

RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES: REGULAR MEETING
HELD ON: MARCH 11, 2010 7:00 PM**

NOTES: These minutes are a summary of the township business meeting and are not a word for word account of the discussions which took place.

Chair Scott Miller called the meeting to order at 7:00 p.m. with a welcome and introductions. Board Members present were John Faulkner Scott Miller, and Jim Reed. Also in attendance were Fiscal Officer Seiter, Zoning Inspector Painter, Public Works Superintendent Shuey, Fire Chief Meyers, and Deputy Chief Fox. Six residents were in attendance: Roy Colbrunn, Charles Bingaman, Susan Spradlin, Harold Snyder, Josh VanDyne and Derek Dennehy. All participated in the Pledge of Allegiance.

GUESTS:

Charles Bingaman advised he was simply in attendance to observe.
Roy Colbrunn asked if the Board received his e-mail letter. Miller advised yes and would discuss topic later in the meeting.
Note: other guests arrived later.

MINUTES:

Faulkner moved to approve, and dispense with the public reading of the minutes of the monthly work session/special meeting on February 16, and further advised he did not care for the way the new part time employee was hired, but the minutes do accurately reflect the happenings of the meeting. Miller seconded the motion. All voted aye. Motion Carried
Reed asked if the auditor’s check has been received (previously discussed related to the hiring.) Seiter report yes (first half semi annual apportionment of property taxes) for \$501,875 which is a little less than last years. She also advised she has not had time yet to truly analyze it compared to last times, but it is only about 3% less as a whole including general, fire and road.

Faulkner moved to approve and dispense with the public reading of the minutes of the special meeting on February 20. Miller seconded the motion. All voted aye. Motion Carried

Faulkner moved to approve and dispense with the public reading of the minutes of the work session with zoning boards on February 23. Miller seconded the motion. All voted aye. Motion Carried

Faulkner moved to approve and dispense with the public reading of the minutes of the regular meeting on February 25. Reed seconded the motion. All voted aye. Motion Carried

Reed moved to approval and dispense with the public reading of the minutes of the special meeting of March 3. Faulkner seconded the motion. All voted aye. Motion Carried

FINANCE: Fiscal Officer Seiter provided the following:

A request for approval of bills and payroll in the amount of \$58,653.08 a copy of the payment registers are attached to these minutes and made a part hereof. Miller moved to approve said payments. Motion seconded by Faulkner. Resolution No. 2010-45

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Report that the current and prior fund status reports are in the correspondence file for Trustee’s review. Seiter further explained the semi annual payment of taxes advising there are numerous factors and charges involved i.e. election expenses. Officials discussed taxes briefly.

A purchase order request to Deutsche Bank/All Points Public for annual fire truck payment of \$64,903.97 Faulkner moved to approve said request. Motion seconded by Reed. Resolution No. 2010-46

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

ROAD DEPARTMENT: Public Works Superintendent Shuey provided the following:

A report and purchase order request to JW Devers for 3 Pre-Wetting Systems for a total of \$5,760 as previously discussed and budgeted. Shuey advised the units cannot be purchased directly from Henderson, they can be wired in house and the plan is to purchase before actually needed to allow time to setup and train on usage. Reed moved to approve the request. Miller seconded. Resolution No. 2010-47

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

A report and purchase order request to DJL Material & Supply for the annual crack fill materials and loaner machine for \$3,695. Shuey advised he is doing more this year than prior years in order to prolong the life of current surfaces. Attendees briefly discussed other road procedures. Faulkner moved to approve said request. Motion seconded by Reed. Resolution No. 2010-48

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

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ZONING:

Permits issued since February 25:

1. 121 Fairground Road, Greene Inc., 1512 loading dock
2. Permit request received for first house this year, on Bell Road

Zoning Commission: Held a work session on March 4. Next meeting April 1 to discuss adult entertainment and community center buildings. Painter advised the adult entertainment item is a large part the Trustees authority and planning due to licensing. Trustees noted the need for a work session first to know what is involved. Painter advised the Zoning Commission discussed a possible joint meeting with other townships' commissions regarding the sunshine law and ethics on April 15th at 6:30.

FIRE DEPARTMENT: Chief Meyers provided the following:

Request for appointment of Marcia Roemer as a POC paramedic. Ms Roemer is an instructor, works for Care Flight and has 12 years experience. Faulkner moved to approve said request. Motion seconded by Reed. Resolution No. 2010-49

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Request for re-appointment of John M. Cain as a POC fire fighter. Mr. Cain had previously stepped down not long after being hired, last year, due to personal schedule conflicts, but is fully ready to serve now. Seiter advised he needs to be reestablished as an employee completing updated personnel forms. Faulkner moved to approve said request. Motion seconded by Reed. Resolution No. 2010-50

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Request for a then and now purchase order to Aladtac, Inc. for annual renewal fee for the online staff scheduling program for \$1,290. Miller moved to approve said request. Motion seconded by Faulkner. Resolution No. 2010-51

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Contract for approval for Elizabeth Beam for 3rd quarter paramedics at Sinclair. She passed second quarter. Miller moved to approve said request. Motion seconded by Reed. Resolution No. 2010-52

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Contract for approval for Michael Nate Todd for 1st quarter paramedics at Sinclair. Miller moved to approve said request. Motion seconded by Reed. Resolution No. 2010-53

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Contract for approval for Jacob Roop for 1st quarter paramedics at Sinclair. Miller moved to approve said request. Motion seconded by Reed. Resolution No. 2010-54

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Request for purchase order to Sinclair Community College for the above three employees' paramedic training for a total of \$2,247.20. Chief Meyers explained the program and passing process. Faulkner moved to approve said request. Motion seconded by Reed. Resolution No. 2010-55

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

Miller acknowledged receipt of Roy Colbrunn's e-mail letter regarding usage of staff vehicles. He advised he looked into it and reported in detail on a recent EMS call where an SUV type vehicle was needed with a stokes basket. However, no township SUV staff vehicle responded so the patient was transported off their property via their personal pickup truck. The medic was unable to drive to the home due to the poor condition of the driveway. Miller stated in his opinion the grass truck was available and the call could have been handled differently if the staff vehicle was available, but it was not a bigger issue. Reed advised he looked into it also and in this instance everything worked out fine, but other situation may not. Reed stated he understands Fox cannot be available 24/7. Reed suggested use of the administrative vehicle as a third back up after hours and that there is room for improvement. Faulkner stated we are appreciative of Mr. Colbrunn's letter and acknowledged receipt of it and to acknowledge something is happening and it is realistically a management issue of the fire department, that the Board is aware of it, that if there is a need to create or change policy they would, otherwise it needs to come from the fire department as a management opportunity rather than a Trustee action and the Board does not want to micro manage the department. Reed asked if the purchase of an additional vehicle would be what the Trustees would be involved with. Faulkner advised yes per the recommendation of the fire department. Meyers advised he is in the process of saving for the next vehicle. Miller talked about the admin. zoning vehicle use and could be made available with change in lighting for dual purpose use after hours is necessary. Colbrunn talked about the fire staff vehicles being available for those for service to the community, it is being utilized for responses from an employee's other job and he does not see that as a good use of tax dollars. Colbrunn stated there is no accountability for availability for a call. Colbrunn explained how he was on the call in question and the stokes basket would have hung out over the bed of the grass truck and that is why they chose to use the pickup truck with the longer bed. He noted how the

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vehicle used to be available 24/7 and previously was parked at the township building when available and not on a call. Colbrunn asked how the truck (SUV) is being utilized, as a regular vehicle or to go on runs. Colbrunn advised he is ok with the vehicle being at someone's house, half the department responds from home, but if township property is at someone's house we should fully expect it to respond when needed or not be there. Colbrunn stated he understands the chief's vehicle is a different situation. He agreed the chief can change practices, but if it affects services to the community it needs to be looked at. Reed asked Fox if he had possession of the vehicle 24/7, but that he does not expect him to be available to respond 24/7. Fox advised his supervisor (of his full time job) allows him to go on calls anytime needed and then he makes up his time missed later. He advised he does not respond to basic medic calls, but noted another call he recently responded from work to and advised there has been six or seven times this year and only one last year (where the SUV was needed for patient transport.) Reed advised Fox this is no reflection on him, as they are trying to find the best way to utilize the equipment. Guest Josh VanDyne asked to speak, commended Fox for his service and asked Fox if he (Fox) leaves town is there a program set that the vehicle could be used by others. Fox advised yes if he were to leave town. VanDyne ask if he knew he would not be available. Fox advised he felt bad about the call, he heard it on the radio, he was on a pager, the vehicle was out of service, he was in Beavercreek having dinner and was out of service two hours. Fox advised he did go look at the lane/driveway Monday and it did not look to rough, maybe slick. VanDyne asked about calling for mutual aid as the grass truck or pickup is not FDA compliant for safety. Miller called the direction of the meeting back to the Board from the discussion between Fox and VanDyne. Seiter asked if the administrative Durango is any deeper than the grass truck to hold a stokes basket? Chief Meyers said no, it has no tail gate and would not hold it. Miller stated the fire department is aware of the issue and can take it back for a change and if one is needed there is a vehicle that may be purchased in the future, maybe not this year.

Miller called for a previous personnel action to be concluded for Roy Colbrunn. Miller asked Colbrunn if he had any comments before action. Colbrunn advised he put it in his e-mail. Faulkner reported there were prior discussions and actions leading up to the Board's action, it is a regrettable situation, but the action item needs to be followed through. Miller agreed and stated to Colbrunn that he was given an offer for a position he could use and has advised he preferred not to go that route. Miller noted the Board now needs to go through the action anticipated. Colbrunn stated for clarity, for the record, the Board offered for him to voluntarily step down as a captain to a fire fighter position and he refused that and stated the reason was that he would not be part of that action and that he did not put in his letter that he was advised not to because it would hamper future actions. Miller called for any other comments. Colbrunn advised he had a question on actual procedures, on the decision to investigate to the depth we have gone, employees are called in for their testimonies, given rights, gone through all hoops over a simple, what he would say, disagreement with the fire chief, is that the policy and depth we investigate for any complaint? Miller stated they went to extraordinary means on this one for the purposes of trying to, since the people involved were the people normally to investigate, so they weren't directly doing the investigation, to keep it as impartial as possible and that was there intent all along and for that purpose, we probably went through steps normally not gone through in order to keep it impartial. Colbrunn then ask if someone came to the Board with something as serious as "hypothetically" a sexual harassment or indecent exposure charge from an employee that we would expect at least the same depth of an investigation. Miller stated he would expect so, yes. Colbrunn stated thank you. Miller called for action, he would make a motion. Reed advised he wanted to make a comment that as this action originally was initiated by the prior Trustee, before he (Reed) took office, as he looked into things, although he was involved in trying to mediate the situation, obviously it did not happen and that the action initiated prior to his taking office, he is going to abstain. Faulkner stated if there was a desire (for Reed) to abstain from the action item, he truly thinks from his years experience with BZA that you do not go through the process and then come to vote time and abstain, that if you are going to abstain, you should do it from the front side and acknowledge it then and not the back side. Reed stated point taken. Miller stated the letter that was initially sent out Reed was a part of that and he did vote (aye) on that letter. Reed advised that is correct. Miller stated that point known. Faulkner stated it was at that recommendation (by Reed) the one charge was deleted. Reed said that is correct and that he did everything he could to mediate and resolve the issue the best we could and to give Mr. Colbrunn the opportunity to step down voluntarily, but without going into it in further depth he feels it best to abstain at this point. Miller advised Mr. Roy Colbrunn is currently a captain with the fire department and further made a motion he be reduced in rank to a fire fighter based on actions previously taken place. Motion seconded by Faulkner. Resolution No. 2010-56

Roll Call Ayes: Miller and Faulkner Motion Carried
 Abstain: Reed

Miller asked Colbrunn, within the next 15 days, to see to it that the materials he has as a captain are turned into the Chief. Colbrunn advised he has made arrangements with the Chief to return the items when he can get the fire fighter items such as helmet and uniform and Chief advised it is ok to keep Captains items until then. Colbrunn advised he also needs a new identification number and other administrative items. Miller noted they will be taken care of.

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COMMITTEE REPORTS:

Chamber of Commerce: Faulkner reported on his discussions with Alan Liming and Denise Davis on why Reed was not allowed to take over Dick Montgomery's position. They advised Montgomery was there as a business man as well as Trustee, they are reducing the number of members and that the new Mayor was not included either, but Jim Percival was. Faulkner advised he offered Rhonda Painter as a member instead. There has been no answer as to her recommendation.

Miami Valley Reg. Plan. Com.: Faulkner reported on the March 4th meeting. Information is in the read file. They discussed the second round of grants from the American Recovery Act.

---Technical Advisory Committee: Meeting next week.

Greene Co. Reg. Plan. Coordin. Com.: No meeting.

District Advisory Council of Health District: Meeting next week.

Water & Wastewater Advisory Committee: (quarterly) No report

Source water: Next meeting June 8. No Report

Xenia Economic Growth Corp.: Miller reported on the March 9th meeting. They discussed loans and interest in a potential family style entertainment business.

County Managers and Officials: No report

Safety Council: Meyers attended March's meeting and advised the presentation was by Red Cross on event planning and kits. Reed is to attend the April meeting with presentation by OSHA.

NEW BUSINESS:

Painter advised the zoning boards have been invited to the March 17th Going Places by MVRPC.

Painter and Seiter provided quotes for carpet replacement in the administrative office. Faulkner tabled until the whole program is planned noting the carpet should not be replaced if a wall will be constructed. Seiter advised they understand that and it was not their plan to do so at this time either, just getting quotes for planning. Painter reminded walls were approved. Seiter advised funds for walls and doors were budgeted, however, flooring was not and funds would need to be transferred. Subject tabled.

Painter reported on possible broad band/internet in the northern Xenia Township area. She advised a contractor, Greene Wireless, working on putting antennas on water towers. Painter and Faulkner met with an owner of property at top of hill on Route 235 for a tower on his property, but he will not agree unless paid. The property to the north will also suffice, but would still need a tower constructed at an estimated \$2,000. A tower in this area would provide service to many north end residents. Attendees discussed in further detail including possible revenue to cover possible costs, i.e. grants or TIFs.

ADDITIONAL GUESTS:

Derek Dennehy introduced himself and spoke in support of Roy Colbrunn and his disappointed the Trustees demoted Colbrunn to captain. Dennehy asked if the Trustees also appoint the captains. Miller advised yes based on the Chief's recommendations. Dennehy voiced his concerns for the recent promotion of a 70 year old member to a captain position noting the risk with air packs, etc. Miller stated for the record, Mr. Colbrunn has served the township well and his skills have never been in question. Faulkner explained that a process was built in that in a period of time, Roy is welcome to apply to move back to a captain position as available. Dennehy stated as a fire department member he does not see a process for promotions and is concerned for the current captain. Miller advised that position was made temporary; he is aware and will review. Note: Dick Baker took the position of Ritchie Stiles.

Harold Snyder of Foust Road advised he has spoken to Trustee Miller regarding the closing of the County pool and questioned why we cannot have something for the kids to do, but can provide for dogs. Mr. Snyder reported on calls to Greene County, Xenia City and now the Township and how they need to work jointly. Miller advised of a report given at the Xenia Economic Growth Corp.'s meeting of a new family facility type business interested in locating in the area. It would include bowling, movie, etc. Miller also reported on discussions with Greene County regarding the pool. Faulkner acknowledged Mr. Snyder's concerns and points well taken. Dean Fox advised of renovations to the Xenia YMCA. Josh VanDyne reported information due to his wife previously working for the Xenia pool and back then it had chlorine and water leaks that would be extremely expensive to repair. Mr. Snyder voiced his concerns on having a place in Xenia not Beaver creek like everything else. Trustees suggested Snyder work on an action group.

OLD/UNFINISHED BUSINESS:

US 68 South and Union Road property: Miller advised he attended a WCPOVA meeting and they will provide a letter of support for township use of the property. Faulkner moved to go into executive session to discuss purchase or sale of public property per ORC 121.22 (g). Miller seconded the motion.

Executive Session: 8:45 pm
Seiter was included.

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Faulkner moved to return to regular session. Reed seconded.

Return to Regular Session: 10:17 pm

Faulkner moved to approve a purchase order for preliminary soil boring tests and samples, on the proposed piece of land, to ATC for \$4,000. Reed seconded the motion. Faulkner will make contact with the vendor with ready to move ahead after items clarified by legal counsel, Tom Miller.

Resolution No. 2010-57

Roll Call Ayes: Miller, Faulkner and Reed Motion Carried

UPCOMING MEETINGS:

- March 18, 8:00 am Board of Trustee’s Monthly Work Session – MOVED to March 17th to allow Miller to attend the MVRPC TAC meeting on the 18th. Seiter reminded subjects needed confirmed and department heads advised if they need to attend and at what time. Possible topics: Fire levy committee, CSU, 4 parcels in Wilberforce and/or water with Xenia City
- March 18, Noon Land Use Planning
- March 25, 7:00 pm Board of Trustees’ Regular Meeting
- April 8, 7:00 pm Board of Trustees’ Regular Meeting
- April 16, 8:20 am Annual road ride review with Public Works Superintendent

CORRESPONDENCE IN FILE:

- To Roy Colbrunn, Feb. 23, disciplinary letter, sent via certified mail Resolution No. 2010-
- From Roy Colbrunn, March 5, e-mail response to Feb. 23rd letter.
- From Roy Colbrunn, March 7, e-mail regarding use of suburban shift command vehicle.
- From William Spradlin, Feb. 26, records request for info on CSU fire and EMS.
- From Fire staff, February run report.
- To William Spradlin from Painter, March 1, response letter to his request to be on a zoning board, no.
- From and to County Engineer, Feb. 19 and March 10, annual 2010 collective bidding program requests
- From Greene County Regional Planning, Feb. 22, notice of meeting re: 2010 census on March 4th.
- From MVRPC, Jan. 7 minutes, Feb. 4 minutes of Board of Director and March 4 agenda.

ADJOURN: 10:25 pm

There being no further business, Faulkner moved to adjourn. Reed seconded the motion.

SCOTT W. MILLER, CHAIR

ATTEST:

JOHN D. FAULKNER

SHEILA J. SEITER, FISCAL OFFICER

JIM REED