

Trustees & Clerk
(513) 722-3400

Zoning
(513) 722-3400

Service Department
(513) 722-4600



Police
(513) 722-3200

Fire & E.M.S.
(513) 722-3473
or
(513) 722-3500

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Minutes
7:00 p.m.

Goshen Township Board of Trustees

Regular Meeting
January 26, 2010

Opening

Jack Kuntz called the meeting to order. Lisa Allen led in prayer. The pledge was recited; and roll was taken. Jack Kuntz; present. Ray Autenrieb; present. Bob Hausermann; present.

Adoption of Agenda

*** Ray Autenrieb moved to accept agenda as presented with additions of item D to call a special meeting to discuss the budget on Saturday February 6th at 9 AM. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

***Ray Autenrieb moved to add item E to the agenda moving to appropriate \$5000 to fund 2031-760-790-000 Gaynor Road Expenses. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

*** Bob Hausermann moved to add item F to the agenda to introduce and hear a report from Legal Director Bob Malloy of Wood Lamping. Ray Autenrieb seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

*** Bob Hausermann moved to accept the minutes of December 22, 2009 and January 12, 2010. Ray Autenrieb seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

Communiactions & Announcements

The park board submitted a letter letting the trustees know that the resignation of Kendra Schroer was accepted at their last meeting. They're asking the trustees to appoint a replacement.

*** Ray Autenrieb moved to accept the resignation as stated by the Township Administrator. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

Jack Kuntz thanked Ms. Schroer for her service. He'd like the park board to make a recommendation of who they'd like to see replace her at the next Trustee's meeting on February 9, 2010.

New Business

Motion to select which two trustees will serve on the Goshen Twp Volunteer Firefighters Dependent Fund.

This fund will cover part time and volunteer on call employees who may be killed in the line of duty. Benefits paid to spouse and/or children. The ORC requires Goshen Township to have a board

**6757 Goshen Road
Goshen, Ohio 45122**

for this group. That board only meets in the event of a death or disability to one of these employees while in the line of duty. 2 of the 3 members of this board must be trustees.

Bob Hausermann and Ray Autenrieb volunteered.

*** Bob Hausermann moved to have Ray Autenrieb and Bob Hausermann be the two individuals from the trustees to serve on this board. Ray Autenrieb seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb, yes.

Zoning Commission Membership Recommendations

Lou Ethridge spoke about three motions that are needed.

The first is to reappoint Elbin Miller to the Zoning Commission with a term to expire December 31, 2014.

The second is to appoint Robert Haufle to fill the unexpired term now vacated by newly elected trustee Bob Hausermann. This term will end December 21, 2011. Mr. Haufle has served as a second alternate on the board for the past two years.

The third is to allow Lou Ethridge to advertise for additional applicants who may be interested in serving on the Zoning Commission.

***Ray Autenrieb moved that Elbin Miller be accepted for a 5 year term appointing to the Township Zoning Commission. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

Bob Hausermann stated he'd like to postpone appointing Mr. Haufle to the Zoning Commission until the Township can see what other candidates may be interested in serving.

***Bob Hausermann moved to advertise for additional candidates for the Zoning Commission. Ray Autenrieb seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

News Releases

Ray Autenrieb stated that Mandy Storer will be on Maternity Leave for a period of at least 6 months. He would like the media to contact Chief Snyder or Chief Pegram for news stories in the future.

Special Budget Meeting

*** Bob Hausermann moved to hold a special meeting to discuss budget issues on Saturday, February 6, 2010 at 9 AM at the Town Center. Ray Autenrieb seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

Police and Fire Department budgets will be discussed at this meeting.

Capital Improvements

*** Bob Hausermann moved to transfer \$5000.00 to 2031-760-790-000. Ray Autenrieb seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

Introduction and reports from Bob Malloy

Legal Director Bob Malloy introduced himself and gave a brief history of his experience working in other governmental agencies.

Jack Kuntz noted that Mr. Malloy's services are also available to other Township groups including the Park Board and GCIC. Mr. Kuntz stated he has asked Mr. Malloy to look into a few issues since the last meeting and that Mr. Malloy will now offer an opinion on said matters.

Appointments and Contracts

Mr. Malloy stated he had been asked to look into if the ORC spoke about the appointment of Township employees. Mr. Malloy said the appointment of employees is covered under ORC 5-11-10. This states that employees serve at the pleasure of the trustees and may be removed by a majority vote at any given time. He stated that Townships may not do more than what is explicitly defined within the ORC. He advises that appointments or contracts be evaluated to make sure they're consistent with this part of the ORC. Jack Kuntz notes that this is in no way to criticize or demean contracts offered to Lou Ethridge or Kathie Alley by the previous board. It merely says contracts with provision of them being fired only for cause is an overreaching of the Board of Trustees.

***Ray Autenreib moved to accept the report of the Legal Director related to this issue. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenreib; yes.

Bob Malloy stated he's not recommending any further action on this matter. He was just asked to state his opinion on the matter.

Conflict or compatibility matters of an appointment of a Zoning Enforcement Officer with a position of being a member of the Township Zoning Commission

Attorney General opinion 85-052 was cited. This is note case law. The opinion stated that there is incompatibility in this situation. The rule in Ohio is that the acceptance of the second appointment is the same as a resignation of the original appointment. Mr. Malloy stated that from his understanding of the current situation, an acceptance of an appointment to Zoning Inspector would also serve as a resignation from the position previously held on the Zoning Commission. Mr. Malloy again stated that this is a report, and no action has been recommended.

**Ray Autenreib moved to accept the report of the Legal Director applicable to the Zoning. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenreib; yes.

Ramifications from the Zoning Commission Vacancy and how it make impact another organization on which this individual serves- namely the GCIC.

Jack Kuntz would like an opinion on this issue by the next meeting. Bob Malloy stated he would do that. His partner Jeff Forbes may be attending meetings from time to time and will likely be present at the next meeting on February 9, 2010 to report on this issue.

Community Forum

Jack Kuntz asked the crowd to use the podium to make comments.

Steve Holland spoke about a major drug round up he read about in the newspaper. He thanked Ray Snyder and TJ Corcoran for their work in pulling this off. He wants to make sure the request for a new police officer is heard and filled. He'd like the new board to address this issue.

Jeff Corcoran spoke about the legal opinions offered by Bob Malloy. He asked if it was Mr. Malloy's opinion that Township's are not allowed to contract with their employees. Mr. Malloy replied that was not his opinion just that said contracts are legal, they just must be in compliance

with section 5-11-10 of the ORC. Mr. Malloy advised that he has not had a chance to review the current contracts between the Township with Mr. Ethridge and Ms. Alley. Mr. Corcoran asked about the position of Code Enforcement Officer being incompatible with the Zoning Commission role. Mr. Malloy advised Attorney General does not outline which office must be resigned- just that case law states acceptance of the second position has been accepted as a resignation of the first. Mr. Corcoran also questioned Trustee Hausermann's vote at the last meeting to do away with anti-nepotism clauses in the policy manual. Mr. Hausermann stated his goal here was to make it so Goshen residents were not immediately removed from the candidate pool due to another relative already working within the Township. Mr. Corcoran asked why a Hamilton County lawyer was chosen then over a local Goshen law firm. Mr. Hausermann stated he had not been sworn in when interviews were conducted for law firms. Mr. Kuntz stated the interviews and position of Legal Director was never advertised. The board advised George Pattison was also interviewed in December for this position. Mr. Corcoran stated that there is a civil unit to the prosecutor's office that is free. Mr. Malloy stated he does not charge for travel time to and from meetings, just the time he is with the Township during meetings.

Donnie Combs spoke about wanting to turn a double wide trailer on Parker Road into a multi-family unit. He says Ray Sebastian has approved this so long as a firewall is built. Mr. Combs says the process of getting the OK on this is a nightmare and too complicated. Lou Ethridge advised that he did receive the request from Mr. Combs, but the letter of consent has not yet been issued because of a problem with the size of the double wide (1800 sq. ft.) vs. the R-3 requirement in our zoning resolution stating that each residence must be 1400 sq. ft. Jack Kuntz advised Donnie Combs to put in writing exactly what he wants. Mr. Ethridge advised Mr. Combs that he can present his case to the BZA for a variance if he likes. Jack says he will look into this and respond to Mr. Combs soon.

Tom Risk spoke about getting the meeting aired on public access TV. Ray Snyder says he will look into this.

Adjournment

*** Ray Autenreib moved to adjourn. Bob Hausermann seconds; motion carries. J. Kuntz; yes. B. Hausermann; yes. R. Autenrieb; yes.

Respectfully Submitted by:

Lisa Allen

Trustee