**Regular Beavercreek Trustee's Meeting**

**Monday, October 1, 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.

**2012-334** Ms. Graff made a motion to approve the Agenda for October 1, 2012, with the following amendments: add COPP Proclamation under Administrator; Mr. Glaser added Danbury Place, Bexley Hills under Zoning; add Fire Prevention Proclamation under Fire; and Mr. Glaser added Celtic Soccer Club under Trustees. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-335** Ms. Graff made a motion to approve the October 3, 2012 Payroll in the amount of $257,493.22. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-336** Mr. Paxson made a motion to approve the Bills in the amount of $43,314.31. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-337** Ms. Graff made a motion to approve the Regular Meeting Minutes of September 4, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-338** Mr. Paxson made a motion to approve the Special Meeting Minutes of September 10, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-339** Ms. Graff made a motion to approve the Regular Meeting Minutes of September 17, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

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

**ADMINISTRATOR:**

Media Services Agreement:

Township Administrator Alex Zaharieff stated that he received a final agreement from the City Manager on Friday concerning this Media Services Agreement. The City has agreed to all of our changes. General discussion occurred regarding: the agreement and the hourly rate the City is charging.

**2012-340**Ms. Graff made a motion to approve the Media Services Agreement, as proposed. The motion dies for lack of a second.

COPP Proclamation:

**2012-341**Ms. Graff made a motion to approve **Resolution 2012-341**, WHEREAS, the Citizens On Preventive Patrol (COPP) was created in 1987 by a group of civic minded citizens who wanted to serve their community and make Beavercreek a safe place to live and work; and WHEREAS, the Citizens On Preventive Patrol have demonstrated a strong commitment to the public service agencies of the City and Township and continue to serve the community through service-oriented tasks such as traffic control and neighborhood patrols; and WHEREAS, the Citizens On Preventive Patrol have worked countless hours assisting with community events and celebrations; and WHEREAS, the Citizens On Preventive Patrol are celebrating 25 years of devoted service to the citizens of the City and the

Township; THEREFORE, We, the Trustees of Beavercreek Township, Greene County, State of Ohio, do hereby proclaim October 11, 2012 as the anniversary celebration day of the Citizens On Preventative Patrol organization. We as the Trustees of Beavercreek Township call upon the people of Beavercreek Township to remember the sacrifices made and show their appreciation to the Citizens on Preventative Patrol for all they do for the community. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.
In WITNESS WHEREOF, we have here unto set our hand and caused the SEAL of Beavercreek Township to be affixed this 1st day of October, 2012.

**ZONING:**
Danbury Place, Bexley Hills:
**Mr. Glaser -** It has been called to my attention that we potentially have a problem out there, and I went out and looked at it and we potentially have a problem out there.

This would concern our planning and zoning and also the Fire Department. There is a house being built (Mr. Glaser points to a map) there is a house being built right here, and this road has disappeared.

**Mr. VandenBos –** The emergency access, that is correct.

**Mr. Glaser –** So what is the status of that? Can someone tell me what happened here?

**Mrs. Long –** When they came in to get the permit, I asked them to move that back 2 feet off of there.

They changed their plan to comply with that and then they were issued a permit.
Randy and I went out there and we are aware that it does not appear that it is built where it should have been built.

I have a request pending from the engineer to have that staked out as built so that we know what we are working with and I need to get with Mr. Surdyk to find out who will be responsible for that whether it's the home builder who is doing that, or whether it is the developer, because it also appears that the gravel road back there has not been very well maintained; so we are aware of it.

**Mr. Glaser –** Did you issue a stop work order?

**Mrs. Long –** I do not have that authority.

**Mr. Glaser –** Basically this road back here all the gravel that was in here for the access is gone. Chief, how do we get a fire engine in there?

**Mr. VandenBos –** We do not get one back through the emergency access anymore, they would have to come in through Bexley and come all the way through.

**Mr. Glaser -** That begs the question then, did we need it in the first place, or are we just abdicating second accesses now?

**Mr. VandenBos –** It depends on how much political pressure we want to deal with it.

This has actually been a long standing debate within the Fire Department. I am a huge advocate of second access points; we have had them put up throughout Beavercreek.

**Mr. Glaser –** (pointing to a map) you live right here.

**Mr. VandenBos –** I do and my house is one of those that could potentially be affected, so I am trying to not be overly biased here, but we have a number of them that have not been maintained over the years. As a matter of fact, if we pursue this one, it is probably a good step forward on giving us direction on some other ones. For example, there is one at the end of Mill Run that comes out to Fairfield that has a fence put up across it.

Are we in a position where we want to require a home owner for example to move a fence that is obstructing a second access point?

We do not have, or have not traditionally had a lot of authority to maintain those clear. We require them to the extent that we can and we prefer them absolutely every time, but being able keep them, hold them and maintain them long term has always been a problem and I don't know what legal basis we have to do that with.

**Mr. Glaser –** Well this was part of the Zoning on this particular property.

**Mr. VandenBos –** That is usually where it comes in is zoning in most cases.

**Mr. Glaser –** And it was not enforced, and that is the problem I have. This is specifically right in here.

**Mr. VandenBos –** This will be the third time, at least the second if not the third time that it has been obstructed, it was obstructed initially by Dayton Power and Light in the power easement back 2 years ago.

**Mr. Glaser –** I did not know where you lived and I drove in there to look at this and I saw your vehicles, I thought you lived in the other sub-division, but I saw your vehicles parked there so I assumed it was your house.

**Mr. VandenBos –** Yes you are correct, this is the second or third time it's been messed up in Bexley alone and like I said, it is probably indicative of what we have other places in the community.

If it is something we are interested in pursuing, I have an interest from the Fire Department pursuing it.

We have asked for them because we believe in them and it takes a simple obstruction, a tree down, a stalled vehicle, road work or water main work to eliminate access to a large portion of some of our developments. Beavercreek has a lot of single access developments and a lot of high end single access developments.

**Mr. Glaser –** I live in one, but the street is open down there. You can get through there if you have to.

**Mr. VandenBos –** If we have to.

**Mr. Glaser –** I think the concern, my concern anyway is we either need to make sure that we do in fact and in reality have access on these things, or we need to abandon them, because we can't sometimes enforce a rule.

Tell me about the zoning, they came in and pulled a zoning permit for this?

**Mrs. Long –** They got a permit for it on their original application. They were within 2 feet of that easement and they would have encroached and I asked them.

**Mr. Glaser –** This is the construction of the house itself?

**Mrs. Long –** Yes for the house itself, and they were to move it back 2 feet. They showed that when they resubmitted the plans and they showed that.

When we went out, Randy and I went out to the site. The problem is by that time they had, they had not called us to say they were starting to pour.

They had already got the basement formed in and we were out there trying to determine where the property lines were, and of course, the pins were down all over the place, because they had been out there grading and working.

**Mr. Glaser –** Yes they have changed the grade in such a way, that you can't get a fire engine through there anywhere.

**Mrs. Long –** And that is one of the things we noted, and there is also a tree planted right square in the middle of the easement.

**Mr. VandenBos –** But it is a young tree, so that one we can take care of.

**Mr. Glaser –** I do not want our new fire engine dozing stuff down, garage doors are bad enough.

**Mrs. Long –** The question that came up, what legal authority do we have, and who is responsible for maintaining it?

**Mr. Glaser –** Well if we don't have any legal authority, then why do we bother doing it? It just seems like an open door.

Mr. Surdyk, do you have any comments on this?

**Mr. Surdyk -** No, I am just looking at it now for the first time.

**Mr. Glaser –** Dan I am sorry, go ahead.

**Mr. Paxson -** Yeah I am just curious, that was put in the development process right?

**Mr. Glaser –** Yes it is.

**Mr. Paxson –** It is agreed upon by the contractor or the developer.

**Mrs. Long –** And that is the question. Does the developer still maintain the responsibility for that or does it go to the individual home builder? I do not really know that.

**Mr. Zaharieff –** Or does it fall under the responsibility of the home owners association once it is built out to 75%. So that is a good question, the home owners association, the home owners or the developers? Right now the developer has it.

It depends on when it is turned over to the home owners association usually most developments are 75% built and then it is turned over to the home owners association.

**Ms. Graff –** Is this an easement on the property?

**Mr. Glaser –** Yes it is.

**Ms. Graff –** If it is an easement on the property, then how can they build on the easement?

**Mr. Glaser –** How can they build a house on it?

**Ms. Graff –** If the easement has not been abandoned.

**Mrs. Long –** We have nothing in the resolution that prohibits building in the easement.

This is one of the few places that I have ever been that does not that specifically mentioned in the zoning resolution. Most places protect the easements and I do not see that in this.

Now I asked them to pull it back from that easement anyway, and they complied on paper.

**Mr. Glaser –** When did you become aware of this?

**Mrs. Long -** We went out there I want to say early September, Randy and I went out.

**Ms. Graff –** What legal authority do we have?

They are not in compliance with the easement and they are not complying with their permit.

**Mr. Surdyk –** If that in fact was part of the zoning process, we have the authority to enforce our zoning code.

Is that a PUD or what was this?

**Mrs. Long –** Yes it's a PUD.

**Mr. Surdyk –** That would be part of the conditions for the PUD I assume.

**Mrs. Long –** It pre dates me, but I assume it is.

**Mr. Surdyk –** I assume it is, and then we can enforce that. We can enforce the conditions of our PUD and say they are in violation of our zoning code for encroaching upon that easement.

**Mr. Glaser –** They have actually built, it looks like Mr. Surdyk that they have built a house in the easement. The edge of the house is in the easement.

And what they have also done is it is a basement underneath it, so that they have graded it like this…

So that continues way on into the easement as far as that change of grade. Subsequently there is no way you can get a vehicle through there.

**Mr. Paxson –** Here is a question I have on this. If this is in our zoning plan and this happened, what is our liability on this if something were to happen with the entrance getting blocked and we do not have a secondary means in there when we had one in the original plan if something happens?

What is our obligation to keep that open?

**Mr. Surdyk –** Well I don't think we would have any legal liability; we would have immunity in this particular instance.

The question becomes if you are going to go to the bother of establishing these accesses, then why wouldn't you enforce it?

I think what we need to do is take a look at the property records and see what the language establishing a temporary easement may be and check the other records pertaining to construction of that house.

I am surprised they were able to get financing.

**Mr. Paxson –** Is there any other place to put a secondary road in?

**Mr. VandenBos –** It is getting tight.

Just in quick response to Mr. Surdyk, that is a developer so they are probably self funded.

**Ms. Graff –** Well they have to get backing too.

**Mr. VandenBos –** I understand that, but it's not like a private home owner trying to get financing.

**Mr. Glaser –** Who is it?

**Mr. VandenBos –** I believe it is Arnold Enterprises or Huddleston, excuse me, it is Huddleston. That is the sign on the house.

**Mr. Surdyk –** Well let me get back to you at the next meeting, this is the first notice I had on this issue.

**Mr. VandenBos –** Well I guess the follow up on it is should I prepare a list of the other ones that we know of that we have potential issues with?

**Mr. Glaser –** Probably so.

**FIRE:**

Medic Purchase:

Fire Chief VandenBos spoke to the Trustees regarding the purchase of a new medic. General discussion occurred regarding: the price increase of the medic this year compared to last year even with today's economy. If the price had been the same, Mr. Glaser stated he would not have a problem; however, an increase in price is causing his concern. Discussion occurred regarding: going out for bid to get a better price; the good working relationship we have with Burgess and Road Rescue; the time it takes to get specifications to go out for a bid; and that the state bid is a good system. Chief VandenBos will survey the situation and consult with Road Superintendent Tim Parks before bringing back to the Board a recommendation on how to proceed with this purchase.

Cot Purchase:

This purchase will be placed on hold until it is decided how to purchase the new medic.

Surplus Floor Care Equipment:

**2012-342** Ms. Graff made a motion to approve **Resolution 2012-342**, 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. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes. NOW THEREFORE BE IT RESOLVED THAT, the Board of Trustees of Beavercreek Township, Greene County, Ohio favorably passed the above Resolution.

EXHIBIT A

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| Convertamatic 20B | Serial # 444783 |
| Convertamatic 26B | Serial# 51615 |
| Hydro Retriever 260 BHD | Serial#265053 |
| North American Floor Buffer | Serial# 0220017956 |

Other Items of Interest:
Chief VandenBos stated that the hydraulic tool that was placed on GovDeals.com with a price set at $5,200.00, received the highest bid of $3,500.00. Therefore, the Chief will take the tool to Howell Rescue for the $5,200.00 trade in cost.

Fire Prevention Proclamation:

**2012-343** Ms. Graff made a motion to **approve Resolution 2012-343**, WHEREAS, The Beavercreek Township Fire Department and the fire service of this State of Ohio, are dedicated to the safety of life and property of its protected citizens from the devastating effects of fire, and recognize the value of proper planning and preparedness before fire strikes; and WHEREAS, the members of the fire service are joined by the citizens of this community, businesses, schools, service clubs and organizations in their fire prevention efforts; and WHEREAS, Beavercreek's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and WHEREAS, Beavercreek's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and WHEREAS, Beavercreek residents who have planned and practiced a home fire escape plan and who have installed and maintained smoke alarms are more prepared and will therefore be more likely to survive a fire; and WHEREAS, the 2012 Fire Prevention Week theme, "Have 2 Ways Out!" effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

THEREFORE, we the Trustees of Beavercreek Township, Greene County, State of Ohio, do hereby proclaim the week of October 7th – 13th, 2012, as Fire Prevention Week. This week commemorates the Great Chicago Fire of 1871, in which 250 persons were killed, 100,000 were left homeless, and more than 17,400 buildings were destroyed. We as the Trustees of Beavercreek Township call upon the people of the community to participate in activities at home, work, and school, and consider the Fire Prevention Week theme for 2012, "Have 2 Ways Out!"

In WITNESS WHEREOF, we have here unto set our hand and caused the SEAL of Beavercreek Township to be affixed this 1st day of October, year 2012.

**TRUSTEES:**
Mr. Glaser stated that he received a letter from the Celtics Soccer Association requesting to have tent fees waived, as was done last year, for the Haunted Classic Soccer Tournament. Discussion occurred regarding the waiving of fees.

**2012-344** Ms. Graff made a motion to approve a similar permit process for the Celtics as was approved in 2011, (fee paid for one tent, fees waived for the seven other tents). Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**Regular Beavercreek Trustee's Meeting**

**Monday, October 1, 2012**

**FISCAL OFFICER:**
Rescind Motions:
Fiscal Officer Christy Ahrens stated that since the decision was made to remove the Cash-In-Lieu of benefits waiver and the Home Based Work Policy from the Handbook that in order to keep the records clean, and so there is no confusion at a later date, that the Board make and pass a motion to rescind both of the two original motions which approved the policies and the placement of the policies in the Handbook.

**2012-345** Mr. Paxson made a motion to rescind Resolution 2011-273 and Resolution 2011-471, hereby revoking the Home Based Work Policy and the Cash-In-Lieu of Benefits Waiver and remove both policies from the Beavercreek Township Personnel Policy Manual, effective January 1, 2013. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-346** Mr. Paxson made a motion to Adjourn at 2:49 P.M. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Trustee: _____

Fiscal Officer: _____