

Orange Township Trustees
June 21, 2010
Regular Meeting

Chairman Nelson Katz called the meeting to order at 7:02 p.m.

This meeting was held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

ROLL CALL: Nelson Katz, Robert W. Quigley.

TOWNSHIP OFFICIALS ALSO PRESENT

Jennifer Christian	Park Board
Beth Hugh	Maintenance and Parks Director
Michael McCarthy	Township Attorney
Gail Messmer	Township Administrator
Scott Overturf	Owner's Representative
Tom Stewart	Fire Chief

PLEDGE OF ALLEGIANCE

The minutes were taken and prepared by Office Assistant Mary Ann Ross.

APPROVAL OF MINUTES

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Minutes were approved with the following changes:
Page 6; first paragraph, fourth line from the bottom, in the word "placed" strike the "d".

PUBLIC COMMENTS

Mr. Katz asked for public comment pertaining to anything not on the agenda this evening. Carroll Yarnell, 2130 East Orange Road, Lewis Center, OH, 43035 came forward. Mr. Yarnell has an issue with the Africa Cemetery on Old State Road. Two years ago there was drainage work done across the cemetery in different places; it hasn't been seeded or leveled out where the drainage work was done. He has had several people ask about this; he feels it looks terrible. Ms. Hugh stated that the work was done prior to her joining the township but she would be happy to look into it for Mr. Yarnell. Ms. Hugh stated that it is a little late to seed, but she will make sure that it does get seeded and that it takes this fall, no matter how many times it may take for the seed to grow.

Dave Eby, 433 High Meadows Village Drive, Powell, OH, 43065. Mr. Eby commented that he and his wife walk Riverbend in the High Meadows subdivision, out and along the trail on Owenfield Drive. This past Sunday he and his wife were walking and he wanted to point out several things that he had observed. One, there was a lot of litter, which appears to be getting more frequent and a lot more. There is debris along the curbing especially along Owenfield Drive, which seems to be interfering with the water flow. He opened up several catch basins that had a mat of grass, debris and dirt that was covering over half the grate area. Mr. Eby felt that the maintenance department needs to take a look at what steps need to be taken to cleaning that area. Mr. Eby's other concern was speeding on Riverbend. He commented that there were some vehicles traveling 25 mph, but there more traveling 40-45 mph., which is not a safe speed for that area. Mr. Eby saw the Speed Monitor Trailer in the Green Meadow commercial area; he would like to see that pay a visit over in the Riverbend area sometime in the near future. Mr. Katz stated that he will talk to the Sheriff regarding speeding in that area, and also speak to Mr. Ray regarding the litter situation.

Mr. Katz commented that the Fiscal Officer reminded him that he did not approve the special meeting minutes. It was then pointed out by the audience that the special meeting minutes were not available for public view, so the approval of the special meeting minutes was tabled till the next regular trustee meeting.

REGRETFULLY ACCEPT RESIGNATION OF TRUSTEE JOHN CASSADY

Mr. Katz commented that Mr. John Cassady has resigned his position as Orange Township Trustee effective 5:00 p.m., June 21, 2010. Mr. Katz had Mr. Cassady's letter, and he

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paraphrased it by saying that Mr. Cassady had a professional opportunity presented to him that was out of state. It was an opportunity he felt he could not turn down. Mr. Katz wanted to say for the record that it has been a pleasure working with Mr. Cassady. Mr. Cassady has worked on behalf of the Township with integrity and his whole heart. Mr. Katz said that he and Mr. Cassady did not always see eye to eye on everything, but they respected each other's opinion, and always worked in a very professional manner in order to do the work of the Township. Mr. Katz will miss him. Mr. Quigley greatly appreciated Mr. Cassady's service to the community. Mr. Quigley felt that he will be missed by many of the residents. Mr. Spitzer stated that he had learned a lot from Mr. Cassady and wanted to take the opportunity to thank Mr. Cassady publicly, and wanted to wish him well. The two trustees also wished Mr. Cassady the best in his new endeavors.

REQUEST LETTERS OF INTEREST WITH QUALIFICATIONS & DISCUSS TRUSTEE VACANCY

Mr. Katz wanted to discuss a number of things. They were;

- Review the general steps to be followed, per the County Prosecutor's Office;
- Review a procedure and time line that was used in Genoa Township when one of their Trustees stepped down in 2008;
- Mr. Katz wanted to look into an advertisement for the position – as well as the wording and placement of the advertisement.

Mr. Katz stated that according to the prosecutor's office some of the things to bear in mind are;

- The Fiscal Officer should notify the Board of Elections by letter within 10 days of the vacancy;
- The Trustees need to appoint by adopting a resolution by majority vote.
- The person appointed must qualify as an elector of the township. The Appointee must be:
 - A township resident,
 - Must be at least 18 years of age,
 - A registered voter for at least the past 30 days,
 - Has to be entitled to vote in all elections,
 - And must have voted in at least one election in the past four years.
- Following the appointment the Trustees must notify the Board of Elections and the Secretary of State by adopting a resolution by majority vote and sending a letter within seven days of the appointment.
- The Board of Elections issues a Certificate of Appointment.
- The Fiscal Officer administers the oath of office to the appointee.
- The appointee must give bond of \$1,000.00 for the faithful performance of duties.
- The appointee must serve until the next general election which is November, 2011.
- The appointee can opt to run for election for two more years fulfilling the remainder of Mr. Cassady's term.

The timeline that Genoa Township followed was given to Mr. Quigley. The Genoa Township timeline was very tight. There had to be a couple special meetings that were held, advertisements, news releases, etc. Mr. Katz gave a proposition for a time line for Orange Township to follow that Mr. Katz discussed with Mr. Quigley. It follows:

- June 21, 2010 – Mr. Cassady's resignation is effective.
- June 24, 2010 – Advertisement in the Delaware Gazette. The deadline has passed for the other local newspapers.
- July 2, 2010 – Deadline for letters, resumes, and possible supporters. At which time all materials should be presented to the Trustees.
- July 6, 2010 – At Regular Trustee Meeting, go into Executive Session, to review the applications, and come up with a short list of candidates.
- July 12, 2010 – Call a special meeting to interview the candidates on the short list.
- July 14, 2010 – Call a special meeting to appoint the appropriate applicant.
- July 14 -19, 2010 – Have all the paperwork accomplished.
- July 19, 2010 – At the Regular Trustee Meeting the new trustee can begin to work.

Mr. Quigley felt the timeline was reasonable. The two trustees agreed that the timeline shall be followed.

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The advertisement was discussed. The tag line that Orange Township is an “Equal Opportunity Employer” was not needed; this is an appointment. The statement that more information was available on the website was also not needed. Mr. Quigley agreed.

Letters of support was discussed. Mr. Quigley felt that was something that should be allowed. When someone applies for a job; they give references. It was agreed that letters of support would be accepted.

Mr. Katz read the advertisement.

ORANGE TOWNSHIP TRUSTEE VACANCY

Qualified and interested residents of Orange Township who would like to be considered for appointment as Orange Township trustee should submit a letter expressing their interest and qualifications for office in resume form, including references, to Township Administrator Gail Messmer, 1680 East Orange Road, Lewis Center, Ohio 43035. Submissions must be received by Ms. Messmer by no later than the close of business on July 2, 2010. All submissions shall be public record.

- Applicants must be a resident of Orange Township.
- Must be at least 18 years old.
- Must be registered to vote for at least 30 days
- Must be entitled to vote in all elections
- Must have voted in at least one election within the past four years.

The submissions should include, at a minimum, the following information:

- Budgetary experience
- Management experience
- Leadership experience
- Past community involvement
- The desire and amount of time the candidate has available and will dedicate to serving Orange Township until the November 2011 election, at which time the candidate will need to be elected to finish the unexpired term, which expires on December 31, 2013.

Citizens interested in supporting candidates who submit letters of interest may submit their letters of support to the Township Administrator. All letters shall be available in the public record and should be submitted by the close of business on July 2, 2010.

Ms. Messmer stated that the press release was also ready.

Placement of the ad was discussed. Mr. Katz asked Ms. Messmer for opinion as to what paper and how often it should be run. Ms. Messmer suggested the Delaware Gazette, and it should run Thursday and Saturday. Mr. Quigley thought it was adequate. It will also appear on the list serve and web site.

Dave Eby 433 High Meadows Village, Powell, OH 43065 asked to speak. Mr. Eby submitted his resume in multiple copy and CD to Ms. Messmer.

ZONING REPORT

Mr. Katz gave the Zoning Report in Mr. Gladman’s absence. The Board of Zoning Appeals are meeting Tuesday, June 29, 2010, at 7:30 p.m. at which time they will be reviewing two applications from Aldi, Inc. Application # 10-0261 requesting a variance to reduce the 50 foot building setback from the right-of-way of Orange Centre Drive, and Application #10-0262 requesting a Conditional Use permit for a monument sign and two variances. The Zoning Commission will meet, Thursday, July 15, 2010, 7:30 p.m., regarding Application #10-0070, Orange Road Partners LLC c/o Schottenstein Real Estate Group, and Thursday, July 22, 7:30 p.m., regarding Application #10-0220, Village at Bale Kenyon LLC.

POSSIBLE SCHEDULE PUBLIC HEARING DATE – COMPREHENSIVE LAND USE PLAN 2010

At this time Mr. Katz set the date for the public hearing for July 19, 2010, 7:30 p.m. for the Comprehensive Land Use Plan 2010. Consensus was given.

PUBLIC SAFETY REPORT

Chief Stewart thanked Ms. Hugh for allowing the Public Safety Report to precede the Maintenance and the Park Report.

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LETTER OF REQUEST DOWN SYNDROME ASSOCIATION 2010 BUDDY WALK

Chief Stewart briefly stated that this is a project that the firefighters, the union and the fire department have been doing for 4 years. It is something Lt. AJ Miller has been heading up and has volunteered his personal time and expense. This year the Buddy Walk is scheduled for Sunday, October 3, 2010, at the Crew Stadium. Lt. Miller has asked to take a reserve truck to the stadium for the children. Lt. Miller will be using his own time and expense, except for fuel. Consensus was given.

PURCHASE ORDERS

Mr. Katz commented that in the past Chief Stewart has paid for himself or has been sponsored by the International Fire Chief's Association for some of these expenses for the Fire Rescue International Conference. It is Mr. Katz's belief that if the Township is sending our personnel somewhere for professional reasons, for learning, or enrichment that will benefit the Township then the Township ought to pick up the tab. Consensus was given to provide per diem reimbursement as well as the hotel reservation per the guidelines of the employee handbook.

RES.10-245 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO DELAWARE COUNTY BANK

Motion by Mr. Katz to authorize the issuance of a purchase order to Delaware County Bank, in the amount of \$1,526.77 for accommodations for Chief Stewart at the International Fire Chiefs' Association for the 2010 Fire Rescue International Conference.

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

RES.10-246 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)

Motion by Mr. Katz to authorize the issuance of a purchase order to National Fire Protection Association (NFPA), in the amount of \$810.00, for renewal of electronic National Fire Codes 2011.

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

RES. 10-247 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO PRADCO

Motion by Mr. Katz to authorize the issuance of a purchase order to PRADCO, in the amount of \$3,000.00, for leadership profiles for Lt. Kevin Arnold and Lt. Scott Rice.

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

Chief Stewart noted that they had presented Mr. Cassady with an honorary badge and certificate for all he had done for the fire department. The Department also gave Mr. Cassady a Challenge Coin and the History of Orange Township to take with him as well.

Mr. Katz asked how the renovation of the kitchen of Station 362 was coming along. The stove has been built and is waiting in the apparatus bay to be placed in the kitchen. The gas line has been laid and is awaiting inspection from the county. Mr. Overturf stated that all the cabinetry and the laminate work has been done. The kitchen will be painted before the stove is placed. Mr. Overturf estimated it will probably be two days before completion.

MAY CRIME REPORT UPDATE

The following were Mr. Katz's comments on the May Crime Report Update:

You heard Sheriff Davis at our June 7th meeting express the fact that the relationship between the Sheriff's Department and Orange Township is making an impact in fighting crime in our township. In summary, the Sheriff stated that calls for service during the first quarter of 2009 versus calls for service during the first quarter of 2010 were down. That means that officers were able to spend more time in the township's developments creating more officer visibility and that is what deters criminals. We currently have seven contracted deputies who work exclusively patrolling our community. By the end of this month, there will be eight contracted deputies who will be committed to residents and businesses in Orange Township. The Sheriff wrapped up by saying that the

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Sheriff's Office will continue to meet with homeowners to develop Sheriff Watch Programs. The more citizens that join the Sheriff's Office in fighting illegal activity, the better.

In looking at the Quarterly Comparison Report that Sheriff Davis presented me with at our last, regular session, comparing the first quarter of 2009 with the first quarter of 2010, I noted two interesting pie charts. The first indicates that Part I Offenses, 2010 versus 2009, are down significantly, almost 20%. Part I Offenses are the most grievous and include criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, auto theft and arson. However, the second pie chart is not quite as rosy. It indicates that crashes are up more than 25%. Crashes means all traffic crashes that the Delaware County Sheriff's Office responded to in 2009 and 2010, injury and non-injury, private property and public roadway. In the days ahead, I'll be discussing with the Sheriff, anything that can be done to bring that number down.

You should have received the May Crime Statistic Report for Orange Township. At the end of the report, you'll notice that we are now receiving a day of week graph with the day of the week crimes are taking place within our township. I have also received a lengthy spreadsheet which contains a breakdown of all the calls for service within our township broken down by type of crime, subdivision, day of week and time. It is 22 pages long and roughly equates to the run sheets that we used to review. I have not yet had time to analyze it for any trends, but I plan to do so, very soon.

In looking at the May versus the April Crime Statistic Report for our township, I note the following: Total calls for service went from 786 to 822. The highest percentage of calls related to criminal activity were for theft. In April, 9 of the 39 calls related to theft were for a residence while in May, only 5 of the 39 calls related to theft were for a residence. Most theft is and has been at businesses and schools. Traffic enforcement was up, 216 calls for traffic enforcement in May versus 171 calls for traffic enforcement in April. 23% more traffic citations were written in May versus April, 58 versus 47 and adult arrests were up once again as well, 10% more, 76 versus 69.

A brief recess was called till 8:00 p.m.

MAINTENANCE REPORT

ROCK SALT BID RESULTS FOR 2010-2011 SEASON

Mr. Katz made the following comments regarding the Rock Salt bid results:

Orange Township recently participated in a collective Highway Rock Salt Bidding Process, the SWOP4G bidding process coordinated by the City of Middletown, Ohio. This SWOP4G bidding process was Bid #10-7146-11. Bids were opened on 6/8/2010. 87 different municipalities and 5 different bidders took part. Of those, the lowest and best bid for Orange Township, even after considering piler charges for delivery, was the American Rock Salt Co., LLC. Therefore, we would like to award the bid to them this evening. I have all the details regarding the bidding process and the final bids per municipality including piling charges per bidder.

Ms. Hugh commented that this price is lower, \$4.60 per ton than last year and the tonnage order was 2,200 tons. Ms. Hugh also commented that the township does not use piler charges for delivery so piler charges do not figure in to the township's cost per ton.

RES.10-248 ACCEPT AMERICAN ROCK SALT COMPANY AS THE PROVIDER FOR ROAD SALT FOR THE 2010-2011 SEASON

Motion by Mr. Katz to accept American Rock Salt Company as the lowest responsive and responsible bidder responding to the Orange Township portion of the bid solicitation issued by the City of Middletown and the participating entities of Southwest Ohio Purchasers for Government (SWOP4G), and to designate American Rock Salt Company as the provider for road salt for the season extending from August 1, 2010 through July 31, 2011, such material to be provided in accordance with the specifications therefore and the price stated in its bid, this being the amount of \$59.40 per ton.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

RES.10-249 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO AMERICAN ROCK SALT COMPANY, LLC

Motion by Mr. Katz to authorize the issuance of a purchase order to American Rock Salt Company, LLC, in the amount of \$50,000.00, for the 2010-2011 season road salt.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

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PURCHASE ORDERS

RES.10-250 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO SUPERIOR SITE SERVICES

Motion by Mr. Katz to authorize the issuance of a purchase order to Superior Site Services, in the amount of \$1,226.50, for repairs and replacement curb on Snapdragon Way.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

Ms. Hugh commented that the area referred to in the following resolution, is the area that was featured in a recent newspaper article. This is a temporary solution to the problem, and they are contacting the Delaware County Engineers Office for a permanent solution. They will be extending the curb and putting a concrete pad in place so cars will not be driving in the mud.

RES.10-251 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO SUPERIOR SITE SERVICES

Motion by Mr. Katz to authorize the issuance of a purchase order to Superior Site Services, in the amount of \$1,863.00, to replace curb and install pad behind curb at intersection of Highfield and Green Meadows Drives.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

UPDATE ON EAST ORANGE ROAD IMPROVEMENT PROJECT

Mr. Katz had a few comments before he turned the discussion over to Mr. Overturf. The comments were:

A couple of weeks ago, we received reports of people who had a legitimate need to get into the Friends Church and people who lived in the 3 homes on East Orange Road closest to Bale Kenyon being prevented from doing so. There had been an agreement with the County Engineer in place that would allow those folks access, as long as they entered East Orange Road via Lewis Center Road onto Bale Kenyon then onto Orange. So, I spoke to representatives from the Sheriff's Office and we came to an understanding of what should and should not be taking place there. I'd like to know how that's working out and how we are progressing with the utility movement and any construction work on East Orange Road.

Mr. Overturf stated that the project started April 26, 2010. At that time the contractor went out and acquired all the materials he needed, he reviewed the area and set up the schedule for completion. As soon as the township office got the schedule for completion, they put together a list of all residents and others who would be affected by the road closure so the township could contact them through letter, email or the church broadcast. On June 10, 2010, after the schools had closed, they had instructed the church to come in through South Old State Road. Due to utilities relocation and wet weather the contractor changed where they were working to more of the front area, between South Old State and the church, so the church had to be told a different direction to come in. This was done mid-week. The change had the church goers coming in from Lewis Center Road to Bale Kenyon then west on Orange Road. The first week of any project there is the learning curve for all involved, and this project was no different. There is nothing that can be done for those who think they are above the law and move the barriers, etc. What the contractors can do, for those trying to obey the law is to define the detours much better. That Sunday that they had changed the direction, the township had people out there directing the people so they would know where to go. The contractor has ordered more signage at the end of the streets, and the Township has added more signage. The utilities are being moved. The fill is being done for the Bale Kenyon Roundabout. The project is reasonably on schedule. Mr. Katz had a few questions which Mr. Overturf answered briefly. Brian Dilly and Greg Gordon are Mr. Overturf's county contacts.

PARK REPORT

PURCHASE ORDERS

RES.10-252 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO OHIO VALLEY ARCHAEOLOGY, INC.

Motion by Mr. Katz to authorize the issuance of a purchase order to Ohio Valley Archaeology, Inc., in the amount of \$1,995.00, for archaeological survey for the COTR Grant- Freedom Trail
Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

PARK ENTERPRISE CONSTRUCTION CO., INC. CHANGE ORDER #1

Mr. Quigley commented the change order was authorized at the meeting on June 7, 2010; however the purchase order was not authorized. Mr. Quigley continued that the change order was done in order to save money before any cost increase.

RES.10-253 AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO PARK ENTERPRISE CONSTRUCTION CO., INC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to Park Enterprise Construction Co., Inc., in the amount of \$62,478.80, for the following items to the Glen Oak Phase I Project:

- | | |
|--|-------------|
| 1. Alternate #5 Parking Lot Installation | \$22,078.60 |
| 2. Alternate #7 Heavy Duty | \$32,579.20 |
| 3. Alternate #11 Extruded Curbing | \$ 7,821.00 |
| Total Change Order Cost | \$62,478.80 |

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

The below resolution is a requirement for acquiring of Grant from ODNR (Ohio Department of Natural Resources).

RES.10- 254 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ABSOLUTE IMPRESSIONS INC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to Absolute Impressions Inc., in the amount of \$1,164.00, for signage for East Orange Road Improvements Project and Bike Path.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

RES.10-255 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO G. MARCHI & SONS, LLC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to G. Marchi & Sons, LLC. in the amount of \$975.00, for resetting column caps and trim wood railings at Township Hall Park pond.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

RES.10-256 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO G. MARCHI & SONS, LLC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to G. Marchi & Sons, LLC. in the amount of \$3,000.00, for installation of four bollards at pool gate for vehicle access and remove loose bollards at ponds.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

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THEN AND NOW PURCHASE ORDERS

RES.10-257 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO M.E. COMPANIES, INC.

Motion by Mr. Quigley to authorize the issuance of a then and now purchase order to, M. E. Companies, Inc., in the amount of \$1,500.00, regarding discussion with property owners about easements for COTF Grant.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

RELEASE OF PAYMENT

Mr. Overturf commented that the Glen Oak Park Phase I Project is 92% complete, and the project is going well. They will be paving the areas this week.

RES.10- 258 AUTHORIZE RELEASE OF PAYMENT FOR PARK ENTERPRISE CONSTRUCTION COMPANY, INC

Motion by Mr. Quigley to authorize release of payment on the Glen Oak Park Project, to Park Enterprise Construction Company, Inc., in the amount of \$85,207.18, for pay request application #5.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

ENFORCEMENT OF PARK RULES

Ms. Hugh commented that the only place right now where the rules are posted are here at the Township Hall park. She has in her budget to get signs with the rules at Ro and North Orange Parks. Ms. Hugh's concern is that the rules have been adopted but there is not enforcement of the rules. There recently has been a problem with solicitation in one of the parks, and when asked to leave the individual asked where it was posted and what were the park assistants going to do about it, if they didn't leave. There is a small problem, but Ms. Hugh would like to be proactive. Mr. McCarthy was asked to speak on the Township's options. He commented that the Township has the statutory authority to do fines and penalties for infractions of park rules. Then the Township would have to look at what type of fines and penalties the Township would like to impose. Mr. McCarthy suggested coordinating this with the Delaware County Sheriff's Office and the Delaware County Prosecutor's Office. Mr. McCarthy commented it probably would be a good idea to do a survey as to what other areas are imposing for infractions against their park rules. After all this information is obtained, it should be brought back to the Board for discussion and possible adoption. A brief discussion was held with Ms. Hugh and the Trustees discussing the kinds of infractions, how often, and who are the individuals causing the problem. Mr. Katz asked that Mr. Quigley, Ms. Hugh, Ms. Messmer, and Mr. McCarthy meet and come back to the Board with their recommendation.

SWIM LESSONS REFUNDS

Ms. Hugh commented that all the swim lesson refunds were made prior to the date of the start of the session, and all vacancies created were filled with children on a wait list.

RES.10-259 REFUND OF SWIM LESSON FEE TO MELISSA WITTIG

Motion by Mr. Quigley to refund the swim lesson fee to Melissa Wittig, 1969 Chicory Court, Lewis Center, OH 43035, in the amount of \$40.00.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

RES.10-260 REFUND OF SWIM LESSON FEE TO LAUREN COLLINS

Motion by Mr. Quigley to refund the swim lesson fee to, Lauren Collins, 7535 Chant Court, Lewis Center, OH 43035, in the amount of \$40.00.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

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RES.10-261 REFUND OF SWIM LESSON FEE TO RAJU INDUKUN

Motion by Mr. Quigley to refund the swim lesson fee to Raju Indukun, 3049 Autumn Applause Drive, Lewis Center, OH 43035, in the amount of \$40.00.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

RES.10-262 REFUND OF SWIM LESSON FEE TO MOLLY CARLSON

Motion by Mr. Quigley to refund the swim lesson fee to Molly Carlson, 2722 Abbey Knoll Drive, Lewis Center, OH 43035, in the amount of \$80.00.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

RES.10-263 REFUND OF SWIM LESSON FEE TO JESSICA SPELLMAN

Motion by Mr. Quigley to refund the swim lesson fee to Jessica Spellman, 7011 Holderman Street, Lewis Center, OH 43035, in the amount of \$40.00.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

SEASON PASS OVERPAYMENT REFUNDS

RES.10-264 REFUND OF SEASON POOL PASS FEE OVERPAYMENT TO DEBBIE GODFREY, STACY CROMLEY, STACEY NEFF, AND VANESSA GREGORIO

Motion by Mr. Quigley to refund the season pool pass fee overpayments to Debbie Godfrey, 1820 Aurora Avenue, Lewis Center, OH 43035, in the amount of \$10.00, to Stacy Cromley, 7851 Charline Court, Lewis Center, OH 43035, in the amount of \$10.00, to Stacey Neff, 376 Meadow View Drive, Powell, OH 43065, in the amount of \$10.00, and to Vanessa Gregorio, 8371 Juniper Drive, Lewis Center, OH 43035, in the amount of \$20.00

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz – yes.

THANK YOU FROM OLENTANGY 8TH GRADE

Ms. Hugh read the thank you from Matt Uher, a teacher from Olentangy Schools who organized the eighth graders. The eighth graders (approximately 300 students) did community service for the Park Department. They spread mulch at the parks. Ms. Hugh was very impressed with the work the eighth graders did and their enthusiasm. Ms. Messmer was very impressed also with their work and Ms. Messmer is looking forward to their work next year. Mr. Katz issued a very public “Thank YOU” for a great job, and community spirit. Mr. Quigley also thanked them and stated that there was a Boy Scout Troop at the Park Board Meeting and they had shown an interest in doing community service.

UPDATE NORTH ORANGE AQUATIC CENTER STATISTICS

Mr. Katz wanted to know how the township was doing at the pool. Specifically, he wanted to know how the attendance and revenue to date stacked up with last year at the same time. Ms. Hugh gave the Trustees a spreadsheet detailing the figures. Comparing days from May 29, through June 20; 2009 to 2010; attendance is up by 1,153; front desk deposit, not including season pool passes or swim lessons is up \$4,185.60, and concessions is up \$1,251.14. Based on numbers from the pool, the season pool pass count currently stands at 1,144. Total for the year, last year for season pool passes was 1,160. But last year the pool passes were sold at a fairly consistent rate until July 13, 2009. Mr. Quigley and Ms. Hugh have discussed ways of streamlining the process for next year. Reviewing the season pass applications, Ms. Hugh stated she was surprised at the number of errors involving non-residents. Mr. Quigley commented they are going to continue to monitor the situation with the growing number of applicants and parking situation. He and Ms. Hugh hope to have a more detailed report. They will also be looking into online applications.

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UPDATE NORTH ORANGE AQUATIC CENTER CARD I.D.

Mr. Katz commented that the Trustees recently agreed to install a Card ID System at the pool. Mr. Katz wanted to know how the Card ID System is working out and if it was helping to properly identify Orange Township Residents so that the Township is making the proper decisions on the collection of fees at the front gate. Ms. Hugh stated that the Alpha System was in; the program itself has been installed in the Township laptop. The Township IT person was coming in the next day and Ms. Hugh and he were going to review the process before they went down to the pool to instruct them. Ms. Hugh was hoping to start taking pictures on Wednesday. The program was downloaded on the laptop so it would not interfere with the front desk operations at the pool. Mr. Katz questioned the procedure. Currently we have 500 cards available and she will be ordering more cards and print cartridges. Mr. Quigley stated that they are thinking of keeping the cards yearly and putting current yearly stickers on the cards.

UPDATE GLEN OAK SEPTIC SYSTEM DELAWARE CONTY HEALTH DISTRICT VARIANCE APPEAL

Mr. Katz commented that the Township was recently denied approval for a septic system at Glen Oak Park. The Township subsequently appealed the denial with the Delaware County Health District. That took place on Wednesday, June 16, 2010. Mr. Katz wanted to know the outcome of the appeal and Mr. Overturf's recommendation for what we do next. Mr. Overturf commented that the Delaware County Health District had their meeting and Mr. Overturf met with their sub-committee. The sub-committee reviews all the information. Mr. Overturf stated that the Committee is very good at what they do, but they didn't have the law that was pertaining to what the Township had to do. The Township would have to lay 1100 foot of piping for the Township to tap into a sanitary system. The law that they are using says 200 feet. This is an EPA law. Mr. Overturf explained the situation, and they granted the Township the variance to put in the septic system. Due to information Mr. Overturf obtained from the Fiscal Office they were able to use a smaller septic system thus saving the Township money.

OLENTANGY RIVER WATERSHED PLANNING PARTNERSHIP

Mr. Katz commented that the Trustees appointed Beth Hugh as the Trustees' Representative to the Olentangy River Watershed Planning Partnership. As part of that approval process, Ms. Hugh was given the responsibility of keeping the Trustees apprised of upcoming key votes and getting Trustee input on how they would like her to vote. Mr. Katz wanted to know the latest activity at the Partnership and any key votes that may be coming up. Ms. Hugh had nothing to report. The next meeting is scheduled for July 2, 2010.

AUTHORIZING EXECUTION OF AGREEMENT WITH SHEEDY PAVING, INC., FOR PAVEMENT CONTRUCTION

Mr. Quigley commented that this concerns the parking issue at the North Orange Aquatic Center. Mr. Quigley asked Ms. Hugh and Mr. Overturf to look at any options and one of the options is to add 25 additional spaces to the north side of the parking area. Mr. Overturf summarized the different areas they looked into. The best area is the north area across from the maintenance building. A short discussion was held. Mr. Quigley stated that all agree that there is a definite parking issue and the turnaround time that Sheedy Paving Inc. could provide was good. Mr. Overturf stated that the work required for adding the 25 additional parking spaces could be completed by July 1, 2010, just in time for the July 4th weekend.

RES.10-265 AUTHORIZING EXECUTION OF AGREEMENT WITH SHEEDY PAVING INC. FOR PAVEMENT CONSTRUCTION IN THE NORTH ORANGE AQUATIC CENTER PARKING LOT.

Mr. Quigley moved the adoption of the following Resolution:

BE IT RESOLVED that the Board of Township Trustees of Orange Township, Delaware County, Ohio, enter into and execute an agreement with Sheedy Paving Inc. for pavement construction in the pool parking lot of the North Orange Aquatic Center. The agreement shall consist of the proposal provided by Sheedy Paving Inc. and presented to the Board, dated June 21, 2010 and signed by Tom Coalter on behalf of the company.

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BE IT FURTHER RESOLVED that Mr. Quigley of the Board shall execute such agreement on behalf of the Board.

Motion seconded by Mr. Katz.

VOTE: Quigley –yes, Katz –yes.

RES.10-266 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO SHEEDY PAVING INC.

Motion by Mr. Quigley to authorize the issuance of a purchase order to Sheedy Paving Inc., in the amount of \$10,995.00, for pavement construction in the pool parking lot of the North Orange Aquatic Center.

Motion seconded by Mr. Katz.

VOTE: Quigley – yes, Katz –yes.

BONDING PARK ASSISTANT

RES.10-267 AUTHORIZE THE FISCAL OFFICE TO OBTAIN A BOND FOR DOUG FRASER

Motion by Mr. Quigley to authorize the fiscal office to obtain a bond for Doug Fraser, in the amount of \$5,000.00 from Rinehart Walters Danner Insurance.

Seconded by Mr. Katz.

VOTE: Quigley – yes, Katz –yes.

A brief recess was called until 9:30 p.m.

FISCAL OFFICER REPORT

PURCHASE ORDER

RES.10-268 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO SCHOTTENSTEIN, ZOX & DUNN CO. LPA

Motion by Mr. Katz to authorize the issuance of a purchase order to Schottenstein, Zox and Dunn Co.LPA, in the amount of \$10,000.00, for administrative legal services regarding personnel matters.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

THEN AND NOW PURCHASE ORDER

RES.10-269 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO SCHOTTENSTEIN, ZOX & DUNN CO. LPA

Motion by Mr. Katz to authorize the issuance of a then and now purchase order to Schottenstein, Zox and Dunn Co. LPA., in the amount of \$5,107.50, for administrative legal services regarding personnel matters.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

DELAWARE COUNTY BANK DEPOSITORY AGREEMENT

Mr. Katz made the following comments

Delaware County Bank has requested that we allow them to lower the deposit cap on our Public Fund IBA Account. The current cap is \$3,000,000.00. They would like to lower the cap to \$1,000,000.00. The reason given is that they have to collateralize 105% of the cap, the possible deposit balance, even though we are not currently maintaining balances at that level. In other words, they want to be able to reduce this daily collateral requirement. My understanding is that we maintain balances in that account in the \$600,000.00 dollar range. Is there any reason why we should not ask them to compromise and make the cap \$1,500,000?

Mr. Spitzer has talked with Mr. McCarthy and they are in agreement that \$1,500,000.00 is a manageable dollar amount. Mr. Spitzer has been in contact with Delaware County Bank. There was discussion between Mr. Spitzer, the Trustees and Mr. McCarthy. There was a consensus to allow the Fiscal Officer to talk with Delaware County Bank in order to set the cap at

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\$1,500,000.00. There will have to be Trustee Board action that will allow the change to the Delaware County Bank Depository Agreement. Mr. McCarthy did talk to the Ohio State Auditor's Office and they strongly encouraged Mr. McCarthy to have the Board change the Depository Agreement to reflect the changes and that the Township explicitly add the mutual fund, the 395 type account, to the list of permitted investments.

ACCEPT PARK LEVY RESULTS FROM DELAWARE COUNTY BOARD OF ELECTIONS

Mr. Katz commented that the Township has received the Certificate of Election Results from the Delaware County BOE regarding the May 4th Park Levy Ballot Issue, which was a renewal of an existing tax of 1.5 mills. The results were:

3,179 Votes Cast
1,751 Votes For The Tax Levy
1,428 Votes Against The Tax Levy

By consensus, the Board accepted the Certificate of Election Results from the Delaware County BOE regarding the May 4th Park Levy Ballot Issue.

OLD BUSINESS

DISCUSSION LAW ENFORCEMENT LEVY

Mr. Katz commented that at the previous Regular Trustees Meeting, the Board discussed the need for a Law Enforcement Levy on the November Ballot. The Board discussed the need and estimated amount. The Board said that, based on the projections that were on hand, either a .4 or .45 Mill Law Enforcement Levy would need to be placed on the November Ballot. We have since received a recommendation from the Delaware County BOE indicating specific language that needs to be used once the County Auditor's Certificate is received. At that point, we need to issue a Resolution specifically indicating our receipt of the Auditor's Certificate and stating our Intent To Proceed with the ballot issue. Mr. McCarthy explained in greater detail the changes in the process and what steps needed to be taken.

Mr. Katz asked to discuss and possibly agree with Mr. Quigley to send a .45 Mill Levy Necessity Request to the Delaware County Auditor for his Certification of Tax Valuation. Or, as an alternative, based on the dollar projections we have and adding a certain percentage for contingency, would the Township like to ask the County Auditor for the millage we would need in order to generate that number of dollars? The Board will then hold a Special Meeting once Mr. McCarthy has all the paperwork in order.

Mr. Katz reminded all that the filing deadlines have changed. Due to recent changes in federal and state election law, all candidates, questions and issues must be filed with the Board of Elections by 4 p.m., 90 days before an election, as opposed to the previous 75-day timeline. The new deadline for filing for the November 2, 2010, General Election is now 4 p.m. on Wednesday, August 4, 2010.

Mr. Quigley commented that at the last meeting it was thought that the .45 mill would allow the added dollar amount for any special duty officers or event. But it may be better to ask for what is needed from the Auditor's office and add for the special duty officers or event. A discussion was held with the Trustees, Mr. McCarthy, Ms. Messmer, and Mr. Spitzer. Mr. Spitzer felt that \$500,000.00 would be a more accurate figure in order to meet the need. Consensus was given to ask the Delaware County Auditor's Office for the amount of millage required to generate a necessary \$500,000 for law enforcement in the township to commence in 2010.

NEW BUSINESS

BONDING OF TOWNSHIP OFFICE ASSISTANT

RES.10-270 AUTHORIZE THE FISCAL OFFICE TO OBTAIN A BOND FOR OFFICE ASSISTANT

Motion by Mr. Katz to authorize the fiscal office to obtain a bond for Office Assistant Shirley Raynard, in the amount of \$5,000.00 from Rinehart Walters Danner Insurance.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

RETENTION OF ROBERT D. WEISMANN AS ADDITIONALLEGAL COUNSEL

RES.10-271 RETENTION OF ROBERT D. WEISMAN AS ADDITIONAL LEGAL COUNSEL.

Motion by Mr. Katz to retain Robert D. Weisman, of the law firm of Schottenstein, Zox and Dunn Co., L.P.A., as additional counsel to provide legal services in regard to pursuing resolution of a potential claim by a former employee. Mr. Weisman to be paid at an hourly rate of \$270.00, and to establish a purchase order to Schottenstein, Zox and Dunn Co., L.P.A.

Seconded by Mr. Quigley.

VOTE: Katz –yes, Quigley – yes.

EXECUTIVE SESSION

Motion by Mr. Katz to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official and conference with township legal counsel concerning a dispute involving the Township that is the subject of pending or imminent litigation.

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

Motion by Mr. Katz to return to regular session.

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

Mr. Katz failed to add who was to attend.

Motion by Mr. Katz to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official and conference with township legal counsel concerning a dispute involving the Township that is the subject of pending or imminent litigation. The following were invited to attend: Gail Messmer, Township Administrator, Mike McCarthy, Township Counsel, for front portion of the session.

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

Motion by Mr. Katz to return to regular session

Seconded by Mr. Quigley.

VOTE: Katz – yes, Quigley – yes.

There was no further business, meeting adjourned at 10:41 p.m.

Nelson Katz, Chairman

Robert W. Quigley, Trustee

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Attest: _____
Joel M. Spitzer, Fiscal Officer