

RECORD OF PROCEEDINGS
CLEARCREEK TOWNSHIP TRUSTEES
Minutes of Regular Meeting
April 25, 2022

The Clearcreek Township Trustees met in regular session at 9:00 a.m. with the following members present: Mr. Gabbard, Mr. Muterspaw, and Mr. Wade.

Mr. Wade opened the meeting and led in the Pledge of Allegiance.

Mr. Wade asked if the Board members had any consent agenda item or items that they wished removed. No removal from the consent agenda was requested.

Mr. Wade asked Mr. Rich Surace from Energy Alliances to come forward and review the Township's electric aggregation program and performance. Mr. Surace noted that Duke customers saved an average of .2% and that AES, formerly DP&L, lost 4.7% over the contract period. Mr. Surace gave a summary of the reasons for these relatively poor results stating that the COVID response, contract timing, and fuel costs were driving market behavior. Mr. Surace noted that current auctions have shown significant increases with AES at about 10 cents per KWH (Kilowatt Hour) and Duke at 6.5 cents per KWH. The current rate for the Township aggregation program is 4.95 cents per KWH. Mr. Surace opined that his company expected significant savings for June 2022 – August 2022 with signs that utility rates could increase 10%-20% based on recent auctions making the overall performance of the program to be positive. Mr. Surace then advised that he was working on the next contract offering and would update the Board in the next couple weeks. Mr. Surace noted that if auction rates dictated it, Duke customers might revert to Duke retail rates and AES customers might benefit from using a contracted rate amount. Mr. Wade asked what the current rate increase would mean for the average Duke customer. Mr. Surace stated an additional \$20 per month outside of the aggregation program. Mr. Muterspaw asked if it would benefit Township customers to go back to the utility rates. Mr. Surace noted that with the new auctions rates, the Township aggregation program would be the best option for the summer. Mr. Gabbard asked if the length of the contract, currently three years, could be shortened. Mr. Surace noted that current contract durations are being set at two years. Mr. Clark, Township Administrator, noted that he would be in contact with Mr. Surace and update the Board on the results of current auctions and offerings from Energy Alliances.

Mr. Wade called for public comment.

Mr. Driskoll 'Pete' Gibbs, 7328 Larkspur Court, came forward to discuss flooding issues at his property. Mr. Gibbs asked Mr. Wade for comments. Mr. Wade advised that the Township had offered to do some work and that Mr. Gibbs had declined the offer. Mr. Gibbs stated that the new road and police buildings being built were the cause of flooding. Mr. Wade noted that Mr. Gibbs had complained about flooding issues for the last five years. Mr. Wade advised that no further offers were planned. Mr. Gibbs and Mr. Wade discussed various issues in relation to Mr. Gibbs' concerns. Mr. Gibbs asked for a copy of the minutes for the meeting. Mr. Gibbs was advised that he would receive a copy of the minutes when they are available.

Mr. Carolus, Fiscal Officer, requested that the Board approve a supplemental appropriation to the Permissive License Fund in the amount of \$68,316 to allow a paving contract to be approved on a resolution to follow this evening. Mr. Jones, Road Superintendent, noted that asphalt costs had risen

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significantly on the Warren County road paving bid which necessitated additional authority to allow this year's planned paving and striping to be done. Mr. Wade read Resolution 5366 – A Resolution approving Supplemental Appropriations to the Permanent Budget Appropriations for Fiscal Year 2022, dispensing with the second reading, and declaring an emergency. Mr. Wade asked for a motion to approve the Resolution. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Terrill, Police Chief, then asked the Board to approve purchasing office furniture for the new police building. Mr. Terrill noted that three vendors were asked to submit quotes off the State of Ohio bid contract. Of the three, only OstermanCron submitted a bid. Chief Terrill noted that OstermanCron had been helpful and met the requirement of the bid. Chief Terrill asked the Board to approve the budgeted expense. Mr. Clark noted that the bid was about \$20,000 less than was originally planned. After a short discussion, Mr. Wade asked for a motion to approve the purchase. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Chief Terrill asked the Board to accept the following generous donations:

- a. \$100 from Joyce and Dallas Powers to the benefit of the Police Department.
- b. \$250 from Lisa Dennison on behalf of the James Westendorf Have a Heart Foundation to benefit Safety Town 2022.

Mr. Wade asked for motion to accept the \$100 donation from Joyce and Dallas Powers. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Wade asked for a motion to accept the \$250 donation from Lisa Dennison to benefit Safety Town 2022. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Chief Terrill then asked the Board to approve the purchase of two mobile computers for the new cruisers being purchased. Mr. Wade asked for a motion to approve the purchase. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Agenbroad, Fire Chief, asked the Board to authorize Atlantic Emergency Solutions to replace Ladder 21's radiator, fan, belts, and associated hoses and hardware at a cost of \$13,572. Chief Agenbroad mentioned this is the first time using this vendor as they are closer than the one the Fire Department used previously. Mr. Wade asked for a motion to approve the repairs. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

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Chief Agenbroad asked the Board to authorize the annual preventative maintenance agreement (inspection and maintenance) with Stryker Corporation to service all Life Pack 15 Cardiac Monitors, AEDs, and Lucas CPR devices at a total cost of \$31,486. Chief Agenbroad mentioned that the current AED units are nearing their end of life and will need replaced later this year. Chief Agenbroad stated this was a planned capital expenditure and that his department was investigating the best options to move forward. Mr. Wade asked for a motion to approve the maintenance agreement. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Clark asked the Board for permission to solicit bids for the purchase of a new pickup truck in the Parks Department and cemeteries. Mr. Clark noted that state bid this year did not even offer a comparable make/model to the truck Parks wishes to purchase. Mr. Wade asked for a motion to solicit bids for a pickup truck. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

Mr. Clark then asked the Board for direction concerning a type two annexation request from the City of Springboro for properties at 7878 and 7914 Sharts Road, located in Franklin Township, totaling 42.082 acres. Mr. Clark noted that the Coterminous agreement with Springboro and the Township required Springboro to do a type one annexation request which reallocates the land to Clearcreek Township and the City. This would allow a portion of the property tax money from the annexation to flow to Clearcreek Township and Springboro which are shared between the two jurisdictions as discussed in the Coterminous agreement. A short discussion between members of the Board concluded with the unanimous decision to direct the Township Administrator to decline the City's request to annex the land using a type two annexation.

Mr. Wade read Resolution 5367 – A Resolution authorizing the Township Administrator to execute a contract with the Warren County Engineer's Office for the Warren County 2022 Resurfacing and Striping Program, dispensing with the second reading, and declaring an emergency. The emergency being the need to meet the deadlines from Warren County to start the project. Mr. Jones noted that this is the first time in recent memory that the bids came back higher than the Engineer's Estimate. Mr. Gabbard asked about who is responsible if a paving job has an issue. He noted issues at Red Lion Five Points and State Route 73 where paving has slid creating ruts and holes. Mr. Jones noted that large trucks had caused the pavement to slip and that he would ask that the contractor to mill a little deeper to help stop some slippage. Mr. Wade asked for a motion to approve the Resolution. Mr. Muterspaw so moved with Mr. Gabbard seconding the motion. Upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

Mr. Wade read Resolution 5368 – A Resolution accepting public streets for maintenance in The Villages of Winding Creek, The Boulevards at Winding Creek, Sections 6 & 7, Clearcreek Township, Warren County, Ohio, and dispensing with the second reading. This legislation will add 1.208 miles to the Township's road system. Mr. Wade asked for a motion to approve the Resolution. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

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Mr. Wade asked for a motion to approve the Consent Agenda. Mr. Muterspaw so moved to approve the Consent Agenda as presented to the Board:

- 1 Approval of Minutes – April 7, 2022, Special Session.
- 2 Current Bills and Financial Report.
- 3 Approve a conditional offer of part-time employment to Sheila Prass, as Administrative Clerk, effective May 31, 2022, pending acceptable pre-employment testing.
- 4 Approve a conditional offer of part-time employment to Reggie Bronnenberg as a part-time police officer, pending acceptable pre-employment testing.
- 5 Approve the recommendation for Assistant Fire Chief Cox and Assistant Fire Chief Urban to be removed from probation status, and accept them as regular, fulltime employees.

Mr. Gabbard seconded the motion and upon roll call the vote was as follows: Mr. Muterspaw-yea; Mr. Gabbard-yea; and Mr. Wade-yea.

With no further business, Mr. Wade asked for a motion to adjourn the Regular Meeting at 9:50 a.m. Mr. Gabbard so moved with Mr. Muterspaw seconding the motion. Upon roll call the vote was as follows: Mr. Gabbard-yea; Mr. Muterspaw-yea; and Mr. Wade-yea.

FISCAL OFFICER

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