**Regular Beavercreek Trustee's Meeting**

**Monday, December 10, 2012**

Mr. Glaser called the Regular Trustee Meeting to order at 2:01 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, and HR Manager Trish Gustafson.

**2012-406**Ms. Graff made a motion to approve the Agenda for December 10, 2012 with the following amendments: add New Server Request under Information Technology; delete Radio Equipment Purchase under Fire; add Hiring Coolidge, Wall under Legal Advisor; and add Possible Trustee Vacancy under Trustees by Ms. Graff. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-407** Ms. Graff made a motion to approve the December 12, 2012 Payroll in the amount of $455,050.01. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-408** Mr. Paxson made a motion to approve the Bills in the amount of $119,491.23. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-409** Mr. Paxson made a motion to approve the Regular Meeting Minutes of November 13, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-410** Mr. Paxson made a motion to approve the Regular Meeting Minutes of November 26, 2012. Mr. Glaser seconded. Roll Call: Mr. Paxson, yes; Mr. Glaser, yes; and Ms. Graff, abstain.

**2012-411** Ms. Graff made a motion to approve the Special Meeting Minutes of November 27, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-412** Mr. Paxson made a motion to approve the Special Meeting Minutes of November 28, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-413** Ms. Graff made a motion to approve the Special Meeting Minutes of November 30, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-414** Mr. Paxson made a motion to approve the Special Meeting Minutes of December 5, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**RESIDENTS/GUESTS DESIRING TO SPEAK**:
Bob Darden, Beavercreek Park District – updated the Trustees regarding Owen's Place, stating that the project is moving along and Phase I is almost complete.

**OLD BUSINESS:**
Ohio MARCS Project:
Fire Chief VandenBos stated that he is ready to present purchases to get the MARCS project going and get the Township converted to the MARCS system. Ms. Graff asked questions regarding surplus of old equipment and total cost. Mr. Paxson stated that he was not on board with this project and had no confidence in the Fire Department's internal Communications Program. He also stated that

there is no Master Plan for the program, yet there seems to be a coordination of making purchases toward an end. Mr. Paxson also questioned that there is no accountability once these major purchases have been made and that the request is vague. Mr. Paxson stated he cannot support a program without a Master Plan, especially one with a million dollar request. Lieutenant Nathan Heister gave a presentation to the Trustees regarding the MARCS program. He stated that he gave the presentation to the Fire Chief. The Fire Chief condensed the information that was presented to the elected officials. Mr. Paxson made it clear that in order to make a decision like this, the more information, the better and in the future to forward this information to the elected officials. General discussion occurred regarding: number of radios, replacing radios; and GPS.

Ms. Graff stated that she believes as much as being concerned about taxpayer dollars, she believes we should also be concerned about taxpayer safety for the people in our community. She went on to state that she believes we need to be able to work with communities around us to make sure that the response to emergencies is the best we can make with the taxpayer dollars that have been given to us to provide that service.

**2012-414(a)** Ms. Graff made a motion to approve the request as presented and permit the Township Administrator to authorize. Chief VandenBos had no presented anything to approve yet. The motion dies for lack of a second.

Chief VandenBos explained that after further discussions with the Fiscal Office, there are several steps that need to take place to set up this new project and create a new fund.

**2012-415** Ms. Graff made a motion to approve **Resolution 2012-415**, A Resolution

Establishing a Capital Projects Fund for the purchase of new Land-Mobile Radios

WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio, moved for approval of the following:

WHEREAS, the O.R.C. §5705.13(C) gives the Board of Trustees authority to establish a capital projects fund for the purpose of accumulating resources for the construction and improvement of fixed assets, and

WHEREAS, the Board of Township Trustees may transfer money to the capital projects fund from any other fund of the Township that may lawfully be used for the purpose of acquiring the fixed assets, and

WHEREAS, the Board of Trustees has decided it is necessary to purchase new Land-Mobile Radio and ancillary equipment, systems, and services,
NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Beavercreek Township, Greene County, Ohio, that:

Section 1. The Fiscal Officer is directed to establish and maintain a capital projects fund, and to invest the account funds, pursuant to O.R.C. §5705.13(C); and

Section 2. The funds for the reserve balance account may be transferred from the Township's General Fund (1000), Special Revenue Funds for Road & Bridge (2031), Police (2191), Fire (2192), Emergency Medical Services (2281) and any future funds established to receive grants or loans for the funding of Land-Mobile Radio equipment or services, including Local Government Innovation Funds and Assistance to Firefighters Grants; and

Section 3. The reserve balance account may accumulate resources up to the amount of One Million, Three Hundred Thousand Dollars ($1,300,000.00); and

Section 4. The reserve balance account will accumulate resources for ten fiscal years, 2012 thru 2021; and

Section 5. The purpose of the money will be to accumulate resources for the purchase new Land-Mobile Radio and ancillary equipment, systems, and services. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-416** Ms. Graff made a motion to approve **Resolution 2012-216**,

WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio, moved for approval of the following:

WHEREAS, to re-appropriate from Account 1000-930-930-0000 General Contingencies to Account 1000-910-910-0000 General Transfers-Out, in the amount of $3,409.

WHEREAS, to re-appropriate from Account 2031-930-930-0000 Road and Bridge Contingencies to Account 2031-910-910-0000 Road and Bridge Transfers-Out, in the amount of $31,796; and

WHEREAS, to re-appropriate from Account 2191-930-930-0000 Police Contingencies to Account 2191-910-910-0000 Police Transfers-Out, in the amount of $14,872; and

WHEREAS, to re-appropriate from Account 2281-930-930-5999 EMS Contingencies to Account 2281-910-910-5999 EMS Transfers-Out, in the amount of $1,096,655. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-417** Ms. Graff made a motion to approve **Resolution 2012-217**,

WHEREAS, to transfer from Account 1000-910-910-0000 General Transfers-Out to 4905-931-0000 Capital Projects Transfers-In, in the amount of $3,409.

WHEREAS, to transfer from Account 2031-910-910-0000 Road and Bridge Transfers-Out to Account 4905-931-0000 Capital Projects Transfers-In, in the amount of $31,796; and

WHEREAS, to transfer from Account 2191-910-910-0000 Police Transfers-Out to Account 4905-931-0000 Capital Projects Transfers-In, in the amount of $14,872; and

WHEREAS, to transfer from Account 2281-910-910-5999 EMS Transfers-Out to Account 4905-931-0000 Capital Projects Transfers-In, in the amount of $1,096,655. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-418** Ms. Graff made a motion to re-appropriate from Account 4905-931-0000 Capital Projects Transfers-In to Account 4905-760-740-5320 Capital Projects Capital Equipment, in the amount of $1,146,732. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-419** Ms. Graff made a motion to approve the purchase request to Motorola for the purchase of P25 radios and necessary accessories, in the amount of $992,423.15; and to authorize the Township Administrator to sign for the Board. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-420** Ms. Graff made a motion to approve the purchase request to WS Electronics for the purchase of P25 upgrades for the Township's existing Harris

radios, in the amount of $21,235.00; and to authorize the Township Administrator to sign for the Board. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-421** Ms. Graff made a motion to approve the purchase request to Bearcom for the purchase of P25 upgrades for the Township's existing EF Johnson radios, in the amount of $11,000.00; and to authorize the Township Administrator to sign for the Board. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-422** Ms. Graff made a motion to approve the purchase request to New World Systems for the purchase of a Motorola/New World Systems Station Alerting Interface, in the amount of $100,000.00; and to authorize the Township Administrator to sign for the Board. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

**2012-423** Ms. Graff made a motion to approve the purchase request to New World Systems for the purchase of vehicle installation services for the Township's new and existing radios from P&R Communications, in the amount of $22,073.85; and to authorize the Township Administrator to sign for the Board. Mr. Glaser seconded.

Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, no.

Consent Decree:

Legal Advisor Bob Surdyk reminded the Trustees that the information was presented regarding this consent decree, changes were incorporated, and that the document before them today is a blend of all parties working together.

**2012-424** Ms. Graff made a motion to approve **Resolution 2014-424**, the Consent Decree as presented by the Township Attorney on December 10, 2012: WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, Ohio, passed a resolution in 2006 to enter into Consent Decrees with Oberer Land Developers, LTD and BFD New Germany Trebein, LTD to settle lawsuits filed on behalf of Oberer Land Developers, LTD in the United States District Court for the Southern District of Ohio, Western Division, (*Oberer Land Developers, LTD v. Beavercreek Township, Ohio, et al.,* Case No. 3:05 CV 0333 and *BFD New Germany Trebein, LTD v. Beavercreek Township, Ohio*, Case No. 3:05 CV 0385); and WHEREAS, the Consent Decrees were approved by the Honorable Sharon Ovington of the United States District Court for the Southern District of Ohio, Western Division on May 23, 2006, following a hearing conducted by Magistrate Ovington on April 14, 20006; and WHEREAS, the Board of Trustees passed a Resolution on September 20, 2010, agreeing to submit motions to the Court to amend the Consent Decrees in certain respects as outlined in the September 20, 2010, Resolution, a copy of which is attached hereto as Exhibit A; and WHEREAS, on December 10, 2010, the Consent Decrees were amended by order of the Court pursuant to those motions, signed by the Honorable Sharon Ovington of the United States District Court for the Southern District of Ohio; and WHEREAS, due to a change in circumstances, Oberer Land Developers, LTD, on its behalf and on behalf of BFD New Germany Trebein, LTD, has requested certain further modifications to the Consent Decrees; and WHEREAS, on November 8, 2012, notice of this Board's intent to meet, consider, and take action on the proposed modifications was published in the Xenia Daily Gazette; and WHEREAS, on November 27, 2012, this Board did meet and consider the proposed modifications, at which time the public was provided the opportunity to express their opinions and objections regarding the proposed modifications; and WHEREAS, this Board finds

that due to a change in circumstances, further modifications to the Consent Decrees are warranted; and WHEREAS, the changes proposed by Oberer Land Developers, LTD are reasonable and would facilitate the development of the properties subject to the Consent Decrees in a manner which promotes the health, safety, and welfare of Beavercreek Township;
NOW, THEREFORE, BE IT RESOLVED THAT:

1. This Board agrees to request the United States District Court for the Southern District of Ohio, Western Division, to further amend the Consent Decree for Final Judgment Submitted by the Parties in *BFD New Germany Trebein, LTD v. Beavercreek Township, Ohio*, Case No. 3:05 CV 0385 as follows:
   A. Exhibit "B" of the Consent Decree ("BFD Property Development Conditions") be modified as follows:

| **Current Terms (as Amended 12/10/10)** | **Terms as Amended** |
|---|---|
| Site Data:<br><br>PUD Area = 52.02<br>Total Units = 166<br>Density = 3.19108 | Site Data:<br><br>PUD Area = 52.02<br>Total Units = 134 Maximum<br>Density = 2.71049 Maximum |
| Products:<br><br>86 Detached Single-Family Homes<br><br>80 Attached Single-Family Homes (18.8 Acres)<br>● Front Yard = 15' Min.<br>● Rear Yard = 15' Min.<br>● Side Yard = 5' Min., 10' Total<br><br>166 Total Units | Products:<br><br>86 Detached Single-Family Homes<br><br>Maximum of 48 Detached Single-Family Homes (18.8 Acres)<br>● Minimum Lot Dimensions = 56' x 145'<br>● Minimum Lot Square Footage = 8,120 S.F.<br>● Average Lot Square Footage to Exceed 10,000 S.F.<br>● Front Yard = 25' Min.<br>● Rear Yard = 25' Min.<br>● Side Yard = 5' Min., at least 15' Total<br>● Minimum of a two car garage<br><br>134 Total Units Maximum |
| | |

   B. Exhibit "B" of the Consent Decree ("BFD Property Development Conditions") also be modified as follows:

      i. **<u>Current Terms:</u>** The "Conditions" as set forth in Exhibit B of the Consent Decree for Final Judgment Submitted by the Parties in *BFD New Germany Trebein, LTD v. Beavercreek Township, Ohio*, Case No. 3:05 CV 0385 currently contain the following Condition number two:
      "The BFD Property will be developed in a manner consistent with the Development Plan attached hereto and incorporated

by reference herein as Exhibit B-1, which Development Plan will be signed by the parties upon the execution of this Agreement."

ii. **Terms as Amended.** The Development Plan attached as Exhibit B-1 to the Consent Decree shall be stricken and deleted in its entirety, and Condition number two set forth above be amended to state in its entirety:

"As more fully set forth in paragraph three of the Consent Decree, the developer will be required to submit a specific site plan for the BFD Property under the 'Second Stage' provisions of the Township Zoning Resolution."

C. All other terms and conditions of Exhibit "B" shall remain unchanged.

2. This Board agrees to request the United States District Court for the Southern District of Ohio, Western Division, to further amend the Consent Decree for Final Judgment Submitted by the Parties in *Oberer Land Developers, LTD v. Beavercreek Township, Ohio, et al.,* Case No. 3:05 CV 0333 as follows:

A. Exhibit "B" of the Consent Decree ("Development Conditions for the 'Nathaniel's Grove Parcel'") be modified as follows:

i. **Current Terms:** Product A (empty nester / patio product) as set forth in Exhibit B of the Consent Decree for Final Judgment Submitted by the Parties in *Oberer Land Developers, LTD v. Beavercreek Township, Ohio, et al.,* Case No. 3:05 CV 0333 currently contains the following Product Description:

"Product Description: Product geared towards seniors and other buyers without children. Most floor plans are single story and all offer first floor master bedrooms. These floor plans offer 2 to 3 bedrooms, studies, and morning rooms. No floor plans will offer 4 bedrooms. Most houses will be constructed on slabs. To the extent that a Product A is constructed with a basement, said basement will be in compliance with Condition 13 of this Exhibit B. All exterior lawn and landscaping maintenance is performed by a maintenance company contracted by the owners association. No individual owners are responsible of the maintenance of their own yard. Amenities within this area will be geared towards passive activities to include landscaped gardens, water features, architectural shelters, sitting / viewing areas, and walking trails. The Product design is intended to attract an empty-nester buyer and therefore limit the developments impact on schools. As can be seen on the Development Plan attached as Exhibit B-1, Product A has been intentionally located directly contiguous to the Conservation Easement, specifically along the entire Northern boundary of the Conservation Easement, in order to minimize as much as possible the impact of the development on such area."

ii. **Terms as Amended:** The "Product Description" set forth above for Product A (empty nester / patio product) be amended to strike the phrase "All exterior lawn and landscaping maintenance is performed by a maintenance company contracted by the owners association. No individual owners are responsible of the maintenance of their own yard."

B. Exhibit "B" of the Consent Decree ("Development Conditions for the 'Nathaniel's Grove Parcel'") also be modified as follows:

i. **Current Terms:** The "Conditions" as set forth in Exhibit B of the Consent Decree for Final Judgment Submitted by the

Parties in *Oberer Land Developers, LTD v. Beavercreek Township, Ohio, et al.,* Case No. 3:05 CV 0333 currently contain the following Condition number three:
"3. The recreation center and its associated amenities shall be constructed in phase 1 of the development."

ii. **Terms as Amended:** The Condition number three set forth above be amended to state in its entirety:
"3. Construction shall begin on the recreation center and its associated amenities before one-third of the zoning permits for the number of approved units have been issued. The Township shall not be obligated to issue more than one-third of the total number of required zoning permits until construction of the recreation center and its amenities has commenced. Once construction of the recreation center and associated amenities is commenced, the Township may limit the number of zoning permits for unconstructed units to no more than 30 permits at any given time. In the event that construction of the recreation center and its associated amenities has not been completed within 12 months of commencement, the Township may withhold any remaining zoning permits until such completion."

C. All other terms and conditions of Exhibit "B" shall remain unchanged.

3. All formal actions of the Board of Trustees of Beavercreek Township concerning the adoption of this Resolution were in open meetings of the Beavercreek Township Board of Trustees; and all deliberations of the Board of Trustees of Beavercreek Township which resulted in such 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.

**HUMAN RESOURCES:**

Handbook Update:

Ms. Gustafson updated the Trustees by stating that she received the changes to the Drug and Alcohol Policy from Mr. Surdyk and will incorporate those into the Handbook and send out the final Handbook for review as soon as it is ready.

**Mr. Glaser:** New business –

**Ms. Ahrens:** I had a question. Are we going to look at that retirement section? I posed a question to the Board just because I needed some direction as to where to go with paying our zoning administrator, and there's a clause in the handbook that is ambiguous at best. It's not my job to determine policy, so I don't interpret it. I posed it to the Board, and didn't hear anything back.

I'm suggesting we look at that article. You know which one I'm talking about, that article that deals with letting people know. I'm suggesting that we look at that article and make sure that we put in the handbook if an employee's going to leave, that they give two weeks' notice, or whatever it is that the Board decides. I just would ask that you would, that we look at that section, because I didn't hear back from the Board, so I don't know what your direction is and it's not my job to interpret policy. I don't want to. It's only my job to enforce it, when it comes to pay.

**Mr. Paxson:** To piggyback on that is that the Township has a policy in the handbook that is agreed upon by the Trustees. In an article that says, "Retirement," and under that article, it says, "Employees are required to submit a letter of resignation within four weeks of accepting an offer through their pension

system. Any employee who fails to do so, would be required to reimburse the Township the sum of all benefits paid between the date of their offer and the date of their resignation." The situation we have is that a department head only gave one day's notice, and the intent of this particular article is what?

**Ms. Gustafson:** It was specifically for pension disability retirements, because you would actually have to accept an offer while you file pension disability. We had individuals who would, they accepted it, but then they didn't resign from the Township to stay on our insurance, and it was months and months and months. So, with that, we only get a position that's resigned. We don't have a name, so it's not like we can go and act on it. So that was written to try to curb people who filed for disability, to delay that.

**Mr. Paxson:** So, it doesn't say anything in here about how article 9 sits all by itself. It says "Retirement." It doesn't say anything in there about disability.

**Ms. Gustafson:** You don't have to accept a straight pension.

**Mr. Paxson:** Yeah, you do. I did. You've got to give your notice, because they've got to start figuring -.

**Ms. Gustafson:** You have to give your notice, but you don't have to --- retirement.

**Mr. Paxson:** It takes them three months to figure, alright?

**Mr. Zaharieff:** May I suggest that – I agree that the language needs to be addressed. The initial intent was obviously before I was here, or disability retirement was. Since we have not approved the final handbook, I would say now is the time to fix it.

**Mr. Paxson:** I think so. But this is the handbook that was approved by the Trustees.

**Mr. Zaharieff:** I understand. And it is vague.

**Mr. Paxson:** So what I'm saying is, we have policy in place here. We can't do this, because one day's notice is hardly –

**Mr. Zaharieff:** What I can do is work with Mr. Surdyk, and Mr. Surdyk and I have had this conversation that it is vague, and that here's the time to fix it before it gets presented to the Board for final approval. If the Board wishes, I can clean up that language and work with Mr. Surdyk.

**Mr. Paxson:** I think that two weeks is probably –

**Mr. Zaharieff:** I agree.

**Ms. Ahrens:** I don't think it's in the handbook anywhere else, is it? I mean, any other kind of notice is given? I don't think so.

**Ms. Gustafson:** You have to give notice like contact your office for address changes, return uniforms, that sort of thing, but there's no –

**Ms. Ahrens:** Because I did try to look through to find information, like I said, but I didn't see anything.

**Mr. Glaser:** OK. Is this verbiage in the current handbook?

**Ms. Ahrens:** Which verbiage?

**Mr. Glaser:** Article 9 or Section 9, which he just read. Is that in our current handbook? Because I feel that, in reading it, it's pretty clean cut. And I think the general accepted policy, particularly in the event of being a manager, is that you give your employer notice that you're leaving. I don't think there's anything

obtrusive about that. This is written in English. It appears in our current handbook. Victoria Long is who we're talking about here. This individual, did they sign for a handbook? That being said, were you given two weeks' notice or were you given four weeks' notice or whatever it says here?

**Mr. Zaharieff:** No.

**Mr. Glaser:** OK. As far as I'm concerned, it's cut and dry. Excuse me, I think that this basically is cut and dry, that this is a requirement that we ask of the employees. Your intent was, I don't know. I have to read the handbook, and the handbook says this, and it's English and it's very specific. It says, "Retirement –"

**Ms. Graff:** Accepting an offer –

**Mr. Glaser:** Excuse me. It says, "Employees are required to submit a letter of resignation within four weeks of accepting an offer through their pension system. Any employee who fails to do so will be required to reimburse the Township all benefits paid between the date of their offer and the date of their final resignation."

**Ms. Graff:** Therein lies a difference. Within four weeks of accepting an offer from the pension system, the question is: when was the offer received, when was it accepted, and then, within four weeks of that, that's when they have to submit it to us.

**Mr. Glaser:** No, before it becomes final.

**Ms. Graff:** No, it says, "- within four weeks of accepting an offer from their pension system." And they submit within that four weeks the letter of resignation. Was the letter of resignation received within four weeks of - . We're assuming that the pension system submission, whatever date that was, was the letter of resignation. Did that come in within the four weeks?

**Mr. Glaser:** Jim, when did you receive notification from OPERS?

**Mr. Barone:** It was on November 1st.

**Mr. Glaser:** November the first. OK and when did we receive a letter of resignation from the individual?

**Mr. Barone:** Thursday evening, November 29th at 8:44, exactly four weeks.

**Ms. Graff:** So if we're following the policy, then we follow the policy. We can't follow what we think the policy says. If we're going to follow it, then we do what it says. Whether we like it. We don't have to like it.

**Mr. Zaharieff:** That's why I recommend that we change that language, to prevent this from happening.

**Ms. Graff:** So --- is within the policy.

**Mr. Zaharieff:** It is within the four weeks, yes. I would prefer to have at least a two-week notice, in regards to either a disability, retirement, a regular retirement or with a new job.

**Mr. Glaser:** OK, then, as a matter of record, you are to write a letter delineating when you received a resignation letter, and when it was effective, ie. one day later, and it goes into the file.

**Mr. Zaharieff:** To clarify, I did not receive a letter. I received an e-mail.

**Mr. Glaser:** Print out the e-mail and attach it and put, "See attached." So we didn't get the courtesy of a letter. Eight forty-four at night. Well, you know, are we

talking about the close of business? Put the letter, put it as attachment and it goes into the personnel file. Write the check.

**Ms. Graff:** How does the policy change?

**Mr. Glaser:** Two weeks' notice. Every business maintains a minimum of two weeks' notice, or you don't collect your vacation and unpaid benefits. That's just standard business practice.

**Mr. Zaharieff:** We'll clean that language up. I'll work with --- and HR to get it done.

**Ms. Graff:** And we'll have it for the next meeting.

**Mr. Zaharieff:** Oh, absolutely.

**INFORMATION TECHNOLOGY:**
New Server Request:
IT Manager
**2012-425** Mr. Paxson made a motion to approve the purchase request to MTM Technologies for an HP ProLiant DL380p Server, in the amount of $6111.28; and authorize the Township Administrator to sign for the Board. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**NEW BUSINESS:** None.

**ROAD:**
Purchase Request:
**2012-426** Mr. Paxson made a motion to approve the purchase request to DJL Materials for two pallets of Roadsaver 515T crack sealant in the amount of $2712.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Cemetery Rates:
General discussion occurred regarding: staying with the public average in price range; the City's pricing is high in some places; and looking into creating a new fund for cemetery maintenance.

**2012-427** Ms. Graff made a motion to approve the Beaver Cemetery rates, as presented December 10, 2012, effective January 1, 2013. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Prices of Graves:
Beavercreek Residents - $700.00
Non-Residents - $900.00

Opening and Closing Weekdays:
Residents and Non-Residents - $700.00
Infants - $250.00
Cremations - $300.00

Opening and Closing Weekends:
Residents and Non-Residents - $1,000.00
Infants - $250.00
Cremations - $500.00

Transfer of Lot and Preparation of Deed - $25.00

Footers per square inch - $0.50

Personnel:
**2012-428** Ms. Graff made a motion to approve **Resolution 2012-428**, WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio, moved to approve the promotion of Allen C. Stiffler to the position of Mechanic 2 in the Beavercreek Township Road Department effective December 20, 2012 at a hourly rate of $22.49 and an annual salary of $46,774.27. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-429** Mr. Paxson made a motion to approve **Resolution 2012-429**, WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio, moved to approve the promotion of Max Group and Brad Fogle to the position of Service Worker 1 in the Beavercreek Township Road Department effective December 20, 2012 at a hourly rate of $13.78 and an annual salary of $28,660.38. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Informational Items:
The new dump truck is in and available for review if anyone would like to see it. The bridge between Phillips Park and Rotary Park is closed due to the fact that the stream is undercutting some of the support of the bridge. Discussions regarding fixing the bridge are on-going.

**FIRE:**
Annual Awards Banquet:
**2012-430** Ms. Graff made a motion to approve the expenditure of no more than $2500.00 for the Fire Department's Annual Awards and Recognition Dinner, to be held January 12, 2013; and to allow the Township Administrator to sign all necessary documents on behalf of the Township. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Fire Gear and Personal Protective Equipment Purchase:
**2012-431** Mr. Paxson made a motion to approve the purchase request to Phoenix Safety Outfitters for the purchase of 8 fire helmets, 20 gloves, 20 boots, and 30 hoods, in the amount of $11,295.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-432** Ms. Graff made a motion to approve the purchase request to Phoenix Safety Outfitters for the purchase of 15 sets of turnout clothing, in the amount of $30,750.00; and to authorize the Township Administrator to sign for the Board. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Firehouse Software Support Renewal:
**2012-433** Ms. Graff made a motion to approve the purchase request to ACS Firehouse Solutions for the Firehouse Renewal/Support Fee, in the amount of $4375.00; and to authorize the Township Administrator to sign for the Board. Mr. Paxson seconded. General discussion occurred. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Floor Care Equipment Purchase:
**2012-434** Ms. Graff made a motion to approve the purchase request to Clean Freak for the purchase of four floor buffing and scrubbing machines with accessories, in the amount of $3829.72; and to authorize the Township Administrator to sign for the Board. Mr. Paxson seconded. General discussion occurred. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

SCBA and RIT Pack Purchase:

**2012-435** Mr. Paxson made a motion to approve the purchase request to Warren Fire Equipment for the purchase of 1 RIT Pack and 1 SCBA pack, in the amount of $7390.00; and authorize the Township Administrator to sign for the Board. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**LEGAL ADVISOR:**
**2012-436** Ms. Graff made a motion to approve **Resolution 2012-436**, 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 Coolidge Wall Co., L.P.A., 33 W. First Street, Suite 600, 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 Coolidge Wall 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 a rate not to exceed $330.00 per hour for services rendered. In addition, Coolidge Wall 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 Coolidge Wall 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. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**TRUSTEES:**
Possible Trustee Vacancy:
Ms. Graff stated that in case we have a vacancy on the Board of Trustees, besides the Ohio Revised Code (ORC), we on a local level need to have a plan. She would like a list of all people applying and their lists of qualifications. She intends to contact each one for additional information. Mr. Paxson had nothing to say regarding the topic, as the ORC is in force. Mr. Glaser stated that the ORC is superior to all other course of action and deals with this situation.

**FISCAL OFFICER:**
Temporary Appropriations:
**2012-437** Mr. Paxson made a motion to accept Resolution 2012-437, the adoption of Temporary Appropriations for 2013, WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, Ohio that to provide for the current expenses and other expenditures of said Board of Trustees, during the fiscal year ending December 31, 2013, the following sums be and the same are hereby set aside and temporarily appropriated for several purposes for which expenditures are to be made for and during said fiscal year, as follows:

| | |
|---|---|
| General Fund | 2,512,046.00 |
| Motor Vehicle License Tax | 24,258.00 |
| Gasoline Tax | 123,574.00 |
| Road and Bridge | 1,027,735.00 |
| Cemetery | 26,634.00 |
| Police | 889,429.00 |
| Fire | 12,798,216.00 |
| Permissive Motor Vehicle | 41,811.00 |
| EMS Medic Services | 3,659,691.00 |

**Regular Beavercreek Trustee's Meeting**

**Monday, December 10, 2012**

| | |
|---|---|
| Accumulated Leave Balances | 741,702.00 |
| Bond | 68,250.00 |
| Land Acquisition/Improvement | 50,000.00 |
| Improvement of Parks | 20,652.00 |
| New Ambulance | 1,500,000.00 |
| Advanced Life Support Fire Engine | 3,225,000.00 |
| Fire Stations | 631,018.00 |
| Private Purpose Trust | 5,875.00 |
| Total | 27,345,891.00 |

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

Amend Certificate of Estimated Resources:
**2012-438** Mr. Paxson made a motion to approve **Resolution 2012-438**, WHEREAS, the Board of Trustees of Beavercreek Township, Greene County, State of Ohio, moved for approval of the following:
WHEREAS, to amend the Certificate of Estimated Resources and approve to reduce appropriations in Fund 2281, EMS Medic Services, in the amount of $100,000.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-439** Ms. Graff made a motion to Adjourn at 3:49 P.M. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Trustee: _____

Fiscal Officer: _____