RECORD OF PROCEEDINGS MINUTES OF THE XENIA TOWNSHIP TRUSTEES SPECIAL/WORK SESSION HELD ON: FEBRUARY 16, 2010 8:00 AM

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

Board Members present were Scott Miller and John Faulkner. Jim Reed was absent due to illness. Also in attendance were Fiscal Officer Seiter and periodically Chief Meyers.

Note: This was a reschedule of the monthly work session from February 18 in order that all officials could attend the annual Ohio Township Association conference. This session was also changed to include/be a special meeting in order to address a personnel issue. Notice of both portions were sent to the Xenia Gazette and posted in the administrative office. Trustees held off on the start of the meeting to include Trustee Reed possibly late due to the snow weather. They also used to time to discuss the fire station remodeling project with the contractor.

Chair Miller called the session to order at 9:20 starting with the special meeting topics.

Trustees and Chief Meyers reviewed the contract for the new tanker purchase from Deep South Fire Trucks. It is to be revised by the vendor to meet the bid specifications. Meyers left the meeting to contact the vendor for the revised contract.

Chief Meyers provided an update on repairs to the medic as a result of an accident caused by the other driver. It will need at least a new rim, tire and front end alignment. It is still operable. Contact has been made with the township insurance carrier as the other driver may not be insured.

Trustees briefly discussed a personnel issue for Roy Colbrunn. Trustee Reed was to draft a letter including options for disciplinary action. Miller and Faulkner advised they had not seen the draft yet and determined it best to hold on the topic for Reed's attendance.

Miller asked Seiter if she had any topic for discussion. She advised yes and shared copies of a prior Ohio Township Association magazine article regarding 1099's and contract vs. regular employees. She summarized the article with the difference between the two and how her fiscal services from Mrs. DeWine is of the employee format and that she should no longer be used as a contractor. After a brief discussion to confirm current activities, Trustees agreed Mrs. DeWine should be changed. Seiter asked the Trustees if they still wanted to delay the hiring has a part time employee and if they still feel the need to wait until the tax settlement check comes. Trustees advised yes, continue to hold for funding. Seiter then shared her concerns with hiring six new firefighters over the past two months without direct discussion of the pending \$350,000 fire levy and funding the employees. She further noted she is asking for one person and has been put off. Miller said the two are different as there is a set (funding) amount for the part time fire program, which has not increased, the number of people has. He said with the fiscal position it is new money all the way around. Seiter reminded she was given permission to budget for assistance and the budget has already been approved. Seiter advised this is not about the fire department; it is a comparison about the hiring process from available funds. She summarized that six were hired with no funding discussion, but she has had to beg and justify for one. Faulkner talked about being fair to our constituents and not being defiant to the fiscal officer, that the Board is providing for other departments and none for her. Faulkner gave the opinion the Board is not withholding from the Fiscal Officer in manpower or goods and services. Seiter advised she has felt like she has been micromanaged and had to justify more than the average to getting what she needs. She talked about how these things (individually) should not matter, but the Township (operations) has changed, but not for her and what she needs to get the increased fiscal duties accomplished. She also noted going from a volunteer fire department to over 60 total employees, 10 of which were just hired since November, yet she cannot have one. Miller noted they have not said no, that she (assistant) could stay on as a contractor. Seiter acknowledged the fact the Board has not said no. Seiter reminded of the prior discussions that she should be an employee. Seiter noted this subject should not be overworked. Faulkner talked about the elected officials knowing what they were getting into when they took the positions and how there is more responsibility than two meetings a month and he has learned to accept it. He stated he was hurt that Seiter thinks she is being denied the manpower and tools to do the job, but that she knew what the job was when she ran for the position. Seiter agreed she did accept this, however, the job is not what it was 11 years ago, and reminded again about the growth in the Township and it is time to change in the fiscal aspects as well as other. She apologized that Faulkner has been hurt and stated that she has been hurt as well to have to repeatedly ask when the funds are in the budget and the amount is only \$7,000 vs. what the many other expenses are. Seiter advised she did not want to drag this on any further.

Seiter advised she requested a legal opinion from the County Prosecutor's Office and that it came that morning. She gave each Trustee a copy. Seiter advised she knew the ORC allowed for the Fiscal Officer to hire an assistant, but wanted to confirm the options as the language was vague. Seiter summarized the opinion that she could hire without the Boards final authority by the fact that the funding has already been approved and appropriated in the budget. The Prosecutor also advised the assistant must be bonded and a regular employee vs. a contractor. Seiter noted she has already talked to Dora at Swartzel/Affiliated on the bonding as previously reported. She advised the need to get the opinion to make sure we all were doing things properly to provide fiscal help. Miller said since Seiter got her opinion she is going to go ahead and do it anyway (hire Mrs. DeWine.) Seiter advised yes since the money is already in the budget, it is permitted. She noted the need to properly educate ourselves and that was her way to do so and properly serve the Township residents. Seiter explained how she wanted to obtain assistance with the Trustees blessing, but it was not happening and she felt the need to go to the Prosecutor for support and clarification. Miller asked how much DeWine is working. Seiter advised four hours every other week on payroll. Miller stated they gave the ability to increase those hours. Seiter said no not really, she advised (at the last meeting) she would increase the hours on her own since the hiring was not approved at the first request. Seiter thanked the Board for hearing her. Miller said he is upset that she thought she had to backdoor them to get it done. Seiter said she was sorry he felt she was backdooring him, but she has rights and responsibilities as an elected fiscal officer and felt the need to get someone else's assistance and support. She advised she was sorry it had to happen that way also.

Seiter reported a response was received from the Prosecutor's Office on a request (by Seiter and Faulkner) for evaluation of the elected officials pay based on the change in budget into the next category. She advised she just received the opinion that day, had not read it yet in order to give a report of the reply and made copies for each Trustee.

15 minutes recess to answer questions of the fire station remodel contractor.

Meyers returned to the meeting and recommended approval of a contract with Deep South Fire Trucks. Miller moved to approve the agreement for the tanker truck as recommended and to authorize himself to sign it as the chair of the Board. Faulkner seconded the motion. Resolution No. 2010-36

Roll Call Aye: Miller and Faulkner Absent: Reed

Motion Carried

Faulkner asked who gives the final acceptance approval of the truck. Meyers explained the share of duties between himself, mechanic Franz Seiter and Captain Dick Baker with himself having the final say. Meyers also advised there will be a pre build trip this week. Faulkner moved to approve return of all bid bonds to the unsuccessful bidders including a thank you for their considerations. Miller seconded the motion. Seiter advised she would take care of the task. Resolution No. 2010-37

Roll Call Aye: Miller and Faulkner Absent: Reed

Motion Carried

EXECUTIVE SESSION: 10:21 am Faulkner moved to go into executive session to discu

Faulkner moved to go into executive session to discuss the Colbrunn personnel issue. Millerseconded. Meyers and Seiter were included.All voted aye.Faulkner moved to return to regular session.Miller seconded the motion. All voted aye.RETURN TO REGULAR SESSION:10:45 am

Miller moved to schedule a special meeting Saturday, February 20th at 9:00 am to finalize the personnel issue. Faulkner seconded the motion. All voted aye. Motion Carried Trustees requested Seiter advised Trustee Reed as well as the notice to the paper. Seiter agreed.

WORK SESSION TOPICS:

Fire Levy: Trustees discussed possible members for a committee and Faulkner volunteered to serve as the Treasurer.

10:50 am Mrs. Reed called to advise Jim would not be attending the meeting due to medical reasons.

Attendees continued to discuss fire levy ideas.

ADJOURNED: 11:10 pm

Miller moved to adjourn. Faulkner seconded.

Scott W. Miller, Chair

Attest:

John D. Faulkner

Sheila J. Seiter, Fiscal Officer

Jim Reed