

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
March 23, 2023

The Board of Township Trustees of Anderson Township ("Board") held its regular Monthly Meeting on March 23, 2023, at 5:00 p.m, in the Anderson Center Large Conference Room. Present were the following Board members:

R. Dee Stone
Lexi Lausten
Joshua S. Gerth

Mrs. Stone called the meeting to order and welcomed attendees including: Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Township Facilities Manager Mark Magna, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Law Director Margaret Comey, Anderson Township Fire & Rescue Chief Richard Martin, Sheriff's Department Lt. Daniel Downing, Fiscal Office Clerk Katie Arnold, Tree Committee Chair John Halpin, Tree Committee Member Tim Kloppenborg.

EXECUTIVE SESSION

- 1. Mrs. Stone moved to retire to Executive Session to consider the employment of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1), to consider the purchase of property for public purposes or the sale of property as permitted by Ohio Revised Code Section 121.22(G)(2), and to confer with the Law Director concerning disputes that are the subject of pending or imminent court action as permitted by Ohio Revised Code Section 121.22(G)(3). Mr. Gerth seconded the motion.**

Mr. Dietz called the roll: Mr. Gerth, yes Mrs. Lausten yes; Mrs. Stone yes.

Mrs. Stone moved to return from Executive Session. Ms. Lausten seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes Mrs. Lausten yes; Mrs. Stone yes.

PLEDGE OF ALLEGIANCE

Mrs. Stone moved to adopt the agenda without modification. Mr. Gerth seconded the motion.

Items for Board Consideration During March 23, 2023 Meeting

2. PRESENTATIONS AND RECOGNITIONS:

a. Tree Committee Presentation

Mr. Halpin stated part of the reason he resides in Anderson Township is for the canopy of trees. He thanked trustees for all they are doing for the tree canopy in the Township and how their support has contributed to the Township outpacing other communities.

Mr. Kloppenborg stated the tree committee was founded 17 years ago to use trees to increase quality of life, providing shade, helping with water runoff and pollution. He stated the mission of the Tree Committee was to plant trees for the citizens, for the education of residents and was proud of the township arboretum. Additionally, they are looking to increase tree diversity so the next invasive species, like the Emerald Ash Borer won't cause the destruction of most of the Township's trees. Every fall there is a sale of large and small trees designed to reintroduce trees lost to weather or development. Presented map and showed trees have been offered on 391 streets in the township. Anderson Township has been awarded Tree City USA status and meets or exceeds the standards for that recognition. This year more trees were removed than planted. All trees were planted in the arboretum.

Mrs. Stone stated she would be joining the tree committee. **Mrs. Lausten** thanked John and the rest of the tree committee and stated she was appreciative of all their hard work. She also noted their passion is contagious, and they did a great job maximizing what they did with taxpayer dollars. **Mrs. Stone** stated the tree committee does great work and is looking forward to working with them.

3. PUBLIC FORUM

Individuals who wish to address the Board should state their name and address for the record, make their points as clearly and concisely as possible, and limit their comments to a maximum of three minutes, which may not be shared with or yielded to others. All comments shall be directed to the Board of Township Trustees. Thank you in advance for your comments.

No one came forward.

4. TRUSTEE COMMENTS:

Mrs. Stone stated the Township hosted the History of the Schools for the first time in four years. Every student attending receives a tree to plant, which she believed helped show how dedicated the Township was to the mission of the tree committee.

5. FISCAL OFFICER

Mr. Dietz stated the Township should have a good financial report by June for what is sustainable. Reports show revenues came in well in the first few months because of property tax revenues. Homestead money will come from the county in the next few months, which will put the Township in a very good financial position.

6. LAW DIRECTOR

Mrs. Comey stated there was no business.

7. PLANNING AND ZONING

Mr. Drury stated there was no business.

8. SHERIFF'S OFFICE

Lt. Dave Downing stated he had been with the sheriff's office since 2002 and is looking forward to working with everyone. Wants to trade in 3 cruisers and get 3 new AWD SUV's.

Ms. Lausten introduced the following resolution and moved its passage. **Mr. Gerth** seconded the motion.

Mr. Dietz called the roll: **Mr. Gerth**, yes; **Mrs. Lausten**, yes; **Mrs. Stone** yes.

RESOLUTION NO. 23-0323-01

AUTHORIZING THE SALE OF THREE SURPLUS MOTOR VEHICLES PURSUANT TO SECTION 505.10 OF THE OHIO REVISED CODE AND THE PURCHASE OF THREE MOTOR VEHICLES PURSUANT TO SECTION 505.101 OF THE OHIO REVISED CODE AND AUTHORIZING THE CREDIT OF THE SELLING PRICE OF

THE SURPLUS MOTOR VEHICLES AGAINST THE PURCHASE PRICE OF THE NEW MOTOR VEHICLES

WHEREAS, Section 505.101 of the Ohio Revised Code (the “Statute”) provides for the purchase or sale of motor vehicles, materials, equipment or supplies, without advertising or bidding, from or to any department, agency, or political subdivision of the State;

WHEREAS, Section 505.10 of the Ohio Revised Code (the “Disposition Statute”) provides that a board of township trustees may provide for the disposition of certain personal property, including motor vehicles, road machinery, equipment and tools, if the Board finds, by resolution, that such personal property is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, all in accordance with the Disposition Statute; and

WHEREAS, division (A)(3) of the Disposition Statute provides that if a board of township trustees finds, by resolution, that the township has motor vehicles, road machinery, equipment or tools that are not needed or are unfit for public use, and the board wishes to sell the motor vehicles, road machinery, equipment or tools to the person or firm from which it proposes to purchase other motor vehicles, road machinery, equipment or tools, the board may offer to sell the motor vehicles, road machinery, equipment or tools to that person or firm, and to have the selling price credited to the person or firm against the purchase price of other motor vehicles, road machinery, equipment or tools; and

WHEREAS, the Township owns three motor vehicles further identified on Exhibit A hereto, which by this reference is incorporated herein and made a part hereof (the “Surplus Motor Vehicles”), which Surplus Motor Vehicles this Board hereby deems to be no longer unneeded for Township use;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees (the “Board”) of Anderson Township, County of Hamilton, State of Ohio (the “Township”), as follows:

Section 1. (a) That this Board hereby determines that the Surplus Motor Vehicles are unneeded for Township use and that it is in the best interest of the Township to sell the Surplus Motor Vehicles to the Vendor identified below and to have the selling price of the Surplus Motor Vehicles credited against the purchase price of the 2023 Motor Vehicles identified below to be purchased by the Township; provided, that the Surplus Motor Vehicles shall be sold to the Vendor “as is” and with no warranties.

(b) That this Board hereby determines that it is in the best interest of the Township to acquire by purchase certain equipped motor vehicles for use in the delivery of police protection services in the Township, to-wit, three (3) fully equipped Model Year 2023 Black AWD Ford Explorers PIU (the “2023 Motor Vehicles”), which 2023 Motor Vehicles are available for purchase pursuant to a bid process undertaken by the Hamilton County Sheriff’s department.

(c) That the three (3) Purchase Contracts (the “Purchase Contracts”) with Cincyautos, Inc., an Ohio corporation, dba LEBANON FORD Lebanon Ford (the “Vendor”), each relating to the purchase of a 2023 Motor Vehicle and the crediting of the value of certain Surplus Motor Vehicle(s) against the purchase price of the 2023 Motor Vehicle being purchased, attached hereto as Exhibit B and by this reference incorporated herein, are hereby approved.

Section 2. That the maximum aggregate amount to be paid as the purchase price for the 2023 Motor Vehicles is \$125,559.00 (the “Maximum Purchase Price”), against which aggregate amount the value of the Surplus Motor Vehicles, which this Board deems to aggregate \$10,500 (the “Minimum Selling Price”), shall be credited. The authorized net purchase price for the 2023 Motor Vehicles is \$115,059, which funds have been previously appropriated by this Board for the purpose and remain otherwise unencumbered.

Section 3. That the Township Administrator is hereby authorized to execute the Purchase Contracts in the form hereby approved with such changes thereto as shall not in her opinion, after consultation with the Law Director, be disadvantageous to the Township, which determination shall be evidenced by her signing of the Purchase Contracts as so modified. The Township Administrator and Fiscal Officer are hereby authorized to execute such additional documentation relating to the purchase and sale transactions as they deem necessary and appropriate, after review by the Law Director, to effectuate the purchase of the 2023 Motor Vehicles at no more than the Maximum Purchase Price less the credit of the Minimum Selling Price of the Surplus Motor Vehicles, in accordance with this Resolution.

Section 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in 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 taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned Fiscal Officer hereby certifies that the moneys required to meet the obligations of the Township under the foregoing Resolution during the remainder of the year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

This 23rd day of March, 2023.

Kenneth G. Dietz

Fiscal Officer

There was no further discussion.

9. PUBLIC WORKS DEPARTMENT

Mr. Luginbuhl stated the Board was aware the Township's Road Maintenance Plan required utilizing a micro-surface overlay to help further the funds for road paving. He recommended a group of streets for the micro-surface overlay in 2023; as it is 60% less costly than traditional grading and paving. He requested Board approval to contract with Stawser Construction as they have agreed to perform the work for \$431.00 per ton, while state bidding was \$445.00 per ton.

Mr. Gerth moved to authorize the following. **Mrs. Stone** seconded.

Mr. Dietz called the roll: **Mr. Gerth**, yes **Mrs. Lausten**, yes; **Mrs. Stone** yes.

MOTION N O. 23-0323-02

AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT WITH STRAWSER CONSTRUCTION INC. FOR THE 2023 MICRO-SURFACE OVERLAY PROGRAM FUNDED THROUGH THE 1994 TIF AND UTILIZING THE STATE BID PRICING OF \$349,865.25 PLUS A 10% CONTINGENCY OF \$34,986.52 RESULTING IN A TOTAL AMOUNT NOT TO EXCEED \$384,851.77

There was no further discussion.

10. FIRE AND RESCUE DEPARTMENT

Chief Martin stated it was the department's hope to apply for the 2023 Port Security Grant. He reminded the Board that any funds received under \$25,000 did not require a match from the local jurisdiction. He further stated they had received \$22,00 last year from this grant.

Mrs. Lausten made a motion to authorize the following. **Mr. Gerth** seconded.

Mr. Dietz called the roll: **Mr. Gerth**, yes; **Mrs. Lausten**, yes; **Mrs. Stone** yes.

MOTION N O. 23-0323-03

MOTION TO AUTHORIZE THE ANDERSON TOWNSHIP FIRE & RESCUE DEPARTMENTS APPLICATION FOR THE 2023 PORT AUTHORITY GRANT FOR WHICH THE ANDERSON TOWNSHIP FIRE AND RESCUE DEPARTMENT WOULD HAVE NO MATCHING FUNDS REQUIREMENT FOR THE PURPOSE OF PURCHASING GEAR RELATED TO BOAT AND WATER OPERATIONS DURING THE 2023 AWARD PERIOD.

Mrs. Stone asked how many in the department were trained in water rescue. **Mr. Martin** said 18-20 officers had the certification and there were additional officers that were qualified for fast water rescues.

Mr. Martin stated he was proposing a resolution to purchase new equipment. The old vehicle was a 2009 and had outlived its useful life. Further stated the vehicle wasn't wanted for a trade in and they will try to sell it at auction. The new vehicle will be used by the Battalion Chief.

Mr. Gerth introduced the following resolution and moved its passage. **Mrs. Lausten** seconded the motion.

Mr. Dietz called the roll: **Mrs. Lausten**, yes; **Mr. Gerth**, yes; **Mrs. Stone** yes.

RESOLUTION NO. 23-0323- 04

AUTHORIZING THE PURCHASE OF EQUIPMENT PURSUANT TO SECTION 505.101 OF THE OHIO REVISED CODE

WHEREAS, Section 505.101 of the Ohio Revised Code provides for the purchase of motor vehicles, materials, equipment or supplies, without advertising or bidding, from any department, agency, or political subdivision of the state;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees ("Board") of Anderson Township, County of Hamilton, State of Ohio ("Township"), as follows:

Section 1. That the Board hereby determines that it is in the best interest of the Township to acquire by purchase a certain motor vehicle, described as a new Model Year 2023, Chevrolet Tahoe SSV for use as a staff vehicle ("Equipment"), which Equipment is available for purchase pursuant to state bid through the contract of the State of Ohio, Department of Administrative Services, General Services Division, Office of Procurement Services, through Tim Lally Chevrolet, Inc., Warrensville Heights, Ohio.

Section 2. That the maximum amount to be paid as the purchase price for the Equipment is \$60,000.00, for which funds have been previously appropriated by this Board for the purpose and remain otherwise unencumbered.

Section 3. That the Township Administrator is hereby authorized to execute the necessary and appropriate purchase agreement(s) and/or documentation, after review by the Law Director, to effectuate the purchase of the aforesaid Equipment in accordance with this Resolution.

Section 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in 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 taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

Mrs. Lausten seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned Fiscal Officer hereby certifies that the moneys required to meet the obligations of the Township under the foregoing Resolution during the remainder of the year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any

previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

This 23rd day of March, 2023.

Kenneth G. Dietz

Fiscal Officer

There was no further discussion.

12. TOWNSHIP ADMINISTRATOR

Mr. Magna stated there was a resolution for the aggregation program. The Township had met requirements needed to adopt the aggregation. Once approved, documentation would be reviewed and send to the state.

Mrs. Stone asked if this was a result of the vote on the November 2022 ballot. **Mr. Magna** stated it was.

Mrs. Lausten introduced the following resolution and moved for its passage. **Mr. Gerth** seconded the motion.

Mr. Dietz called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone yes.

RESOLUTION No. 23-0323-05

A RESOLUTION APPROVING AND AUTHORIZING A PLAN OF OPERATION AND GOVERNANCE FOR THE ANDERSON TOWNSHIP NATURAL GAS AGGREGATION PROGRAM AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO EXECUTE AND DELIVER DOCUMENTATION TO THE PUCO AND TO DEVELOP AND MAIL AN OPT-OUT NOTICE, ALL WITH RESPECT TO THE ANDERSON TOWNSHIP NATURAL GAS AGGREGATION PROGRAM

WHEREAS, by Resolution No. 22-0707-01, this Board authorized all actions necessary to effect a governmental natural gas aggregation program for Anderson Township with opt-out provisions pursuant to Section 4929.26 *et seq.* of the Revised Code (the “Statute”); and

WHEREAS, by Resolution No. 22-0707-02, this Board approved the form of the Independent Agent Agreement for Natural Gas Aggregation Services (the “Agreement”) with Energy Alliances, Inc. an Ohio corporation (“Energy Alliances”), and if the majority of electors in the Township were to vote at the general election on November 8, 2022 (the “Election”) affirmatively on the question of whether to authorize the Board to create a governmental retail natural gas aggregation program for competitive retail natural gas customers in the Township under the Statute, authorized the Township Administrator to execute and deliver the Agreement; and

WHEREAS, the electors of Anderson Township voting at the general election on November 8, 2022, authorized this Board to aggregate the retail natural gas loads located in the Township, and for that purpose, to enter into service agreements to facilitate for those loads the sale and purchase of natural gas, such aggregation to occur automatically except with respect to any person who affirmatively elects by a stated procedure to opt-out of the aggregation program, as permitted by the Statute and the Board of Elections of Hamilton County has certified that result of the Election; and

WHEREAS, the Township Administrator has executed and delivered the Agreement with Energy Alliances; and

WHEREAS, the governmental natural gas aggregation program shall be an opt-out aggregation program, known as the Anderson Township Natural Gas Aggregation Program (the “NG Aggregation Program”); and

WHEREAS, in cooperation with Energy Alliances, this Board has developed a Plan of Operation and Governance for the Anderson Township Natural Gas Aggregation Program (“Plan of Operation”), a copy of which is attached hereto as Exhibit A and by this reference is made a part hereof, in accordance with the Statute, Chapter 4901:1-21-16 of the Ohio Administrative Code (“OAC”); and

WHEREAS, NG Aggregation Program will aggregate the retail electric load of residents and businesses that are eligible to participate in the local natural gas distribution utility’s program for the purpose of negotiating for competitive retail natural gas supply at favorable rates; and

WHEREAS, this Board deems it to be in the best interest of the Township and its residents to file an application with the Public Utilities Commission of Ohio (“PUCO”) for certification as a Governmental Aggregator within the meaning of the Statute, which requires that the Board first adopt its Plan of Operation; and

WHEREAS, in compliance with the Statute, this Board has given proper notice for and has duly held two public hearings with respect to the Plan of Operation, said hearings having been held March 22, 2023 and March 23, 2023 at 2:00 p.m. and 6400 p.m., respectively, at which hearings this Board provided an opportunity for and considered public input with respect to the proposed Plan of Operation; and

WHEREAS, this Board hereby determines that passage of this Resolution is in the best interest of the Township and its residents and promotes the general health and welfare of the Township and its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the “Board”) OF ANDERSON TOWNSHIP, COUNTY OF HAMILTON, STATE OF OHIO (the “Township”) as follows:

SECTION 1. This Board approves and adopts the Plan of Operation in substantially the form before this Board, with such changes thereto as the Township Administrator, after consultation with the Law Director, shall deem not to be disadvantageous to the Township, any such changes to be made prior to the mailing of the Opt-Out Notice described herein wherein the Plan of Operation is summarized.

SECTION 2. The Township Administrator is hereby authorized to execute and deliver documentation to the PUCO to obtain certification for the Township as a “Governmental Aggregator” within the meaning of the Statute, and to coordinate with Energy Alliances the development and mailing of an Opt-Out Notice with respect to the NG Aggregation Program to persons and entities eligible for participation in the NG Aggregation Program, in compliance with the Statute and the OAC.

SECTION 3. The preambles hereto are and for all purposes shall be construed to be integral and operative parts of this Resolution.

SECTION 4. This Board hereby finds and determines 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 taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Revised Code, except as otherwise permitted thereby.

SECTION 5. This Resolution shall be effective on the earliest date allowed by law.

Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March,

2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Dated: March 23, 2023

Kenneth G. Dietz
Fiscal Officer
Anderson Township, Ohio

Mr. Magna stated the next item is agreement is the electricity aggregation program.

Mrs. Lausten introduced the following resolution and moved its passage. **Mr. Gerth** seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes.

There was no further discussion.

RESOLUTION No. 23-0323-06

**A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO
DESIGNATE AN ELECTRIC SERVICES SUPPLY PROVIDER TO THE TOWNSHIP
IN CONNECTION WITH THE ANDERSON TOWNSHIP ELECTRIC AGGREGATION
PROGRAM AND
AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO AN
AGREEMENT WITH THE DESIGNATED ELECTRIC SERVICES SUPPLY
PROVIDER.**

WHEREAS, the Ohio Legislature enacted electric deregulation legislation which authorizes the legislative authorities of municipal corporations, townships and counties to aggregate automatically, subject to opt-out provisions, competitive electric service for the retail electric loads located in the respective jurisdictions and to enter into service agreements to facilitate the sale and purchase of the service for the electric loads, all pursuant to Section 4928.20 of the Revised Code (the "Statute"); and

WHEREAS, this Board by Resolution No. 16-0818-11 engaged Energy Alliances, Inc., an Ohio corporation (the "Consultant"), to provide consulting services to the Township in connection with the Anderson Township Electric Aggregation Program (the "Electric Aggregation Program") approved by the electors of the Township at the general election held on November 8, 2016; and

WHEREAS, the Township entered into a Master Agreement with Dynegy Energy Services (East), LLC d/b/a Dynegy Energy Services LLC (the "Dynegy Agreement") for a thirty-six month

term, commencing with the meter read date of May 2017, which agreement was subsequently renewed and will expire June 2023; and

WHEREAS, the Consultant is in the process of soliciting bids from electric supply services providers for the provision of electric supply services to the Electric Aggregation Program; and

WHEREAS, upon review of those bids with Township staff, the Consultant will recommend an electric supply services provider qualified to provide electric supply services to the Township and providing the best and most responsible bid for providing electric supply services to the Electric Aggregation Program; and

WHEREAS, this Board desires to engage the services of that electric supply services provider for the Electric Aggregation Program who provides the best and most economic service to the Township and accordingly, due to market conditions, deems it to be necessary to provide the Consultant with flexibility in soliciting and recommending an electric supply services provider ;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, HAMILTON COUNTY, STATE OF OHIO, as follows:

SECTION 1. This Board hereby authorizes the Township Administrator, after review of bids of electric supply service providers and consultation with the Consultant and Township staff with respect thereto, to designate the electric supply services provider to the Township for the Electric Aggregation Program in accordance with the following guidance of this Board: that the maximum price per kWh of electric service to be provided to participants in the Electric Aggregation Program shall not exceed \$.07 per kWh, and such service shall be provided pursuant to an agreement otherwise advantageous to participants in the Electric Aggregation Program.

SECTION 2. This Board further authorizes the Township Administrator to enter into a written agreement with the designated electric supply services provider for the provision of electric supply services to the Electric Aggregation Program in a form recommended by the Consultant and which, after consultation with the Law Director, she deems to be advantageous to the Township and participants in the Electric Aggregation Program, her execution of said agreement to be conclusive evidence of such determination.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. Notice of the passage of this Resolution and the aforesaid agreement (when available) shall be posted to the Township's website.

SECTION 5. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such

formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Revised Code Section 121.22, except as otherwise permitted thereby.

Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

Dated: March 23, 2023

Kenneth G. Dietz
Fiscal Officer
Anderson Township, Ohio

There was no further discussion.

Mr. Magna stated the next item was approving the rate for Anderson Township's street lighting.

Mr. Gerth introduced the following resolution and moved for its passage. **Mrs. Stone** seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes

RESOLUTION No. 23-0323-07

A RESOLUTION AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO DESIGNATE AN ELECTRIC SUPPLY PROVIDER TO THE TOWNSHIP FOR TOWNSHIP STREET LIGHTING AND NON-STREET LIGHTING ACCOUNTS AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH THE DESIGNATED ELECTRIC SERVICES SUPPLY PROVIDER.

WHEREAS, on March 2, 2020, the Township entered into that certain Ohio Electricity Supply Agreement with Constellation NewEnergy, Inc., as supplier, for the purchase by the

Township and sale and supply by Constellation NewEnergy, Inc., of all electricity requirements of Township street lighting (other than Lighting Districts) and non-street lighting accounts for a term commencing with the meter read dates in May 2020 and ending with the meter read dates in May 2023, which agreement will expire May 21, 2023; and

WHEREAS, the Township is in the process of soliciting bids from electric supply providers for the provision of electric supply requirements for Township facilities and street lighting; and

WHEREAS, upon review of those bids, Township staff will recommend an electric supply provider qualified to provide the electric supply requirements for Township street lighting (other than Lighting Districts) and non-street lighting accounts and providing the best and most responsible bid therefor; and

WHEREAS, this Board desires to engage the services of that electric supply provider for the Township street lighting (other than Lighting Districts) and non-street lighting accounts who provides the best and most economic service to the Township and accordingly, due to market conditions, deems it to be necessary to provide the Township Administrator with flexibility in soliciting and designating an electric supply provider for that purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the "Board") OF ANDERSON TOWNSHIP, HAMILTON COUNTY, STATE OF OHIO (the "Township"), as follows:

SECTION 1. This Board hereby authorizes the Township Administrator, after review of bids of electric supply providers and consultation with Township staff with respect thereto, to designate the electric supply provider to the Township for the electric supply requirements of Township street lighting (other than Lighting Districts) and non-street lighting accounts in accordance with the following guidance of this Board: that the maximum price per kWh of electric service to be provided to participants in the Electric Aggregation Program shall not exceed \$.065 per kWh, and such service shall be provided pursuant to a written agreement otherwise advantageous to the Township.

SECTION 2. This Board further authorizes the Township Administrator to enter into a written agreement with the designated electric supply provider for the provision of electric supply to Township street lighting (other than Lighting Districts) and non-street lighting accounts in a form which, after consultation with the Law Director, she deems to be advantageous to the Township, her execution of said agreement to be conclusive evidence of such determination.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal

requirements, including (without implied limitation) Revised Code Section 121.22, except as otherwise permitted thereby.

Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned further hereby certifies that the moneys required to meet the obligations under the attached Resolution and Agreement authorized thereby during the remainder of fiscal year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances, and is not appropriated for any other purpose. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: March 23, 2023

Kenneth G. Dietz
Fiscal Officer
Anderson Township, Ohio

There was no further discussion.

Mr. Sievers stated that with the redevelopment of the Anderson Town Center staff would like to install a traffic signal at Five Mile Road and Towne Centre Way. Installation of such a signal requires certain engineering standards be met, including a study, and asked that a study to be conducted by TEC Engineering be approved.

Mr. Gerth moved to approve the below motion. **Mrs. Lausten** seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes

MOTION N O. 23-0323-08

MOTION TO AUTHORIZE THE ANDERSON TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT WITH TEC ENGINEERING, FOLLOWED BY THE LAW DIRECTOR, FOR FINAL ENGINEERING FOR A TRAFFIC SIGNAL AND RELATED ROADWAY MODIFICATIONS, IN AN AMOUNT NOT TO EXCEED \$35,400 AS WELL, AS A 10% CONTINGENCY OF \$3,540, USING 1994 TIF FUNDS.

There was no further discussion.

Mr. Sievers stated the Township was awarded a grant for improvements on Clough Pike near Newtown Road. The project comes from the results of the Clough Corridor Study identifying high priority improvements, including sidewalks from the apartment complex to Copperglow and a left turn lane from Clough Pike to Newtown Road. These major items that came out of re-zoning and other subsequent meetings.

Mrs. Lausten moves to adopt the below motion. Mr. Gerth seconds.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes.

MOTION N O. 23-0323-09

MOTION TO AUTHORIZE THE ANDERSON TOWNSHIP ADMINISTRATOR TO ENTER INTO A CONTRACT WITH SANTEC ENGINEERING, FOLLOWED BY THE LAW DIRECTOR, FOR FINAL ENGINEERING FOR TURN LANES AND SIDEWALKS ON CLOUGH PIKE NEAR NEWTOWN ROAD, AN ODOT GRANT FUNDED PROJECT, IN AN AMOUNT NOT TO EXCEED \$241,044 AS WELL, AS A 10% CONTINGENCY OF \$24,100 USING 1994 TIF FUNDS.

There was no further discussion.

Mr. Sievers stated two representatives were needed to represent the Township on the Hamilton County Tax Incentive Council and nominated himself and **Mrs. Earhart** as representatives.

Mr. Gerth moved to approve the below motion. **Mrs. Lausten** seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes.

MOTION N O. 23-0323-10

MOTION TO APPOINT STEVE SIEVERS AND VICKY EARHRT AS ANDERSON TOWNSHIP'S REPRESENTATIVE TO THE HAMILTON COUNTY TAX INCENTIVE REVIEW COUNCIL.

There was no further discussion.

Mrs. Earhart stated that appropriations were studied at the end of year then revised to be brought in line for 2023 estimates. Some projections have changed since June of 2022. Increased costs are related to: IT costs; cyber security and software packages, repairs to senior center, enhancements and nuisance abatement as the Board will be acting to remove structures or bring them into compliance. Additionally, they are moving general funds to public works and transfers into lighting districts. The budget will show reductions in Fire and Public Works as great pains were taken to look at every expenditure and what can be taken out of TIF funds. Adjustments to TIF regarding paving and Kellogg gateway projects. Priorities include maintaining existing government buildings, the addition of sidewalks on Elstun Road to connect to Little Miami trail and extensive improvements to Clough Pike. The current operations center does not have adequate facilities and needs renovations. The Township has low debt.

Mr. Gerth moves approve budget. **Mrs. Lausten** seconds.

Mr. Dietz called the roll: **Mr. Gerth**, yes; **Mrs. Lausten**, yes; **Mrs. Stone** yes

RESOLUTION NO. 23-0323-11

RESOLUTION APPROVING 2023 PERMANENT BUDGET

WHEREAS, the Board of Township Trustees of Anderson Township, adopted Resolution 22-0616-01 establishing the 2023 Tax Budget for the fiscal year commencing January 1, 2023 in accordance with Section 5705.28 of the Ohio Revised Code; and

WHEREAS, the Board adopted Resolution 22-1215-21 establishing Temporary 2023 Appropriations as permitted by Section 5705.38 of the Ohio Revised Code; and

WHEREAS, the Board is required to approve a permanent appropriation budget ("Permanent Budget") no later than March 31, 2023;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees (the "Board") of Anderson Township, County of Hamilton, Ohio (the "Township"), as follows:

SECTION 1. Upon recommendation of the Township Administrator, this Board hereby adopts the 2023 Permanent Appropriations as presented to this Board.

SECTION 2. That the Fiscal Officer is hereby authorized and directed to certify a copy of this Resolution and of said 2023 Permanent Appropriations to the Hamilton County Budget Commission.

SECTION 3. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in 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 taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

Mrs. Lausten seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2022, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

This 23rd day of March, 2023.

Kenneth G. Dietz
Fiscal Officer

Mrs. Lausten states the budget is well presented and thanked **Mrs. Earhart**. **Mrs. Stone** asked for clarification on posting the whole budget on the website as transparency is paramount. **Mrs. Earhart** stated the entire budget was to be posted on the website.

Mrs. Earhart states the difference in rate from 2022 to 2023 in the contract with Sheriff's Department is about \$100,000 difference mostly for well-deserved raises for the officers.

Mr. Lausten moves approve below resolution. **Mr. Gerth** seconds.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes.

RESOLUTION NO. 23 – 0323 –12

RESOLUTION APPROVING AGREEMENT FOR POLICE PROTECTION SERVICES AND AUTHORIZING EXECUTION THEREOF

WHEREAS, pursuant to Section 504.16 of the Ohio Revised Code, the Board of Township Trustees (the "Board") of Anderson Township, Hamilton County, Ohio (the "Township") may provide police protection services for the Township on a regular basis by contract pursuant to Sections 311.29, 505.43, or 505.50 of the Ohio Revised Code; and

WHEREAS, pursuant to Section 505.43 of the Ohio Revised Code, the Township may contract with the Hamilton County Sheriff (the "Sheriff") and the Hamilton County Board of County Commissioners for the provision of police protection services in the Township; and

WHEREAS, pursuant to Section 505.50 of the Ohio Revised Code, the Township may purchase, lease or otherwise acquire any police apparatus, equipment, including a public communications system, or materials that the Township requires; and may contract with the Sheriff upon any terms that are mutually agreed upon for the provision of police protection services or additional police protection services either on a regular basis or for additional protection in times of emergency in the Township; and

WHEREAS, pursuant to Section 311.29 of the Ohio Revised Code, the Sheriff may enter into a contract with the Township to render police protection services and the Township shall reimburse Hamilton County, Ohio, for the costs incurred by the Sheriff for providing such police protection services; and

WHEREAS, it is in the best interest of the citizens in Anderson Township to enter into an agreement with the Sheriff and the Hamilton County Board of County Commissioners for the provision of police protection services in Anderson Township;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio (the "Township"), that:

SECTION 1. This Board deems it to be in the best interest of the citizens in the Township to enter into an agreement with the Sheriff and the Hamilton County Board of County Commissioners for the provision of police protection services in the Township, and this Board hereby approves the form of Agreement for Police Protection Services before this Board (the "Agreement").

SECTION 2. The Township Administrator be and she is hereby authorized to execute the Agreement with such changes thereto as the Township Administrator, after consultation with the Law Director, has determined are not materially adverse to the Township, such determination being evidenced by her execution of the Agreement.

SECTION 3. Appropriations relating to the costs of the provision of police protection services in the Township pursuant to the Agreement have been made.

SECTION 4. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of the foregoing resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned further hereby certifies that the moneys required to meet the obligations of the Township under the foregoing Resolution during the remainder of the year 2023 have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44 of the Ohio Revised Code.

This 23rd day of March, 2023.

Kenneth G. Dietz

Fiscal Officer

There was no further discussion.

Mr. Gerth introduced the following motion and moved its passage. **Mrs. Lausten** seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes

RESOLUTION NO. 23-0323-13

MOTION TO AUTHORIZE A MEMORIAL DAY CONTRIBUTION OF \$300 TO THE AMERICAN LEGION POST 318 FOR THE PURPOSE OF PROPERLY OBSERVING MEMORIAL DAY WITH THE TOWNSHIP AS PERMITTED BY OHIO REVISED CODE 307.66

Mrs. Stone asked how far in advance names needed to be submitted to be read at the Memorial Day Ceremony. **Mrs. Earhart** stated members go to each cemetery in the township and have a small service and then there is another ceremony at the Government Center. All are held regardless of weather and names are written down and submitted fifteen minutes prior to the beginning of the ceremony at the Township Government Center.

1. Decisions Arising from Executive Session

Mrs. Lausten introduced the following resolution and moved its passage. **Mr. Gerth** seconded the motion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes

RESOLUTION NO. 23 – 0323 – 14

RESOLUTION AUTHORIZING FIRST AMENDMENT TO PROPERTY TRANSFER AGREEMENT WITH, AND ACCEPTANCE OF DONATION OF REAL PROPERTY AND INTERESTS THEREIN TO THE TOWNSHIP FROM, MICHAEL M. BEHRMANN AND ANN T. BEHRMANN, PURSUANT TO THE AUTHORITY OF SECTION 505.10 OF THE REVISED CODE

WHEREAS, Section 505.10(A) of the Revised Code (the “Statute”) provides that a board of township trustees may accept, on behalf of the township, the donation by bequest, devise, deed of gift, or otherwise, of any real or personal property for any township use; and

WHEREAS, by Resolution No. 22-0421-12 this Board heretofore authorized the acceptance of a donation of real property and interests therein and a Property Transfer Agreement (the “Agreement”) with respect to said donation with Michael M. Behrmann and Ann T. Behrmann, joint fee owners (the “Owners”) of certain real property located in the Township and

identified as Hamilton County Auditor's Tax ID Parcel No. 500-370-374, further described on Exhibit A thereto and depicted on Exhibit B thereto (the "Property"); and

WHEREAS, subsequent to the passage of Resolution No. 22-0421-12, the Owners and the Township have agreed that the Property as described in Resolution No. 22-0421-12 shall be amended, such that the Property will be divided into two parcels, (i) Parcel A comprising the panhandle of the Property and containing approximately 0.1223 acres ("Parcel A") and (ii) Parcel B comprising the remainder of the Property and containing 0.8591 acres ("Parcel B"), each as depicted on Exhibit A hereto, which by this reference is incorporated herein; and

WHEREAS, the Owners intend to convey Parcel A to adjoining property owners and to donate and transfer Parcel B, which is described on Exhibit B hereto, which by this reference is incorporated herein, to the Township; and

WHEREAS, the Owners desire to donate Parcel B to the Township on the terms and subject to the conditions of the PTA as amended by a First Amendment to Property Transfer Agreement, to be executed and delivered by the Owners and by the Township, acting by and through this Board (the "First Amendment" and together with the PTA, the "Amended Property Transfer Agreement") substantially in the form of the First Amendment to Property Transfer Agreement attached hereto as Exhibit C, which by this reference is incorporated herein; and

WHEREAS, this Board desires to accept the donation of Parcel B substantially on the terms and subject to the conditions proposed in the Amended Property Transfer Agreement and to hold the Parcel B for use in the Township's Greenspace Program;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees (the "Board") of Anderson Township, County of Hamilton, Ohio (the "Township"), as follows:

SECTION 1. This Board hereby determines that it is in the best interest of the Township to accept the donation of Parcel B from the Owners pursuant to this Board's authority contained in the Statute and pursuant to the terms and subject to the conditions of the Amended Property Transfer Agreement and this Resolution; provided that the Property shall be included within the Township's Greenspace Program.

SECTION 2. This Board approves the form of the First Amendment before this Board and authorizes and directs the Township Administrator to execute and deliver the First Amendment

in substantially the form before this Board, with such revisions thereto as she deems, after consultation with the Law Director, not to be disadvantageous to the Township, such determination being conclusively evidenced by her execution of the Agreement. This Board hereby authorizes performance of the Amended Property Transfer Agreement and covenants to perform its obligations pursuant thereto and authorizes the Township Administrator to execute and deliver such additional documents as may be required to perform the Amended Property Transfer Agreement and this Resolution.

SECTION 3. This Board hereby accepts the donation of Parcel B from the Owners pursuant to this Board's authority contained in the Statute and on the terms and subject to the conditions of the Amended Property Transfer Agreement and this Resolution and hereby expresses its appreciation to Michael M. Behrmann and Ann T. Behrmann for making this generous donation to the Township and its Greenspace Program.

SECTION 4. Upon conveyance of Parcel B to this Board, on behalf of the Township, Parcel B shall be held and utilized by the Township as greenspace under the Township's Greenspace Program.

SECTION 5. That Resolution No. 22-0421-12 is hereby amended to the extent that the description of the Property therein to be donated to the Township shall now be amended such that it is comprised only of Parcel B as described herein.

SECTION 6. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

Mr. Gerth seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

Mrs. Stone yes Mrs. Lausten yes Mr. Gerth yes

CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 23rd day of March, 2023, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned further hereby certifies that the moneys required to meet the obligations of the Township under the attached Resolution, or in the case of a continuing contract or obligation to be performed in whole or in part in an ensuing fiscal year, the moneys required to meet the obligation in 2023, have been lawfully appropriated by the Board of Township Trustees for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

There was no further discussion.

Mr. Gerth stated the Hillcrest Cemetery appeared on the news the evening before and stated it was a very nice piece. **Mrs. Lausten** said it was very well done and all the people involved with Hillcrest Cemetery had done a very nice job.

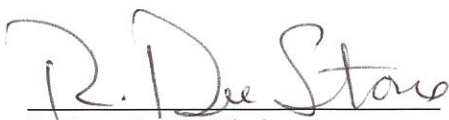
NEXT REGULAR MONTHLY BOARD MEETING

April 20th 2023, 5:00 P.M. (citizens should call 513.688.8400 to confirm)

Motion to Adjourn

Mr. Gerth moved to adjourn the meeting. Mrs. Lausten seconded.

Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone yes.


R. Dee Stone, Chair


Kenneth G. Dietz, Fiscal Officer

CERTIFICATION

The undersigned duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township

held on the 18th day of May 2023, and that said minutes have been duly entered upon the Journal of said Township.

This 18th day of May, 2023.



Kenneth G. Dietz, Fiscal Officer