



RECORD OF PROCEEDINGS

Minutes of **NORWICH TOWNSHIP BOARD OF TRUSTEES** *Meeting*

5181 NORTHWEST PARKWAY, HILLIARD, OHIO

Held

December 19, 2011

The meeting was called to order by Vice Chairman Larry Earman.

Roll Call - **Michael D. Cope, Chairman– Absent**
Charles Wm. Buck, Trustee – Present
Larry Earman, Vice-Chairman – Present

Also Present - **Dave Long, Fire Chief**
Bob Kaufman, Asst. Fire Chief
Steve Montgomery, Roads/Cemetery Dept.
Wayne Warner, Township Administrator

AGENDA ADDITIONS - None

PUBLIC PARTICIPATION - None

Approval of Trustee Meeting Minutes for 12/05/11

Motion by Mr. Buck, seconded by Mr. Earman, for the approval of the Norwich Township Trustee meeting minutes for the regular meeting of December 5, 2011.

Vote: Buck-Yes Cope-Absent Earman-Yes Motion passed - #111219.01

Approval of Trustee Special Meeting Minutes for 12/06/11

Motion by Mr. Buck, seconded by Mr. Earman, for the approval of the Norwich Township Trustee meeting minutes for the special planning meeting of December 6, 2011.

Vote: Buck-Yes Cope-Absent Earman-Yes Motion passed - #111219.02

FIRE DEPARTMENT

Chief Long recognized the promotions of Firefighter Dave Baird to the rank of Lieutenant and Lieutenant Greg Young to the rank of Captain effective January 2, 2012. Chief Kaufman reported that Horton has made progress on the new medic but still unsure if it will be ready for deliver prior to the end of the year. He noted that training for the new healthcare is scheduled for January 20, 21, and 22. Mr. Buck is disappointed in the progress of the medic.

CEMETERY & ROAD DEPARTMENT

Mr. Montgomery reported that work is wrapped up for the season on the Schirtzinger Road project. There is still about 1,500 foot of piping to be completed in addition to resolving the Checchio draining issue.

FISCAL OFFICE

Mrs. Miles requested approval of the 2012 Permanent Appropriations in the amount of \$15,105,140 which is a 3.8% decrease or \$600,000 decrease from the 2011 Appropriations. Mr. Earman noted that the Fire Fund is projected to deficit spend \$2.8 million in 2012. Mr.



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Buck agreed to sign the outstanding payment to Horton Emergency Vehicles, however, no other invoices will be paid until the new medic gets delivered.

Approval of 2012 Permanent Appropriations

Motion by Mr. Earman, seconded by Mr. Buck, for the approval of the 2012 Permanent Appropriations totaling \$15,105,140.

Vote: Buck-Yes Cope-Absent Earman-Yes

Motion passed - #111219.03

TOWNSHIP ADMINISTRATION

Mr. Warner reported on the meeting he attended at Prairie Township on Ohio American Water's (OAW) proposed rate increase of 26% for water and 15% for sewer. OAW is being sold to Aqua Ohio, however, the proposed rate increase will happen before the sale. There are seven townships affected by the proposed increase of which five were in attendance at the meeting. In addition to contacting legislators and PUCO to oppose the increase, a resolution will be forthcoming to oppose House Bill 379.

Approval to Retain Loveland & Brosius, LLC

Motion by Mr. Earman, seconded by Mr. Buck, for approval to retain Loveland & Brosius, LLC to provide legal services to the Township in 2012 at the same rate as 2011. Vote:

Buck-Yes Cope-Absent Earman-Yes

Motion passed - #111219.04

Approval of Pay Elected Officials in 2012

Motion by Mr. Buck, seconded by Mr. Earman, for approval to pay the Township Trustees and Fiscal Officer on a monthly basis in accordance with compensation established by Ohio Revised Code sections 505.24 and 507.09 for townships with a budget greater than \$10 million.

Vote: Buck-Yes Cope-Absent Earman-Yes

Motion passed - #111219.05

Approval to Pay Fiscal Office for Cemetery Deed Preparation

Motion by Mr. Buck, seconded by Mr. Earman, for approval to pay the Fiscal Officer \$250 for the preparation of cemetery deeds in 2012.

Vote: Buck-Yes Cope-Absent Earman-Yes

Motion passed - #111219.06

Approval of Resolution to Oppose Ohio American Water's Proposed Rate Increase

Motion by Mr. Buck, seconded by Mr. Earman, for approval of a resolution objecting to and opposing the proposed water and sewer rate increases filed by Ohio American Water with the Ohio Public Utilities Commission and further authorizing special counsel to file a motion to intervene in the 2011 Ohio American Water company rate case.

Vote: Buck-Yes Cope-Absent Earman-Yes

Motion passed - #111219.07



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TRUSTEE-OLD BUSINESS - None

TRUSTEE-NEW BUSINESS - None

Motion by Mr. Earman, seconded by Mr. Buck, to adjourn from regular session at 6:58 pm.

Vote: Buck-Yes Cope-Absent Earman-Yes

A handwritten signature in cursive script, appearing to read "Larry Earman", is written above a horizontal line.

Larry Earman, Vice Chairman

A handwritten signature in cursive script, appearing to read "Jamie Miles", is written above a horizontal line.

Jamie Miles, Fiscal Officer

NORWICH TOWNSHIP
 RESOLUTION # 111219. 63
 PERMANENT APPROPRIATIONS FOR 2012

Whereas the Township anticipates having sufficient carry over funds and revenue in 2012 to operate the Township functions, and

Whereas the Ohio Revised Code requires the Township to appropriate funds for expenses related to 2012,

Now therefore, be it resolved that the following Permanent Appropriations are approved for 2012:

	Total	Payroll & Benefits	Other	Capital Improvement	Transfers Out
General Fund	\$1,356,590	\$395,890	\$455,700	\$55,000	\$450,000
Motor Vehicle Fund	\$80,000	\$0	\$80,000	\$0	\$0
Gas Tax Fund	\$165,000	\$140,000	\$25,000	\$0	\$0
Cemetery Fund	\$568,950	\$395,650	\$73,300	\$100,000	\$0
Police District Fund	\$389,000	\$0	\$389,000	\$0	\$0
Fire District Fund	\$11,603,800	\$10,316,100	\$1,150,700	\$137,000	\$0
Fire Rescue, EMS Func	\$941,800	\$767,800	\$134,000	\$40,000	\$0
FEMA Fund	\$0	\$0	\$0	\$0	\$0
	\$15,105,140	\$12,015,440	\$2,307,700	\$332,000	\$450,000

Moved by: LARRY EARMAN
 Second by: CHUCK BUCK

Voting:

Chuck Buck YES
 Mike Cope ABSENT
 Larry Earman YES

Adopted this 19th day of December, 2011

RES # 111217.04
RESOLUTION EMPLOYING TOWNSHIP'S ATTORNEYS
ON AN ANNUAL BASIS FOR THE YEAR 2012

WHEREAS, the Norwich Township Board of Township Trustees ("Board") is authorized by Section 309.09(B) of the Revised Code to employ attorneys on an annual basis other than the prosecuting attorney to represent the Township and its officers, boards and commissions in their official capacities and to advise them on legal matters; and

WHEREAS, Section 309.09(B) of the Revised Code provides that no such attorney may be employed except on the order of the Board, duly entered upon its Journal, in which the compensation to be paid for the attorney's legal services shall be fixed; and

WHEREAS, the Board finds it necessary to appoint attorneys to counsel and represent the Township on an annual basis for calendar year 2012 in such matters as the Board or its designee may refer to them; and

WHEREAS, the Board has appropriated the sum of \$ 55,000 for legal services for 2012;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Norwich Township, Franklin County, Ohio, that:

SECTION 1. Donald F. Brosius of Loveland & Brosius, LLC, and the law firm of Loveland & Brosius, LLC, 50 West Broad Street, Suite 3300, Columbus, Ohio 43215, are hereby employed on an annual basis for calendar year 2012 as the Township's legal counsel to represent the Township and its officers, boards and commissions in their official capacities and to advise them in connection with such matters as may be referred to said Counsel by or on behalf of the Board or its designee.

SECTION 2. The compensation for such counsel during 2012 shall be paid as follows: \$195.00 per hour partner attorney time; \$175.00 per hour senior associate time; \$150.00 per hour associate time; \$90.00 per hour law clerk time; and \$75.00 per hour legal assistant time; plus out-of-pocket expense reimbursements; provided that the total compensation shall not exceed \$ 55,000 without further action by this Board.

SECTION 3. The attorneys may be discharged at any time by majority vote of the Board.

SECTION 4. The Township Fiscal Officer is directed to send a copy of this Resolution to the law firm.

SECTION 5. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.

SECTION 6. This Resolution shall take effect and be in force from and after the date of its adoption.

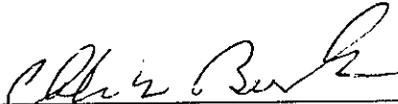
Adopted: DECEMBER 19, 2011

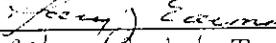
**BOARD OF TRUSTEES
NORWICH TOWNSHIP
FRANKLIN COUNTY, OHIO**

ATTEST:



JAMEL MILES, Fiscal Officer



CHARLES W. BUCK, Trustee


LARRY EAKMAN, Trustee

MICHAEL D. LUPE, Trustee **ABSENT**

RESOLUTION NO. 11241, 07

A RESOLUTION OBJECTING TO AND OPPOSING THE PROPOSED WATER AND SEWER RATE INCREASES FILED BY OHIO AMERICAN WATER WITH THE OHIO PUBLIC UTILITIES COMMISSION AND FURTHER AUTHORIZING SPECIAL COUNSEL TO FILE A MOTION TO INTERVENE IN THE 2011 OHIO AMERICAN WATER COMPANY RATE CASE

PREMABLE

WHEREAS, residents of the Timberbrook Subdivision in Norwich Township, Franklin County, Ohio (the "Township") receive water services from Ohio American Water ("OAW"); and

WHEREAS, OAW is seeking their fourth rate increase request in five years which, if granted, will result in an approximate increase of 26% in water rates and 11.5% in sewer rates; and

WHEREAS, as recently as 2009, OAW filed a request with the Ohio Public Utilities Commission of Ohio ("PUCO") to substantially increase rates for all of its residential customers in Ohio, including numerous residents of the Township; and

WHEREAS, the Township and other political subdivisions vigorously opposed the 2009 request by OAW as being excessive and burdensome on their residents;

WHEREAS, in its ruling on the OAW's 2009 rate increase request, the PUCO found that increases in OAW's administrative and general expenses far outstripped the rate of inflation and directed OAW to keep future increases in line with inflation; and

WHEREAS, if granted, OAW's requested increase of 26% in water rates and 11.5% in sewer rates will far exceed the rate of inflation since OAW's last rate increase; and

WHEREAS, also in its ruling on OAW's 2009 rate increase request, the PUCO found OAW's business model to be unacceptable and directed that it be changed; and

WHEREAS, there is no indication in the current rate increase application that OAW has taken steps to change its business model; and

WHEREAS, the PUCO mission is to "assure all residential and business consumers access to adequate, safe and reliable utility services at fair prices, while facilitating an environment that provides competitive choices;" and

WHEREAS, Township residents receiving OAW water services already pay a substantially higher and unfair rate for such services when compared with both other Township residents and residents of surrounding jurisdictions that receive such services from other utility providers; and

WHEREAS, due to the current difficult economic times and previous rate increases granted to OAW, the Board of Trustees of the Township believes a rate increase of 26% for water services is unjustified and will result in many Township residents not being able to afford water services; and

WHEREAS, the Board of Trustees believes it is in the best interests of the Township and its residents to oppose the proposed OAW water rate increase filed with the PUCO and to further urge the Commissions of the PUCO to reject OAW's proposed rate increase.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Norwich Township, Franklin County, Ohio (the "Board") that the following Resolution be, and it hereby is, adopted:

Section 1. The Board hereby objects to and opposes the proposed OAW water and sewer rate increases as filed with the PUCO in July of 2011 in Case No. 11-4161-WS-AIR. The Board believes that OAW's requested increases are unfair, excessive and incapable of justification. The Board further agrees to support, assist and work with other governmental jurisdictions affected by the proposed OAW water and sewer rate increases in opposing such increases.

Section 2. The Board hereby requests that the Commissioners of the PUCO reject the proposed water and sewer rate increase as filed by OAW and secondarily requests that should PUCO grant an increase to OAW, that any increase be equitable to the consumer and be based upon fair and responsible calculations.

Section 3. The Board hereby authorizes Township Special Counsel, the Law Firm of Loveland & Brosius, LLC, to file a Motion to Intervene, on behalf of the Township, in OAW's rate case and to further take such actions that may be necessary or desirable therewith.

Section 4. The Board authorizes and appoints each of the following persons to appear and speak on behalf of the Board at any meeting and/or hearing to be held by the PUCO in its review of OAW's water and sewer rate increase proposal: each member of the Board, the Township Fiscal Officer, Township Administrator, Special Counsel and/or such other Township employee(s) as each Trustee may deem necessary or desirable.

Section 5. The Board of Trustees encourages all Township residents to contact the PUCO, the Ohio Consumers Council, and their state legislators through letters and phone calls voicing their opinion on OAW's proposed water and sewer rate increases. In addition, residents are encouraged to appear before the PUCO at hearings concerning OAW's rate requests and provide direct testimony.

Section 6. All formal actions of this Board, concerning and relating to the adoption of this Resolution, were adopted in an open meeting of this Board, and all deliberations of the Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

This Resolution shall be in full force and effect immediately upon its adoption.

Adopted: DECEMBER 19, 2011

NORWICH TOWNSHIP, FRANKLIN COUNTY
BOARD OF TRUSTEES,



Charles Wm. Buck, Trustee

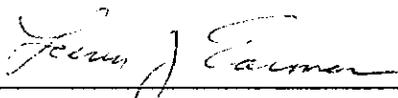
ATTEST:



Jamie Miles,
Township Fiscal Officer

ABSENT

Michael D. Cope, Trustee



Larry Earman, Trustee