

# HAMILTON TOWNSHIP TRUSTEES

## March 26, 2014

Mr. Weber made a motion and Mr. Wallace seconded the motion to call the meeting to order at 6:05 p.m.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

The Pledge of Allegiance to the Flag was recited by all in attendance.

Mr. Weber noted that Mr. Duvelius was not present this evening due to his father unexpectedly passing away. Mr. Weber sent his condolences to Mr. Duvelius and his family.

Mr. Weber made a motion and Mr. Wallace seconded the motion to dispense with the public reading of the minutes and approve as written for the March 12, 2014 meeting.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to dispense with the public reading of the minutes and approve as written for the March 14, 2014 meeting.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to dispense with the public reading of the minutes and approve as written for the March 17, 2014 meeting.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to pay the bills before the Board with check numbers 71979 through 71987. These are withholdings from payroll checks.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Sheriff Larry Sims was present and gave the 2013 Annual Report for the Warren County Sheriff's Department. Sheriff Sims stated there were over 73,000 calls. Sex offender numbers are still increasing. Over 9,000 CCW Permits have been issued. A crime scene investigation unit of five (5) was created and there are three (3) canines. The DARE program was offered to over 1,700 students and a self-defense class was offered to young ladies. The department also joined forces with Camp Joy to provide a camping experience to under privileged children. This was funded with drug forfeiture money. There is now an SRO Officer in Kings Schools. There was a county wide response to active shooter training offered. There are discussions about expanding the jail again. There were 26 new deputies hired last year.

Mr. Weber asked if there were any questions for Sheriff Sims. There were not.

The board thanked Sheriff Sims for attending.

Ms. Melissa Brock, Human Resources, requested the board make a motion to approve the purchase of cemetery lots within the Maineville New Addition, Lot 178, Graves 3 and 4, to Mr. Gilbert and Carole Adkins at the Hamilton Township resident cost of \$400.00 each grave for a total of \$800.00.

Mr. Weber made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Ms. Ellen Horman, Finance Coordinator, provided an update. The reports were as of February 28, 2014 with a revenue status of \$158,241.71. The first draw should be in next week. The total expenditures are \$936,558.59.

Mr. Gary Boeres, Administrator, stated the building bond retirement fund was up for discussion, but the board decided to wait until Mr. Duvelius was present.

Mr. Boeres stated the township has a consultant that we do not pay, to handle the electric aggregation rates. The rates will be up in June. Right now the rate is 4.47 cents per kilowatt hour. All the rates are increasing due to supply issues. The lowest available rate now is 5.41 cents per kilowatt hour for three (3) years. There are no termination fees.

Mr. Weber made a motion and Mr. Wallace seconded the motion to authorize the Administrator to enter into a contract with First Energy Solutions for a locked in rate of 5.41 cents per kilowatt for a period of three (3) years.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres prompted discussion about the Testerman Park Concession Contract. Mr. Weber stated he had reviewed the contract and noticed there was a continuance of contract in the existing agreement. Mr. Wallace stated the contract does not say anything about it being exclusive to the park. Mr. Boeres stated on the second page of the contract, item number 7 should be removed. Anyone who wishes to set up at the park needs the Park Board's approval first.

Mr. Bill Shearer, Park Board Member, stated the park board does not want competition for the concession stand. The current concession contract holders are there at all times. Mr. Wallace asked why we would make them be there during slow times. Mr. Shearer stated that was established when the contract was first started because there are good times and bad times. The teams are required to let them know when they will be playing and be at the park. Mr. Wallace stated the question was if the township is providing a service, the community should decide what service they want. Mr. Wallace asked if the concession generated any money for the township. Mr. Shearer stated no, it does not. It was just providing a service. Mr. Wallace wanted to know what harm it would do by letting other vendors into the park and allow them to service the community. Mr. Shearer stated that is no problem, but would need to be in another area of the park and have to pay as well. Mr. Wallace thought the vendors should set their own hours and not be required to be there. He would like to embrace the small businesses and let the community decide what they want. The season will be starting soon and is even willing to reduce the fee to allow other businesses to come in. Mr. Weber agreed with Mr. Wallace about opening it up to local businesses in the township, but was concerned about keeping the same level of service with the new vendors that we had received with the current vendor.

Mr. Bruce Scott, Park Board Member, stated the park board had been approached before from other vendors, but was concerned about safety. There is not safe parking spots for trucks to set up and it takes away from parents parking that is full enough already. Mr. Wallace suggested finding a dedicated area in the park for vendors to set up. Mr. Scott stated the parking is so limited he would hate to mark off the parking spots for set up and the vendor not show up. Mr. Shearer was worried about kids chasing the truck vendors through the parking areas and running in front of cars. Mr. Weber asked about a space in the back half of the park. Mr. Scott stated that parking is full there too.

Mr. Wallace wanted to embrace the small businesses and invite them to the park. Mr. Wallace stated controls need set and they vendor must register and get the trustees approval. The vendor would need all the appropriate insurance as well. Mr. Shearer stated the vendor would need a permit from the health department as well. Mr. Wallace stated again the hours should not be set, that will be determined by supply and demand. The township can use the website and Facebook page to post the concessions hours. Mr. Scott stated the \$200.00 just covers the utilities. Mr. Wallace stated he would be okay with setting the fee at \$150.00.

Mr. Weber opened the floor to the public.

Mr. Ted Andrews, Kona Ice, stated he had been in many Warren County parks. Mr. Andrews understands the safety issue. He is licensed, insured and has his health department permit. Over the last year Kona Ice has given back \$109,000.00 in donations. He runs five (5) units of Kona Ice now and Testerman Park is the only park he is not allowed in.

Mr. Weber closed the floor to the public.

Mr. Wallace stated since it is so late in the game the contract should go to Elidee Mason for \$150.00 per month. Mr. Weber wanted to keep the pricing at \$200.00 to cover the utilites. Mr. Wallace stated the trustees will decide on a vendor's acceptance when an application is submitted. Mr. Shearer suggested allowing Ms. Mason to have the contract for summer and maybe open the contract again in the fall. The board thanked everyone for their input.

Mr. Weber made a motion and Mr. Wallace seconded the motion to allow Elidee Mason to keep the Testerman Park Concession Contract for \$200.00 per month without stipulation #7 and allow other vendors to approach the trustees to set up at the park.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to authorize Mr. Boeres and Mr. Warren Ritchie, Law Director, to work on the Park Concession contract and Mr. Boeres can sign the contract on the board's behalf.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated a copy of the State Auditor's letter of arrangement was sent to the Board. The total cost of the audits for 2010-2013 is \$33,661.00. The funds can be allocated amongst all departments.

Mr. Wallace made a motion and Mr. Weber seconded the motion to approve fees for the 2010-2013 audits and the President of the Board to sign the agreement.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to allocate the \$33,661.00 for the 2010-2013 audits amongst the funds of General, Police, Road and Bridge, Fire and EMS funds.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated the Fire Department would like to purchase a new ambulance and pumper truck. The Chief had submitted purchase orders for the new ambulance to replace an existing one and also the purchase of a new pumper truck and equipment. Mr. Wallace asked the year of the squad to be replaced. Fire Chief Mark Greatorex stated 2004. Chief Greatorex stated the old ambulance will be sent to a remount manufacturer and have them

pull the box off of it and the chassis returned to the township to replace the old Chevrolet truck that is currently being used to haul salt for the Maintenance Department.

Mr. Boeres read the amendments for the 2014 permanent appropriations as the Ambulance and EMS, Account Code 2281-220-750-000, an increase of \$340,000.00 for the purpose of purchasing an ambulance; Fire Legacy Fund, Account Code 2111-220-750-0000, an increase of \$647,343.01 for the purpose of purchasing a fire truck pumper.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve Resolution #14-0326 authorizing the amendment of the 2014 permanent appropriations and allowing the Finance Coordinator to do so.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber noted the funds are unencumbered and the money is there it was just not appropriated yet.

Mr. Boeres stated under fund 2281-220-750-000 there are two (2) separate purchase orders \$233,599.87 for the purchase of the ambulance and also \$5,094.00 for option 'B'.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve the purchase orders as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Chief Groatorex noted the vehicle will be built in Ohio and will support the Ohio workers in Grove City, Ohio. There is a prepaid discount if this is paid for by April 1<sup>st</sup>.

Mr. Boeres stated the next purchase order under the same account is for Ward Diesel Filter Systems for a no smoke diesel exhaust removal system in the amount of \$8,739.06. Chief Groatorex gave clarification regarding the system.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve the purchase order as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated under fund 2111-220-750-0000 there is a purchase order for the amount of \$21,450.00 for the purchase of the equipment for the new pumper truck.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve the purchase order as stated above.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated the township Police Department went through the process of hiring a full time police officer. The interviews were last night and a selection was made. Mr. Boeres would like the board to meet with the top candidate at 5:30 p.m. on April 2<sup>nd</sup> before the meeting. This is not a new position but is filling a vacant position within the department.

Mr. Weber made a motion and Mr. Wallace seconded the motion to start the April 2<sup>nd</sup>, 2014 meeting at 5:30 p.m. for a candidate interview.

Roll call as follows:	Kurt Weber	Yes
	Dave Wallace	Yes

Mr. Boeres stated he had a few items for Executive Session.

Mr. Weber opened the floor to the public.

Mr. Weber closed the floor to the public.

Mr. Warren Ritchie, Law Director, stated he believed the concession contract can just have #7 crossed out and initialed.

Mr. Ritchie noted on purchase orders they normally need the signature of the fiscal officer to certify the funds. The company receiving the contract usually wants this done to show availability of funds. If this is an issue with the company it will have to be worked through with a then and now certificate within 30 days. There should be no issue with the check as it would be at the risk of the company to accept it.

Mr. Weber stated Mr. Mark Hurst, CPA Consultant, was put on suspension for township use because he might have applied for Fiscal Officer Position, but he did not. Mr. Weber would like to be able to utilize Mr. Hurst again as needed. Mr. Wallace stated that was fine, but he would like to see a limit set as to what exactly they are doing and working on while here.

Mr. Weber made a motion and Mr. Wallace seconded the motion to allow Mr. Mark Hurst to be used as a financial consultant as needed.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber stated the Executive Session discussions would be in regard to the Fiscal Officer applicants.

Mr. Weber made a motion and Mr. Wallace seconded the motion to table the discussion for the appointment of the Park Board, Board of Zoning Appeals and Zoning Commission members until Mr. Duvelius returns.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres asked for Executive Session to discuss the employment status of a current township employee.

Mr. Weber made a motion and Mr. Wallace seconded the motion to enter into Executive Session for discussion of the Fiscal Officer applications and the employment status of a current township employee at 7:10 p.m.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to return from Executive Session at 7:40 p.m.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber stated in Executive Session they discussed the Fiscal Officer applications and the employment status of a current township employee.

Mr. Boeres stated the trustees received four (4) eligible applications in regard the Fiscal Officer position. The interviews will begin on April 1<sup>st</sup> at 4:00 p.m. at the township building. The interviews will be scheduled at 40 minute increments.

Mr. Weber made a motion and Mr. Wallace seconded the motion to hold a Special Meeting on April 1<sup>st</sup> at 4:00 p.m. to interview the Fiscal Officer applicants.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated after looking into the payroll Ms. Brock and Ms. Horman had discovered a few tax issues. The first is in regards to the part time firefighters and the payment of their social security tax. Not enough tax was collected from their payroll checks in order to make the payment. The total amount needed is just over \$8,000.00. Mr. Boeres wanted to know if the board wanted the township to invoice the employees for the amount or should the township pay that on their behalf. Mr. Weber stated it was a township mistake and the fire budget could pay the difference needed. Mr. Wallace agreed.

Mr. Weber made a motion and Mr. Wallace seconded the motion to have the township Fire Fund pays approximately \$8,000.00 for the part time firefighters FICA 2013 withholdings.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated the next issue presented was from 2012 and 2013 with the filing of form 941 to the IRS. This was not filed. Mr. Bastin was contacted and stated he was willing to help with the issue. Mr. Hurst was not brought in as his help was under suspension until now. Mr. Boeres wanted to rely on an outside CPA whether it is Mr. Hurst or Mr. Bastin. Mr. Wallace asked how much money in penalties they were thinking it would be. Mr. Boeres stated he has no exact amount right now, but is talking about tens of thousands of dollars. Mr. Weber stated he had spoken with Ms. Brock earlier and she estimated a \$30,000.00 range. Mr. Wallace asked what a 941 form is. Mr. Ritchie stated it is a quarterly return to reconcile the total monies remitted to the IRS for the employee's share of Social Security, employers matching and the income tax withheld. Mr. Wallace stated it was never reconciled and Mr. Ritchie stated no.

Mr. Boeres stated he would obtain prices for assistance with this issue from a payroll specialist to work with Ms. Brock and try and have it for the next meeting. Mr. Wallace asked for two (2) to three (3) quotes.

Mr. Leonard Adkins, 6268 Lost Willow Lane, stated the penalties can be waived and they will work with the township. After going through all their steps he believed they would waive the penalties.

Mr. Weber read the names of the eligible applicants for the Fiscal Officer position and those were: Leonard Adkins, Ralph Ward, Raymond Warrick and Russell Holman. Mr. Tony Colby applied, but is not a township resident so he did not qualify. Mr. Boeres stated the addresses of the applicants were verified through the Warren County Auditor's website.

Mr. Weber made a motion and Mr. Wallace seconded the motion to authorize Mr. Boeres to sign the contract for the ambulance approved earlier this evening.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes

Ms. Elidee Mason, 7192 South State Route 48, inquired about the concession contract as she was not present for that portion of the meeting earlier. Mr. Wallace stated the same contract will be used at \$200.00 per month minus #7 on the contract. Any outside vendors must apply and come before the board. They would have to submit a fee as well. Ms. Mason asked about the time other vendors would have to be there. Mr. Wallace stated they could come and go as supply and demand as well as her hours. Ms. Mason stated people can't come and go as you please. There was much more discussion regarding hours and the work she does during her time there and wants it fair for everyone. Ms. Mason asked about additional restrooms for the ball fields being added to the back half of the park. Mr. Wallace stated the Park Board needs to decide the requirements and the needs for the park. There was also discussion about the cleaning of restrooms. Mr. Boeres stated he would get in contact with the Park Board about the portable restrooms and funding is an issue with the park as funding has been cut.

Mr. Mike Cremeans, 9603 So. St. Rt. 48, asked if the Fiscal Officer to be hired will report to the trustees until it is an elected official. Mr. Wallace stated they will follow the Ohio Revised Code and what it states.

Mr. Cremeans also asked about the concession just going to Ms. Mason for spring ball. Mr. Weber stated Mr. Shearer had mentioned it, but the board's decision was to let Ms. Mason run the concession at spring and fall. Other vendors may start as soon as they go before the board.

Mr. Jim Morgan, 747 Yachtsman's Cove, stated he spoke to the board before the meeting about the severe financial crisis the township is in. There is finger pointing going on and it should be about the supervision of each other. Mr. Morgan stated the township is cash poor and discussed real estate assets the township owns and it being utilized to the maximum benefit. Mr. Wallace urged Mr. Morgan to attend the financial work shop on April 5<sup>th</sup> from 8:00 a.m. to 12:00 p.m. to discuss his ideas.

Mr. Weber made a motion and Mr. Wallace seconded the motion to adjourn the meeting at 8:18 p.m.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes