

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on February 19, 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. Tiffany called the roll with Board Members Nadine Daugherty, Mike Pittman and Scott Bryant being present. Mr. Hodson was absent. Others present who signed in were Donna Hellman, Jim Martin, Mike and Linda Lotspaih and Michael Brown.

Mr. Pittman moved ahead in the agenda to the appointments of Reverend Freddie D. Messer and the new Police Chief, Michael A. Brown.

8c. Appointment of Volunteer Chaplain, Reverend Freddie D. Messer

Resolution# 2013.02.19.02

WHEREAS, the continuing need exists to maintain proper staffing within the Sugarcreek Township Police Department; and,

WHEREAS, a vacancy exists within the classification of Volunteer Chaplain; and,

WHEREAS, Reverend Messer has the necessary qualifications to serve in the capacity of Volunteer Chaplain for the Sugarcreek Township Fire Department; and,

WHEREAS, Chief Pavlak, in his February 13, 2013, correspondence to the Township Administrator, has recommended the appointment of this candidate; and,

WHEREAS, funds are available for this purpose within the Fire Department's 2013 Operating Budget,

NOW THEREFORE, BE IT RESOLVED, that Reverend Freddie D. Messer shall be appointed to the position of Volunteer Chaplain within the Sugarcreek Township Fire Department effective February 19, 2013.

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

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

Mr. Bryant welcomed Mr. Messer and said he appreciated his service to the Community. Mr. Pittman said his thoughts were the same and welcomed him also. Mr. Messer came forward and pictures were taken.

Mr. Pittman introduced Mr. Brown saying that he had a degree from Wright State University in Urban Affairs with Majors in Political Science and Criminal Justice. He said he also had an Associates degree from Sinclair Community College in Law Enforcement. Mr. Pittman said he served 26 years with the Dayton Police Department and retired with the rank of Major. He said for the last three years he has served as Deputy Chief of Police for the City of Riverside. Mr. Pittman said he thinks we are getting an outstanding new Police Chief. He said he is also currently serving as a member on the Board of the Humane Society of Greater Dayton.

4. Appointment of Chief of Police Michael A. Brown

Resolution# 2013.02.19.01

WHEREAS, by previous action this Board of Sugarcreek Township Trustees announced, posted and advertised the position of Chief of Police; and,

WHEREAS, the Ohio Revised Code Section 505.49.B.2 grants this Board of Trustees authority to appoint a Chief of Police for the Township that serves at the pleasure of the Board; and,

WHEREAS, an assessment center was conducted which included testing in basic exercises and a review board along with personal interviews with the Township Trustees and the Township Administrator; and,

WHEREAS, after reviewing, ranking and interviewing the candidates, there was a clear determination of Michael A. Brown to be the best candidate for the position of Chief of Police,

NOW THEREFORE, BE IT RESOLVED, that the Board of Sugarcreek Township Trustees does hereby appoint Michael A. Brown as Chief of Police effective the 25th day of February, 2013.

BE IT FURTHER RESOLVED, that the annual salary for this position is affixed at \$80,000 payable on a bi-weekly basis, as are other Township employees, that this position is salaried (exempt) under the Sugarcreek Township Compensation Plan, and is subject to a one (1) year probationary period ending February 25, 2014.

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

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

Mrs. Daugherty said he was very well qualified and she felt we were fortunate to get him. Mr. Bryant said we interviewed three of the applicants but Mr. Brown said a lot of things we were looking for. He told Mr. Brown that his Community involvement put him high on their list and he was head and shoulders above the others. Mr. Pittman said he agreed and was pleased with the Board's selection. He said he thought we made the right choice. Mr. Pittman then thanked Chief Flick for the tremendous job he has done for us in his tenure as Chief. He said we appreciated his help in the recruitment process and wished him and Jane the very, very best. Chief Flick then performed the Swearing in Ceremony by administering the Oath of Office. Afterward, Chief Brown introduced his wife Carol and thanked all that had come. He said he looked forward to starting and establishing a new family with Sugarcreek Township.

Mr. Pittman then called for a short recess in the meeting.

5. Community Activities

Chief Pavlak said there will be a Pancake Breakfast, sponsored by the Lion's Club at Stephen Bell Elementary on February 23, 2013 from 7am to 12pm. He said there will also be a blood drive and registration for kids' baseball going on at the same time.

6. Reports

A. Administration

The report prepared by Mr. Tiffany will be appended to the permanent record. Mr. Tiffany said there was an anomaly in his expenditures on his report. He said we have paid out expenses for SRTS from the budget for which we will be reimbursed.

B. Fiscal Office

Mr. Hodson was absent.

C. Fire

The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak said he will report overtime at the end of March which will provide information on the impact of Obama Care. He said he attended a meeting at Centerville today where they presented the new Concept Plan for the Dille property. He said he noted more residential property on the Brown Road side. He said there were no shocking changes. Chief Pavlak said he saw on the news that the Wilmington, Feedwire and Whipp Roads improvement will receive Federal funding. Mr. Pittman said he noted that the Fire Department received a donation from the Lions Club and asked Randy if a letter of appreciation had been sent. Chief Pavlak responded that it had. Mr. Bryant asked about Medic 72 being down. Chief Pavlak said it was normal wear and tear from age.

D. Police

The report prepared by the Police Department will be appended to the permanent record. Chief Flick said he had nothing to add and thanked the Board for their support during his tenure as Chief.

E. Roads and Services

The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said we still do not have any candidates for Director of Roads and Services. Mrs. Daugherty asked where it has been advertised. Mr. Tiffany said it has been on the Professionals Association Website, in the Dayton Daily News, the Springfield Sun, the Hamilton Journal and papers in Cincinnati and Columbus. He said he would redesign the ad and put it out again.

E. Zoning

The report prepared by Cara Tilford, Director of Planning and Zoning will be appended to the permanent record. Mrs. Tilford said she placed an invitation to a Zoning Workshop sponsored by the Greene County Prosecutors Office in the Trustee's mailboxes. She said the meeting was scheduled for April 3rd at the Beaver Creek Firehouse at 7:00 pm. Cara said an RSVP was requested by March 20, 2013. Mr. Bryant asked in any of the Zoning Board members were attending. Cara said Donna and Bill were attending and were to inform the BZA. Mr. Bryant asked if we are having a Public Hearing for the upcoming text amendments. Cara said it will be on March 4th.

F. Trustees

Mr. Pittman asked Cara if the newsletter was ready. She told Mr. Pittman there were a few changes from the draft he had seen. Mr. Pittman said he attended the Miami Valley Regional Planning Commission meeting today. He said the new development Keyes on Upper Bellbrook Road, being put up by Keyes, will be really nice. He said there will be four houses.

7. Old Business

Parking at White Fence Farm – Mr. Bryant asked Chief Pavlak if he had made arrangements for a meeting. Chief Pavlak said he told Mr. Tiffany last Wednesday that he would try to establish something again.

Emergency Services and Continuity of Services Plan – Mr. Pittman said this was discussed at the Work Session. Mr. Bryant said we could remove the Fire Levy and the 2013 Goals from the Old Business list.

Affordable Care Act – Mr. Bryant said we previously discussed having someone come in to talk to us about the Affordable Care Act. Mr. Tiffany said here's the problem we've got. At the last meeting I sat in on, at Frost Brown and Todd, there were nine attorneys which discussed pieces of it. At the OTA, OHPELRA and at the Frost, Brown and Todd meetings the general consensus is they are all saying limiting part-time hours to 26. We have done 24 to 28 hours. What came out of the Frost, Brown Todd seminar was if we limit the part-time hours all the problems with the monitoring and look back period go away. Mr. Tiffany said, however, it does create problems, particularly with the Fire Department, for training. Last pay period we had employees go over their thirty hours because of their Hazmat training. He said we have to change the way we're doing business. Mr. Bryant said surely one slip is not going to make someone full time. Mr. Tiffany said, the kicker is, it just doesn't

affect that one employee. Mr. Tiffany said the example they gave was that if you had 100 full time and 20 part-time employees and 8 part-time went over the 30 hours, you would pay a penalty on the 8 plus the 100 less the first 30 which they give you a pass on. He said the result is you pay a fee for 78 employees, which is a bunch of money. Mr. Bryant asked if one 31 hour week in one year will give us an annual fee. Mr. Tiffany responded that was his understanding. He said he has had discussions with Bellbrook and Xenia Township and they have even discussed sharing an attorney for the look-back period. He said it's ridiculous. Mr. Bryant said he still thought it might be useful to have someone come to one of our work sessions. Mr. Tiffany said the question is who. He said if I get ten different attorneys today you may get 10 different opinions. Mrs. Daugherty said the problem is nobody knows this. Mr. Tiffany said the simple thing they can tell you is that the 30 hour week is the key and breaking it complicates things. Mr. Pittman suggested discussing it with Mark at the Greene County Health Department since he seems pretty knowledgeable about it.

8. **New Business**

Fiscal Office

A. Approval of Minutes

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

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

B. Payment on Bills

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

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

Fire Department

D. Resignation of Part-time Safer Firefighter/EMT Zachery L. Jones

Resolution #2013.02.19.03

WHEREAS, Safer Firefighter/EMT Zachary L. Jones has submitted his verbal resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Jones was hired on February 4, 2013, as a part-time Safer Firefighter/EMT and has resigned due to obtaining full-time employment elsewhere, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept the resignation of Zachary L. Jones,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Zachary L. Jones effective February 8, 2013.

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

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

Chief Pavlak said did not receive a Letter of Resignation but got a phone call instead.

E. Resignation of Part-time Safer Firefighter/EMT Nicole A. Fazio

Resolution #2013.02.19.04

WHEREAS, Safer Firefighter/EMT Nicole A. Fazio has submitted her letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Ms. Fazio has been a member of the Sugarcreek Township Fire Department since June 16, 2009, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept, with regret, the resignation of Nicole a. Fazio,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Nicole A. Fazio effective February 19, 2013.

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

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

Service Department

F. 2013 Collective Bid Agreement with Greene County Engineer

Resolution #2013.02.04.04

WHEREAS, this Board of Trustees has agreed to participate in the Collective Paving Program and the Collective 422 Chip Seal (County doing the work) 2013 Program offered by the Greene County Engineer; and,

WHEREAS, this opportunity enables Sugarcreek Township to participate in a competitive bidding contract that the Greene County Engineer offers to all government entities of Greene County; and,

WHEREAS, this cooperative Collective Bid Program affords significant savings to Sugarcreek Township through the economies of scale realized by group purchasing and unified contract administration,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees, by executing the attached document, does hereby enter into said agreement and authorizes payment for the Township's proportional share of roadwork completed.

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

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

Mr. Bryant asked what our proportional share was. Mr. Tiffany said about \$201,300.00. He said he and Mr. Bryant had a discussion last week and Mr. Bryant suggested we put information in the Resolutions regarding the savings. Mr. Tiffany said the Asphalt alone would cost us \$230,000.00 without delivery or application, as compared to the \$201,300.00, so the savings are substantial. Mr. Bryant said when I see something like 'significant savings' I would like to see what they are.

Zoning Department

G. 2013 Infrastructure Ordinance

Resolution #2013.02.19.05

The following is a Resolution enacted by the Board of Trustees of Sugarcreek Township, Greene County, Ohio, hereinafter referred to as the Local Public Agency (LPA), in the matter of the stated described project.

WHEREAS, the United States Congress has set aside monies for Safe Routes to School Projects through the State of Ohio, Department of Transportation; and

WHEREAS, LPAs can apply for these monies and be selected for funding by the State of Ohio, Department of Transportation; and

WHEREAS, the construction of a 10' path on the south side of Upper Bellbrook Road from the intersection of Upper Bellbrook Road / Feedwire Road / Pine Court to Seton Hill Drive is a transportation activity eligible to receive federal funding; and

NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of Sugarcreek Township, Greene County, State of Ohio, that:

SECTION ONE: The Township Administrator of said LPA is hereby empowered on behalf of the LPA to prepare and execute an application for SRTS funds for the stated described project and to submit same to the State of Ohio, Department of Transportation.

SECTION TWO: The total cost of the project is estimated to be \$496,525, of which the LPA, if awarded the funds, further agrees to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation.

SECTION THREE: Upon completion of the described Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the described Project in accordance with all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the described Project; (3) if necessary, maintain the right-of-way, keeping it free of obstructions; and (4) if necessary, hold said right-of-way inviolate for public highway purposes.

SECTION FOUR: If the application is approved for the funding the Township Administrator of said LPA is hereby empowered on behalf of the LPA to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above described project.

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

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

Mr. Bryant asked if we have pretty good confidence in our estimates. Care responded that we did. Mr. Pittman said they have been doing a lot of surveying last week. Mr. Tiffany said one of the challenges of these projects is the timing because it is a three year project. Price always worries us because of inflation although they try to allow for it. Mr. Bryant asked when we expect construction to start. Cara said in July.

Mr. Tiffany asked if he could quickly interject something. He said we mentioned the newsletter earlier and that it will be on the website only. Mr. Bryant said there will be printed copies in the front of the building and the entry way here. Cara said they will be done on our copy machine. Mrs. Daugherty suggested we put a few at the Chamber.

9. Trustee/Staff Discussion

None.

10. Public Comments

None.

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

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

The meeting adjourned at approximately 8:00 pm.

Theodore L. Hodson, Fiscal Officer