

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on January 22, 2013, at 7:00 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.

1. Mr. Pittman called the session to order at 7:00 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Nadine Daugherty, Mike Pittman and Scott Bryant being present. In addition to Mr. Tiffany, Township Administrator, others present who signed in were Donna Hellman, Ted Autore, Greg Autore, Diane Autore, Coryn Autore, Bradley Mader and Bradd Whitley.

Mr. Pittman said Eagle Scout Ted Autore is with us tonight as a special guest. He said his Eagle Scout project was building a bench/shelter for the Township at Walgreens. Mr. Pittman congratulated him on his accomplishment. Mrs. Daugherty said the Board wished to honor him with a Resolution. Mrs. Daugherty then read the following Resolution:

Administration

F. Honoring Eagle Scout Ted R. Autore

Resolution #2013.01.22.04

WHEREAS, Eagle Scout is the highest rank attainable in the Boy Scouts of America (BSA) program; and,

WHEREAS, since the rank was introduced in 1911, the Eagle Scout rank has been earned by more than two (2) million young men and is held for life; and,

WHEREAS, after many years of hard work as well as completing the Eagle Scout project, Ted R. Autore has attained the prestigious Eagle Scout rank; and,

WHEREAS, Ted R. Autore demonstrated his desire to serve when he gained permission from the Board of Trustees to build a public bench/shelter for Sugarcreek Township; and,

WHEREAS, the Board of Trustees recognizes the amount of hard work and dedication needed to achieve the rank of Eagle Scout and publicly thanks him for choosing Sugarcreek Township as the place to build his project; and,

NOW THEREFORE, BE IT RESOLVED, that the Board of Sugarcreek Township Trustees offers their congratulations to Eagle Scout Ted R. Autore on his demonstrated leadership, service, and scout spirit; "Once an Eagle, always an Eagle".

Mrs. Daugherty moved to accept the Resolution as presented. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes

Mr. Bryant – Yes

Mr. Pittman – Yes

Mrs. Daugherty said she was very proud of what he had done. Mr. Autore came forward and was personally congratulated by the Board. Pictures were then taken of him with the Board and family.

4. Community Activities

5. Reports

A. Administration

The report prepared by Mr. Tiffany will be appended to the permanent record. Mr. Tiffany said that the OTA Conference is next week and that the CLOUT Breakfast will be Wednesday morning. He said he was

working on the Clio right-of-ways. Mr. Tiffany said there were a lot of little pieces but it should go quickly.

B. Fiscal Office

Mr. Hodson said his Office is still learning the new accounting software. He said screen presentations and organization of functions were different and that many reports had been reformatted. He said tonight's Payment of Bills does not have a description included but said he will talk to UAN at the OTA conference and see if they would reinstate that feature.

C. Fire

The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak was absent and Assistant Chief Zimmerman was present on his behalf. She said the bay fire doors at Station 72 had been taken care of.

D. Police

The report prepared by the Police Department will be appended to the permanent record. Chief Flick said he was renewing old acquaintances with folks in the community. He said there had been an aggravated burglary to a private residence and they were working with Beavercreek since they had recently experienced a similar one. He said an investigation is in progress.

E. Roads and Services

The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said they measured some streets today regarding repair projects. Mrs. Daugherty asked if the crew was working indoors due to the cold. Mr. Tiffany said they were working on equipment and doing needed housekeeping.

F. Zoning

The report prepared by Cara Tilford, Director of Planning and Zoning, will be appended to the permanent record. Mrs. Tilford was absent due to personal problems.

F. Trustees

Mr. Bryant said he had nothing to report but thought we should have Ted Autore's resolution framed for him.

Mr. Pittman talked about DPLenergy and whether we should consider this so Township citizens could receive discounted energy rates. Mr. Bryant said if we had a deal where citizens could opt in he would consider it. Mr. Tiffany said it came up in the Chamber meeting and DPLenergy said they could guarantee a rate of 5.9 but he agreed with Mr. Bryant. As a consumer, he doesn't like to be forced into something.

Mrs. Daugherty said she had a phone call from State Representative Rick Perales and that he wanted to visit the Township. Mr. Tiffany said, as a new State Representative, he wants to meet with people to let them know he is there to help them.

6 Old Business

Parking at White Fence Farms- Mr. Pittman asked if there was anything new. Mr. Tiffany said Chief Pavlak knew someone in the Home Owners Association there and would have them contact us. We haven't heard from anyone yet.

7. New Business

Fiscal Office

A. Approval of Minutes

Mr. Bryant moved to approve the minutes for the Work Session and the Regular Session. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

B. Payment on Bills

Mrs. Daugherty moved to accept the Payment of Bills as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

Mr. Bryant asked what the payments to Edge Wave and Ohio State University were for. Mr. Tiffany said the Edge Wave was new software for the internet. Mr. Hodson said he would have to look up the Ohio U. payment.

Fire Department

C. Resignation of Part-time Safer Firefighter/EMT Michael T. Sacksteder

Resolution #2013.01.22.01

WHEREAS, Safer Firefighter/EMT Michael T. Sacksteder has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Sacksteder has been a member of the Sugarcreek Township Fire Department since September 6, 2010, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept the resignation of Michael T. Sacksteder,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Michael T. Sacksteder effective January 14, 2013.

Mr. Bryant moved to accept the Resolution as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

Police Department

D. Declaration of Excess Police Property and Transfer to Other Governmental Office

Resolution #2013.01.22.02

WHEREAS, the Sugarcreek Township Police Department has identified equipment which is no longer needed for operations, and;

WHEREAS, the Police Department equipment is identified as a 2005 Ford Crown Victoria Police Interceptor, VIN number 2FAFP71W85X137347 that is in not being used as an active patrol vehicle and is in reserve, and;

WHEREAS, this vehicle has an individual value of less than the repair cost to make it roadworthy for service,

NOW THEREFORE BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby declares this vehicle to be excess and directs its transfer to the Spring Valley Fire Department once all decals, the VHF, and the 800 radios are removed.

Mr. Bryant moved to accept the Resolution as presented. Mr. Pittman seconded. Mr. Bryant then asked why the car was going to the Spring Valley Fire Department? Mr. Tiffany said Chief Pavlak had talked to Spring Valley Fire Chief Moeller, who said they could use the car. Mr. Bryant said he didn't want to give to Spring Valley Township without their approval since they may not want the cost of repairing. Chief Flick suggested passing the Resolution contingent upon receipt of a letter of acceptance from the Spring Valley Board. Mr. Pittman and Mrs. Daugherty agreed the Spring Valley Board should be involved.

Mr. Bryant moved to amend the Resolution to be contingent upon receipt of a notice from the Spring Valley Trustees that they accept the vehicle. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

Roll was then called for the original motion with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

Service Department

- E. Appointment of Temporary Part-time Employees for Roads and Services Department Cody M. Fischbach and Gary L. Cox.

Resolution #2013.01.22.03

WHEREAS, the need exists to establish and maintain a viable work force within the Sugarcreek Township Roads and Services Department; and,

WHEREAS, the Board of Sugarcreek Township Trustees, has authorized the hiring of temporary part-time employees to assist in the removal of snow through the fall and winter seasons, as well as other departmental functions; and,

WHEREAS, Cody M. Fischbach and Gary L. Cox have applied for employment as temporary part-time employees; and,

WHEREAS, Barry P. Tiffany, Township Administrator, recommends this appointment and has indicated that adequate funds are available in the 2013 budget for this position; and,

WHEREAS, Part-time Township employees are hired with the expectation that the employee(s) will work not more than one-thousand five-hundred (1,500) hours total in any year, calculated annually from the date of part-time appointment; and,

WHEREAS, that effective February 1, 2013, all part-time employees shall be scheduled to work not more than twenty-four (24) hours in any work week and shall be permitted to work not more than twenty-eight (28) hours in any work week,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees does hereby appoint Cody M. Fischbach and Gary L. Cox to the positions of temporary part-time employee at the rate of pay of \$10.25 per hour, payable on a bi-weekly basis.

FURTHER BE IT RESOLVED, the first date of employment for this position will be on or after January 19, 2013, contingent upon successful completion of final testing.

Mr. Pittman moved to accept the Resolution as presented. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

Administration

- G. Amended Resolution Establishing Member Contribution Payments to the Ohio Police and Fire Pension Fund.

Resolution# 2013.01.22.05

WHEREAS, eligible employees of the Sugarcreek Township Fire Department participate in the Ohio Police and Fire Pension Fund (OP&F); and,

WHEREAS, Governor Kasich signed Senate Bill 340, which significantly changes the Ohio Police & Pension Fund (OP&F); and,

WHEREAS, this new legislation implements changes to member contribution rates, retirement eligibility, salary, cost-of-living, disability retirement, employee contributions, deferred retirement option plans and other provisions; and,

WHEREAS, effective on the pay period on or after July 2, 2013, member contribution rates will increase as follows

<u>Pay Period Beginning</u>	<u>Pay Period Ending</u>	<u>Member Contribution Rate</u>
Current	July 1, 2013	10.00%
July 2, 2013	July 1, 2014	10.75%
July 2, 2014	July 1, 2015	11.50%
July 2, 2015	and thereafter	12.25%

WHEREAS, further changes include employer contribution payments being made monthly instead of quarterly with an effective date of January 1, 2013; and,

NOW, THEREFORE, BE IT RESOLVED, that effective on the pay periods above, member contribution rates for employees who are members of the Ohio Police and Fire Pension Fund will increase and those increases will be made through payroll deduction.

Mr. Hodson explained that OP&F employee contributions will be increased in 2013 but that the employer contributions will remain the same and that other facets of the bill do not affect us. Chief Flick provided additional information on the State's pension preservation plans and changes.

Mrs. Daugherty moved to accept the Resolution as presented. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

H. Amendment to Resolution 2012.12.17.07 Annual Re-organization and Appointments Regarding Part-time Employees Work Week

Resolution# 2013.01.22.06

WHEREAS, Resolution 2012.12.17.07 established that effective February 1, 2013, all part-time employees shall be scheduled to work not more than twenty-four (24) hours in any work week and shall be permitted to work not more than twenty-eight (28) hours total in any work week; and,

WHEREAS, Chief Randall J. Pavlak has expressed concerns on being able to maintain the twenty-eight (28) hour restriction of Resolution 2012.12.17.07 and is requesting an extension to the effective date of this portion of the resolution for the purpose of recall and emergency situations; and,

WHEREAS, the Board of Sugarcreek Township Trustees has determined an extension to the effective date would be appropriate, for the purpose of recall and emergency situations, while the new scheduling guidelines are being put into place; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees amends Resolution 2012.12.17.07 accordingly, “that effective February 1, 2013, all part-time employees shall be scheduled to work not more than twenty-four (24) hours in any work week and effective March 31, 2013, part-time employees shall be permitted to work not more than twenty-eight (28) hours total in any work week.”

Mr. Bryant moved to accept the Resolution as presented. Mrs. Daugherty seconded. Assistant Chief Zimmerman explained the need for the extension of time. Mr. Bryant said he thought the Resolution was ill defined, referring to the recall and emergency situations in the third paragraph. Mr. Pittman said he was in favor of the additional time. Mrs. Daugherty agreed. Mr. Bryant said he was not in favor of extending but wanted to use people as needed. Mr. Tiffany suggested we move the 'emergency' references to the resolved portion of the Resolution. Mr. Bryant said he agreed with hours for emergency but what happens after March 31st. Assistant Chief Zimmerman said the problem was the staffing level. Mr. Tiffany said we could amend the Resolution for the next meeting. Mrs. Daugherty said she was okay with the Resolution. Mr. Pittman agreed.

Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – No
Mr. Pittman – Yes

- I. Establishing a Video Service Provider Fee to be paid by any Video Source Provider Offering Video Service in the Township; Authorizing the Chairperson to Give Notice to the Video Service Provider of the Video

Resolution# 2013.01.22.07

WHEREAS, the Ohio General Assembly enacted Sections §1332.21 through §1332.34 of the Ohio Revised Code, effective September 24, 2007, to provide a statewide “uniform regulatory framework” for the provision of cable television and/or other video service (the “Video Law”); and,

WHEREAS, the Township of Sugarcreek has a cable television franchise agreement with Time Warner Cable, A Division of Time Warner Entertainment Company L.P., which expires, by certified notification received from Time Warner Cable, on or about February 1, 2013, and pursuant to which Franchisee is paying franchise fees in the amount of five percent (5%) of the gross revenue it receives from cable subscribers in the Township; and,

WHEREAS, under the Video Law a video service provider that is providing video service to subscribers in the Township pursuant to the state-issued video service authorization must pay the Township a video service provider fee (“VSP Fee”) based on a percentage of the provider’s gross revenues received from providing video service in the Township, not to exceed five percent (5%) of such gross revenues; and,

WHEREAS, the Video Law requires that the percentage of gross revenues on which VSP Fees are paid must be the same as the percentage of gross revenues that a cable operator pays pursuant to a franchise agreement that is in effect in the Township (the “VSP Fee Percentage”) or, if there is no effective franchise agreement under which franchise fees are payable for a given calendar quarter, the VSP Fee Percentage shall be zero percent (0%) of gross revenues unless the Township determines by resolution that the VSP Fee will be a percentage of gross revenues not to exceed five percent (5%) of gross revenues; and,

WHEREAS, the Video Law further requires the Township to provide a video service provider with written notice of the VSP Fee Percentage within ten (10) days of receiving notice from the video service provider, pursuant to R.C. §1332.27(A), that it will begin offering service in the Township; and,

WHEREAS, the Video Law provides that advertising revenues will not be included in the gross revenues base upon which the VSP Fee Percentage is applied unless the Township specifically enacts a resolution uniformly applicable to all video service providers requiring that advertising revenues also be included in the gross revenues base; and,

WHEREAS, the Video Law requires the Township to promptly notify affected video service providers of the resolution that requires the inclusion of advertising revenues in the gross revenues base and that requirement will not take effect until the first day of the first calendar quarter that begins more than thirty (30) days after giving such notice of the resolution; and,

WHEREAS, in order to provide timely notice to a video service provider of the VSP Fee Percentage and of the inclusion of advertising revenues in the VSP Fee gross revenues base, it is necessary for this Board of

Trustees (i) to establish the VSP Fee Percentage; (ii) to include advertising revenues in the VSP Fee gross revenues base, and (iii) to authorize the Chairperson of the Trustees to provide the appropriate notice of the VSP Fee Percentage and the inclusion of advertising revenues in gross revenues to a video service provider within ten (10) days of the Township receiving notice that a video service provider will begin providing service in the Township; and,

NOW, THEREFORE BE IT RESOLVED, That this Board of Trustees of the Township of Sugarcreek hereby establishes a VSP Fee that is calculated by applying a VSP Fee Percentage of five percent (5%) to the video service provider's gross revenues as defined in Section §1332.32(B) of the Video Law. For purposes of calculating the VSP Fee, the provider's gross revenues shall include advertising revenues in accordance with Section §1332.32(B)(2)(g) of the Video Law. The VSP Fee Percentage and Video Law gross revenues definition, as modified in this resolution, shall apply equally to all video service providers and cable television operators providing video service in the Township.

BE IT FURTHER RESOLVED, that the VSP Fee shall be paid by each video service provider providing service in the Township on a quarterly basis but not sooner than forty-five (45) days nor later than sixty (60) days after the end of each calendar quarter. R.C. §1332.32(A).

BE IT FURTHER RESOLVED, that the Chairperson of the Trustees is authorized and directed to provide any video service provider with notice of the VSP Fee Percentage and gross revenues definition as determined by this Board above, which notice shall be given by certified mail, upon receipt of notice from such video service provider that it will begin providing video service in the Township pursuant to a state-issued video service authorization.

BE IT FURTHER RESOLVED, that it is found and determined that all formal actions of the Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board of Trustees, and that 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.

BE IT FURTHER RESOLVED, that this resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare of the Township of Sugarcreek, and this resolution shall become immediately effective upon receiving the affirmative vote of two-thirds of all members elected to this Board of Trustees, otherwise from and after the earliest period allowed by law.

Mr. Hodson said the Township receives a franchise fee from Time Warner under a cable franchise agreement. He said several years ago (2007) the State enacted regulations for uniformity. He said Time Warner sent a letter stating our current agreement will be terminated in 10 days. He said they provided us with a resolution format to be passed to continue with our agreement as a video service provider fee so loss of revenue will not be incurred.

Mr. Pittman moved to accept the Resolution as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

8. **Trustee/Staff Discussion**

Mr. Tiffany said he needed an Executive Session regarding personnel pursuant to O.R.C. 121.22.61.

Mr. Bryant talked about the 2012 goals discussed in the work session. He said he was impressed with the accomplishments and most of the goals had been completed. He said he was looking forward to 2013. Mrs. Daugherty said the Department Heads spent a lot of time putting their accomplishments and new goals on paper for the Board. Mr. Pittman said goals and objectives are really important.

9. **Public Comments**

Since there were no Public Comments, Mr. Pittman moved to adjourn to Executive Session at 8:00 pm. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mrs. Daugherty – Yes
Mr. Bryant – Yes
Mr. Pittman – Yes

The meeting reconvened at 9:18 pm with no action taken and promptly adjourned.

Theodore L. Hodson, Fiscal Officer