

# HAMILTON TOWNSHIP TRUSTEES

## April 16, 2014

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

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

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

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to adopt the proposed agenda for the April 16, 2014 meeting.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to dispense with the public reading of the minutes and approve as written for the April 2, 2014 meeting.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Mr. Duvelius made a motion and Mr. Weber seconded the motion to dispense with the public reading of the minutes and approve as written for the April 5, 2014 special meeting.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Abstain – Absent from Meeting

Mr. Duvelius made a motion and Mr. Weber seconded the motion to pay the bills before the Board with check numbers 72075 through 72223 and numbers 72307 through 72311.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve the payroll before the Board with check numbers 72224 through 72306.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber noted the bill checks exclude check numbers 72102-72104 and 72107. Also check number 72142 through 72169 are voided due to a printer malfunction and 72196 reflects a payroll check.

Ms. Melissa Brock, Human Resources, stated there are a few families that have requested cemetery deeds that she would like the Board to approve.

Ms. Brock asked for a motion to approve the purchase of cemetery lots within the Maineville Cemetery – New Addition, lot 37 to the Berchtold Family.

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

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Ms. Brock stated she needed a cemetery deed transfer because of an issue with the Murdock Cemetery and the Glass Family. The Glass Family deed originally showed lot 123, graves 1, 2, 3, 4 and 8. After further review and examination of the graves, those graves noted on the deed were already purchased or have occupants in those graves. Ms. Brock asked for the Glass Family to be moved to lot 124, graves 1, 2, 3 and 4. The Glass Family had a burial today and was able to be placed next to a family member in lot 108 because it was a cremation. Ms. Brock is requesting the transfer of two (2) deeds to fulfill the purchased lots of the family.

Mr. Duvelius made a motion and Mr. Weber seconded the motion as stated above to transfer two (2) deeds for the Glass Family.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Ms. Michelle Tegtmeier, Community Development Coordinator, presented a PowerPoint presentation for the Stage 1 Site Plan for Peters Cartridge Factory. The applicant is Bloomfield/Schon + Partners. The PowerPoint reviewed the location of the site, the details of the existing site, the proposal to allow businesses and restaurants. There is 2.5 acres of open space with limited parking and possible first floor parking. The landscaping, lighting, and signage will all be presented in the Stage 2 Site Plan. The Warren County Regional Planning Commission approved the plan in February 2014; the Hamilton Township Zoning Commission approved the plan in March of 2014. The staff does recommend approval.

Dr. Frank Colon asked about the preservation of the site historically and the authorization given to do the project.

Mr. Schon, Bloomfield/Schon + Partners, stated the registration is only part of the way through as he recently found out. Part of the funding for this project will use federal and state historic tax credits. The biggest concern now is the windows.

Mr. Wallace asked about the time frame of the project. Mr. Schon stated he does not know for sure because it is under control of the Federal EPA and DuPont. There is not much cooperation at this time.

Mr. Duvelius asked if there was anything that the township could do to help. Mr. Schon stated no, they would have to wait them out.

Mr. Weber asked if DuPont agreed to clean the site to residential standards. Mr. Schon stated no.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve Resolution #14-0416 which is a zoning amendment request by Bloomfield/Schon + Partners, 660 Lincoln Avenue, Suite 303, Cincinnati, Ohio 45206 to rezone 14.29 acres of property located at 1415 Grandin Road, Hamilton township, Ohio 45039 known as Peters Cartridge Factory to change the existing M-2 Heavy Industry Zone to R-3 Multi-family zone with a planned unit development with a maximum density of 128 residential units. The sketch plan notes a minimum of 15 percent of the existing buildings must be used for B-1 Neighborhood Business Zone uses at final build-out.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Ms. Ellen Horman, Finance Coordinator, was present to give a Financial Report through March 31, 2014. Ms. Horman stated the year to date revenue is \$310,270.29 and the year to date expenditures is \$1,652,843.25. A settlement check, which is not reflected in the report, was just received in April from Warren County.

Mr. Ray Warrick, Fiscal Officer, stated there was a stack up of bills from the time between the Fiscal Officer Positions, but he was happy to report everything has been paid and there is nothing outstanding. It should be like this from now on. A bank reconciliation will be done monthly from now on. Mr. Warrick stated there were four (4) checks pulled from the approved list of bills, three (3) of which were TIF and he will be meeting with a TIF expert next week in regard to those. There are still payroll mistakes to be fixed and quotes are being obtained from Payroll Services to have them look at the issues. At a later date, Mr. Warrick would like the Board to consider having an outside service do our payroll.

Mr. Warrick stated everyone knows we are on Fiscal Emergency due to our problems in book keeping. A commission of seven (7) people is being developed and the township has 120 days to create a plan. Mr. Warrick does not believe it will take that long. Mr. Warrick shared a PowerPoint presentation of ideas on how to approach the Fiscal Emergency. The cash flow is just fine. There were two (2) violations, the first being deficit fund balances. There are three (3) accounts in deficit, Road and Bridge and two (2) building bond funds. The second violation is because the township has a deficiency in the treasury balance. There is no indication of missing money just bad journal entries. The township did not outspend its money. Mr. Warrick provided an example of using the Fire Department reserves to help out the negative accounts. Mr. Warrick noted the department heads had to put together their budget without any numbers to go by. Mr. Warrick stated an idea from the Financial Workshop with the residents was to repackage the levies. Mr. Warrick presented another idea for consideration was to close the TIF account which would add \$600,000.00 to the mix and is essentially equal to a 1 Mil Levy. The idea of using levy monies from Fire and Police Levies to put in the Road and Bridge fund was also presented. The voters would get not just a new road levy, but a reduction in the current millage. Mr. Warrick stated he has spoken with Mr. Warren Ritchie, Law Director, about the journal entries and repackaging of the levies. The Board thanked Mr. Warrick for the presentation and the time he spent on the information.

Mr. Boeres would like the Board to authorize Mr. Ritchie to work on obtaining information with an amount not to exceed \$1,000.00 in research fees. Mr. Ritchie stated \$1,000.00 might be low, but would like to look more into the ballot language for repackaging the levies and decreasing the Fire and Police levies to give monies to the Road and Bridge. If there are funds in a restricted fund that is not needed the Common Pleas Court can decide with the Tax Commissioner whether they are on board with moving these monies. Mr. Warrick suggested getting the State Auditor on Board if this is a plausible fix. Mr. Warrick stated he spoke with State Auditor, Dave Yost, about this theory and taking it to the Tax Commissioner. Mr. Yost told Mr. Warrick he did not know the Tax Commissioner well and suggested speaking with the State's Office of Budget Management (OBM) for help. Mr. Warrick stated he would call OBM and get information about how far along the township would need to be before the commission is set. Mr. Warrick does not want to upset them before he even knows them. The Board agreed to allow Mr. Warrick to call OBM and start the process there.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to allow Mr. Ray Warrick, Fiscal Officer, to contact OBM in regards to the approach the township should take moving forward and also allow work with Mr. Ritchie as necessary with a cost not to exceed \$1,000.00.

Roll call as follow:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Gary Boeres, Administrator, wanted some clarification from the trustees about a recovery plan and who should work on this. Mr. Boeres suggested himself, Mr. Warrick, the department heads and Mr. Ritchie if necessary. The group would update the trustees as needed. Mr. Weber stated the group seems to be off to a great start and just keep the

Board in the loop. Mr. Wallace stated if a work session is needed down the road they can do that, but for right now the group can handle it. Mr. Duvelius agreed to just keep the trustees updated.

Mr. Boeres stated the Special Meeting on April 5<sup>th</sup> was to provide ideas to the township about the financial situation and what the Board would like to follow up on.

Group one (1) presented their ideas of:

- Repackaging the levies to cover the needs of all the departments with a net tax burden less than the current rate.
- A waiver for journal entries for a clean slate moving forward.
- Develop a five (5) year plan moving forward for major groups with past and future views.
- Collaborate with the school districts for the needs of both parties.
- Have a newsletter to the residents from the Board to reassure residents of what is going on.

Group two (2) presented their ideas of:

- Sell Mounts Park
- Explore the possible uses of the township building for example renting it out.
- Come up with a financial plan before the State does. (This was said before Fiscal Emergency)
- Do not add any additional levies.
- Create long term leases for park improvements.
- Mainly focus on the Roads, Police and Fire.

Group three (3) presented their ideas of:

- Reaching out to the community and use the website to present general information.
- Discuss the public relations issue and separation of the powers between the Fiscal Officer and the Trustees.
- Give clarification of the accounts with deficits and how this likely occurred.
- Develop a CAFR.
- Speak more as a joint group and communicate as a whole with press and restore faith in the community.
- Focus on the reputation of the township.
- Talk to other townships about their financial plans.

Mr. Boeres noted the investigation of the former Fiscal Officer is still on going and BCI has not released anything to the Prosecutor's Office yet.

Mr. Wallace stated a five (5) year plan was set to be discussed at the retreat. Mr. Wallace would like to have a retreat with the department heads to not only map out the next year, but the next five (5) years as well. He would like to schedule that retreat as soon as the township hears back from the auditors. Mr. Warrick stated the five (5) year plan has to be a part of the report to the Oversight Commission. A good foundation will already be set for a retreat, but it is not needed until down the road. Mr. Weber stated a retreat is needed when the time is right.

Mr. Wallace asked about Mounts Park being under a lease currently. Mr. Boeres stated yes, around 15 acres of baseball fields is being leased. If the park were to be sold, the 15 acres could be cut out of the sale. Mr. Wallace wanted a copy of the lease agreement and wanted to know if there was anything in the lease about breaking the agreement in order to sell it. Mr. Ritchie stated he does not believe it could be broken because it was written not to be broken, but he will look into it. This will be discussed further at the next meeting.

Mr. Duvelius stated the sections of public relations issues, speak more jointly, restore faith in the township's reputation could be grouped and now would be a good time to do a press release of the update for moving forward. Mr. Weber agreed. Mr. Warrick stated he would like to see them wait until after the BCI Investigation is over. Mr. Wallace

wanted to keep the public informed and involve the residents via Facebook and the website to help restore the confidence.

Mr. Weber stated developing a CAFR could come down the road.

Mr. Boeres stated the Fire Agreement with Union Township for fire protection and emergency medical services was sent to the trustees. It was signed already by the Union Township Board and the just needed the Hamilton Township Trustees signatures.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve the agreement for Fire Protection and Emergency Medical Services between the Hamilton Township Board of Trustees and the Union Township Board of Trustees.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Boeres stated the township had a lease for 39 acres at Marr Park for farming. This was leased to Rick and Roger Howry for \$93.00 per acre with a total of \$3,627.00. Mr. Boeres stated this bid out several years ago and Mr. Howry's bid came in the highest.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to accept the bid from the Howry Bros. to farm the unused acreage at Marr Park for a total of \$3,627.00.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Boeres presented a then and now certificate that was made during the absence of a Fiscal Officer. A check needed to be sent to the insurance company for the Fire Department in the amount of \$6,598.00 to keep the coverage.

Mr. Duvelius made a motion and Mr. Weber seconded the motion to accept the then and now certificate as stated above.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Mr. Boeres stated at the last meeting he was asked to advertise for quotes for the concession stand at Testerman Park. After that last meeting Ms. Mason called and stated she had reconsidered and has agreed to sign the contract with the understanding that mobile vendors would be permitted in the park as long as the trustees approve them and they are permitted.

Mr. Weber made a motion and Mr. Wallace seconded the motion to ratify the agreement with Ms. Eliodee Mason for the concession contract at Testerman Park.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Gene Duvelius	Yes

Mr. Boeres stated the portable restrooms were ordered for the park and should be in this week. A total of four (4) were ordered.

Mr. Boeres stated he received a request from Neil Tunison's Office and the Secretary of State urging the trustees to pass a Resolution urging voters to support State Issue 1, renewal of the State Capital Improvements Program on the May 6<sup>th</sup> ballot. Mr. Weber stated this is through the Ohio Public Works Commission and is not a tax increase. The benefit is local agencies can work together on road improvement projects.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve Resolution #14-0416A urging voters to support State Issue 1, renewal of the State Capital Improvements Program, on the May 6, 2014 ballot.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to approve the President of the Board to sign Resolution #14-0416A.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Mr. Boeres stated he discussed with the Park Board the location for the mobile food vendors and the cost of \$40.00 per month. The Park Board did want the vendors to provide their own garbage can, clean up their own mess, and have insurance and appropriate licenses.

Mr. Ted Andrews, Kona Ice, was present and stated he had a certificate of liability, a food license for his truck and the mini. They are willing to pay the \$40.00 per month and give donations back to the township. For example if he sold \$1,000.00 he would give back \$210.00 to the township. Mr. Wallace asked to get a schedule from Mr. Andrews of when he will be there and post it on the website and Facebook of when he will be at Testerman Park. Mr. Andrews stated since the agreement was being entered into so far into the year already he would have to move some things around and pass some off to other Kona Ice Vendors in other areas, but he will do the best he can.

Mr. Weber asked about the location for the mobile vendors. Mr. Boeres stated it would be past the old admin building to the left past the shelters in the grassy area next to the parking lot at the dead end in the back.

Mr. Boeres stated Mr. Kenny Hickey, Road Foreman, had noted the radios are being converted to digital next month and he gave the Board a price of \$5,800.00. Mr. Hickey had told him another local township had used TIF funds to pay for their communication devices. Mr. Ritchie was asked to look into this further by Mr. Boeres. Mr. Ritchie reported that if the Board unanimously determined the radios in question were necessary for the development of the property in the TIF or were required as a result of the impact of such development in the TIF area that it would come within the language and intent of the TIF District and the monies could be used to upgrade the radios. The Board agreed they were okay approving this. Mr. Ritchie stated he would have a Resolution ready for them at the next meeting.

Mr. Weber made a motion and Mr. Wallace seconded the motion to approve Resolution #14-0416B for the purchase of Radios for the Maintenance Department in the amount of \$5,600.00 from the TIF Fund.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Gene Duvelius	Yes

Mr. Hickey stated the last upgrade for the radios was 20+ years ago and won't upgrade again after this for another 20+ years.

Mr. Boeres asked for an Executive Session for appointment of candidates to the Oversight Committee.

President Weber opened the floor to the public.

President Weber closed the floor to the public.

Mr. Warren Ritchie, Law Director, stated he heard a representative for the Marr family was concerned about Marr Park not being used and there was a section of the agreement that if the township did not use it as a park, then it would be opened to Warren County to use as a park. Mr. Ritchie stated it will be used as a park and trustees do not want to give it up without a fight. Mr. Ritchie would like the Board to authorize Mr. Boeres to work with the Park Board and come up with a current use to use the park like for a walking trail.

Ms. Pat Cremeans, Park Board Member, stated there is a gentleman that is already working on trails in Marr Park. Mr. Boeres stated yes there was. Mr. Andrews suggested a dog park.

Mr. Weber stated he had thought about allowing a team to practice there and possibly park in the extra space off the round-about. Mr. Wallace stated the township does intend to keep the property, but right now it is a financing issue. Mr. Ritchie stated he was not asking the Board to spend any money. Mr. Duvelius stated it is still a township park and there is passive use now of walkers using the property and the potential for one (1) field to be used as a practice field. Mr. Ritchie stated there are not any 'No Trespassing' signs posted so we would not stop anyone from using it.

Mr. Dan Phipps, Resident, asked if the final result was a park, what does it matter whether the township uses money or the county uses its money. The County will still keep it a park; it's the same turn out. Mr. Ritchie asked if the county would even want the property. Mr. Weber stated Warren County Park District is discussing a possible park levy in future years, so they may not even be interested in obtaining another park. Mr. Wallace asked about fishing liability and insurance. Mr. Ritchie stated it depends on if the township would charge for fishing. It is covered by the township insurance as long as there is no fee. If there was a fee the coverage would need to be a little different.

Mr. Ritchie asked if the Board would need him in Executive Session. The trustees responded no.

Mr. Ritchie stated he was planning on attending the meeting on the TIF's.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to enter into Executive Session at 7:51 p.m. to discuss the trustee's selection of candidates for the Oversight Committee.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion to reconvene from Executive Session at 8:17 p.m. and open to the regular meeting.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber stated in Executive Session they discussed names they would send to the Governor for the Oversight Committee.

Mr. Boeres stated the five (5) candidates are Don Biederman, Russell Holman, LeRoy Wilder, Dan Phipps and Frank Colon. If for some reason one (1) of these members could not serve the alternates are Candace Frump, Eugene Rose and Dan Riegner.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve the list of candidates and alternates as listed above.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Boeres stated the trustees also get to make an appointment to the Committee.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to appoint Mr. Ray Warrick as the Hamilton Township Trustees representative on the Committee and draft a letter to be signed by the President of the Board effectuating said motion.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

There was discussion of opening Mounts and Marr Park lakes for fishing use. There will be no fee to fish there. There was question about the park hours and Mr. Wallace stated Mr. Boeres can create the hours.

Mr. Wallace made a motion and Mr. Duvelius seconded the motion to open Mounts Park and Marr Park lakes for fishing use.

Roll call as follows:	David Wallace	Yes
	Gene Duvelius	Yes
	Kurt Weber	Yes

Mr. Boeres will check into the liabilities with the insurance company and how the parking would work. Mr. Weber stated it would be pending logistics.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to adjourn the meeting at 8:23 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes