

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**REGULAR MEETING
MAY 16, 2019**

6:00 P.M.

NOTE: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting was held at the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio. This was a Regular Trustee Meeting advertised annually and on the Xenia Township website within 24 hours of scheduling this meeting.

Chair Susan Spradlin called the Regular Meeting to order at 5:30 p.m.

ROLL CALL: Sheila Seiter, Fiscal Officer; Susan Spradlin, Trustee Chair; Scott Miller, Trustee; Steve Combs, Trustee; Alan Stock, Township Administrator.

All participated in the Pledge of Allegiance.

Mrs. Spradlin moved to enter into Executive Session at 5:31 p.m. for R.C. 121.22 (G) (1) to consider the employment, dismissal, or compensation of a public employee. Mr. Combs seconded the motion. Those included were all elected officials and the Administrator.

Mrs. Spradlin advised the Board exited the Executive Session at 6:06 p.m. and resumed the regular meeting.

GUEST:

John Fedarko of 920 Oakdale, Xenia, advised he had some questions. (Note: inaudible due to paper shuffling). He read from an email from the insurance representative lady and added narrative comments during the reading. He advised she did not come to the property and sent an uninterested adjuster. He stated the adjuster (Dennis) talked about the Sovereign Immunity Law we government hide behind. He noted the contractor did the work for the Township. Mr. Fedarko talked about the gutter, drains and retaining wall work he did. He said she (insurance representative) told him things he already knew, which told him she and the adjuster didn't talk much. Mr. Fedarko talked about the contract and contractor for the Township. Mr. Fedarko's question to the Board was, she says it is on his insurance, but they will pay half of the deductible. Mrs. Spradlin advised that is what the Board needs to follow. Mr. Fedarko advised he did respond to the email and provided some comments on his responses. Mr. Combs asked if he talked to the contractor. Mr. Fedarko advised he has called twice and they have not got back with him, but he will deal with them as a side issue. Mr. Fedarko stated someone will pay and it will not be him. He talked about his foundation issue. Mrs. Spradlin advised we have put him in contact with the people that need to take care of this and we cannot go against our insurance company and we should not be discussing this further if this may be a law suit. Mrs. Spradlin noted we have taken care of the current repair concerns. She stated that we need to have legal counsel here if he wanted to come back to a meeting in the future, since he told us in a previous meeting he was going to sue the Township. Mrs. Spradlin stated we cannot help him at this time. Mr. Combs said he agrees. Mr. Combs asked if Mr. Fedarko wanted them to write a check for the things damaged. Mr. Fedarko said yes. Mr. Combs said that is why we all have insurance and we can't. Mr. Fedarko said the entities don't get back with him, take care of things and answer all his questions. Mrs. Spradlin said it is because they say it is not our liability. Attendees commented on what they could or could not control like rain. Mr. Fedarko asked for the future, how we would keep these road work things from happening again. Mr. Combs said maybe the house should have been two feet out of the ground and how far back they should go. Mr. Fedarko talked about if the road was installed properly, he has pictures and videos no one asked to see. Mr. Combs asked what he is asking for. Attendees made comments on the opinions of the situation and how insurance works. Mr. Fedarko asked that we fix our policy on how we enforce code, what we do to prevent it from happening again, figure it out and have contract compliance. Mr. Fedarko asked about soft zoning. Mrs. Spradlin advised she asked about it, understands it and asked Mr. Stock to address. Mr. Stock asked where he heard that, a Zoning Commission meeting and who used that term. Mr.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING MAY 16, 2019**

Fedarko said yes and described the Zoning Board Chair, Mr. Zwebler. Mr. Stock explained how Mr. Zwebler referred to it with his words that the ORC says we can have a Zoning Resolution with enforcement through codes and how Cities can do more. He said the way we do it is by complaints and we can't have a full time person off looking for issues, so, he (Chair Zwebler) coined the term soft code enforcement because it is by complaint not out looking for issues because there is no money to recoup that, and look at if it is a life safety issue, because they cannot cover the 54 square miles that way. Mr. Stock restated we work off complaint basis. Mr. Fedarko said, so, if he puts a driveway in, follows all the rules and it is not done correctly, then what. Mr. Stock talked about the lack of people getting permits being a problems. Mr. Miller talked about the Townships involvement with how the driveway interacts with the road. Attendees discussed the driveway permit process. Mr. Fedarko talked about the neighbor's driveway also causing issue. Mr. Combs confirmed the neighbor's driveway is also playing a part in this and asked if he knows who their insurance company is for the same process. Mrs. Spradlin noted his insurance company should be doing this for him. Mr. Fedarko advised he will and noted if he files a claim with his it causes other issues. He stated if he is done here, what he wants from this group is for it to not happen again. Mrs. Spradlin noted there is new Trustees, Road and Zoning from back then and they will do their best to not let it happen.

APPARATUS PRESENTATION: 6:30-6:43

Fire Department members presented the new Rescue Engine 52 to the Elected Officials. Mrs. Spradlin thanked all and the tax payers. Mr. Combs noted the quality.

ROAD DEPARTMENT:

Mr. Pile advised the volunteer road trash clean up and tree cleanup at 125 Fairground Road will be rescheduled due to rain and lighting.

Mr. Stock reported on the next phase of cemetery stone restoration and explained the purchase order request to Grave Groomers. Mr. Pile will decide which ones to delay until next year's program with the Daughters of American Revolution grant.

Mrs. Spradlin moved to approve the Purchase Order to (American) Grave Groomers for \$25,000 from 2041-410-323-0000 of \$1,710.89 Cemetery Fund and balance from 1000-410-313-0000 of \$23,289.11 General Fund for Stevenson Cemetery restoration. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-76**

Mr. Pile explained the purchase order request to Devers for a PTO pump repair to the 2008 truck #19.

Mr. Miller moved to approve the Purchase Order to JW Devers and Sons for the PTO pump for truck #19 for \$4,700 and \$500 on shipping from 2021-330-323-0000. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-77**

Mr. Pile explained the purchase order request to F & F Tree Service for work along Hawkins Road. Attendees discussed other locations in further detail. Mrs. Spradlin requested there be a written statement which specifies the work completion date expected by F & F Tree Service. All were in agreeance.

Mrs. Spradlin moved to approve the Purchase Order to F & F Tree Service for \$7,000 from 2011-330-360-0000 for tree and honey suckle on Hawkins Road to be completed by July 1. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-78**

Mr. Pile explained the purchase order request to Select Fire Protection for a shut off valve install at the 125 Fairground Road property. He explained how the hydrant would not open, it was crusted from lack of use and this request is for the install work only. The part would come from another vendor. Mr. Stock explained how the part would be purchased separate from another vendor within his purchase limit that is why it is not being formally requested. Mr. Pile and Mr. Stock believes the part will come from a company named Hughes at about \$1,900. Mrs. Seiter asked questions pertaining to the new vendors,

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING MAY 16, 2019**

warranty and amounts in order to make sure she had funds available in the current blanket certificates.

Mrs. Spradlin moved to approve the Purchase Order to Select Fire Protection not to exceed \$3,000 from 2031-330-323-0100 for fire shut off valve INSTALL (not including part) for building 4, at 125 Fairground Road property. Mr. Combs seconded the motion. Roll Call: Mr. Miller – Nay, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 2-1. **RESOLUTION NO. 2019-79**

FISCAL OFFICER:

Mrs. Seiter presented the bills. She advised she short paid the medical insurance invoice by the one employee change ahead of a credit process. Mrs. Spradlin moved to approve the bills. Mr. Combs seconded the motion. Roll Call: Mr. Miller–aye, Mr. Combs–aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0 **RESOLUTION NO. 2019-80**

Mrs. Seiter presented the bi-weekly payroll. Mr. Miller moved to approve the payroll as presented. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-81**

Mrs. Seiter advised there were two sets of minutes to approve.

Mrs. Spradlin moved to approve the minutes from the regular meeting of April 18, 2019 as presented. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-82**

Mrs. Spradlin moved to approve the minutes from the regular meeting of May 2, 2019 as presented. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - abstain. Motion PASSED by roll call of 2-0. **RESOLUTION NO. 2019-83**

FIRE DEPARTMENT:

Chief Beegle reported on the engine apparatus analysis and recommendation update including a spreadsheet of engine/tanker/brush truck review. (Some inaudible due to paper shuffling.) Mr. Miller provided his opinion of keeping one reserve engine for backup. Chief Beegle and Administrator Stock provided request options to declare E53 and/or E52 obsolete or repair by multiple needed Board actions. Attendees discussed in great detail. Chief Beegle explained responses and staffing effects on equipment needs. He advised both engines are at end of life for age and for us and asked why invest in them if they are going to sit unused. Mr. Combs asked what Chief Beegle’s recommendation was. Chief Beegle advised he and the command staff recommend disposal of both based on their detailed evaluations. Mrs. Spradlin asked about training opportunities for cadets (Explorers) on Engine 52. She advised she is swaying toward keeping E52. Chief Beegle explained the condition of E52 further at 25 years old. Mr. Stock advised \$17,000 was spent on it in the last two years. Chief Beegle stated if he had to choose, he would keep E52 over E53.

Mrs. Spradlin moved to declare **Engine 53 obsolete**. Mr. Miller seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-84**

Mrs. Spradlin moved to approve a Purchase Order to All-American Fire Equipment for \$3,377.42 from 2282-230-323-0130 for pump **repairs to Engine E52** AND a Purchase Order to Ehman’s Garage for Engine 52 general maintenance and exhaust replacement of \$5,479.40 from 2282-230-323-0130. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0. **RESOLUTION NO. 2019-85**

ADMINISTRATOR:

Mr. Stock reported, on the 125 Fairground Road properties, one of the things we have to do before we can register the survey is a deed restriction for the EPA. He provided this information previously. We would need a motion with this deed restriction. This is a second discussion at meetings. There was no changes, everything is cleared now.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING MAY 16, 2019**

Before he can register the survey, he needs the deed restrictions approved. Mr. Miller asked about changes they were expecting. Mr. Stock advised there were three and our legal counsel has approved the changes. He advised this is the environmental contract, which is the last thing. Then within 90 days, the surety bond and trust needs to be created. Mr. Stock advised tonight, they need to approve the General Warranty Deed. Peggy at the County Engineer's Office has approved it for the parcel identification number. The General Warranty Deed was prepared by Mary Haller, paralegal with confirmation by an attorney. He advised this is a cookie cutter document. Mr. Stock noted how the four parcels were made into one. Mr. Miller confirmed the EPA spot was on one parcel. Attendees discussed options and processes in further detail whether we should remediate the hot spot or get a bond and approve the EPA deed restrictions on and in a Warranty Deed. Surety Bonds and cost were discussed. Mr. Stock talked about the size and abatement process. The area was 50' wide and 1' deep. Mr. Miller talked about holding on joining the parcels until estimates are given to remediate and maybe in two weeks we could have a better option to make the best decision. Mr. Combs asked about cost of the Surety Bond. No one knows. The remediation could cost much more. Mr. Stock said he could contact someone for the grant help, but he does not understand why now we would want to abate it that would cost thousands for such a small area verses the bond at \$200 per year. Mr. Stock said the deed restriction is there until it is abated. Mrs. Spradlin explained the area briefly for the record. Mr. Stock explained how he has worked on this five step Board process to get done and confirmed with EPA what they wanted, now the Board wants him to put it aside and get quick answers for things there is no quick answer for. He said he understood over the months we would address it later after getting occupancy, but he can change that and start working on it tomorrow, however, what he is hearing is that they will not be changing how they use the property whether they abate it or not. Mr. Combs provided his thoughts about getting a price to remediate, then decide, but in the meantime, go ahead with the bond to get occupancy. Mr. Combs noted the reason for getting the mediation done is not to change our use, but to be clear of the EPA. Mr. Stock advised he was confused, as he thought they wanted to do one or the other, and put off doing this one, but did he just bring in that we would do both. Mr. Combs advised yes. Mr. Miller noted how we may not be able to get estimates because of what is involved. Also discussed was how this affects occupancy and use of the property. All discussed in further detail the options to get occupancy as the most important and doing the bond and deed, then, later do remediation. Mr. Combs asked for confirmation of what he understood the resolution to be that is needed at that time. Mr. Stock explained the environmental contract is different than the deed restriction and we have already agreed. Mr. Combs asked if they agreed if the mediation was done that they would release this deed restriction. Mr. Stock advised no, they would probably not do it, the EPA would need to approve the vendor, the method, the transportation and the site to accept it and the method the site will contain it. Mr. Stock advised before a price can be given, there needs to be test and determine the other details. Mr. Stock advised it has been tested to confirm it is a hot spot, but when it is abated, they retest everything based on abatement needs. Mr. Combs asked what Mr. Stock's recommendation would be. Mr. Stock advised remediation is a path after we find the level it is, no one will give two week answers on what it will be. He said remediation is not a high priority he recommends to the Board, because the money we would spend is not needed to use the property the way we want. Mr. Combs agreed. Mr. Stock agreed to work toward this. This is good information but EPA has purposes. Mr. Miller talked about wanting to get this done, but there are so many hoops, but if we can get it done in a low reasonable time, it would be worth it. Mr. Stock referenced a grant. Mr. Miller talked about getting costs again and it is a known confined space. Mrs. Spradlin talked about the many pieces and parts, but that occupancy has been the main focus and in order to get occupancy we need to do the deed restriction and there is always something to come up, occupancy is required now. Mr. Combs ask if that meant she was in favor of the bond and deed restrictions and remediation later. She stated we need to get it done and stop going backwards, we need to get to the final point which is occupancy. Mr. Miller asked about some Boards that would need set up. Mr. Stock advised there are five things we need to set up to make it happen, we have 90 days from the time of the environmental contract, two things, a deed must be given with the survey, written description and Mylar, then that unlocks going forward with occupancy. The deed restriction is part of the environmental contract, then we have 90 days from signing that contract to have those other things. What he is asking for is the deed restriction they already agreed to. Mr. Miller asked about the board. Mr.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING MAY 16, 2019**

Stock said for the environmental contract, not the deed restriction. The deed restriction is Attachment A, there are two different documents. The deed restriction allows us to record the deed, the Mylar and description and allows us to proceed with occupancy. This deed restriction covenant is what has changed three times, this is what EPA requires. The environment contract is what has the 90 day factor, not the deed restrictions which is being asked of that evening. He stated the environmental contract process would take months to finish, adding the surety bond and other things. Mr. Stock advised the legal and insurance groups are looking at all of this and they gave him the inch and half of paper, he does not have all the answers. He advised he is not asking them to do the environmental contract now, the resurvey deed restriction is what he is asking. Mrs. Spradlin talked about moving forward and the need to get occupancy.

Mrs. Spradlin moved to accept 125 Fairground Road resurvey EPA deed restriction as presented with the language given. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2019-86

Mr. Stock advised he has provided for the first reading of the EPA Environmental Contract for 125 Fairground Road. Mrs. Spradlin noted his previous reference and that she would read it.

Mr. Stock reported on tall weeds nuisance properties and provided a list. He also explained how these type of resolutions are good for one year and these seven are not new, but repeats from prior year(s).

Mrs. Spradlin moved to approve declaration of nuisances by tall weeds of the attached list of seven (7) properties. Mr. Miller seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2019-87

Mr. Stock presented a job description for Office Assistant. Attendees talked about it being a draft, possible changes and having the new employee sign it. Mr. Miller advised he needed time to review it before approval.

Mrs. Spradlin moved to approve Exhibit A1 Office Assistant job description with change of professional dress required. Mr. Combs seconded the motion. Roll Call: Mr. Miller – Nay, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 2-1.

RESOLUTION NO. 2019-88

Mr. Stock reported on the one applicant he had received so far for the Office Assistant position. He requested appointment of Melissa Krause at \$12.00 per hour.

Mrs. Spradlin moved to appoint part time Office Assistant Melissa Krause starting May 22 at \$12.00 per hour with no benefits. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2019-89

Mrs. Spradlin moved to move the July 4th meeting to July 8, Monday, due to the Holiday. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2019-90

TRUSTEE BUSINESS:

Trustee Meeting data discussion: Attendees discussed the options to the methods they should receive the data for the upcoming meetings. They also discussed the deadlines and timing of receiving the data. Chair Spradlin had provided her direction the month prior, of electronically on thumb drives for each to print their own as needed. Further, that everything will be on video screen the evening of the meetings. Mrs. Spradlin talked about the cost to print and copy, especially color items, and storage. Mr. Miller advised those methods did not work for him, he likes them PDF and printed letter size there for him for the meeting. Mr. Combs was flexible at this time. Mrs. Seiter advised she liked them emailed and she would print what she needed. Mrs. Spradlin had set deadlines of agenda items to Administrator by Tuesday 5:00 like bills from the Fiscal Officer, then, agenda and data out to Officials and Staff on Wednesday. Mr. Miller talked about liking the preliminary agenda by Friday, then changes and Monday deadline.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING MAY 16, 2019**

GUEST:

Mr. Gary Carvosi, 1018 Old 35, advised he had a question. He advised he has left voice mail messages, he has a water problem also. He is part of the water shed area, it was filled up last year and again now, there are several neighbors involved. Mr. Stock had received the info, created a file record and passed it on to Mr. Pile. Mr. Carvosi explained where the water was coming from across the street and flowing. Trustees asked several questions for clarification. Mr. Stock advised he would contact Mr. Pile that evening for an update to this matter.

TRUSTEE BUSINESS: Continued

Discussion continued about timing and data for meetings. All agreed the draft agenda would go out on Friday before regular Thursday meetings, changes need sent to Administrator by 10:00 am Monday, then the final agenda and date is to be emailed by end of day Monday. PDF format of all information to everyone, Fiscal Officer Seiter will print what she needs, Mrs. Spradlin needs data on her thumb drive, Mr. Miller needs data printed and Mr. Combs advised he would get back with Mr. Stock later about his format.

UPCOMING MEETING DATES:

- May 28, 2019 6 pm Zoning Commission
- June 6, 2019 6 pm Trustees Meeting
- June 11, 2019 6:30 pm Greene County Township Association Meeting – in Cedarville
- June 20, 2019 6 pm Trustees Meeting
- July 8, 2019 6 pm Trustees Meeting – changed from July 4 due to Holiday

ADJOURNMENT:

Mrs. Spradlin moved to adjourn at 8:58 p.m. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mr. Combs – aye, Mrs. Spradlin - aye. Motion **PASSED** by roll call of 3-0.

Xenia Township Board of Trustees

Date Approved: _____

Susan Spradlin, Chair

Resolution # _____

Attest:

L. Stephen Combs

Sheila J. Seiter, Fiscal Officer

Scott Miller

SJS