

Held _____

November 24, 2009

OPENING OF MEETING

Mr. Ritter called the meeting to order at 6:00 PM. Mr. Fiedeldey, Mr. Wolterman and Mrs. Harlow were in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of pending and imminent litigation as well as the negotiation of collective bargaining agreements

At 6:01 PM, Mr. Fiedeldey made a motion to enter Executive Session and Mr. Ritter offered the second. No discussion and the roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Wolterman made a motion to invite Trustee-elect Dennis Deters to Executive Session and Mr. Fiedeldey offered the second. No discussion and the roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Ritter reconvened the meeting at 7:02 PM. Mr. Reuter said no decisions or actions were made in Executive Session.

INVOCATION

Mr. Ritter offered the invocation.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

APPROVAL OF MINUTES

Mr. Ritter asked for corrections to the November 10, 2009, regular meeting minutes. There were none.

Mr. Fiedeldey made a motion to approve the minutes and Mr. Wolterman offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

PRESENTATIONS – None

PUBLIC HEARING

Woodthrush / Blue Heron Lighting

The Colerain Township Board of Trustees was presented with a petition on October 26, 2009 for a lighting district located on Woodthrush Drive / Blue Heron Lane, within Colerain Township.

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The required 51% front footage signatures have been received with 64.53% in favor.

From the signatures received, five residents opposed lighting their street. No explanation was given except "declined" was entered on the petition. These parcels' front footage is 460.32.

Cost of lighting to each property owner is approximately \$4.49 month.

Seven new lights are to be installed, after January 2010, as scheduled by Duke Energy, depending on workload.

Mr. Fiedeldey made a motion to open the public hearing and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Tom Ferris of 4007 Woodthrush Drive said there are 43 houses on the street; 28 signed "yes." 10 homes signed "no." Five were not able to be reached.

Diane Roesner said her husband's car was broken into in the exact location of a planned light. Another car was broken into while in their driveway. She said it is completely dark if she and her neighbor across the street do not turn on house lights. She cited the reasons why street lighting is effective for reducing crime in a neighborhood.

Dennis Bosse of 3843 Woodthrush said it will be a great plus for the neighborhood as it gives a comfort level to neighbors.

Rob Junk of 3870 Woodthrush said that a couple of weeks ago in the middle of the night, there was a van parked in front of a neighbor's home, and he saw a man walking. When he called out to the man, he disappeared into the shadows and areas of darkness created by the porch lights.

Joann Easley of 4049 Woodthrush said she hopes this will keep property values up and keep neighborhood safe.

Mr. Fiedeldey made a motion to close the public hearing and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Foglesong read Resolution 59-09, "Resolution Establishing Woodthrush/Blue Heron Lighting."

Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

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POLICE REPORTS

Lt. Schoonover of the Hamilton County Sheriff's Office said the following statistics were generated in October 2009:

- 104 cases were assigned to the Sheriff's Criminal Investigation Section and 36 were closed, with \$80,935.00 in stolen property recovered.
- 2 DUI arrests by County contract and non-contract Deputies.
- 117 citations were issued by Hamilton County Sheriff's Office Colerain contract cars.
- 112 cites by non-contract Deputies with a total of 229.

Lt. Schoonover said a Special Deputy Unit will be providing patrols this holiday season at shopping malls in unincorporated areas of the county. He said there will be 27 officers involved over 27 days, 6PM to 10PM. In Colerain, they will be patrolling Colerain Ave. from the Lowe's store south to Galbraith.

Police Chief Meloy said the Township's department issued 255 citations with 4 arrests for DUI.

TRUSTEE REPORTS

MR. RITTER

Mr. Ritter asked Lt. Schoonover to see about sending the monthly reports to the Board via e-mail.

MR. WOLTERMAN

Mr. Wolterman wished everyone a Happy Thanksgiving.

MR. FIEDELDEY

Mr. Fiedeldey said he is a member of the Hamilton County Solid Waste Policy Committee and serves as Vice Chairman of the committee. At their meeting last Thursday, they asked for an update on what's happening at Rumpke's landfill. Mr. Fiedeldey read the report.

At the end of August elevated temperatures and the presence of CO in gas recovery wells prompted activation of Rumpke's contingency plan and alerting Colerain Township and regulatory agencies.

Initial efforts included:

- Extensive gas composition sampling and adjustments to the gas collection system.
- Also, 1' of clay cover has been placed on the affected area (11.6 acres).
- Both in an effort to stave the reaction of oxygen

Update

- The 1' of cover has been seeded and strawed to prevent erosion.
- An 800' gas collection trench was installed at the toe of the slope of phase 5 where gas was surfacing. An additional gas collection trench of approximately 350' was installed recently approximately mid-slope. Both of which were to collect gas and prevent emissions and off-site odor.
- Also in that same effort, select gas wells have been dewatered to encourage gas flow to the wells rather than surface.

**RECORD OF PROCEEDINGS
REGULAR**

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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- A settlement crack has appeared at the top of the slope as a result of localized (differential) settling. There is documented settling of up to 8' in the span of two months in an area on the East Slope just down from the top of this phase. There is also some visible cracking along the slope.
- Cracking and settlement are being closely watched and a grid of horizontal displacement pins has been installed to better monitor movement. For now, cracks are being sealed as they appear to prevent air infiltration and gas emissions.

Monitoring:

HCPH and DOES – Air Quality have a continued presence at the landfill, several times per week, including monitoring for contaminants of concern (CO, VOCs, H₂S gases). All of which continue to be at or below background levels off-site.

2 SUMA canisters have been deployed when odor has been present off-site. Results of which also indicate at or below background levels for VOCs, Methane, CO, and H₂S.

The 60 wells in this area and the recently installed gas collection trenches continue to be routed to the flare where the gases are burned.

Conclusion:

There are now 5 wells with elevated temperatures. Some theorize this is a lag effect or a radiant heating effect. Gas composition may be improving for some of the wells, though they are still a far cry from "normal."

Preparations have been made in case this thing opens up and we have exposed waste-- soil has been stock-piled nearby, the fire department has a supply of foam suppressant. We have monitoring capacity between HCPH and DOES – Air Quality. We also have USEPA on hand to perform air monitoring if needed.

Underground fires are challenging. So far, Rumpke and Montauk have been very responsive and open about this and efforts to control seem appropriate but may not yet be sufficient to put this to rest.

There is a meeting today with Ohio and US EPA representatives with first hand experience with Countywide landfill to solicit suggestions.

CITIZEN ADDRESS

Jonda Kirtley of 11240 Birchgrove said her son was hit on October 23rd. She said she received a message from one of the police officers saying that the school will pay for the lighting, but will not pay for a crossing guard. She thanked everyone.

Mr. Foglesong said he was in conversation with the business manager of the school district who said the School Board will discuss it next Monday.

Chief Meloy said he called her and the message was that the school officials said that it is their hope to help with the payment of the light and that the School Board will discuss it on Monday.

Mr. Ritter said they will certainly have a resolution on this in December

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UNFINISHED BUSINESS**PARKS & SERVICES****Clippard Park Change Order**

Mr. Schwartzhoff requested the Board approve a change order in the amount of \$40,896.98 for Complete Construction.

Mark Horman of Brandstetter Carroll, the landscape architect, said that in any earthmoving situation, you have to deal with unknown sub-surface conditions. You don't know what you have until you penetrate the earth's surface and must deal with it as it comes. The access road is in a low-lying area near the pond and the ground was naturally saturated. He said 1,700 cubic yards of soil are involved.

Mr. Fiedeldey asked who directed where to test. Mr. Horman said the Township commissioned Thelen to do a geo-technical study. The engineer determined how many and where the borings, from the design drawing and based on cost, and was able to determine critical areas for the borings.

Mr. Horman said it was a standard geotechnical report. They were drill rig borings, but at the time the area was wooded so many were done by hand.

Mr. Fiedeldey said that someone should have done more due diligence.

Mr. Horman said we were aware there would be issues, but didn't know the extent.

Mr. Wolterman made a motion to approve the change order at \$40,896.98, and Mr. Ritter offered the second.

Mr. Ritter asked how much this will go into the contingency. Mr. Horman said this is less than half of the contingency and is about 1.7% of the project cost.

Mr. Fiedeldey stated that headwalls are not delineated on plans.

Also, the foundation drain must be lowered. This was not picked up in the detail. Mr. Fiedeldey said they had a glitch on the drawings.

Mr. Fiedeldey said that the \$2,000 shouldn't be our charge; the mark-up on the change order should be waived by their company.

Mr. Wolterman asked the roll be called. Mr. Fiedeldey asked if he's willing to pay the extra money. Mr. Wolterman said they are doing a fine job and don't need to be badgered. If errors continue, then we will raise those questions.

Mr. Ritter confirmed that he would raise those questions.

The roll was called:

Mr. Fiedeldey "Nay"

Mr. Ritter "Nay"

Mr. Wolterman "Aye"

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Mr. Ritter made a motion to approve the change order at \$38,949 50, the amount before the mark-up. Mr. Fiedeldey offered the second.

Mr. Wolterman said that it is good to save money, but we need to take a look at this and recognize normal business practices. He said the Board had this information before tonight, so these issues should have been pursued and answered before this meeting. He finds this line of questioning not to be in the best interest of the Township. This is a give and take partnership. The architect is doing a lot above and beyond what the contract calls for. He said that future problems should be addressed before the meetings.

Mr. Horman said he'd waive the mark-up, which is an additional charge.

Mr. Wolterman said this discussion has lost its usefulness. If we can't agree on the number, we should pass this and negotiate a rebate.

Mr. Wolterman made a motion to approve the change order in the amount of \$40,896.68 for Complete Construction. Mr. Ritter offered the second. The roll was called:

Mr. Fiedeldey "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

Mr. Fiedeldey said the mark-up on \$40,000 should not be paid to Brandstetter Carroll in their fees, which are separate from the contractor.

Groesbeck Park Project Bid

Mr. Schwartzhoff requested the Board go out for bid on this project. He said we received \$495,000 in grant money from ODNR. He said he knows the opinion of probable project cost is higher than that and they will include extra items in bid as alternates.

Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

Mr. Fiedeldey "Aye"

Administration Banner

Mr. Schwartzhoff said the estimate he received to replace the banner with the same PVC plastic was \$1020. He said something aluminum that size would be \$960 to \$1200. There is also an option of plastic with an aluminum finish.

Mr. Ritter said he received a suggestion from citizen to move this banner to the Public Works building. He is in favor of this as it is not as large of an outlay right now.

Mr. Wolterman said the location is not in question. The problem is the condition of the banner, which is an issue no matter if we keep it where it is or move it.

Mr. Reuter spoke about a federal court case about the In God We Trust message in another district. Those cases spread and we would have one here, depending on how the court finds.

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Mr. Fiedeldey said Mr. Schwartzhoff said it's torn and frayed around the grommets. Mr. Schwartzhoff said he is not sure if the grommets can be re-attached.

ADMINISTRATION

Pippin / Kemper Street Light

Mr. Foglesong said that in a conversation with a representative from the county Engineer's Office about the County's participation in the financing of the street light, he was informed that the County does not get involved in street lights. He said he also spoke to the governmental liaison from Duke about their participation in the installation and financing of the light and was told that the Duke Foundation cannot be used to pay for Duke-related expense (i.e., the street light). The Northwest Local School District Board of Education is to discuss the issue during their meeting scheduled for November 30; therefore he does not have a final response from them at this time.

MSD

Mr. Foglesong said MSD sent a response to the question asked at the last meeting about the location of the wastewater treatment facility and the location of the sewer lines that would be served by the facility. The final location has not been finalized and therefore the sewer location has not been determined or designed. MSD will let us know when the plans are developed.

NEW BUSINESS

FIRE DEPARTMENT

Donation Acceptance

Chief Smith requested the Board accept a donation of kitchen equipment from Givaudan Corporation, in the amount of \$1,750. The items are two General Electric microwaves (\$250 for both), one Jenn-Air Stove/Oven (\$1,000) and one General Electric stove/oven (\$500).

Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Wolterman. "Aye"
Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"

POLICE DEPARTMENT

Donation Acceptance

Chief Meloy said that the Police Department received \$1,172.69, worth of equipment from a citizen who wishes to remain anonymous. The equipment is for the recently purchased tactical rifles.

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Partnership – University of Cincinnati

Chief Meloy said the University of Cincinnati College of Education, Criminal Justice and Human Services has agreed to partner with the Colerain Police Department and assist our problem solving efforts in Colerain Township. In October, the University of Cincinnati sent notice to area law enforcement seeking departments to partner. We submitted our proposal and received notice on November 17 that our agency was accepted. This partnership is facilitated

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through a grant obtained by the University of Cincinnati from the US Department of Justice. Our first meeting with the University representatives is Monday, November 30, 2009.

Probation and Pay Journalization

Chief Meloy said that effective December 10, 2009, per the collective bargaining agreement, Officer Michael Stockmeier will successfully complete his one-year probationary period and receive an "annual" step increase. He will move from Step 1 to Step 2, an annual wage of \$48,322.56.

ZONING**Nuisance Resolution**

Dr. Roschke read Resolutions 60-09 and 61-09, both Nuisance Abatement

Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

Mr. Wolterman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

ADMINISTRATION**BWC Proposal**

Mr. Foglesong said that Colerain Township has been a member of the Ohio Township Association-sponsored Bureau of Worker's Compensation group rating program for many years. The Township has saved over \$2,248,000 in premiums since 2002. However, we were removed from the group program as a result of recent claims history, most notably the firefighters' deaths in 2008. Therefore, we expected an increase in the BWC premiums. A new program being offered by the BWC is the OTA 2010 Group Retrospective Rating. In this program, a portion of the premium could be rebated based on the number of claims in the group. There is a potential for a penalty if there is a high-volume of claims.

Mr. Foglesong requested the Board consider the retrospective rating program and to determine if they want to do the 10% or 15% maximum loss ratio.

Mr. Wolterman suggested the 15% ratio.

Mr. Ritter also suggested 15% and Mr. Fiedeldey suggested 10%.

Mr. Wolterman made a motion to enter the retrospective rating program at the 15% maximum loss ratio level and Mr. Ritter offered the second. The roll was called:

Mr. Fiedeldey. "Abstain"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Dental Care Insurance

Mr. Foglesong requested the Board retain and renew the coverage with Dental Care Plus, at a 2% increase for the two-year program. This is a reduction of a previous quote which was a 5% increase for one year. The renewal costs are \$24.86/single and \$79 /family.

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Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"
- Mr. Fiedeldey. "Aye"

Temporary Appropriations

Mr. Foglesong said that he will be asking for approval of the 2010 temporary appropriations during the December 8, 2009, regular meeting. He plans to have a draft to the Board around the first of December.

FISCAL OFFICER REPORT

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts. Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

- Mr. Wolterman. "Aye"
- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"

The Fiscal Officer has recorded the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
676-2009	Fire & EMS Dept	Refund, Cell calls, Signs, CTTC Rent & Elec Reimb, Reports, CPR Class, Training Reimb	8,619.74
677-2009	Fire & EMS Dept.	EMS Billings	39,753.50
678-2009	Police Dept.	Court Reimb	24.00
679-2009	Planning & Zoning	Certificates	340.00
680-2009	Parks & Services	Paper Recycling	85.19
681-2009	Public Works Dept.	Permits, Sign, Post	57.00
682-2009	Senior & Comm Ctr	Prog Fees, HDM Don, Tran Don, Lunch	136.65
683-2009	Bureau of Workers Compensation	Workers Comp Discount	7,773.75
684-2009	Police Dept.	DUI, Drug, State Park Fines	729.00
685-2009	Police Dept.	Court Reimb	54.00
686-2009	Senior & Comm. Ctr.	Prog Fees, Rent Even Dept, Room Rent Fee, Lunch	932.21
687-2009	Police Dept.	Salaries	2,331.94
688-2009	Police Dept.	Court Reimb	12.00
689-2009	Police Dept.	Communications Refund First Half	340.00
690-2009	Time Warner Cable	Qtr Ending Sept 30, 2009 Franchise Fees	85,179.82
691-2009	Fire & EMS Dept.	Plan Reviews	220.00
692-1009	Fire & EMS Dept.	Postage	1.00
693-2009	Hamilton County Auditor	Property Maintenance	519.00

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Mrs Harlow requested the Board approve the following appropriation adjustment:

- From 1000-930-930-0000 (contingencies) to 1000-990-990-0000 (other financing uses) in the amount of \$719 18.

Mr. Wolterman made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

At 8:30 PM, Mr. Wolterman made a motion to recess for ten minutes and Mr Fiedeldey offered the second. The roll was called:

Mr Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Ritter reconvened the meeting.

PUBLIC HEARING – ZA-2009-01

Dr. Roschke presented the staff report. The site location is 9998 and 10032 Prechtel Road. To the north, south and west, the zone is R-3 suburban low, with a land-use of single family. The Yacht Club is to the east and is zoned PD-R Planned Residential with land use of condos and single family. The applicant requests approval of a zone change from R-3, suburban low residential (minimum lot size 20,000 square feet) to a PD-R, Planned District Residential, with 14 single-family lots on just over five acres, including 1.42 acres open space. Proposed set-backs are: front: 35 feet, rear: 30 feet, side: 7.5 feet each.

Tom Abercrombie, engineer for the applicants, said this development is perfect for a PD-R. This development will have no "pan-handle" lots and no frontage on Prechtel. A similar development is Whispering Pines on Blue Rock. This is a 55' home in 70' lot. They are ranch-style homes and they are targeting the 55+ empty nester or couples. He said the zone change is needed because sewers are now available and trends are now for smaller lots. He said the applicant has agreed to work with neighbor to the north to add landscaping between the homes.

Dave Parkinson, who spoke for the applicant, said the homes will have coach style garages and porches. The development will be very neighborly. The development will have "green" construction with sustainable construction and geo-thermal. He said the homes will be all brick.

Mr. Abercrombie said there will be a 3' high landscape bed at entrance to soften feel of the development, but the bed is not designed to hide the development.

In response to Mr. Wolterman, Mr. Abercrombie said the retention pond will contain water all the time with a fountain.

Mr. Fiedeldey requested to see renderings of the front façades of the homes. Mr. Abercrombie said these were not available, but did confirm the homes would be all brick. He said the homes would be priced in the upper \$200s.

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Mr. Fiedeldey made a motion to open the public hearing and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Steve Nippert of Prechtel Road. When will buffer be installed? Tom: toward the end of development, before the houses go in. Said the agreement was that they would provide a buffer.

Mr. Fiedeldey made a motion to close the public hearing and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Mr. Fiedeldey said they usually don't buffer residential to residential. Mr. Nippert said the former Hamilton County Building Commissioner said a PD-R is an intrusion.

Mr. Fiedeldey said this will be a nice development and a planned development is not an excuse to increase the density. Having the homes 7' from property line bothers him as that's only 15' feet between homes.

Mr. Abercrombie said that they will apply for a lighting district and will use a decorative street light.

Mr. Fiedeldey said the PD-R is 40% more dense than would be allowed at R-3.

Scott Huber of Abercrombie & Associates said he met with the neighbor to east who expressed concern about the water catch basin.

Mr. Wolterman discussed Mr. Nippert's concern about the buffer. He noted the Zoning Commission's recommendation that they establish a Home Owners Association (HOA) and that's where the agreement with Mr. Nippert should be placed. The HOA will be responsible for upkeep of buffer. Mr. Abercrombie said that will be shown on the landscape plan.

Mr. Ritter asked about the buffer. Mr. Nippert said he thought he'd seen something about the buffer on the north side. He wants some pine trees, but knows those trees will be placed on someone's property and therefore under their control. Mr. Wolterman said this is a gentlemen's agreement and feels the HOA is the best way to handle this. Mr. Nippert would like the buffer at the rear of the first couple of lots.

The Board agreed to the following conditions:

1. underground utilities,
2. ground-mounted, decorative street lights
3. all-brick homes, where possible
4. retention pond to have fountain/aerator
5. front and rear downspouts connected to the retention basin
6. open space on Prechtel shall be fully landscaped
7. sidewalks in development and along Prechtel


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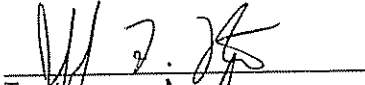
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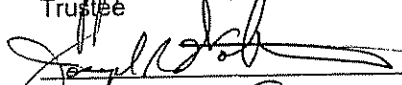
Mr. Wolterman moved to accept the plan with the above conditions and Mr. Ritter offered the second.
 Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"
 Mr. Wolterman. "Aye"


ADJOURNMENT

With no further business to come before the Board, at 9:36 PM, Mr. Fiedeldey motioned for adjournment. Mr. Wolterman offered a second.
 Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"
 Mr. Wolterman. "Aye"


 Fiscal Officer


 Trustee


 Trustee


 Trustee