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**MINUTES OF SYMMES TOWNSHIP REGULAR MEETING**

**MARCH 20, 2012**

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The meeting was called to order at 7:00 p.m. Elected Officials (Trustees and Fiscal Officer) present were: Mr. Phil Beck, Mr. Kenneth Bryant and Mrs. Jodie Leis.

Also present: Brian Eliff - Township Administrator; Robert Malloy - Township Law Director; Carol Sims - Township Assistant Fiscal Officer; Lt. Thomas Butler - Hamilton County Sheriff's Department; Otto Huber - Chief, Loveland Symmes Fire Department.

MRS. LEIS moved to appoint Carol Sims as Acting Fiscal Officer. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

PRESENTATION

DOUG RACK, TURNER CONSTRUCTION - Provided an update on the status of the Home of the Brave Park construction. Mr. Rack provided the Board with a revised completion schedule and advised the park should be ready for the dedication.

JOHN FINNIGAN, DUKE ENERGY RETAIL - Stated that Mathew Walz, Vice President was also present tonight. Mr. Finnigan advised they wanted to give the Township a recap of the Township's aggregation program. Mr. Finnigan noted that residents have saved over \$400,000.00 since the program started in August 2010 through November 2011. There are currently approximately 5,000 enrolled. Mr. Finnigan advised there has been some minor problems with communicating with the residents and feels these issues have been resolved. There are currently two groups of customers - the initial "opt-in" group which are part of Duke Energy Retail and "opt-out" which are in the Township aggregation group. This is the main reason for the confusion, as well as the changes in the aggregation rates. Additionally, Duke's call center was not in place before the mailings were sent and this also caused confusion when the employees were unable to correctly respond to inquiries.

Mr. Finnigan stated these problems have been identified and Duke Energy Retail will ensure that the residents will receive the 5.99 cents/kWh rate effective with the January meter reading date. A bill credit will be issued to anyone who is not yet receiving that price as of their January meter reading date.

MRS. LEIS questioned if there are lower rates being offered.

MR. FINNIGAN stated there are some programs which have been recently announced. There are some lower prices in other communities due to a lower capacity pricing after the start of Symmes Township's program. Mr. Finnigan advised they are monitoring these prices and, if possible, will lower the Township's price and extend the contract past the May capacity date. The pricing will be monitored on a monthly basis and will notify the Township if it is possible to lower the rate.

MR. BECK expressed concern that aggregation has become a very complicated process for the residents. It is no longer a simple process. This recent confusion has caused many letters and telephone calls for Staff to handle. Mr. Beck stated he can not understand why residents are not being made aware that the correct rate is 5.99 cents/kWh.

MR. FINNIGAN stated he agreed with these comments and Duke Energy Retail did not handle the renewal process correctly. The "opt-in" customers had to be notified with each rate change as per PUCO regulations. This process ended when made aware of these concerns and have just applied the 5.99 cents/kWh. However, this will not appear on some customers' bill until March or April; however, the bill credit will go back to the January meter reading date.

MR. BECK questioned how this should be communicated to the residents.

MR. FINNIGAN stated they would be willing to include any message with the billing, as well as develop "talking points" to handle the questions from residents.

MR. BRYANT stated he feels the Board needs to decide what action needs to be taken before Duke proceeds with any more communication to the residents.

MR. BRYANT requested clarification regarding Mr. Finnigan's statement regarding PUCO regulations.

MR. FINNIGAN advised, that once an "opt-in" customer has agreed to a price, Duke Energy Retail is unable to lower the rate without proper notification.

MR. BRYANT noted that Duke Energy Retail has indicated there are two groups; however, there are the residents that went with a different supplier who now want to be with Duke Energy Retail.

MR. FINNIGAN said they are unable to identify these customers. These residents need to go back to Duke Energy before they can become part of the aggregation group.

MR. BRYANT stated he would be considered part of this third group and did receive an offering from Duke Energy Retail and was able to switch. Mr. Bryant questioned the way he received this offering when he was not part of the Township group.

Mr. Bryant noted that there were four rates offered to residents which lead to confusion and inquiries to the Township.

MR. BECK stated he felt there was a pricing guarantee offered to the Township.

MR. FINNIGAN advised this "peace of mind" ended December 31, 2011.

MR. BRYANT questioned how Duke Energy Retail plans to merge the "opt-in" and "opt-out" groups in order to avoid confusion in the future.

MR. FINNIGAN stated they will work with the Township near the end of the current program. The "opt-in" customers would need to drop out of the program for a month and then enroll in the Township aggregation group.

RALPH TEDESCHI, 11507 APPLEJACK (45249) - Read his recent letter

sent to the Township regarding confusion with the start date for the current aggregation program. Duke Energy Retail indicates that it begins with the January meter reading date. However, there are contract terms which indicate the new rate will begin with January 1, 2012 and does not mention "meter reading date". Mr. Tedeschi advised he has contacted Duke Energy Retail and requested credit for usage from January 1 to the meter reading date. This is not a substantial amount until you consider that there are many other residents with the same problem. Duke Energy Retail will not issue any credit since they state it is tied to the meter reading date. Duke Energy Retail needs to honor the contract language.

MR. FINNIGAN advised the master agreement signed with Symmes Township with an effective date of January 1, 2012. The individual enrollment process is always timed with the meter reading date. In the case of Mr. Tedeschi, he will receive the 5.99 cents/kWh rate until January, 2014 which will be a full two-year term.

The Board indicated it will look into this issue.

#### RECEIPTS

Receipts totaling \$3,000,303.54 were read and accepted.

#### WARRANTS

MRS. LEIS moved that the Township pay its bills. Mr. Bryant seconded the motion and all voted 'aye'. Proper certification having been made, warrants totaling \$436,903.93 were issued.

#### REPORTS

BRIAN ELLIFF - Reported on activities in the township since the last meeting:

PARK LEVY - Reviewed his memo regarding the future replacement park operation levy. The Finance & Audit Committee is recommending a 1 mill replacement levy. There has been discussion with the Fiscal Officer regarding the possibility of a permanent levy rather than a term. The current levy raised approximately \$587,000 last year and a 1.06 mill levy would be needed to raise this same amount. Mr. Elliff requested direction from the Board.

MRS. LEIS stated she attended the Committee's meeting and agrees with its recommendation that this is not the time to ask for more money.

MR. BRYANT stated the Committee did not recommend a "permanent" levy nor was any timeframe discussed with them.

MR. ELLIFF advised the previous term was chosen to allow for the new park to be opened and expenses determined. He and the Fiscal Officer feel that a permanent 1 mill levy would be the best option.

MR. BECK noted the Board has been in a purchase/develop mode in the past. It has now become a maintenance mode and a permanent levy makes sense.

MR. BRYANT stated, that if the Board is considering any future development at the Home of the Brave Park, this proposed millage will not be sufficient.

MRS. LEIS stated the issue tonight is whether to direct the Township

Administrator to make a formal request to the County Auditor for a certification of a levy amount.

MR. ELLIFF advised he will contact the County Auditor for additional information.

BULLYING IN THE WORKPLACE - Reported on recent training course taken by the Service Department.

EASTER EGG HUNT - Reminded the Board of this event being held on March 31 at Symmes Park.

LT. BUTLER - Presented the monthly activity report.

CHIEF HUBER - Reported on the recent fire on Cactus Lane.

Chief Huber advised the Township's new Emergency Operation Plan would be presented to the Board at the next meeting.

#### CORRESPONDENCE

HAMILTON COUNTY SHERIFF'S PATROL - Activity reports.

HYLANT GROUP - Signed consultant agreement.

LAWN SYSTEMS - Proposal for 2012 Insect Control.

HAMILTON COUNTY SHERIFF LEIS - Letter regarding recent proposal.

HAMILTON COUNTY HEALTH DISTRICT - Notice of annual District Advisory Council meeting scheduled for March 5.

COLLIERS INT'L - e-mail regarding speeding concern in business park at 8805 Governors Hill Drive.

DON BERBERICH, JR. - e-mail and pictures regarding high school parking at Sleepy Ridge and Chatham Woods.

HAMILTON COUNTY AUDITOR - Refund of real estate taxes for parcel 620-70-17, etc.

EGBERS LAND DESIGN - Proposal for 2012 maintenance of Twilight Tear bed.

OVERHEAD DOOR - Proposal for work at Symmes Park.

HAMILTON COUNTY REGIONAL PLANNING - Letter regarding Township Land Use Plan.

CITY OF LOVELAND - Notice of Public Hearing on March 5 for proposed conditional use submitted by St. George Russian Orthodox Church for a new church at 118 N. Lebanon Road.

M/M TALLARIGO, 9264 HOPEWELL - e-mail regarding condition of property at 9237 Solon Drive.

CAREWORKS - e-mail regarding expanded workers' compensation network.

MARCIA ARENTZ - e-mail inquiry regarding home fire inspection.

JOHN BORCHERS - e-mail regarding proposal from Sheriff's

Department.

McGILL SMITH - e-mail regarding landscaping buffer for Home of Brave Park.

HAMILTON COUNTY REGIONAL PLANNING - e-mail notification that address of 11605 Lebanon Road has been assigned to Home of Brave Park.

CAREWORKS - 4th Quarter 2011 report.

M/M LENAHAN, 9238 HOPEWELL - e-mail regarding condition of property at 9237 Solon Drive.

HAMILTON COUNTY HEALTH DISTRICT - Copy of Nuisance Complaint Report filed for 9237 Solon Drive.

HAMILTON COUNTY HEALTH DISTRICT - Copy of notice of violation issued for 10900 Loveland Madeira Road.

SYMMES HISTORICAL SOCIETY - Letter regarding participation in Home of Brave Park dedication.

SYMMES FIRE - e-mail regarding EMS fees.

HAMILTON COUNTY ENGINEER - Annual mileage certification.

INTEGRYS ENERGY - e-mail request for placement of article on website.

SEN. SHANNON JONES - e-mail response to letter regarding language for HB 386.

JANICE HALLER, DER - e-mail explanation of process to correct residence and business accounts.

RALPH TEDESCHI, 11507 APPLEJACK (45249) - Letter regarding issues with Duke Energy Retail.

cc:MSD to ABERCROMBIE & ASSOC - Letter regarding conditional availability of sewer for 9767 Union Cemetery Road.

ERIC ARILL - e-mail regarding issues with Duke Energy Retail.

STEVE GERTH - e-mail requesting permission to use Shore Drive Park on July 24.

CLARK THEDERS INSURANCE - e-mail response to Hylant Group regarding OTARMA renewal.

SYMMES FIRE - e-mail regarding recent tornado.

HAMILTON COUNTY TREASURER - Notice of Collection of Inheritance Taxes (\$61,129.29).

JAMES DRUMMOND, PUCO - e-mail response to recent question regarding contract with Duke Energy Retail.

JAY BERRY - e-mail confirmation that his group will perform at the Park Dedication.

OHIO DEPARTMENT OF COMMERCE - Letter regarding liquor permit renewal process.

RBC CAPITAL - Request to confirm information with its auditors.

KLA RISK CONSULTING - Recommendations to assist in loss control efforts noted at recent visit.

COLERAIN TWP - Request for information.

RUMPKE - Proposal for Clean-Up Days.

INTELLIGENT PRODUCTS - Proposal for mutt mitts.

BUCHANAN'S - Proposal for two lawn mowers.

CINTAS - Proposal for employee uniforms.

MOLLOY ROOFING - Proposal for roof repairs at Safety Center.

GREEN HANDS USA - Information regarding National Green Volunteer Day on April 21.

HAMILTON COUNTY SOLID WASTE - Notice of \$7,088.14 for Residential Recycling Incentive.

UNIFIRST - Proposal for employee uniforms.

MATTHEW DOWNS - Letter requesting easement for sewer line at 9767 Union Cemetery Road.

cc:CINCINNATI BELL to ICRC - Report of 2nd Quarter franchise fees sent to Symmes Township.

DUKE ENERGY RETAIL - e-mail response to recent questions.

WOOD & LAMPING - e-mail regarding sheriff contract and real estate.

#### OLD BUSINESS

MR. ELLIFF advised that he reviewed the Board's comments from the last meeting and had an opportunity to take a closer look at the numbers provided by the Sheriff's Department. Mr. Elliff stated he is looking at the revised contract in order to make sure the details are as presented.

MR. BRYANT questioned if the analysis for the fifteen (15) officers in the Township Administrator's report is based on the letter from the Sheriff. Mr. Bryant stated he felt the Township would be over budget if certain promises within this letter are not kept.

MR. ELLIFF stated that is correct.

MRS. LEIS advised she would like more information before making a decision.

MR. BECK noted the Township currently contracts for twelve (12) officers and there are two (2) non-contract officers which are shared with Sycamore and Columbia Townships. The proposed additional officers will cost the Township more in the long run and it will be hard to reduce the number from fifteen to twelve in the future. Mr. Beck stated he felt the Township needs to maintain the twelve (12) officers as this provides adequate coverage.

MR. BRYANT stated he agreed it would be hard to reduce the number of officers in the future. The Board could always increase the number if there

is a need. Mr. Bryant reminded the Board that the high school resource officer was kept in Symmes Township after the annexation which increased the number of officers from eleven (11) to twelve (12).

MRS. LEIS stated that Colonel Hoffbauer had recommended the Township increase to the twelve (12) officers. He has always made a recommendation to the Township when additional officers are needed. Mrs. Leis stated she is okay with the current number as there is not a need to increase the number of officers.

The Board agreed the current contract for twelve (12) officers is adequate and no additional action is required.

MRS. LEIS moved to approve an expenditure in the amount of \$149,411.16 to OME-RESA (The Center for Local Government Health Insurance Pool). Mr. Bryant seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to amend the following 2012 Temporary Appropriations:

- a. 10-A-11 (Fire - Contracts) from \$867,135.00 to \$842,135.00
- b. 28-A-8 (Fire Rescue - Contracts) from \$0.00 to \$25,000.00

Mr. Beck seconded the motion and the roll call vote was as follows:

Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

#### NEW BUSINESS

MRS. LEIS moved to adopt the following resolution:

RESOLUTION F2012-01  
Resolution Approving  
2012 Permanent Appropriations

BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio, that to provide for the current expenditures of said Board of Trustees, during the fiscal year, ending December 31st, 2012, the following sums be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for the during said fiscal year, as follows, viz:

That there be appropriated from the:

General Fund	\$2,586,132.00
Motor Vehicle License Tax Fund	26,750.00
Gasoline Tax Fund	158,500.00
Road and Bridge Fund	209,160.00
Cemetery Fund	81,100.00
Cemetery Bequest Fund	1,500.00
Lighting Assessment Fund	130,000.00
Police District Fund	968,131.00
Fire District Fund	926,466.00
Road District Fund	652,000.00
Park Levy Fund	771,916.00
Rozzi Park Levy Fund	529,042.50
EMS Fund	652,718.72
TIF Fund	339,152.50
Note Proceeds - TIF	876,152.50
Safety Service	1,156,762.59
Township Motor Vehicle License Tax Fund	89,000.00
Emerg. Medical Services Fund	25,000.00

Grand Total of All Funds      \$10,179,483.81

MR. BRYANT seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MR. ELLIFF introduced Rick Theders, Clark-Theders Insurance and Ed Barber, OTARMA, who were present to answer any questions regarding the renewal of the property and casualty insurance policy.

MR. THEDERS noted he has good news in that the coverage has increased and the premium has decreased by \$4,270.00 from last year. Mr. Theders noted the Township will again receive a refund in the amount of \$15,242.31 from OTARMA which will result in the total cost of coverage being \$54,979.69. The Township has an on-going relationship with OTARMA for the past nine years.

MR. BRYANT reminded the Board that a consultant was hired to review this policy for possible savings.

MR. ELLIFF stated the Township entered into an agreement with Hylant Group who presented comparative rates being offered to other communities by OTARMA. This information was forwarded to them; however, there was no change in the quoted policy rate.

MR. BRYANT noted this agreement provided for a certain fee based on premium reduction and stated it appears there were no savings to the Township.

MR. ELLIFF stated that is correct; however, he did gain insight into property and casualty insurance.

MRS. LEIS moved to approve an expenditure in the amount of \$70,492.00 for the 2012-2013 Township liability, property and casualty insurance policy and to authorize the Township Administrator to sign the Statement of Values Schedule. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to approve a membership fee in the amount of \$175.00 with American Public Works Association (including the Ohio Chapter) for the Director of Public Works. Mr. Beck seconded the motion.

MR. BRYANT questioned how this training relates to the job.

MR. ELLIFF reviewed his memo regarding a proposed leadership and management training curriculum for Mr. Pitman. This membership will allow him to take courses offered through this organization.

MR. BRYANT questioned if there would be course fees and the location for the training.

MR. ELLIFF advised there would be fees and the majority of the courses would be on-line.

MR. BRYANT stated he is not concerned about the fee, but would like more information regarding what would be gained from being a member and the cost.

MR. BRYANT moved to table this discussion and motion to a later meeting. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to approve a membership fee in the amount of \$150.00 with Ohio Parks and Recreation Association for the Director of Public Works. Mr. Bryant seconded the motion.

MR. BRYANT noted he has the same concern and questions as the previous discussion.

MRS. LEIS moved to table this discussion and motion to a later meeting. Mr. Bryant seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to authorize the Township Administrator to enter into an agreement with Lawn Systems for maintenance of Twilight Tear traffic island and to approve an expenditure in an amount not to exceed \$720.00 for said service. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to authorize the Township Administrator to enter into a three (3) year contract with Cintas, Inc. for Township employee uniforms. Mr. Beck seconded the motion.

MR. BECK questioned the upcharge amount for changing uniform companies.

MR. ELLIFF suggested the Board table this motion since Mr. Pitman is not available to answer questions. He has indicated that the pricing from Cintas is slightly more expensive; however, the quality of the uniform is better.

MR. BRYANT stated he felt it was important to understand the additional cost to the Township over the contract period.

MRS. LEIS moved to table this discussion and motion to a later meeting. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to authorize the Township Administrator to enter into an agreement with Murray Multimedia Resources for website photographs and to approve an expenditure in an amount not to exceed \$825.00 for said service. Mr. Beck seconded the motion.

MR. BRYANT questioned why the Township needs to hire a professional for these pictures.

MR. BECK stated he felt it was important there be consistency in the quality of the pictures for the website.

MR. ELLIFF stated the agreement provides for twenty-five (25) photographs which will represent the Township's identify. The goal is to provide a professional website.

MR. BECK agreed that this service is important in order to provide a professional look to the website.

The roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to approve an expenditure in an amount not to exceed \$63,128.00 for mowing of parks, cemeteries and Safety Center by Y2K Landscaping for 2012-13 as per contracts. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to approve:

- a. Expenditure in the amount of \$8,041.79 for re-banding of public safety radios
- b. Expenditure in the amount of \$1,609.00 for purchase of "Home of the Brave Park" monument signage
- c. Expenditure in the amount of \$2,415.00 for 2012 spraying of pine trees located on Township properties.
- d. Expenditure in the amount of \$1,102.00 for Fiscal Officer's bond
- e. Expenditure in an amount not to exceed \$3,800.00 for the purchase of Mutt Mitts for park use
- f. Expenditure in an amount not to exceed \$2,000.00 for the purchase of trash bags for park use
- g. Expenditure in an amount not to exceed \$7,700.00 for the purchase of picnic tables for Home of the Brave Park
- h. Expenditure in an amount not to exceed \$20,000.00 for the purchase of two lawn mowers at State bid contract pricing
- i. Expenditure in an amount not to exceed \$5,000.00 for the purchase of crack sealing material
- j. Expenditure in the amount of \$1,125.00 for yearly subscription for FireStats
- k. Expenditure in an amount not to exceed \$1,700.00 for the purchase of sign posts
- l. Expenditure (Then & Now) in the amount of \$1,948.09 for replacement of catalytic convertor on T-208

Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

The Board agreed to table approval of an expenditure in an amount not to exceed \$5,000.00 for the purchase of new township street signage to the next meeting in order to obtain additional information from the Director of Public Works.

MRS. LEIS moved to approve the 2011 Township System Mileage Certification reflecting 40.235 total lane miles. Mr. Bryant seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

#### EXECUTIVE SESSION

MRS. LEIS moved that the Board enter Executive Session to discuss the employment of a public employee and pending litigation and to consider the sale of real property by competitive bidding. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mrs. Bryant - 'aye'.

The meeting adjourned for Executive Session at 9:00 p.m.

The meeting reconvened from Executive Session at 10:04 p.m.

No further action was taken and the meeting adjourned at 10:04 p.m.