualification weeks per year.

Ms. Pat Cremeans stated Ms. Phipps should have gone to the last Park Board meeting because there was no one there that was in favor of opening the park again this season. Ms. Cremeans does not think volunteers are needed and she regrets voting no to not open the park anymore this year. She would like to see it open. Ms. Phipps apologized for not going the Park Board meeting.

An audience member stated the lake is very tranquil and he would love to see it open. There are many other Warren County parks that have no staffing during operating hours and he believes it is not needed here.

Mr. Weber made a motion and Mr. Wallace seconded the motion to open Mounts Park for the next three (3) weekends as soon as Chief Wheeler gets clearance that the qualifications are the shooting range have been completed. The hours will be from dawn to dusk.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

A round of applause was given.

Fire Chief Mark Greatorex stated he could have the gate open and shut by the Firefighters at Station 77 in the morning and evening hours.

President Weber closed the floor to the public.

Mr. Ray Warrick, Fiscal Officer, stated the board had received their monthly information packets which includes the bank reconciliation. To date the township has brought in 97% of the revenue projected and 76% has been spent of what was appropriated.

Mr. Warrick stated he is currently trying to negotiate lower rates for the Township's liability insurance. The township is paying a high amount because of a poor track record the last ten years. Mr. Warrick would also like to have more discussion amongst management before calling the insurance company to make a claim.

Mr. Warrick asked the board to make a motion to approve Resolution #14-1015 authorizing the adoption of the Financial Recovery Plan as submitted by the Fiscal Officer. There have been no changes since it was given to them at the previous meeting. The only thing that will change is the date of adoption. Mr. Warrick will then forward the

final copy to the Financial Planning and Supervision Commission for approval at their next meeting on October 27<sup>th</sup>. Mr. Weber stated the document was a great way for the township to explain how we are moving forward and addressing the findings from Fiscal Emergency.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve Resolution #14-1015 authorizing the adoption of the Financial Recovery Plan submitted by the Fiscal Officer.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Warrick asked the board to approve Resolution #14-1015A authorizing the amendment of the 2014 Permanent Appropriations. This removes the Helping Hands Fund. This was shown on the township books, but the township never had the money. The Cemetery Appropriations also needed an increased in order to continue to pay for cemetery mowing.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve Resolution #14-1015A authorizing the amendment of the 2014 Permanent Appropriations according to Exhibit A which includes the adjustments for the Helping Hands Fund 2903 and the Cemetery Fund 2041.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated the General Fund is at 88 percent for its revenue status for the year. The only blanket certificates currently open are for salaries, insurance and utilities. The Road and Bridge Fund is 100 percent appropriated. This fund has been closed. The Police Department is operating at 66 percent for the year, but there are some buy outs that come at the end of the year. The Fire Department is at only 53 percent for the year, well under their appropriations. The Lighting District and TIF Funds are high, but the expenditures from those funds have already been made.

Mr. Warren Ritchie, Law Director, had nothing new to report.

Mr. Wallace thanked the residents who came out to support the parks. Mr. Weber thanked everyone for their emails and calls about Mounts Park.

Mr. Warrick mentioned as the township moves forward discussion about the Police Levy must begin. The board will have to start thinking about how to approach it and view what other levies may on at the same time.

Mr. Bill Dowden, 1341 Meadow Vista Drive, expressed his concern about the vocational school levy and not being able to obtain information.

Mr. Weber made a motion and Mr. Wallace seconded the motion to enter into Executive Session at 7:26 p.m. to discuss the Employee Discipline with Ms. Brock, Mr. Boeres, Mr. Ritchie, Mr. Warrick, and the trustees.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to return from Executive Session at 8:55 p.m.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber noted Executive Session was to discuss an Employee Discipline.

Mr. Weber made a motion and Mr. Wallace seconded the motion to adjourn the meeting at 8:55 p.m.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes