

**BEAVERCREEK TOWNSHIP
BOARD OF TRUSTEES
Regular Meeting Minutes
February 28, 2022**

CALL TO ORDER

Board of Trustees Chair Debborah Wallace called the regular meeting of the Beaver Creek Township Board of Trustees to order, followed by the Pledge of Allegiance. Those present were Trustee and Chair of the Board Debborah Wallace, Trustee and Vice Chair of the Board Jessica Dean, Trustee Tom Kretz, Fiscal Officer Ryan A. Rushing, Township Administrator Alex Zaharieff, Fire Chief David VandenBos, Road Superintendent Tim Parks, Fire Marshall Randy Grogean, Associate Economic & Zoning Administrator Max McConnell, Human Resources Director Trish Gustafson, Sergeant Chris Moore, Financial Manager Teri Molden, and Legal Advisor Dawn Frick.

APPROVAL OF THE AGENDA

Trustee Wallace asked if there were any changes and/or modifications to the agenda.

20220228-Admin-A: Trustee Dean **MOVED** to approve the agenda as presented, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

ACCEPTING FISCAL OFFICE REPORTS

20220228-Admin-B: Trustee Kretz **MOVED** accept the General Ledger Report, in the amount of \$336,060.01, for the 2-23-22 payroll, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

20220228-Admin-C: Trustee Dean **MOVED** to approve Payment Listings Report, in the amount of \$700,830.49, for warrants through 2-24-22, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

APPROVAL OF THE MEETING MINUTES

20220228-Admin-D: Trustee Kretz **MOVED** to adopt the February 14, 2022, Regular Trustee Meeting Minutes as presented, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

CITIZENS DESIRING TO SPEAK

Trustee Wallace stated that this is the portion of the meeting in which citizens desiring

to speak may do so. Having none, the Board moved to the next agenda item.

PRESCCHEDULED SPEAKER

Ted Sumnar from Huntington Bank spoke about Township's investment portfolio. They are invested appropriately for the current financial climate, with the following holdings:

Commercial Paper - \$2,200,000
FDIC Insurance CDS - \$4,036,000
US Bonds - \$2,000,000

The Township's portfolio has an average weighted yield of 40 basis points and an average maturity of 20 months.

Mr. Sumnar explained the market is pricing in 5-6 Fed Funds rate hikes through year end. 1.25% to 1.50% in rate hikes. Two-year Treasury yield is benchmark for direction of future Fed Funds rate, which is 1.51% currently. He further explained the Township's average maturing lends itself to being able to capture the growing yield rates as the Fed Fund rates move.

Lt. Doug Ransdell and Lt. Brian Hedrick spoke about Ohio Task Force One involvement in the Chaplain Tower Collapse rescue efforts. They both explained that this building collapse was unprecedented since the September 11, 2001, terrorist attacks.

The Board thanked both Lt. Ransdell and Lt. Hedrick for their efforts and to Ohio Task Force One.

OLD BUSINESS

Having no Old Business, the Board moved to the next agenda item.

NEW BUSINESS

20220228-ADMIN-E: A RESOLUTION IN HONOR OF PAIGE MCNACHTAN GIRL SCOUT GOLD AWARD

Trustee Kretz moved to adopt the following resolution:

WHEREAS, Paige McNachtan, a resident of Beaver Creek Township has completed the requirements for the Girl Scout Gold Award, the highest honor in Girl Scouts; and

WHEREAS, Ms. McNachtan is a 2021 graduate of Beaver Creek High School, and is currently a member of the Freshman Class at Ohio University; and

WHEREAS, Ms. McNachtan's Gold Award project, entitled "Aviation in Real Time" utilized National Aviation Heritage Area sites to build a photo campaign to educate

young women about STEM aspects of aviation; and

WHEREAS, Ms. McNachtan's Gold Award will be presented by the Girl Scouts of Western Ohio Council at a ceremony on March 6, 2022, at the David H. Ponitz Center of Sinclair Community College; and

WHEREAS, on this day, Beavercreek Township wishes to honor Paige McNachtan as a notable Citizen of the Township

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of Beavercreek Township, Greene County, Ohio expresses its pride and its heartfelt congratulations, as well as best wishes for success in all her future endeavors to Paige McNachtan.

IN WITNESS WHEREOF, we have here unto set our hand and caused the SEAL of Beavercreek Township to be affixed this 28th day of February, year 2022.

Trustee Dean seconded the motion to adopt the Resolution. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

GREENE COUNTY SHERIFF'S OFFICE

Sergeant Moore met with Mr. Kappeler at Ankeney soccer fields to go over traffic pattern changes for the upcoming soccer season.

Administrator Zaharieff presented the bi-weekly activity report.

HUMAN RESOURCES

Administrator Zaharieff presented the bi-weekly activity report.

COMMUNITY DEVELOPMENT AND RISK

20220214-CDR-A: A RESOLUTION AUTHORIZING THE GREENE COUNTY ENGINEER TO SUBMIT AN APPLICATION TO THE SAFE ROUTES TO SCHOOL PROGRAM THROUGH OHIO DEPARTMENT OF TRANSPORTATION FOR BEAVERCREEK CITY SCHOOLS PROJECTS

Trustee Dean moved the adoption of the following resolution:

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

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

WHEREAS, various Greene County agencies and representatives from Beaver Creek City Schools, the community, local governments, education, health, and public safety have worked as a committee over the last year developing the travel plan; and

WHEREAS, the Beaver Creek City Schools Safe Routes to School Committee has identified multi-use pedestrian paths and connection paths as being eligible for application through SRTS; and

WHEREAS, the Beaver Creek City Schools-Trebein Elementary/Coy Middle School Phase 1 Projects, hereinafter referred to as the Project, is a transportation activity eligible to receive federal funding; and

WHEREAS, the Beaver Creek City Schools Safe Routes to School Committee has been invited by ODOT to participate in the application process;

NOW THEREFORE BE IT RESOLVED THAT:

1) The Beaver Creek Township Board of Trustees hereby authorizes the Greene County Engineer, to prepare and execute an application for SRTS funds for the stated described project and to submit same to the State of Ohio, Department of Transportation. The Greene County Engineer shall be the lead party responsible for the administration of the grant funds and for the administration of the Project.

2) That the Beaver Creek City Schools, Beaver Creek Township and Greene County agree to pay One Hundred Percent (100%) of the construction cost over and above the maximum amount provided by the State of Ohio, Department of Transportation to satisfactorily complete the proposed project and become eligible for financial aid under the terms of the SRTS Program. The Greene County Engineer will provide the majority of the funds to be reimbursed. Beaver Creek Township will provide a local match of up to \$20,000. Other local matches include \$36,000 from Beaver Creek City Schools and \$36,000 from Greene County Parks & Trails.

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

4) If the application is approved for the SRTS funds, the Greene County Engineer is hereby empowered to enter into a contract with the Director of the Ohio Department of Transportation necessary to complete the above-described project.

FURTHER BE IT RESOLVED THAT, all formal actions of the Board of Trustees concerning and relating to the adoption of this resolution are being adopted at a duly called and authorized open meeting of the Board of Trustees on the date set forth above, such meeting being duly called pursuant to and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Trustee Kretz seconded the motion to adopt the Resolution. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Administrator Zaharieff presented the bi-weekly report.

INFORMATION TECHNOLOGY

Administrator Zaharieff presented the bi-weekly report.

FINANCE DEPARTMENT

Administrator Zaharieff presented the bi-weekly report.

ROAD DEPARTMENT

Mr. Parks spoke about erosion and flooding and improvements that have been made. He also mentioned that we did not receive the paving grant but do have the money budgeted for needed projects.

Administrator Zaharieff presented the bi-weekly report.

FIRE DEPARTMENT

Chief VandenBos spoke about the purpose of fit testing N-95 masks.

Administrator Zaharieff presented the bi-weekly report.

LEGAL ADVISOR

Nothing to bring to the board's attention at this time.

FISCAL OFFICER

Fiscal Officer Rushing explained that the state legislature amended the Ohio Revised Code to allow adequate insurance policy coverage in lieu of surety bonds. This bond is known as Employee Dishonesty and Faithful Performance of Duty coverage. Mr. Rushing explained the Township's property and liability risk pool OTARMA reached out to staff offering this type of insurance but prior to electing coverage, the Board has to

adopt the following resolution authorizing it per state statute. This coverage would not only cover the elected officials and the Fiscal Officer's assistants, as surety bonds do, but would also be able to cover any employee who handles public funds. In addition, this coverage would cover "honesty mistakes" versus just issues of nonperformance of official duties. In addition, this coverage would remove some personal liability of the public officials covered.

20220214-FIN-A: A RESOLUTION AUTHORIZING EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN LIEU OF SURETY BONDS

Trustee Kretz moved the adoption of the following resolution:

WHEREAS, Beaver Creek Township, Greene County is a member of the Ohio Township Association Risk Management Authority ("OTARMA"), a political subdivision risk pool established pursuant to Ohio Revised Code (hereinafter "ORC") 2744.081; and

WHEREAS, in accordance with ORC 3.061, the township must adopt a policy by resolution to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee shall have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
3. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
4. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law.
5. Elected officials, prior to taking the oath of office and holding office, shall obtain approval of the intent to use the township's OTARMA coverage agreement and affirm that the township's coverage complies with ORC 3.061. Said approval shall be obtained by the Beaver Creek Township, Greene County.

WHEREAS, Beaver Creek Township, Greene County's, "employee dishonesty and

faithful performance of duty policy" through the OTARMA coverage document complies with ORC 3.061: and

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Trustees of Beavercreek Township, Greene County Ohio, favorably passed the above resolution and: Hereby authorizes the township to purchase and use "employee dishonesty and faithful performance of duty policy" instead of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

FURTHER BE IT RESOLVED THAT, all formal actions of the Board of Trustees concerning and relating to the adoption of this resolution are being adopted at a duly called and authorized open meeting of the Board of Trustees on the date set forth above, such meeting being duly called pursuant to and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Trustee Kretz seconded the motion to adopt the Resolution. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

TRUSTEES

Trustee Wallace reported that Miami Valley Regional Planning Commission (MVRPC) meeting is Thursday and US Rt. 35 and Trebein Rd. are number one on the list for Greene County.

Administrator Zaharieff reported that MVRPC Technical Advisory Committee had no report.

Trustee Kretz reported that the Regional Planning and Coordinating Commission of Greene County (RPCC) had no report.

Trustee Dean reported that the Health Department District Advisory Council will meet Thursday.

Administrator Zaharieff reported that the School Superintendent, City Manager, and Township Representative committee had no meeting. He met with the City Manager regarding American Rescue Plan funds and income tax as well as an agenda for the joint meeting with the city on April 18th. Both will be attending the state and national conventions this year in person. Thursday, June 16th or Thursday, July 14th at 6:30pm are both being looked at for a joint meeting with the school board.

Administrator Zaharieff reported that the Wright Patterson AFB Restoration Advisory Board has a meeting scheduled for March 21st @ 6:00pm and is open to the public.

Trustee Wallace reported that Greene County Township Association will meet next Tuesday and RSVPs are due to the County Engineer.

Trustee Kretz reported that the Investment Oversight Committee has no report.

Trustee Wallace called a 35-minute recess before the start of the public hearing.

Trustee Wallace announced that all parties agreed to start the public hearing.

Firefighter/Paramedic Discipline Hearing

Both parties waived their opening arguments.

Attorney Doug Anspach from Taft, Stettinius & Hollister called Chief VandenBos to testify.

Chief VandenBos stated that Mr. Collins state certifications for firefighter and paramedic expired and the next morning he notified his supervisor and began the process of renewing those certifications. Chief VandenBos verified that the certifications had expired, verified that Mr. Collins certifications were renewed, and prepared charges according to Trustee request.

Mr. Anspach requested more information about the certifications.

Chief VandenBos described the Professional Firefighter Level 2 as one that permitted performance of duties as a firefighter, the EMT/paramedic certification allows for the performance of emergency medical services, and a fire safety inspector certification which is not directly related to Mr. Collins job duties.

Mr. Anspach asked how often those certifications need to be renewed.

Chief VandenBos stated every three years on the certified members birthday.

Mr. Anspach asked the process for renewal.

Chief VandenBos replied that you receive a series of reminders from the state and there are mail-in options and online options. You would login to the state certification website, put in information about having the required continuing education hours, respond to a few other declarations that you are legally allowed to hold the certification, then submit the request for re-certification. It is an automatic process.

Mr. Anspach asked how long the process takes.

Chief VandenBos replied that the process takes five minutes if the continuing education is complete.

Mr. Anspach asked if the employer or employee is responsible for that process.

Chief VandenBos replied that it is the responsibility of the employee.

Mr. Anspach asked Chief VandenBos to state how he became aware of the situation.

Chief VandenBos replied that he became aware through the chain of command. Mr. Collins notified his direct supervisor who notified the Division Chief of Operations who notified him.

Mr. Anspach asked if he had had a conversation with Firefighter Collins regarding the matter.

Chief VandenBos replied that he had.

Mr. Anspach asked for the details of that conversation.

Chief VandenBos stated that had had an in-depth conversation with Mr. Collins and asked him what happened. He stated that he had started the process of re-certification, been interrupted, stopped, and did not go back to complete it. Because it is on a person's birthday, he most likely remembered the next day and made the notifications. Mr. Collins expressed ownership of the incompleteness and immediately began the process to renew the certification and completed it later that day or early the next.

Mr. Anspach handed Chief VandenBos and the Trustees a document to look at and asked him to identify it.

Chief VandenBos stated that it was the printed verification from the state that Mr. Collins certifications are currently active after a period of inactivity.

Mr. Anspach asked if Firefighter Collins had been subject to past discipline during his employment with the Township.

Chief VandenBos replied that he had.

Mr. Anspach asked for the result of that discipline.

Chief VandenBos replied that he had entered into a last chance agreement as a result of a driving violation a little over a year ago.

Mr. Anspach handed out another document and asked Chief VandenBos to identify it.

Chief VandenBos replied that it was a copy of the last chance agreement from October of 2020.

Mr. Anspach asked for a recommendation, with respect to the current violation and past behavior of Firefighter Collins, on current discipline.

Chief VandenBos stated that both offenses are major breaches of trust and responsibility with the organization so while he does not have a specific recommendation, he believes the discipline needs to send a message that behavior needs to be appropriate and core responsibilities of maintaining certifications and other responsibilities towards employment need to be honored so discipline should be more than a reprimand and should be a suspension or termination. This is especially important because there has been a pattern of behavior displayed.

Mr. Anspach rested his case.

Trustee Wallace asked Mr. Collins if he would like to cross-examine. He declined.

Trustee Wallace asked Mr. Collins if he would like to make a presentation to the Board.

Robert Collins stated that his recertification expiration was January 9th and he failed to submit his recertification forms for renewal. He realized this Monday morning, about 45 minutes into his shift, that he had forgotten to complete the submission. He admitted that it is not a hard process and that it had slipped his mind.

Trustee Wallace asked if Mr. Collins would like to call any witnesses. He declined.

Trustee Wallace asked Mr. Anspach if he would like to cross-examine. He declined.

Both the Township and Mr. Collins declined to make a closing statement.

20220228- Admin-F: Trustee Dean **MOVED** to enter Executive Session, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

TA Zaharieff reminded Trustee Dean that the correct ORC section should be included in the motion.

20220228- Admin-G: Trustee Dean **MOVED** to enter Executive Session, pursuant to Ohio Revised Code section 121.22(G)(1) to consider the dismissal or discipline of a public employee, or the investigation of charges or complaints against a public employee, seconded by Trustee Kretz with discussion and asked Mr. Collins to clarify that he had made the discovery 45 minutes into his shift. Mr. Collins agreed that that was correct. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

20220228-Admin-H: Trustee Dean **MOVED** to exit executive session, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

20220228-Admin-I: Trustee Dean **MOVED** to find Bobby Collins is guilty of charge one: nonfeasance, for failing to maintain his certifications as required as a condition of employment, seconded by Trustee Kretz with discussion.

Trustee Kretz read a section of Mr. Collins last chance agreement and defined nonfeasance as failure to perform an act that is required by law. He asked TA Zaharieff if it is a condition of employment to maintain certifications and TA Zaharieff replied that it is. Trustee Kretz stated that a concern is the 45-minute lag in reporting the lapse and that if Firefighter Collins had gone on a call during that time, the Township would be liable. He stated that he appreciates Mr. Collins taking responsibility for his actions but equally is concerned that a last chance agreement should mean last chance.

Trustee Kretz asked Legal Advisor Dawn Frick for some wording clarification.

Ms. Frick clarified that the last chance agreement states that if there had been another driving violation, termination would be required. Other violations, such as this, allowed the Board to determine if termination or another form of discipline was required.

Trustee Dean stated that a serious discipline should be considered due to the nature of the charge.

Trustee Wallace agreed.

Trustee Kretz asked if he could ask Mr. Collins an additional question.

Ms. Frick stated that he could.

Trustee Kretz asked Mr. Collins if he was absolutely certain that he did not go on any calls while his certification was lapsed.

Mr. Collins stated that he was certain.

Ms. Frick noted that if the Board determines to discipline Mr. Collins instead of terminating him, his last chance agreement is still in effect until three years after the initial violation, October 23, 2023.

Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

20220228-Admin-J: Trustee Dean **MOVED** to suspend Firefighter/Paramedic Collins for 10 shift days without pay, seconded by Trustee Kretz with the clarification that the existing last chance agreement stays in place for its duration. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
FEBRUARY 28, 2022, MEETING MINUTES

REGULAR MEETING

20220228-Admin-K: Trustee Dean made a **MOTION** to adjourn the meeting, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

APPROVED:



Deborah L. Wallace, Chair

ATTESTED:



Ryan A. Rushing, Fiscal Officer

3-74-2022
Date