

\*\*\*\*\*

**MINUTES OF SYMMES TOWNSHIP REGULAR MEETING**

**JUNE 5, 2012**

\*\*\*\*\*

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, Mrs. Jodie Leis, and Mr. John Borchers.

Also present: Brian Elliff - 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.

PRESENTATION

CHIEF OTTO HUBER thanked the Board for the opportunity to recognize John Yates, Jr. Chief Huber stated that it takes a everyone to make a community safe. This is an important part of the Loveland Symmes Fire Department. Chief Huber advised that John Yates, Jr. proved this point when he took action to save his neighbor's house on May 3. Mr. Yates noticed an outdoor fire at 11928 Antietam Drive which he put out with a fire extinguisher. Chief Huber advised that this home would have sustained extensive damage without his quick action.

MR. YATES thanked the Board for the plaque.

LT. HALL demonstrated the new heart monitors recently received by the Fire Department. These monitors were purchased with a federal grant and a 10% match from the community.

DOUG RACK, TURNER CONSTRUCTION - Presented the Board with the punch list for the Home of the Brave Park. Mr. Rack provided an explanation for the two change orders which are on the agenda.

MR. BRYANT questioned if all the grading has been completed and advised he was concerned about the slope at the baseball field, as well as runoff at other areas.

MR. RACK stated this grading was done according to the plan and the Township might want to the architect look into these issue.

MR. BORCHERS questioned if the fields would be ready for 2013.

MR. RACK advised they have put fertilizer on the fields and the Board should see some improvement. Mr. Rack stated he would check with the landscaping contractor since this is still under warranty.

RECEIPTS

Receipts totaling \$482,585.61 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 \$1,193,552.94 were issued.

REPORTS

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

1. HOME OF THE BRAVE PARK DEDICATION - Stated he felt this event was very successful. Mr. Elliff noted that the park is now open to the public.

MRS. LEIS stated she would like to thank Staff for all their hard work on this event.

MR. BECK agreed with this statement and noted that it was very well organized and planned. Mr. Beck stated he felt everyone had a great time.

MR. BRYANT stated he felt that Mr. Beck gave a very moving keynote speech, especially having the veterans come up on stage and identify themselves. Mr. Bryant noted that some people questioned why there were no changing tables in the restrooms and requested the Township Administrator to review this request. Mr. Bryant stated that the fireworks display provided by Rozzi's was spectacular.

CHIEF HUBER - Reminded the Board that Symmesfest will be held on June 14, 15 and 16. Chief Huber advised that the first "Peanut Drop" will be held on Saturday night thanks to Carol Sims. Township businesses and festival vendors have donated over 300 prizes for this event. The peanuts will be dropped from the ladder truck.

Chief Huber advised the department has been approached by other communities to utilize the dispatch services from the Northeast Communication Center. This has been reviewed by the Fire Department's Board of Directors, as well as preliminary meetings with the Township Administrator and Loveland's City Manager. Chief Huber questioned if the Trustees would like to continue these discussions. Chief Huber advised he would provide a report at a later meeting.

MR. BECK questioned when this report would be available.

MR. ELLIFF stated they wanted to introduce this idea to the Board tonight in order to determine the level of interest. Mr. Elliff advised they would continue to work with the various entities to determine the benefits and develop a cost analysis.

MR. BRYANT stated it appears Staff is recommending the Township proceed. Mr. Bryant noted the Northeast Communication Center serves Symmes Township and the City of Loveland.

MR. BECK stated he is in agreement with proceeding.

CHIEF HUBER introduced David Kapor who has served as the Township representative to the Board of Directors and recommended that he be re-appointed.

MR. BRYANT requested Chief Huber to provide information regarding the technology update noted in his report.

CHIEF HUBER stated that by 2013 all radios in the United States need to be narrowbanded. This is necessary to open up more space in the radio spectrum. The radio repeaters need to be replaced. Chief Huber noted this project had been budgeted and should be completed in about two weeks.

#### CORRESPONDENCE

DUKE RETAIL - e-mail response to inquiry about rate errors.

HAMILTON COUNTY SHERIFF DEPT - Activity and Incident reports.

FRED MACKE - e-mail with contract to purchase firehouse property.

TIME WARNER - 1st Quarter Franchise Fee - \$50,242.00.

CAREWORKS - Letter regarding open enrollment process.

COVERALL - Proposal for cleaning of Safety Center.

ENVIRONMENT CONTROL - Proposal for cleaning of Safety Center.

ABCO - Proposals received:

- a. Hopewell Park Tennis/Basketball improvements
- b. Symmes Park basketball court improvements
- c. Seven Gables Tennis/Basketball improvements

cc:SYMMES FIRE to JOHN YATES - Invitation to June 5 meeting to receive an award.

PERSO - Letter regarding suit filed by Lucke Interests.

TURNER CONSTRUCTION - e-mail with updated budget for HOB Park.

McGILL SMITH - e-mail regarding proposed change to steps at HOB Park.

BURNHAM & FLOWER - Letter regarding health insurance renewal.

HAMILTON COUNTY ENGINEER - Letter regarding proposed changes to Subdivision Rules and Regulations.

ERIC GUY - e-mail request for information for student government project.

SARAH WASNIEWSKI, 8808 APPLESEED (45249) - Letter regarding safety sidewalks in Symmes Township.

WOOD & LAMPING - Recorded License Agreement for driveway easement for Singleton Alley.

cc:LSFD to ISO - Notification that review of Public Protection Summary Report has been completed.

JURGENSEN COMPANY - Request for Notice of Commencement for 2012 Resurfacing Project.

DOUGLAS HARVEY, 12007 RICH (45140) - Response to May 14 letter sent by Luanne Felter.

BUREAU OF MOTOR VEHICLES - Letter regarding Audit Findings for 2012 to Symmes from City of Loveland.

OTARMA - Insurance agreements.

ENVIRONMENT CONTROL - Proposal for cleaning of Safety Center.

cc:MSD to McGill Smith - Letter regarding conditional availability of sewer for 11210 Montgomery Road.

THELEN ASSOC - Earthwork summary letter for HOB park.

MONTGOMERY CHURCH - e-mail requesting participation of Trustee at groundbreaking ceremony on June 30.

SOUTHWESTERN ADVANTAGE - Letter regarding transient vendor sales.

ST. ANDREW CHURCH - Note of appreciation to Carol Sims for tour and information on Township cemeteries.

STEVE SNIDER - e-mail regarding suit filed by Lucke Interests.

CHIEF HUBER - Memo regarding re-appointment of David Kapor to the Board of Directors.

BILL BRAYSHAW - Note of appreciation.

BOY SCOUTS - Letter regarding use of Shore Drive.

KLA RISK - e-mail regarding irregular playground steps.

MIKE HOWELL - Public Records Request for information regarding Singleton Alley in Camp Dennison and new water contract for Indian Hill.

WOOD & LAMPING - e-mail regarding signage for Royal fields signage.

NEW BUSINESS

MRS. LEIS moved to appoint David Kapor, 9923 Mistymorn Lane (45242) as Township representative to the Board of Directors of Loveland Symmes Fire Department for a 3-year term effective April 1, 2012. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MR. KAPOR stated he enjoys this position and thanked the Board for the opportunity to serve the residents of Symmes Township.

MRS. LEIS moved to adopt the following resolution:

**RESOLUTION G2012-17**

Resolution Authorizing the Transfer of Funds

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, entered into agreements for the re-payment of Various Purpose Limited Tax General Obligation Bonds pursuant to Resolution F-0312 adopted September 16, 2003 and Resolution F-0403 adopted February 3, 2004; and

WHEREAS, the Township Fiscal Officer, on advice of the State Auditors, has established Fund 14-D as a Special Revenue Fund and Fund 14-B as a Debt Service Fund for the revenue and expenditures dealing with these Various Purpose Limited Tax General Obligations Bonds; and

WHEREAS, the Township Fiscal Officer has advised the Board of Trustees that the amount needed for payment of its 2012 obligations is a total of \$339,152.50; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, wishes to transfer money from the Special Revenue Fund (14-D) to the Debt Service Fund (14-B) as instructed by the State Auditors.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Symmes Township, Hamilton County, Ohio:

Section 1. Hereby authorizes a transfer of \$339,152.50 from the Special Revenue Fund (Fund 14-D) to the Debt Service Fund (Fund 14-B) as instructed by the State Auditors.

Section 2. Hereby directs the Township Fiscal Officer to make the above adjustments to the Special Revenue Fund (Fund 14-D) and the Debt Service Fund (Fund 14-B).

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 amend:

- a. Permanent Appropriation 1-F-4 (General - Armed Service Memorial) from \$500.00 to \$2,000.00

- b. Permanent Appropriation 14-A-8D (TIF - Other) from \$7,000.00 to \$172,521.00

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 adopt the following:

**RESOLUTION G2012-18**

Proclamation Recognizing an ERUV Within Parts of  
Symmes Township That Will Facilitate Freedom of Movement  
Among Members of the Jewish Community

WHEREAS, the Board of Trustees recognize that it shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; and

WHEREAS, the Board of Trustees extends its cooperation to people of all faiths and beliefs to enable them to enjoy the fundamental freedoms inherent in the inalienable rights expressed in the U.S. Constitution; and

WHEREAS, an ERUV is symbolic in nature and does not restrict or otherwise limit or prevent access or use in any manner; and

WHEREAS, an ERUV provides a virtual demarcation that creates a symbolic enclosure necessary to enable freedom to certain members of the Jewish faith to move about and carry objects otherwise prohibited during the Jewish Sabbath, while, most importantly, it in no way abrogates the rights of any other individuals; and

WHEREAS, a request has been presented on behalf of Congregation Ohr Chadash by Rabbi Pinclas L. Landis to proclaim an area within the Township to be designated an ERUV District.

NOW, THEREFORE, BE IT PROCLAIMED, by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

Section 1. That the Township hereby proclaims that an ERUV District may exist within the Township, subject to the recognition that an ERUV is symbolic in nature and does not contravene any federal, state, local laws or public or private personal or property rights, that there shall be no detriment to the rights and general welfare of other members of the public, and that nothing herein shall be construed to limit or interfere with the Township, other political subdivisions or any utility from moving, burying, modifying any poles, structures or appurtenances affecting the ERUV.

Section 2. That this Proclamation shall take effect from and after the earliest period of time allowed by law.

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

RABBI PINCHAS LANDIS, OHAV SHALOM CONGREGATION - Thanked the Board for approval of this ERUV which is a visual demarcation of boundaries for the Jewish community. Rabbi Landis presented a plaque to the Board and advised that acceptance of this will finalize the ERUV in Symmes Township.

MRS. LEIS moved to adopt the following resolution:

## RESOLUTION G2012-19

Resolution Authorizing Purchase of an Ambulance  
Through the State of Ohio Cooperative Purchasing  
Program, Which Purchase Shall Include a Trade In  
of a Used Ambulance Determined by the  
Township to be Surplus

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, finds that the 2003 Ambulance is not needed and is not fit for Township's public use and wishes to have the price of the vehicle (valued at \$20,000.00) credited to the firm against the purchase price of another ambulance to be acquired and put in service for the benefit of the Township; and

WHEREAS, the Board of Township Trustee's is authorized to trade in the 2003 ambulance in conjunction with the purchase of a replacement ambulance acquired as part of the Ohio State Cooperative Purchasing Program without any competitive bidding pursuant to ORC 505.10 and Ohio Attorney General Opinion 1997-006; and

WHEREAS, the Board of Township Trustees has determined to acquire an ambulance available to the State Cooperative Purchasing Program pursuant to State Bid #7723300109\STS233-Q.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

Section 1. The Board of Township Trustees hereby finds that the 2003 Ambulance has a value of \$20,000.00, that said Ambulance is no longer suitable for public use by the Township for the Emergency Services and, hereby, hereby, authorizes and directs that the Ambulance be used to trade-in as part of the transaction for the purchase of an ambulance offered for sale pursuant to the Ohio State Cooperative Purchasing Program, State Bid #7723300109\STS233-Q, more specifically described as a 2011 Kenworth T-270 Chassis with a Braun 170" Ambulance Box, On-Spot Chains and Vanner 20-1050 Inverter (Total \$185,521) for a total net purchase price (after trade-in) not to exceed \$165,521.00. the Board of Township Trustees further authorizes and directs that the Township Administrator, in consultation with the Township Law Director, review and approve and sign such documents as are necessary to effect the purchase and trade-in of the respective ambulances.

Section 2. The Board of Trustees of Symmes Township upon majority vote does hereby dispense with any requirement that this Resolution be read on two separate days and hereby authorize the adoption of this Resolution upon it first reading.

Section 3. This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

MR. BECK seconded the motion.

CHIEF HUBER advised the Township ambulance is 10 years old and is due for replacement. There is an opportunity to purchase a heavy-duty demo ambulance at a reduced cost with all the features needed. The company is also offering \$20,000.00 as trade-in for the old unit. Chief Huber stated this unit should last for at least 12 years. The purchase of the demo unit is approximately \$35,000.00 less than the budgeted amount.

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

MRS. LEIS moved to approve Change Order #06-003 with Amerilect in the amount of \$2,423.00 for the addition of two 24" x 36" boxes per phone company specs and to move the transformer pad per Duke requirements at the Home of the Brave Park. 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 approve (Then & Now) Change Order #05-006 with Solica Construction in the amount of \$1,097.00 for anti-slip striping on risers at Home of the Brave Park. 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 Environmental Control for cleaning services for the Safety Center and to approve an expenditure in the amount of \$13,608.00 for said services. Mr. Bryant seconded the motion.

MR. BECK questioned how this compares with the previous contract.

MR. ELLIFF stated the Township will be saving approximately \$400.00 per month and it is felt that the quality of service will continue.

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

MR. ELLIFF questioned if the Board would like to hold interviews for the positions on the Finance & Audit Committee and recommended the Board consider holding a special meeting on July 10.

MRS. LEIS stated that she will not be available to attend the July 10 meeting.

MR. BRYANT noted this meeting was changed from July 3 to July 10.

MR. BORCHERS stated the meeting had been changed since he would not have been available on July 3 to discuss the proposed Tax Budget.

MR. BRYANT questioned if it was important for the Township Fiscal Officer to be present at the meeting.

MR. BORCHERS stated he is the one to present the proposed Budget to the Board for approval. Mr. Borchers advised the Budget would be presented to the Finance & Audit Committee and the Board usually attends this meeting. Mr. Borchers noted that Ms. Sims will also be absent on July 3.

MR. BECK questioned if he would be available for a conference call in case there was a question on July 3.

MR. BORCHERS stated this would be possible and this would be a solution to the problem.

MRS. LEIS moved to change the July meeting date from July 10 to July 3 at 7:00 p.m. 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 postpone any interviews until Mr. Borchers is present.

MRS. LEIS moved to hire Mason Housley as part-time seasonal employee at an hourly rate of \$11.66 effective June 6, 2012 to October 31, 2012. Mr. Beck seconded the motion.

MR. BRYANT questioned how many applications were received.

MR. PITMAN advised there was approximately twelve. Additionally, previous applications were reviewed.

MR. ELLIFF stated most of the applicants were looking for a permanent position. The two people being considered by the Board were actually looking for a part-time job for the summer. Mr. Elliff noted that these two people will share one position.

MR. PITMAN noted that this will allow for flexibility in scheduling these part-time employees and total work time will not exceed 80 hours per week.

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

MRS. LEIS moved to hire Marcus Rose as part-time seasonal employee at an hourly rate of \$11.66 effective June 6, 2012 to October 31, 2012. 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 approve:

- a. Expenditure in the amount of \$5,000.00 for grant match for heart monitors
- b. Expenditure (Then & Now) in the amount of \$13.71 for additional services by McGill Smith Punshon, Inc.
- c. Expenditure in the amount of \$1,322.50 for purchase and installation of five desk riser tops at Safety Center
- d. Expenditure in an amount not to exceed \$23,000.00 for 1st Quarter 2012 franchise fees
- e. Expenditure (Then & Now) in the amount of \$1,200.00 for lettering on Veteran Memorial Wall
- f. Expenditure (Then & Now) in the amount of \$2,417.00 for trim panels on Veteran Memorial Wall

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

The following cemetery deed was approved:

- Ken Neumann, Union Cemetery, Lot 800W, Graves 4 and 5

#### EXECUTIVE SESSION

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

The meeting adjourned for Executive Session at 8:06 p.m.

The meeting reconvened from Executive Session at 8:20 p.m.

MRS. LEIS moved to adopt the following resolution:

#### **RESOLUTION G2012-20**

##### Resolution Authorizing and Directing the Sale of the Firehouse Property Located on Chapel Square Drive

WHEREAS, the Board of Township Trustees of Symmes Township, Hamilton County, Ohio, deems it necessary and in the best interest of the public to allow for the sale of certain property, namely the former Firehouse property known as 1.15 acres on Chapel Square Drive, Symmes Township, Ohio, 45140, Auditor's parcel no. 620-202-56; and

WHEREAS, The New York Life Insurance Company has offered to purchase from the Board of Trustees of Symmes Township the parcel of property listed in Exhibit "A"; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio has determined that it is appropriate and necessary at this time to proceed with the sale of the above-described real property as it is no longer necessary for the public use; and

WHEREAS, a Contract to Purchase, substantially in the form attached hereto as Exhibit "B", has been presented to the Board of Trustees of Symmes Township, which sets forth reasonable terms and conditions for the sale of said property by the Symmes Township Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes

Township, Hamilton County, Ohio:

Section 1. That the Township Administrator is authorized to execute a Contract to Purchase substantially in the form of the agreement attached hereto as Exhibit "B" and incorporated herein by reference, with the form of any changes or modification to be approved by the Law Director and the substance of any changes or modification to be approved by the Township Administrator.

Section 2. That the Township Administrator is further authorized to execute any and all documents on behalf of the Board of Trustees and take all necessary steps to complete the sale of said property pursuant to the terms of a finalized Contract to Purchase as authorized by Section 1 herein.

Section 3. That upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorize the adoption of this Resolution upon its first reading.

Section 3. That this Resolution shall take effect and be enforced from and after the earliest period allowed by law.

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 that the Board re-enter Executive Session to discuss the employment of a public employee, to discuss pending court action and to discuss imminent court action. Mr. Bryant seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

The meeting adjourned for Executive Session at 8:21 p.m.

No further action was taken and the meeting adjourned at 10:45 p.m.