

REGULAR

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OPENING OF MEETING

Mr. Ritter called the meeting to order at 6:00 PM. Mr. Deters, Mr. Wolterman and Mrs. Harlow were in attendance.

EXECUTIVE SESSION

Mr. Foglesong requested the Board enter Executive Session for the purpose of discussing pending litigation, negotiations for the purchase of property, and the employment and compensation of a public employee or official.

At 6:01 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. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Ritter said that Paul Casper of Frost, Brown, Todd law firm would join them in Executive Session.

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 changes to the March 9, 2010, regular meeting. There were none. Mr. Deters made a motion to approve the minutes as submitted and Mr. Wolterman offered the second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Ritter asked for changes to the March 23, 2010, regular meeting. Mr. Ritter requested that Mr. Foglesong's comments read as, "Mr. Foglesong said the

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adoption allows debt service to go from 5% of the township's assessed value to 5.5% or 10% with voter approval."

Mr. Deters made a motion to approve the minutes as amended and Mr. Wolterman 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 said the following statistics were generated in March 2010.

- 69 cases were assigned to the Sheriff's Criminal Investigation Section and 42 were closed, with \$41,504.00 in stolen property recovered.
- 6 D.U.I. arrests by County contract and non-contract Deputies.
- 172 citations were issued by Hamilton County Sheriff's Office Colerain contract cars.
- 175 citations by non-contract Deputies with a total of 347.

Police Chief Meloy said the Township's department issued 448 citations with 13 arrests for DUI.

TRUSTEE REPORTS

MR. DETERS

Mr. Deters said he wanted to recognize the citizen police academy graduates and student police academy graduates. It's an impressive program and it says a lot about our citizens and their commitment to our community. Congratulations!

MR. WOLTERMAN

Mr. Wolterman said that May 7 is Relay for Life at Colerain Park. There are 800 registrations for the event. The planners are looking to set a record!

Mr. Wolterman said he attended the Senior Center volunteer recognition dinner. He said there are thousands of hours volunteered there.

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Mr. Wolterman read a proclamation for Bunny Borchelt. He said she will be recognized tomorrow at the CTBA breakfast, in light of her retirement. The proclamation read:

Be It Proclaimed by *the Township Trustees of Colerain Township, that*

Whereas the community of Colerain Township has been richly blessed by Bunny Borchelt's devotion to help needy families, and

Whereas what began as an idea in 1981 to collect food for families on an emergency basis, with no monthly income or budget, grew into a year-round program helping thousands of families, through SON Ministries, and

Whereas not only was Bunny instrumental in providing food for Colerain Township families, but through a grant from the Charles Dater Foundation, SON Ministries distributed clothes, shoes and supplies for children returning to school, and

Whereas in the fall of 2006 Bunny facilitated a program, Nate's Toy Box, which guaranteed needy children would have packages to open on Christmas morning, and

Whereas Bunny Borchelt is retiring as Director of SON Ministries, now therefore,

Be it Proclaimed that the Colerain Township Board of Trustees recognizes Bunny Borchelt for her love, compassion and tireless efforts to improve the lives of thousands of families in the Colerain Township area.

Mr. Wolterman said that at the retreat they discussed the condition of US 27 between Struble and 275, regarding the cleaning by Rumpke. Mr. Birkenhauer will provide the formal report, but they did meet with Rumpke officials to discuss this. He said that Colerain Township is going to spend money on the streetscape, which includes this area. The road condition was brought up by staff, who felt that Rumpke needed to improve the condition. Jeff Rumpke is in charge of the project. In the last year, the landfill has installed a three-quarter

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mile concrete road and they are looking at various wheel washing equipment. They will adopt this stretch of street.

MR. RITTER

Mr. Ritter commended Ms. Sprenger for the wonderful Senior Center volunteer dinner.

Mr. Ritter said he attended the CMHA meeting on rent reasonableness standards. This is going forward. He has updated his tracking on the number of units in Colerain and will make a presentation to the Board at next meeting.

Mr. Ritter discussed the Township update meeting. It is his personal belief that it has merit, but he didn't poll the Board. His suggestion is to do it before the regular meeting on June 8, at 6PM, with executive session from 5-6. Mr. Wolterman said the update for the CTBA was the presentation of the streetscape by KKG. That same presentation for the residents is scheduled for April 29, in Chambers. It is a good presentation and involves interactive prioritizing. It is most important to get that feedback from the residents. He doesn't have a problem scheduling another meeting again. Mr. Ritter said he anticipated five minutes from each department head and the trustees, and that it seems redundant to do the streetscape presentation again. Mr. Deters said that it should be comprehensive. Mr. Wolterman encouraged department heads to be creative with audio and visual.

Mr. Ritter discussed the Electric Aggregation program. He provided some qualitative reasons for selecting Duke for the program:

- Established company, well known in Colerain Township
- No middle-man or broker means more savings for residents
- Resident flexibility: Residents and businesses can choose their preferred pricing structure (guaranteed % discount or fixed price) to ensure maximum savings. A single fixed price program will result in certain residents businesses saving very little or possibly paying a higher price, than they would otherwise pay to the utility
- Duke is the largest competitive supplier in Southwest Ohio, selling more electricity than all of the competitive suppliers combined
- All of their employees are located in the Cincinnati region
- May be able to leverage Duke relationship with other longer-term Township initiatives (i.e. burying utility lines)

He also offered some quantitative reasons:

- Duke's Fixed Rate bid is "in the zone"

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- They are the only supplier to also offer a “guaranteed discount” approach.

The Duke current regulated price is 6.6-9.61 cents per kWh. The unregulated Duke (opt-out aggregation program) rate is 6.19 cents per kWh, valid through 12-31-11. This is an 18% fixed-rate discount. The Dominion direct solicitation in April 2010 was 5.99 cents per kWh, valid through 12-31-11. He said a \$50 early cancellation fee is charged for early termination with Dominion. The bids from Dominion and First Energy from the IEC bids in March ranged from 6.00 cents per kWh to 6.72, depending on the term of contract. He said the fixed rate bids do not reflected a “civic donation.”

Mr. Ritter said his recommendation is to select an op-out aggregation program. He suggested the Board authorize Mr. Foglesong to go with an opt-in program while the paperwork is filed for the PUCO.

Mr. Deters said he prefers Duke because of the options. He has concerns about being involved with middle person. He supports Duke.

Mr. Wolterman has concerns because we hired a consultant who put together a successful gas aggregation program. That consultant said Duke failed to give them a rate. The consultant gave a good presentation, whereas the Duke representative gave no real facts or proposal with a fixed price. Mr. Wolterman said that Mr. Deters said that he supported the Duke endorsement program. Mr. Deters said that he would like to revisit the opt-out program.

Mr. Wolterman sought a clarification: do we want an opt-in endorsement or opt-in program? He has a problem endorsing a service provider. He questions the legality of that endorsement. The residents voted for an aggregation program. We have had delays and our certificate with PUCO expired, and now we have delays. He does not find Duke to be a good corporate citizen as they charged us \$35,000 to move a pole. He is confused and doesn't understand the Board's position. We need to keep as an open process and go out for re-bid.

Mr. Deters said the ballot issue authorizes Trustees to enter into an aggregation program, but it does not require the Township to have a program.

Mr. Wolterman said that we should open it to competition.

Mr. Ritter made a motion to authorize for Mr. Foglesong to enter into an opt-in program.

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Mr. Deters offered the second.

Mr. Foglesong requested the Board clarify if he is to pursue an electric aggregation program with Duke Retail Sales.

Mr. Wolterman said the Township should not endorse any business service.

Mr. Reuter will review the endorsement and see what our obligations are.

Mr. Foglesong said this is an 18% savings over the regulated rate.

Mr. Wolterman asked, "What is the presentation? What is the program? What will the letter sent to residents say?" We don't have the facts.

Mr. Wolterman said if we have solicited information about Duke's rate increases. Mr. Ritter said the program's rates are locked in through 12-31-11. Mr. Wolterman said that he heard Duke was looking at an increase. Mr. Ritter does not have those facts.

The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "No"

CITIZEN ADDRESS

Bernie Fiedeldey said that in the past, if you had a 100% electric house, you weren't eligible for the electric aggregation. Is this available? He asked about the Township kick-back. Mr. Ritter said there would be no civic donation. Mr. Fiedeldey asked about the corner of Colerain and Springdale. He said that Mr. Reuter said he was putting together a purchase agreement. In light of the fact that Northgate is basically history, the mall is in foreclosure and Feldman's financials are poor, he asked how we intend to pay for the TIF. Mr. Ritter said the mall is not over, but current owner is not looking good. We will have to pay the TIF out of cash reserves and general funds.

James Emmerson of Skyline Acres asked the Board about the property at Springdale and Colerain. Is it contaminated? We don't need to be spending money on the corner. We have better things to spend money on. The property does not need to be purchased by the Township.

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Mr. Wolterman said that we are doing due diligence on this. We will not assume any liability that would jeopardize the Township or its citizens. We recognize the corner as a probable gateway to create a new focus in the Township.

Mr. Emmerson said the gateway is at 275 and Colerain. Mr. Wolterman said that they differ on this and said that what the Township would do at Colerain and Springdale is of more benefit than other retail options.

UNFINISHED BUSINESS

FIRE DEPARTMENT

EMS Billing Resolution

Chief Smith read Resolution 21-10, "Resolution Authorizing Emergency Medical Service Modification of Rates for Resident and Non-resident Billing."

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

PUBLIC WORKS

Geraldine Drive Engineering

Mr. McClain requested the Board hire JMA Consultants to do the engineering work on the Geraldine Drive reconstruction, at a fee not to exceed \$89,700.

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

PARKS AND SERVICES

Clippard Park Change Order

Mr. Schwartzhoff requested a changer order for Clippard Park. He said that there needs to be a booster pump installed for the ball field irrigation system. The system requires 80 lbs of pressure and we have only 34 lbs. We loose pressure because of the distance from the water source on Dewhill Lane and

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because of the two back-flow preventors that are installed prior to the irrigation system.

This is change order #1 for the contract with Steve Hattersly Plumbing:

Original contract: \$38,440.

Change order: +\$3,830

New contract amount: \$42,270

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Donation Acceptance

Mr. Schwartzhoff requested the Board accept a \$30,000 donation from Our Lady of Grace for the playground. He said this will be built on June 19th.

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

LEGAL

Amendment to Resolution 20-10

Mr. Reuter read Resolution 22-10, Resolution Modifying Resolution No. 20-10 Regarding Hiring of Paul W. Casper as Additional Counsel."

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

ADMINISTRATION

Waste Disposal District

Mr. Ritter asked when we will be able to move forward. Mr. Foglesong said the issue is with how the payment will be received.

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NEW BUSINESS

FIRE DEPARTMENT

Part-Time Pay Rate Changes

Chief Smith requested the following part-time pay rate change: David Lillie to \$14.08/hour as a Firefighter/EMT/FAO, effective April 2, 2010.

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

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

POLICE DEPARTMENT

Donation Acceptance

Chief Meloy said Dan Littlepage, a citizen police academy graduate, donated 36 bottles of windshield washer fluid and windshield wiper blades for all of the vehicles in the Police Department. The donation is valued at \$234. He requested the Board accepted this donation.

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

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

PUBLIC WORKS

Part-Time Seasonal Pay Rate Change and Seasonal Hire

Mr. McClain requested the Board approve the following pay rate changes:

- Andrew D. Bittner, to \$10.85/hour, effective May 28.
- Andrew Sullivan, to \$10.03/hour, effective May 28.

He also requested the Board hire the following individuals as part-time seasonal maintenance workers, at a rate of \$9.23/hour, effective May 1, 2010:

- Justin Sturgill
- Patrick Rumpler
- Andrew Engel

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

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

PARKS & SERVICES

Part-Time Seasonal Pay Rate Change and Seasonal Hire

Mr. Schwartzhoff requested the Board approve a pay rate change for Jay Volker, counselor, to \$8.59/hour, effective June 5, 2010. He also requested the Board hire Andrew Bosarge, seasonal maintenance, at a rate of \$8.93/hour, effective May 10, 2010.

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

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

Mr. Wolterman asked if Andrew Bosarge is Tom's son. Mr. Schwartzhoff said it is a relative, but not his son.

Truck Purchase

Mr. Schwartzhoff requested the Board purchase a Ford Ranger 4x4 truck. He said this truck would be assigned to the Park Foreman, who uses the truck to travel to each park/facility to supervise employees as well as to transport crew and materials. He said the cost of the truck is \$18,470.

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

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

ZONING

Nuisance Resolution

Dr. Roschke said they had a great day cleaning up on the rainy Saturday at Clippard Park.

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Dr. Roschke read Resolutions 23-10 and 24-10, Nuisance Abatement.

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

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

ADMINISTRATION

Code of Conduct (while addressing Board)

Mr. Foglesong read Resolution 25-10, "Adopting Rules of Procedure and Decorum for Citizen Participation in Board of Trustee Meetings."

Mr. Deters said the spirit of this is not to restrict anyone's freedom of speech, as that is an integral part of what we do. The Township business needs to be handled in due time. The Chair can allow the person to come to another meeting or speak with us after the meeting.

Mr. Wolterman said the Chair of the Board has the gavel and it is up to the Chair's discretion.

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

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

Resolution for Auction

Mr. Foglesong read Resolution 26-10, "Declaring Intent to Conduct an Internet Auction for the Sale of Unneeded, Obsolete, or Unfit Township Personal Property Effective Until December 21, 2010."

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

The roll was called:

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

Qdoba Opening

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Mr. Foglesong reported that the Qdoba restaurant opened Monday, April 26 at Stone Creek.

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:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
212-2010	Zoning Dept.	Certificates, BZA	1,365.00
213-2010	Senior & Comm. Center	Prog Fees, HDM Don, Lunch, Tran Don	106.50
214-2010	Senior & Comm. Center	Prog Fee, Rent Event Fee, HDM Don, Lunch	2,147.88
215-2010	Senior & Comm. Center	Rent Even Don, Lunch, Misc	767.80
216-2010	Police Dept.	Court Reimb	18.00
217-2010	Public Works Dept.	Snow Removal	1,018.50
218-2010	Police Dept.	Vendor Permit	150.00
219-2010	Police Dept.	Cruiser Sale	2,347.00
220-2010	Police Dept.	Court Reimb	18.00
221-2010	Police Dept.	Court Reimb	6.00
222-2010	Police Dept.	DUI Fines, State Park Fines	810.50
223-2010	Police Dept.	Immobilization Fees	735.00
224-2010	Police Dept.	Court Reimb	48.00
225-2010	Police Dept.	Forfeited Monies	2,541.00
226-2010	Kim Henderson	Postage	1.32
227-2010	Nancy Spears	Copies	0.25
228-2010	Home Depot	Refund	167.73
229-2010	Fire & EMS Dept.	Plan Reviews	150.00
230-2010	Hamilton County Auditor	March Gas Excise	24,727.04
231-2010	Hamilton County Auditor	Motor Veh Reg	1,307.80

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232-2010	Hamilton County Auditor	Jan Tipping Fees	302.12
233-2010	Hamilton County Auditor	2 nd Half Estate Tax Advance	23,100.00
234-2010	Hamilton County Auditor	Dec Tipping Fees	351.48
235-2010	Hamilton County Auditor	Nov. Tipping Fees	486.18
236-2010	Hamilton County Auditor	1 st Half Estate Tax	148,203.67
237-2010	Hamilton County Auditor	Feb Gas Excise	25,212.27
238-2010	Police Dept.	Court Reimb	36.00
239-2010	Senior & Comm. Center	Prog Fees, HDM Don, Tran Don, Lunch	279.35
240-2010	Fire & Ems Dept.	EMS Billing	1,683.00
241-2010	David Foglesong	Cell Phone	20.00
242-2010	Planning & Zoning	Certificates, Other	1,215.00
243-2010	Police Dept.	Court Reimb	24.00
244-2010	Police Dept.	Juvenile Fines, drug Testing Reimb.	14.50
245-2010	Senior & Comm. Center	Prog Fees, Lunch	24.25
256-2010	Public Works Dept.	Snow Removal	404.25
247-2010	Our Lady of Grace Catholic School	Donation for Groesbeck Park	30,000.00
248-2010	Fire & EMS Dept.	Inspection Fees	60.00
249-2010	Fire & EMS Dept.	CTTC Rent, Cell Phone Calls, CPR, Decals, Don, Signs, Fire Buck Reimb., Refund, Medic Class, Reimb Haita Deploy, CTTC	20,123.11
250-2010	Hamilton County Auditor	Motor Veh Feb, Local Gov. Hgwy March, LGF March	51,807.56
251-2010	Hamilton County Auditor	Munc Court Fines Feb, Perm Motor Veh Feb	35,069.75
252-2010	Hamilton County Auditor	Public Utility Reimb	91,393.00

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

- Take \$20.17 from 1000- 930-930-0000 (contingencies) and adjust to 1000-990-990-0000 (other financing uses)

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- Take \$20,500 from 1000-610-490-0211 (program supplies) and adjust to 1000-610-360-0205 (contracted services)

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mrs. Harlow requested the following transfers:

- From 1000-910-910-0400 (transfers out) to 2181-931-0000 (zoning transfers in) in the amount of \$150,000
- From 1000-910-910-0000 transfers out to 3101-931-0000 transfers in - in the amount of \$108,908.50
- From 1000-910-910-0000 transfers out to 3102-931-0000 transfers in - in the amount of \$314,560.00
- From 1000-910-910-0000 transfers out to 3103-931-0000 transfers in - in the amount of \$222,450.00
- From 1000-910-910-0000 transfers out to 3104-931-0000 transfers in - in the amount of \$512,500.00
- From 2111-910-910-0000 transfers out to 3301--931-0000 transfers in - in the amount of \$250,267.50

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mrs. Harlow said that at the last meeting, the Board agreed to request a hearing for the liquor permit transfer from Jadan Enterprises, LLC, DBA Groesbeck Tavern, 7560 Colerain Ave. to Colecali LLC, DBA Karma, 8325 Colerain Ave. Chief Meloy and Dr. Roschke have met with applicant and now recommend rescinding the request for the hearing. The Board agreed to rescind the request for a hearing.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing the employment and compensation of public employees and the negotiation of a contract for the purchase of property.

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At 8:30 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. Ritter. "Aye"
Mr. Wolterman. "Aye"

The Board returned at 8:56 PM. Mr. Retuer said there was nothing to report.

ADJOURNMENT

With no further business to come before the Board, at 8:57 PM, Mr. Wolterman motioned for adjournment. Mr. Ritter offered a second.

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

Fiscal Officer

Trustee

Trustee

Trustee