**Regular Beavercreek Trustee's Meeting**

**Monday, March 19, 2012**

Mr. Glaser called the Regular Trustee Meeting to order at 2:00 P.M. Those present were Trustees: Robert Glaser, Carol Graff and Dan Paxson. Fiscal Officer, Christy Ahrens and Legal Advisor Robert Surdyk were also present. Staff present: Township Administrator Alex Zaharieff, Assistant to the Fiscal Officer James Barone, Road Superintendent Tim Parks, Fire Chief David VandenBos, IT Manager Jeff Terry, Zoning Administrator/Inspector Victoria Long, and HR Manager Trish Gustafson.

**2012-094** Ms. Graff made a motion to approve the Agenda for March 19, 2012 with the following amendments: add Completion Certificate for Station 64 under Legal Advisor. Mr. Paxson seconded. Mr. Glaser stated that he saw that Ms. Graff had put Appointment Process under New Business and he asked if she was telling the Board that she was resigning. Ms. Graff stated no, but that there were lots of questions regarding the process. Mr. Glaser stated that it was premature to discuss this issue, and that it had to do with him, not her. He stated that he is a republican candidate on the November ballot for County Commissioner and that he is not resigning. Therefore he asked if anyone had a problem with the topic being removed from the Agenda. Ms. Graff objected and stated she thought the topic was worth discussion. Mr. Glaser passed the gavel to Vice-Chair, Ms. Graff.

**2012-095** Mr. Glaser made a motion to delete from the Agenda for March 19, 2012, Under New Business: Appointment Process. Mr. Paxson seconded. Roll Call: Mr. Glaser, yes; Mr. Paxson, yes; and Ms. Graff, no. The item was removed from the Agenda. Roll Call for motion **2012-094** Ms. Graff, yes; Mr. Paxson, yes; Mr. Glaser, yes.

**2012-096** Mr. Paxson made a motion to approve the March 21, 2012 Payroll in the amount of $259,388.40. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-097** Ms. Graff made a motion to approve the Bills in the amount of $178,573.93. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-098** Mr. Paxson made a motion to approve the Special Meeting Minutes of January 12, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-099** Ms. Graff made a motion to approve the Special Meeting Minutes of January 18, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-100** Mr. Paxson made a motion to approve the Special Meeting Minutes of January 26, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Ms. Graff wanted to look at the February 20, 2012 Minutes so they were put on hold.

**2012-101** Mr. Paxson made a motion to approve the Special Meeting Minutes of February 24, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**RESIDENTS/GUESTS DESIRING TO SPEAK**: None.
**OLD BUSINESS:** None.

**NEW BUSINESS:**

Set Day and Time for Administrator Review:

Ms. Graff stated that the Board needed give the Township Administrator his annual review. A Special Meeting was set for Monday, April 16, 2012 at 12:30 P.M. at the Fire Administration Building for the purpose of conducting the Township Administrator's twelve month evaluation.

I.A.F.F Grievance:

I.A.F.F. President Ryan Williams stated that the Union has submitted this grievance regarding inappropriate comments and violations to the current Labor Management Agreement.

Ms. Graff asked how the Trustee should proceed. Mr. Glaser asked Labor Attorney Jeff Mullins to speak to the Trustees with guidance. Mr. Mullins stated that he would be happy to take questions but that there were two separate grievances. One is a class action the other is from Firefighter Rob Young. Mr. Mullins stated that the Trustees could deal with the class action grievance now or speak to the Union to extend the dates and deal with the two grievances together. Mr. Glaser said he would like a summary of Mr. Mullins thoughts on these grievances. Ms. Graff stated she would like to wait and read the appeal given to the Trustees today from Firefighter Rob Young

**2012-102** Mr. Paxson made a motion to deal with the first grievance and hold the second one from Rob Young. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**Ms. Graff:** I think I understand the grievance; we have discussed at meetings overtime issues which are issues that are contractual as they are in the Union Contract and therefore the grievance is that it should be a discussion between management and labor.

**Mr. Mullins:** That is the kernel of the grievance at least that is what they are claiming.

In looking at the first grievance, well there is certainly some activity there, and the union was very unhappy with the publication of the story in the Dayton Daily News with the focus of the overtime and the naming of the individuals etc.

It is my belief and I agree with the Township Administrator that the grievance should be denied because I do not believe that any of those items constitute a violation of a term of the collective bargaining agreement and would be subject to arbitration.

I will point out, there are all the time discussions before Townships and Cities about controlling overtime, and there is no question that is a subject that right now is an important topic.

Where we can create an issue though is where we begin to discuss the specifics and the actual tools that we are going to use to control overtime, because when we start that discussion if any of those topics delve into matters that are already addressed in the collective bargaining agreement and have been negotiated by the parties, that is where we start to walk into an area that is subject to questions.

So what I would say is I think to the extent that we are talking about controlling overtime, I think that is a valid subject for public discussion; however, when we get into the specifics of how we are going to do that and specific mandates of what we are going to do to control overtime, if those things cross a provision in the Collective Bargaining Agreement that raises a specific provision in the Collective Bargaining Agreement, then that raises an issue.

**Mr. Zaharieff:** In reviewing the grievance, I do not feel there was a violation in the Collective Bargaining Agreement as it is addressed in Article 1 or the other Article that is listed.

**Ms. Graff:** I guess I do not necessarily see the violations. I do not see a problem with this statement "that all members of our Township should at all times be treated with respect and professionalism both publicly and privately."

That is a personal method by which I operate and so I think that is a good statement regardless of whether there is a grievance or not. I think that is the way we should be operating in general.

I am happy to make that kind of a statement.

**2012-103** Mr. Paxson made a motion to deny the class action grievance. Ms. Graff seconded, with the provisory, the grievance according to Article 1 and Article 3.3 of the specific areas and with my statement on how we deal with our people and let the record reflect my statement that I made on how we should be treating people by which we work and work for us. Mr. Glaser asked Mr. Paxson if he accepted those additions to his motion. Mr. Paxson stated, yes. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Employee Grievance:
Mr. Glaser asked if Firefighter Young was in the audience. He was not, but Vice President of the I.A.F.F Tyson Dean spoke on Mr. Young's behalf. The Trustees asked for time to review the recently submitted grievance and hold the hearing for this grievance at the next Regular Trustee Meeting. Mr. Dean stated that should not be a problem provided that Mr. Young is not on duty. This grievance will be placed on the next Regular Trustee Meeting Agenda on April 2, 2012.

**ADMINISTRATOR:**
Legal Agreements:
**2012-104** Ms. Graff made a motion to approve **Resolution 2012-104**, WHEREAS, R.C. § 309.09(B) permits a Board of Township Trustees to employ an attorney, either for a particular matter or on an annual basis, to represent the Township and its officers, boards and commissions in their official capacity and to advise them on legal matters; and,

WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, Ohio desires to employ the law firm of Taft Stettinius & Hollister LLP, 40 N. Main Street, Suite 1700, Dayton, Ohio 45423-2816 to provide such legal services;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Beavercreek Township hereby employs the law firm of Taft Stettinius & Hollister LLP to represent the Township and its officers, boards, and commissions in their official capacity and to advise them on legal matters. For those individuals authorized by the Township to provide legal services, said firm shall be paid at the rates of $230.00 per hour for attorneys and $120.00 per hour for paralegals. The additional terms of employment of Taft, Stettinius & Hollister LLP including reimbursement of out of pocket expenses shall be in accordance with a written agreement to be signed by both parties.

It has been determined that all formal actions of the Board of Trustees of Beavercreek Township concerning the adoption of this Resolution were adopted in an open meeting of the Board of Trustees of Beavercreek Township and that all deliberations of the Board of Trustees of Beavercreek Township which resulted in formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-105** Ms. Graff made a motion to approve **Resolution 2012-105**, WHEREAS, R.C. § 309.09(B) permits a Board of Township Trustees to employ an attorney, either for a particular matter or on an annual basis, to represent the Township and its officers, boards and commissions in their official capacity and to advise them on legal matters; and,

WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, Ohio desires to employ the law firm of Dunlevey, Mahan & Furry, 110 North Main Street, Dayton, Ohio 45402 to provide such legal services;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Beavercreek Township hereby employs the law firm of Dunlevey, Mahan & Furry to represent the Township and its officers, boards, and commissions in their official capacity and to advise them on legal matters. For those individuals authorized by the Township to provide legal services, said firm shall be paid at the rates of $225.00 per hour for attorneys Robert Dunlevey and Gary Auman, $155.00 to $215.00 per hour for the services of other attorneys, and $105.00 per hour for paralegals. In addition, Dunlevey, Mahan & Furry shall be reimbursed for any and all out-of-pocket expenses which it may incur in providing said legal services. The additional terms of the employment agreement of Dunlevey, Mahan & Furry shall be in accordance with its proposal to be incorporated into a written agreement to be signed by both parties.

It has been determined that all formal actions of the Board of Trustees of Beavercreek Township concerning the adoption of this Resolution were adopted in an open meeting of the Board of Trustees of Beavercreek Township and that all deliberations of the Board of Trustees of Beavercreek Township which resulted in formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-106** Mr. Paxson made a motion to approve **Resolution 2012-106**, WHEREAS, R.C. § 309.09(B) permits a Board of Township Trustees to employ an attorney, either for a particular matter or on an annual basis, to represent the Township and its officers, boards and commissions in their official capacity and to advise them on legal matters; and,

WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, Ohio desires to employ the law firm of Surdyk, Dowd & Turner Co., L.P.A., 1 Prestige Place, Suite 700, Miamisburg, Ohio 45342 to provide such legal services;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Beavercreek Township hereby employs the law firm of Surdyk, Dowd & Turner Co., L.P.A. to represent the Township and its officers, boards, and commissions in their official capacity and to advise them on legal matters. Said firm shall be paid at the rate of $185.00 per hour for services rendered by shareholders, $175.00 per hour for other attorneys and $85.00 per hour for services rendered by paralegals. In addition, Surdyk, Dowd & Turner Co., L.P.A. shall be reimbursed for any and all out-of-pocket expenses which it may incur in providing said legal services. The additional terms of the employment of Surdyk, Dowd & Turner Co., L.P.A. shall be in accordance with its proposal to be incorporated into a written agreement to be signed by both parties.

It has been determined that all formal actions of the Board of Trustees of Beavercreek Township concerning the adoption of this Resolution were adopted in an open meeting of the Board of Trustees of Beavercreek Township and that all deliberations of the Board of Trustees of Beavercreek Township which resulted in formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Greene County Sheriff's Office Agreement:
Township Administrator Alex Zaharieff stated that Capt. Brown was in attendance to answer any questions. Mr. Paxson had a question regarding Worker's Compensation, Mr. Surdyk answered. Ms. Graff had a question regarding the Parks, Mr. Zaharieff answered.
**2012-107** Ms. Graff made a motion to approve **Resolution 2012-107**, the Law Enforcement & Patrol Services Agreement between the Board of Trustees of Beavercreek Township and the Sheriff of Greene County for providing police service within the unincorporated are of Beavercreek Township within the limits of the financial resources available. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Overtime Work Session:
The Trustees will hold a Special Meeting on Monday, April 23, 2012 at 1:30 P.M. at the Fire Administration Building for the purpose of discussing a budgetary policy for managing overtime within Beavercreek Township.

Joint Meeting:
Mr. Zaharieff stated that he has not met with the City Manager yet, but that he would like to present at least two possible dates to schedule a Joint City/Township Meeting. It is the Township's turn to host. Wednesday, April 25, 2012 and May 2, 2012 at 7 P.M. were both suggested. The Trustees tentatively set a Special Trustee meeting for April 25, 2012 at 7:00 P.M. in the basement of Station 61, to meet with City Council.

**ROAD:**
Purchase Request:
**2012-108** Mr. Paxson made a motion to approve the purchase request to DJL Materials for heated crack fill hose in the amount of $2600.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-109** Mr. Paxson made a motion to approve the purchase request to DJL Materials for road saver crack sealant in the amount of $5600.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Collective Bid Agreement for 2012:
**2012-110** Ms. Graff made a motion to approve **Resolution 2012-110**, the Agreement between the Greene County Engineer and the Beavercreek Township Board of Trustees for the Trustees desire to participate with the Engineer in the competitive bid contract for the Collective Paving for 2012, as bid by the Greene County Engineer. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Permission to Accept Quotes from Advanced Backflow and Fire Protection:
**2012-111** Mr. Paxson made a motion to allow the Township Administrator to accept quotes from Advance Backflow and Fire Protection for various services.

Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Update on HVAC RFP's:
Mr. Parks stated that he has been receiving quotes for our HVAC units and will give a recommendation on whom to approve to sign a contract with, at the next Regular Trustee Meeting.

Park Consolidation Agreement:
Mr. Parks began by thanking the Board for starting this project eighteen months ago. He also thanked Bob Darden, from the Beavercreek Township Park Board; and Mike Thonnerieux and Dave Beach, from the City of Beavercreek; for all of their work and collaboration with him on this project. With that said, Mr. Parks recommended that the Board of Trustees proceed with the Park Consolidation Agreement.
**2012-112** Ms. Graff made a motion to approve **Resolution 2012-112**, the Agreement to Consolidate Park Activities between the City of Beavercreek, Beavercreek Township, and the Beavercreek Township Park District, as has been modified. Mr. Paxson seconded. General discussion occurred and the Trustees desire to help promote this levy and present a united front. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**FIRE:**
FPB Letter of Appreciation:
Fire Chief VandenBos spoke to the Trustees stating that Randy Grogean and Jim Hendley of the Fire Prevention Bureau had received a Letters of Appreciation from Al Kuzma, Chief Building Official with Greene County. The letter praises the hard work, dedication and professionalism of these two members. The letters will be placed in their Employee Personnel File. Mr. Zaharieff was asked to write a letter to both gentlemen on behalf of the Trustees to be placed in their Employee Personnel File.

Surplus Property:
General discussion occurred regarding used fire equipment and that the Township has sent to a fire station in Panama equipment which is still functional, but deemed obsolete in the United States.
**2012-113** Mr. Paxson made a motion WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio, moved for approval of the following: WHEREAS, according to section 505.10 of the Ohio Revised Code the Trustees of Beavercreek Township may deem property to be obsolete, or unfit for the use for which it was acquired, and WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio finds the Beavercreek Township Fire Department equipment listed in Exhibit A, as not needed for public use, and declares the equipment obsolete, or unfit for use for which it was acquired. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Requests for Purchases:
**2012-114** Ms. Graff made a motion to approve the purchase request to the Knox Company for fifty (50) residential Knox boxes for the FEMA Grant in the amount of $10,450.00. Mr. Paxson seconded. General discussion occurred. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-115** Mr. Paxson made a motion to approve the purchase request to Sensit Technologies for two (2) 4-Gas Detectors Upgrade in the amount of $2791.10. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-116** Ms. Graff made a motion to approve the purchase request to Stryker for Bari-cot with accessories in the amount of $9981.00. Mr. Paxson seconded. General discussion occurred regarding batteries, where to keep, and training. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-117** Mr. Paxson made a motion to approve the purchase request to Transafe for Winch and Ramp for Bari-cot in the amount of $5195.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-118** Ms. Graff made a motion to approve the purchase request to Saturn Electric for new electric to SCBA compressor at Station 61 in the amount of $2025.00. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-119** Ms. Graff made a motion to approve the purchase request to Pro Air Systems for the moving of the SCBA compressor from Station 63 to Station 61 in the amount of $4450.00. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-120** Ms. Graff made a motion to approve the purchase request to A. E. Fickert for repairs to Station 64 in the amount of $7213.29. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Chief VandenBos stated that he expects Station 64 to be complete shortly after April 9, 2012. Discussion occurred regard Station 64 and the problems the Township has had with water damage. General discussion occurred regarding the Completion Certificates.

**LEGAL ADVISOR:**
**2012-121** Ms. Graff made a motion to authorize Mr. Glaser, as Chair of the Board of Beavercreek Township Trustees to sign all the AIA documents as presented. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**FISCAL OFFICER:**
Minutes:
**2012-122** Ms. Graff made a motion to approve the Regular Trustee Minutes of February 20, 2012, after having her question regarding motion 2012-073 answered. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Permanent Appropriations:
**2012-123** Ms. Graff made a motion to approve Resolution 2012-123, to provide for the current expenses and other expenditures of the Board of Trustees for the fiscal year ending December 31, 2012 in the total amount of $27,302,969.67. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.
Ms. Graff stated that the Township is not spending $27 million, but that is what the Township has available.

**Regular Beavercreek Trustee's Meeting**

**Monday, March 19, 2012**

**TRUSTEES:**

Ms. Graff discussed the issue of $45.00 being collected at the January 2012 Greene County Township Association Meeting that was hosted by Beavercreek Township. Eight people donated $5.00 to help defray the cost of the meal provided by the Township. The money was given to the Township Administrator who gave it to the Township Fiscal Officer. The Fiscal Officer had conversations with all three Trustees regarding this topic, as well as the Township Administrator. The money was eventually given to the Greene County Township Association for the purpose those smaller Townships which might find it to be more difficult to provide funds for hosting a Township Association meeting could use the money to defray some of their meal costs. General discussion occurred regarding Ms. Graff's displeasure with the money being given to the Greene County Township Association. Mr. Lee Schatzley a citizen speaking from the audience, asked to speak, however, Mr. Glaser stated this was time for Trustees to speak.

**2012-124** Mr. Paxson made a motion to Adjourn at 3:35 P.M. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Trustee: _____

Fiscal Officer: _____