

RECORD OF PROCEEDINGS

2014

Minutes of

Clearcreek Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

SEPTEMBER 2,

2014

(YEAR)

The Clearcreek Township Trustees met in regular session at 9 a.m. with the following members present: Mr. Gabbard and Mr. Muterspaw. Mr. Wade was absent.

Mr. Gabbard opened the meeting, and led in the Pledge of Allegiance.

Mr. Muterspaw moved to approve the regular meeting minutes of August 18, 2014. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Mrs. Oda gave the Fiscal Officer's report. She presented the monthly appropriation and revenue status reports to the Board and Staff, as well as the current Fund Status report. She noted the Township has \$11,945,877.16 in its investment and checking accounts.

Mr. Muterspaw moved to approve Electronic Fund Transfers (EFTs) 1697-2014 through 1801-2014 and pending warrants #18632 through #18689. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Mr. Muterspaw moved to approve Resolution #4582 approving a Then and Now certification by the Fiscal Officer in excess of \$3,000.00. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. A copy of the resolution is attached to these minutes and deemed a part of this record as if fully rewritten within.

Edward Livesay of Mosaic Strategic Partners gave a presentation on performance audits.

Mr. Muterspaw moved to approve Resolution #4583 authorizing the Township Administrator to enter into a street lighting agreement with Miami Valley Lighting for a period commencing January 1, 2015 and expiring December 31, 2019. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. A copy of the resolution is attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Muterspaw moved to approve Resolution #4584 accepting and awarding the bid to supply winter snow and ice control salt to Cargill Inc. at a price of \$96.59 per ton for 1,800 tons. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. A copy of the resolution is attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Muterspaw moved to not request a state hearing in the matter of a liquor permit application/change of corporate stock ownership for Triple B Corporation doing business as B & B Carryout. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Mr. Muterspaw moved to approve Resolution #4585 accepting a donation of \$50.00 from Kenneth J. Conant III Major OrdC, USAR (Ret.) for the Clearcreek Township Police Department. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. A copy of the resolution is attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Muterspaw moved to accept Matthew Kohl as a permanent full time employee and to raise his pay from \$18.53 per hour to \$19.20 per hour, effective September 13, 2014. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Mr. Muterspaw moved to promote Nunzio Fiorito and Timothy Haggard to probationary Fire Lieutenant/Paramedic positions effective September 13, 2014. Both men were awarded a pay increase to \$23.90 per hour. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Mr. Muterspaw moved to purchase a 2015 E-One eMax Rescue Pumper at a cost not to exceed \$522,459.00 from Vogelpohl Fire Equipment. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Mr. Muterspaw moved to allow the Fire District to apply for the annual Loeb Foundation Grant. If successful, the grant money would be used to purchase new fire hoses. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

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Chief Kidd noted that he would be putting together a summary of "up fitting" needed for the new Rescue Pumper, and would be presenting those costs to the Board at an upcoming meeting.

Mr. Muterspaw moved to approve Resolution #4586 authorizing the Township Administrator to enter in a service agreement for a software maintenance program with Filemaker Inc. at a cost not to \$1,709.00. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. A copy of the resolution is attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Muterspaw moved to approve Resolutions #4587 through #4590 which levy special assessments on specific tracts of land in Clearcreek Township to recover the costs of abating the nuisances. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. Copies of the resolutions are attached to these minutes and deemed a part of this record as if fully rewritten within.

Mr. Muterspaw moved to accept a bid from the JK Meurer Corporation for the resurfacing of the small walking path at Patricia Allyn Park at a cost not to exceed \$20,600.00. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

Chief Terrell presented an "attaboy" honor to Officer Dan Morgan for his handling of an emergency situation involving Township resident Sandra Goche. Chief Terrell also noted Township resident Steven Purdon wrote a letter thanking the Police Department for their efforts in performing vacation checks.

Chief Kidd noted the Fire District's all-volunteer Honor Guard recently presented the American flag and the Clearcreek Fire District flag at a recent Cincinnati Reds game. Members of the Honor Guard include Commander Captain Nathan Urban; Deputy Commander Tim Haggard; Lt. Justin Buehler; Lt. Larry Carman; Todd Wilson and Adam Stafford.

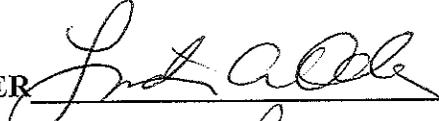
Under the "comments" section, Mr. Muterspaw expressed his concerns and asked that his comments be written into the record: For some time I have sensed from our residents a desire for more transparency in the way our township conducts its business. Because of this, I have tried to emphasize and have mentioned on several occasions the need for not only complying with the letter of the law, but to go even further and to avoid any possible appearance of impropriety. In light of the recent Sunshine Law violations, I believe the rest of the Board has similar feelings in this area.

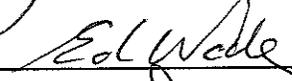
I was unable to attend our regular meeting on August 4, but was contacted by a resident a few days after that meeting asking me to look into a situation of concern. The scheduled meeting had ended around 6 p.m. Almost an hour later, it was noted that the vehicles of Mr. Wade and Mr. Gabbard were both still at the township building.

Because of suspicions raised in our recent history, the question was posed as to what was going on after all the residents in attendance of the meeting had left a significant amount of time earlier? We need to remember that we are being watched closely. If something appears suspicious, right or wrong, that can become an assumed reality in that person's mind.

I think it might be a good practice in the future to not linger very long after the adjourning of a meeting and thereby cause anyone to have concerns of this type.

Mr. Muterspaw moved to approve Resolution #4591 authorizing an executive session to prepare for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea. A copy of the resolution is attached to these minutes and deemed a part of this record as if fully rewritten within. At 10:17 a.m., the Board resumed its regular session, and with no further business to conduct, Mr. Muterspaw moved to adjourn the meeting at 10:18 a.m. The motion was seconded by Mr. Gabbard and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea.

FISCAL OFFICER 

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