

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE

REGULAR MEETING/MARCH 1, 2006

The regular meeting of the Prairie Township Board of Trustees was called to order by the Chairperson Mr. Stormont, with Mr. Kennedy, Ms. Schlosser and Ms. Montag present. Also attending were: Chief Feustel, Mr. Hatmaker, Ms. Swisher, Mr. McAninch and Ms. Witkowski. (See attached list).

Mr. Stormont led the Pledge of Allegiance.

Mr. Brice Schmitmeyer with Feller, Finch and Associates opened the bids for the Road Department maintenance building as follows:

Greater Columbus Construction, Inc.	\$324,900.00
Central Ohio Building, Inc.	\$349,500.00
Ruscilli Construction	\$417,632.00
Dorsey Construction	\$390,000.00
Ohio Heating HVAC only	\$11,985.00

Mr. Schmitmeyer will review the bids and present at the next regular trustee meeting.

Mr. Stormont moved, Ms. Schlosser seconded the Board approve the minutes as written for the regular meeting of February 15, 2006. Vote; Aye

Mr. Kennedy stated he feels he could do better for the townships IT support.

Mr. Kennedy moved, Mr. Stormont seconded the Board approve giving Affiliated 30-day notice to discontinue their services. A roll call resulted as follows: Ms. Schlosser; Aye, Mr. Kennedy; Aye; Mr. Stormont; Aye.

Mr. Kennedy moved, Ms. Schlosser seconded the Board approve Consolidated Services for a three month trial at \$75.00 per hour, \$105.00 for emergency services after 6:00 p.m. to 7:00 a.m., not to exceed \$1,000.00 per month.

A resident asked if this was bid out. Mr. Kennedy responded no it does not need bid out since it is under \$25,000.00 dollars. A discussion followed.

The Fiscal Officer presented the following items:

The Fiscal Officer made the following comments regarding recent events.

My primary duty as Township Fiscal Officer is spelled out in The Ohio Revised Code, Section 507.04. This section does not mention elections. Ohio Revised Code Section 504.14 does levy the requirement on the Township Fiscal Officer to perform those duties required of a City Auditor or Village Clerk for initiative or referendum petitions.

These requirements are found in Ohio Revised Code Section 731.28 thru 731.40. Nowhere, in the Ohio Revised Code, the Ohio Administrative Code or the Rules for Elections is the Township Fiscal Officer identified as the Township Election official. Nowhere in these same documents is the Township Fiscal Officer obligated to write initiative petitions, advise groups on how to proceed for or against an initiative petition or any similar "legal advice" activity either for the township resident or for the Board of Trustee.

The obligation to enact the required resolution to place an initiative petition or referendum on the ballot rest exclusively with the Board of Trustees, their legal advisor - the Township Law Director, and the Board's administrative staff - the Township Administrator and his assistant. As was demonstrated with last year's referendum petition on the Maintenance Code. I know and performed my legal and practical obligations on the referendum as I have with this Initiative Petition. I don't play politics with my duties and responsibilities to our township residents - to say otherwise is an outright lie. Trustee Kennedy has made unfortunate and untrue

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE

REGULAR MEETING/MARCH 1, 2006

statements in the Dispatch, The Westside Messenger and the Westside This Week. Trustee Kennedy is either confused, misinformed or a liar and I expect a public apology for his comments.

One additional item: I learned from the Board of Elections that Attorney Don McTigue had been hired to challenge the Senior Center Initiative Petition before the Franklin County Board of Elections to keep this issue off the ballot - Trustee Kennedy since you hired Mr. McTigue to write the referendum petition for the Maintenance Code - did you also hire Mr. McTigue to keep this issue off the ballot?

Finally, I want everyone in the Township to know that I don't undermine township resident in their goals or initiatives. Within the limits of the law, I'd be glad to help our township senior citizens with their petition so all township residents can have an equal opportunity to have a vote on funding the Senior Center.

Mr. Kennedy responded that he did not hire Mr. McTigue to fight this issue. It might not be spelled out in the Ohio Revised Code that the Fiscal Officer is the election authority in the township but the process starts with her and ends with her. This process went downhill from day one from the very first day that it was filed. In his opinion, he has no legal background but he has done the referendum process which almost mirrors exactly the initiative process. He told the seniors on the January 18th meeting that he had experience in this area and he would help them. For whatever reason no one asked him for help. The certified copy was filed with the Fiscal Officer on January 23rd. If the Board had been informed on the 23rd that the process had been started he could have looked at the petitions on the 23rd and said there were major problems with the petitions. He did not know until the 29th when Helen Randall came to his door and asked him to sign the petition that is the first time he saw the petition. He told Helen that is was the wrong petition it is on a county wide form. The next day he asked the Fiscal Officer if she accepted and certified a copy of the ordinance. The Fiscal Officer stated yes and that it was turned in last week. He reviewed the petitions and noticed a couple of other errors. He noticed it wasn't date stamped in. It was on the wrong petition form. It also did not have the red writing on the front of the form and the ordinance was not spelled out in the body of the petition. In his opinion any one of those errors is enough to get it kicked off the ballot. Later that day he went to the Senior Center and spoke with Helen Cox and Marjorie and brought up these concerns. At that time he told them they needed to start the process over that this would not make it thru the process. They filed the petitions on February 1st with the Fiscal Officer. From February 1st it is a twenty day process, ten days for the Fiscal Officer and ten days for the Board of Elections to certify signatures. There is nothing in Ohio law that states a resolution has to be made it is totally up to the Fiscal Officer to put it on the ballot. It is a mute point from here out. The petitions were filed late and that is a shame but the Board is totally left out of the process until the Fiscal Officer tells the Board there is enough signatures and it never made it that far.

Ms. Helen Cox stated the Board of Elections gave her six steps on how to proceed. 1.) Have Township Fiscal Officer certify petition. 2.) Obtain township registered voters signatures. 3.) File with Fiscal Officer to hold for ten days for review. 4.) Fiscal Officer to take signatures to Board of Elections for validation. 5.) Trustee's to make a resolution. 6.) Resolution and signatures returned to Board of Elections to place on ballot. And that is what they did. Mr. Kennedy stated he was sorry they went through the process and how much work they went through. But initiative petition means the process is done by the residents. It is spelled out in Ohio Revised Code 731.28 the steps that need to be followed. The last thing that gets done is the Fiscal Officer has the certified petitions and she verifies there are enough signatures and that is what is used as a courtesy for the resolution to take to the Board of Elections. We never made it there. They never got the validation that there were enough signatures by the February 16th deadline.

Mr. Gene Noel stated this whole process has been nothing but errors. They went to

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE

REGULAR MEETING/MARCH 1, 2006

the Board of Elections and the Secretary of State and tried to do everything everyone told them to do. He stated they could have avoided everything had they been allowed to get the Trustees in 2005 to sign a resolution but were told they were not allowed to do that either. They were told to wait for the new trustees. Mr. Kennedy stated he did not feel comfortable passing a resolution raising taxes since he ran on not raising taxes.

Ms. Schlosser stated she felt very uncomfortable putting an issue on the ballot that would raise individual taxes without the majority of the population wanting it to be on the ballot. Mr. Noel stated it would not be the trustees raising taxes it would be the people voting to raise taxes or not. Mr. Noel stated he feels the trustees are set to see the Senior Center go down hill.

Mr. Stormont moved, Mr. Kennedy seconded the Board approve the following supplemental appropriations. Vote; Aye.

\$200.00 from 2409-920-920-0000 to 2409-390-360-0000.

\$200.00 from 2408-920-920-0000 to 2408-390-360-0000.

After the Trustees reviewed the pending warrant list, Mr. Stormont moved, Mr. Kennedy seconded the Board approve the payment of the ADP payroll in the amount of \$106,151.99 and approve payment of the following bills. Vote; Aye. (See pending warrant list).

The Fiscal Officer requested the Board to approve \$165.00 for each Trustee and the Fiscal Officer to attend the Local Government Officials Conference.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve \$165.00 for each Trustee and the Fiscal Officer to attend the Local Government Officials Conference. Vote; Aye.

Mr. Stormont asked the Fiscal Officer about retired Chief Lavelly receiving and W-2 in 2005 and he is requesting a corrected W-2 form. The Fiscal Officer responded that she is working with ADP and they do not send a corrected W-2 with no income. The process takes approximately six to eight weeks per ADP.

Deputy Weimer presented to the Board the monthly report of the statistics in the Township.

Ms. Wharton thanked them for their assistance for showing up when a man late at night showed up at her residence asking for signatures.

Mr. Kennedy stated at the last meeting it was brought up to request the second car to work from 8:00 p.m. to 4:00 a.m. and that is being worked on with Major Mann. Deputy Durbin stated on Monday he will be working from 8:00 p.m. to 4:00 a.m.

Chief Feustel addressed the Board with the following Fire Department matters:

1. Chief Feustel requested the Board approve the removal and disposal of 19 old SCBA equipment.

Mr. Stormont moved, Mr. Kennedy seconded the Board approve the removal and disposal of 19 old SCBA equipment . Vote; Aye.

2. Chief Feustel requested the Board approve the purchase of curtains for the firehouse.

Mr. Stormont moved, Mr. Kennedy seconded the Board approve the purchase of curtains for the firehouse. Vote; Aye.

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE

REGULAR MEETING/MARCH 1, 2006

3. Chief Feustel requested the Board to approve the purchase of new cot for the new Medic for \$2,500.00.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve the purchase of new cot for the new Medic for \$2,500.00. Vote; Aye.

4. Chief Feustel requested the Board to approve the purchase of a radio and intercom system for the new Medic for a total of \$7,500.00.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve the purchase of a radio and intercom system for the new Medic for a total of \$7,500.00. Vote; Aye.

5. Chief Feustel updated the Board that Lieutenant. Dellinger was assigned to Jury Duty on February 21, 2006 and will serve two weeks.
6. Chief Feustel requested the Board to approve \$6,000.00 to clean, prep and paint the walls of the fire bays.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve \$6,000.00 to clean, prep and paint the walls of the fire bays. Vote; Aye.

7. Chief Feustel requested the Board to approve part-time salary increase for 1st year \$8.25 per hour, 2nd year \$8.60 per hour and 3rd year \$9.00 per hour.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve part-time salary increase for 1st year \$8.25 per hour, 2nd year \$8.60 per hour and 3rd year \$9.00 per hour. Vote; Aye.

Mr. Dave McAninch, Road Superintendent, addressed the Board with the following Road Department matters:

1. Mr. McAninch requested the Board to approve and the Chair to sign the Certification of Township road mileage of 55.21.

Mr. Stormont moved, Mr. Kennedy seconded the Board to approve and the Chair to sign the Certification of Township road mileage of 55.21. Vote; Aye.

Ms. Connie Swisher, Zoning Inspector, addressed the Board with the following Zoning Department matters:

1. Ms. Swisher updated the Board that is was mentioned in the paper the Zoning Commission meetings are in the evening. Their meetings are the fourth Tuesday of the month at 3:00 p.m., but if it is a public hearing they hold those meetings at 7:00 p.m. and they are open to the public. They are in the discussion stages of working the commercial vehicle section, so if anyone has concerns, recommendations or thoughts they would like to pass on to the Board to please send them in writing or email them to the zoning department and they will pass them on to the Board.

Old Business:

Mr. Holderby stated at the last meeting he inquired about the Sheriff's contract. Has anyone explored other options partnering with other townships specifically Franklin Township to provide coverage. A discussion followed.

Mr. Gene Noel stated the seniors are disappointed because they wanted their issue on the May ballot.

Ms. Helen Cox asked Ms. Schlosser if she would make a resolution to put the levy on the ballot in November. Ms. Schlosser responded she would if it was presented by

PRAIRIE TOWNSHIP BOARD OF TRUSTEES

23 MAPLE DRIVE

REGULAR MEETING/MARCH 1, 2006

initiative petition. Ms. Cox asked Mr. Stormont if he would make a resolution to put the levy on the ballot in November. Mr. Stormont responded he did not have a problem with that. Ms. Cox asked Mr. Kennedy if he would make a resolution to put the levy on the ballot in November. Mr. Kennedy responded if the process is met he had no problem with it. A discussion followed.

New Business:

Public Comment:

Announcements:

There being no further business to come before the Board, the meeting was adjourned at 9:15 p.m.

Chairperson

Fiscal Officer