Regular Beavercreek Trustee's Meeting

Monday, March 4, 2013

Ms. Graff called the Regular Trustee Meeting to order at 2:00 P.M. Those present were Trustees: Carol Graff, Dan Paxson, and Candy Prystaloski. Fiscal Officer, Christy Ahrens and Legal Advisor Dawn Frick 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.

2013-054 Ms. Prystaloski made a motion to approve the Agenda for March 4, 2013, with no additions or changes. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

2013-055 Mr. Paxson made a motion to approve the March 6, 2013 Payroll in the amount of $251,161.27. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; and Ms. Graff, yes.

2013-056 Mr. Paxson made a motion to approve the Bills in the amount of $72,059.15. Mrs. Prystaloski seconded. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

2013-057 Mr. Paxson made a motion to approve the Regular Meeting Minutes of February 19, 2013. Mrs. Prystaloski seconded. General discussion occurred and verbatim of the IT section will be added to these Minutes. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, no; and Ms. Graff, no. These minutes will have verbatim added and be placed on the next agenda for approval.

2013-058 Mr. Paxson made a motion to approve the Special Meeting Minutes of February 26, 2013. Mrs. Prystaloski seconded. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

RESIDENTS/GUESTS DESIRING TO SPEAK: None.

NEW BUSINESS:
Board Reorganization:
Mrs. Prystaloski nominated Carol Graff as Trustee Chair for 2013.
Mr. Paxson nominated himself as Trustee Chair for 2013.
Roll Call:
Mrs. Prystaloski voted for Ms. Graff.
Mr. Paxson voted for himself.
Ms. Graff voted for herself.
Ms. Graff will be Beavercreek Township Trustee Chair for 2013.

2013-059 Ms. Prystaloski nominated Dan Paxson as Trustee Vice Chair for 2013. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

ADMINISTRATOR:
Legal Agreements:
Township Administrator Alex Zaharieff presented the Board with several legal agreements for discussion and approval. Discussion occurred regarding: formatting of the agreements and cost increases for each firm. General discussion occurred regarding the agreement with Wanda Carter.

2013-060 Ms. Prystaloski made a motion to approve **Resolution 2013-060**, a Retainer Agreement with Wanda L. Carter, and the law firm of Newhouse, Prophater, Letcher & Moots, LLC, to represent the Township on legal matters including those relating to annexations of Township territory. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

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2013-061 Ms. Prystaloski made a motion to approve **Resolution 2013-061**, 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 Newhouse, Prophater, Letcher & Moots, LLC, 5025 Arlington Centre Boulevard, Suite 400, Columbus, Ohio 43220 to provide such legal services;
NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Beavercreek Township hereby employs the law firm of Newhouse, Prophater, Letcher & Moots, LLC 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 rate of $220.00 per hour for senior attorneys, $175.00 per hour for associate attorneys, and $75.00 per hour for law clerks and legal assistants. This rate is fixed for six months but subject to increase thereafter, with a maximum increase of 6% every six months; time spent on travel and telephone calls is considered billable time. Court costs and expenses will be paid by the Township. Fees will be paid monthly upon receipt of the bill. Ms. Graff seconded. Roll Call: Mrs. Prystaloski, yes; Ms. Graff, yes; and Mr. Paxson, yes.

Discussion occurred regarding the other legal agreements. Mr. Paxson stated that the Trustees had discussed looking at other firms and would like to see the Township go out for Request for Proposals (RFP). Mrs. Prystaloski agreed with Mr. Paxson but thought that it might be prudent to keep the current attorneys and go out for RFP's for 2014. Discussion occurred regarding: the attorney's working on annexation and that their agreements are already approved and in place; and that each agreement has a thirty day to terminate clause, except for Wanda Carter.
Ms. Graff suggested that the current agreements could be approved, that the Trustees could talk about putting out RFP's, and give thirty days' notice if the Trustees choose to go with a different firm.
Mrs. Prystaloski asked Mr. Paxson if he had a reason for wanting RFP's. Mr. Paxson stated that he has not been happy with the attorney's on certain issues like the Handbook. There are still issues with the Handbook and he is disappointed. General discussion occurred.

2013-062 Mr. Paxson made a motion to approve **Resolution 2013-062**, 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. Said firm shall be paid at the rate of $225.00 per hour for services rendered by Robert T. Dunlevey, Jr., $235.00 per hour for services rendered by Gary W. Auman, $165.00 per hour to $195.00 per hour for the services of other attorneys, and $112.00 per hour for services rendered by 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; and authorize the Township Administrator to sign
Mrs. Prystaloski seconded. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

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General discussion continued regarding approving the last two agreements with the understanding that each may be terminated with thirty days' notice.

2013-063 Ms. Prystaloski made a motion to approve **Resolution 2013-063**,
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 $190.00 per hour for services rendered by shareholders, $180.00 per hour for services rendered by associate 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; and authorize the Township Administrator to sign. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

2013-064 Ms. Prystaloski made a motion to approve **Resolution 2013-064**,
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 rate of $240.00 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; and authorize the Township Administrator to sign. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

Zoning Commission Member Reappointment:
2013-065 Mr. Paxson made a motion to approve **Resolution 2013-065**,
WHEREAS, Ohio Revised Code §519.04 permits the Board of Township Trustees to create a Zoning Commission for Beavercreek Township; and
WHEREAS, The Beavercreek Township Trustees having considered available applicants for said Zoning Commission;
NOW, THEREFORE, BE IT RESOLVED THAT, after due consideration of all the evidence presented, the Beavercreek Township Board of Trustees voted to reappoint Woodrow Willis to the Beavercreek Township Zoning Commission for a term expiring on March 30, 2018 or until a suitable replacement is appointed.
Mrs. Prystaloski seconded. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

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Board of Zoning Appeals Member Reappointment:
2013-066 Mr. Paxson made a motion to approve **Resolution 2013-066**,
WHEREAS, Ohio Revised Code §519.13 states the Board of Township Trustees shall appoint a Township Board of Zoning Appeals; and
WHEREAS, The Beavercreek Township Trustees having considered available applicants for said Board of Zoning Appeals;
NOW, THEREFORE, BE IT RESOLVED THAT, after due consideration of all the evidence presented, the Beavercreek Township Board of Trustees voted to reappoint Andrew Peed to the Beavercreek Township Board of Zoning Appeals for a term expiring on March 30, 2018 or until a suitable replacement is appointed. Mrs. Prystaloski seconded. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

Schedule Special Meeting on Zoning:
The Beavercreek Township Board of Trustees will conduct a Special Meeting at the Beavercreek Township Fire Administration Building, 851 Orchard Lane Beavercreek, Ohio 45434 on Friday March 15, 2013 at 11:00 AM.
The Purpose of this Special Meeting is to meet in Open Session to discuss adoption of a proclamation for General Wolfenbarger, discussion of Zoning Department options for Beavercreek Township and also to discuss possible request for proposals regarding legal counsel.

ROAD:
Purchase Request for engineering for parking lost expansion for Fire Administration:
2013-067 Ms. Prystaloski made a motion to approve the purchase request to Cosler Engineering for the parking lot expansion at Fire Administration in the amount of $4600.00; and authorize the Township Administrator to sign for the Board. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

Purchase request for engineering for Phillips Park bridge replacement:
2013-068 Ms. Prystaloski made a motion to approve the purchase request to Cosler Engineering for the plan development for the replacement bridge in Phillips Park in the amount of $5400.00; and authorize the Township Administrator to sign for the Board. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

Purchase request for replacement vehicles:
2013-069 Mr. Paxson made a motion to approve the purchase request to White Allen Chevrolet for the purchase of two four wheel drive Chevrolet Silverado 2500 crew cab pickups off State bid item number 25BT in the amount of $46,616.00. Mrs. Prystaloski seconded. General discussion occurred. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

Purchase request for sign replacements:
Road Superintendent Tim Parks stated that his department has inventoried every sign in the Township, where it is located and what it's reflect readings are. He stated that this is a work in progress but that eventually everything will be put in GPS and mapped. General discussion occurred regarding: replacement schedule and the policy for signs in the future.
2013-070 Ms. Prystaloski made a motion to approve the purchase request to Kleem Inc. for replacement signs in the amount of $5615.00. Mr. Paxson seconded. Roll Call: Mrs. Prystaloski, yes; Mr. Paxson, yes; and Ms. Graff, yes.

Information Items:

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Mr. Parks stated that he is waiting for the Paving and Striping bids to come back; but that the Township submitted 1.5 miles for paving for a total cost of $140,000.00; and 8.5 miles for striping.
Mr. Parks stated that the ditch alignment along the Pershing property is on-going but has really opened up the area.
Discussion occurred regarding: annexation and roadways and bridges; and what the county maintains which currrently is 25.064 miles located in the Township.

FIRE:
Fire Department Instructor Conference (FDIC):
2013-071 Ms. Prystaloski made a motion to approve the purchase request to PennWell/FDIC 2013; for the conference registration fees, in the amount of $6660.00; and authorize the Township Administrator to sign for the Board. Ms. Graff seconded. General discussion occurred regarding costs for personnel to attend as well as to fill shifts and overtime. Roll Call: Mrs. Prystaloski, yes; Ms. Graff, yes; and Mr. Paxson, no.

2013-072 Ms. Prystaloski made a motion to approve the purchase request to J.W. Marriot Indianapolis; for lodging associated with FDIC, in the amount of $4222.00; and authorize the Township Administrator to sign for the Board. Ms. Graff seconded. Roll Call: Mrs. Prystaloski, yes; Ms. Graff, yes; and Mr. Paxson, no.

Mrs. Prystaloski asked why Mr. Paxson voted no on these issues. Mr. Paxson stated that he thinks that the Chief and the officers should go to the training in order to keep costs down. General discussion occurred.

The Fire Department will provide an Overtime Report after the convention and will list all the costs associated with the convention – what the week will cost, in total.

TRUSTEES:
Mr. Paxson stated that there is still a computer problem with the Payroll clerk's computer and that the issue needs to be resolved. IT Manager Jeff Terry stated that he is working on it.

Mr. Paxson asked if the Township was going to put together Annual Reports for 2012, describing the Township's activity and what services we provide so that we, the elected officials, can report back to the community. Township Administrator Alex Zaharieff stated that he has a uniform report that he will present to the Department Heads in order to collect all the information necessary for an Annual Report. Mr. Paxson said that it would be good for taxpayers to know the Township's goals and accomplishments.

Mrs. Prystaloski thanked all the employees she has met with in her effort to become more knowledgeable on the business of the Township. She stated that Beavercreek Township is a great community and wants us all to work harder to get along better and remember that the taxpayers are the most important people.

2013-073 Mr. Paxson made a motion to Adjourn at 3:31 P.M. Mrs. Prystaloski seconded. Roll Call: Mr. Paxson, yes; Mrs. Prystaloski, yes; and Ms. Graff, yes.

Trustee: _____

Fiscal Officer: _____