

**BEAVERCREEK TOWNSHIP  
BOARD OF TRUSTEES  
Regular Meeting Minutes  
May 23, 2022**

**CALL TO ORDER**

Board of Trustees Chair Debborah Wallace called the regular meeting of the Beavercreek 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 Vandenberg, Road Superintendent Tim Parks, Fire Marshall Randy Grogan, Associate Economic & Zoning Administrator Max McConnell, Human Resources Director Trish Gustafson, Sergeant Chris Moore, Finance Director Teri Molden, Roads Superintendent Tim Parks, Assistant Roads Superintendent John Schroeder, and Legal Advisor Dawn Frick.

**APPROVAL OF THE AGENDA**

Trustee Wallace asked if there were any changes and/or modifications to the agenda. Legal Advisor Dawn Frick requested to add an executive session per Ohio Revised Code Section 121.22(G)(1) to consider the discipline of a public employee and the investigation of complaints against a public employee.

**20220523-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**

**20220523-Admin-B:** Trustee Kretz **MOVED** accept the General Ledger Report, in the amount of \$338,781.58, for the 5-18-22 payroll, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Admin-C:** Trustee Dean **MOVED** to approve Payment Listings Report, in the amount of \$600,097.67, for warrants through 5-19-22, 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**

**20220523-Admin-D:** Trustee Kretz **MOVED** to adopt the May 9, 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.

**OLD BUSINESS**

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

**NEW BUSINESS**

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

**GREENE COUNTY SHERIFF'S OFFICE**

Administrator Zaharieff presented the bi-weekly activity report.

Sergeant Moore stated June 4<sup>th</sup> and 5<sup>th</sup> is the Creek Classic and the Greene County Sheriff's Office combined with the Ohio Department of Highway Patrol are taking all available measures to keep those traveling to, from, and through the area safe and keep the speed of traffic going. Due to changes to US-35 and the inability to control traffic signals locally, staff's aim is to do the best with the resources provided and learn from it for following soccer events.

**HUMAN RESOURCES**

Administrator Zaharieff presented the bi-weekly activity report.

**COMMUNITY DEVELOPMENT AND RISK**

Administrator Zaharieff stated that the Township would be withdrawing the Community Investment Grant for the airport. Mr. Zaharieff stated that the county administrator advised that Greene County would use ARPA funds for the remodel terminal project at the airport. Mr. Zaharieff stated the Board will not have to consider the MOU that was presented in the packet.

Administrator Zaharieff presented the bi-weekly activity report.

## **INFORMATION TECHNOLOGY**

Administrator Zaharieff presented the bi-weekly activity report. Mr. Zaharieff stated that the network switch replacement project for the Township Government Center will be on the next agenda and was a budgeted item 2022.

## **FINANCE DEPARTMENT**

Administrator Zaharieff presented the bi-weekly activity report.

Trustee Kretz asked when the next audit will occur and what fiscal years will be audited.

Finance Director Molden stated the Township's IPA firm BHM Group anticipates sometime in July. The IPA firm will conduct a single audit for fiscal year 2020 due to federal expenditures exceeding \$750,000 and a regular audit for fiscal year 2021.

Fiscal Officer Rushing informed the Board that the cost for the 2020 audit will increase due to the increase level of testing due to the single audit standards. A purchase request will be brought to the Board at a future meeting to approve.

Trustee Kretz asked if the IPA firm is paid directly or does the Township pay the Auditor of State's Office who then pays the IPA firm.

Fiscal Officer Rushing stated the Auditor of State's Office reviews all invoices submitted by IPA firms prior to releasing and approving them for payment to the local entity.

## **ROAD DEPARTMENT**

Superintendent Parks and Road Foreman Schroeder presented several purchase requests for the budgeted Community Room remodel. This project has been budgeted for several years and the submitted quotes represent the input from internal stakeholders and recommendations from the Township's IT provider Perigon.

Trustee Wallace stated her initial concern on the overall cost of the project, but after reviewing the scope of services and product being installed, she better understood the need.

Trustee Kretz questioned if multiple vendors were contacted for quotes.

Mr. Schroeder stated that staff had not reached out to multiple vendors for every item but requested quotes from vendors the Township regularly uses. He stated that several of these items the Township recently purchased and to remain consistent with not only

product, but if need for any warranty work, the same vendor was sought for quote.

Trustee Kretz stated he does know of any current issues with current Township vendors but has experienced significant quote price gaps among vendors for essentially the same product in his professional life. Trustee Kretz challenged staff to get quotes for more than one vendor and stated he would feel more comfortable approving these purchase requests to non-specific vendors as opposed to specific vendors, plus stating the motions should be read as "not to exceed" to allow staff to seek other quotes. Administrator Zaharieff advised the Audio/Video equipment is due to be replaced and equipment continues to fail. Mr. Zaharieff advised that due to supply chain issues IT would like to order the Audio/Video equipment as soon as possible.

**20220523-Road-A:** Trustee Kretz **MOVED** to approve purchase request 22-Road-0383 for remodeling of the Beaver Creek Township Community Room in the amount not to exceed \$13,678.00, and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Road-B:** Trustee Kretz **MOVED** to approve purchase request 22-Road-0384 for remodeling of the Beaver Creek Township Community Room in the amount not to exceed \$50,483.78, and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Road-C:** Trustee Kretz **MOVED** to approve purchase request 22-Road-0385 for remodeling of the Beaver Creek Township Community Room in the amount not to exceed \$17,433.78, and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Road-D:** Trustee Kretz **MOVED** to approve purchase request 22-Road-0386 for remodeling of the Beaver Creek Township Community Room in the amount not to exceed \$8,403.66, and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Administrator Zaharieff thanked the Board and advised that the overall project is under the 2022 budgeted amount.

Administrator Zaharieff presented the bi-weekly activity report.

## FIRE DEPARTMENT

Chief VandenBos recognized Firefighters Scott Addis and Steve Hamilton for their excellent response on a recent medical call.

Division Chief Hawker presented information in regard to the changing EMS billing fees to more accurately reflect the services rendered. The last change to fee was updated and authorized in 2019. The recommended schedule is as follows:

<u>Service Type</u>	<u>Current Fee</u>	<u>Recommended Fee</u>
ALS1, Emergency	\$874.00	\$874.00
ALS2, Emergency	\$1030.00	\$1100.00
BLS	\$592.00	\$620.00
Mileage	\$13.30	\$17.50

**20220523-Fire-A:** Trustee Dean **MOVED** to approve the recommended EMS billing fees, and to authorize the Fire Chief to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Chief VandenBos presented purchase request 22-Fire-1207 to Operative IQ. This software has proven to be very beneficial in maintaining compliance to various sections of the Ohio Revised Code in terms of inventory of assets.

**20220523-Fire-B:** Trustee Dean **MOVED** to approve purchase request 22-Fire-1207 to EMS Technology Solutions, LLC, for 12 months service agreement in the amount not to exceed \$21,552.00, and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Chief VandenBos presented the next purchase request. This is a request for \$36,690 to purchase structural firefighting gear for both current and future employees of the department in 2022. The gear we are purchasing is Lion Fire Apparel, which is the same as our current gear. This gear is covered in our service agreement for professional inspections with Phoenix Safety Outfitters. This purchase will cover all sets of gear that need to be purchased for new hires and gear that has expired this year. The price of structural firefighting gear has increased 30% over the past year. The current price for a coat and pants is now \$3,669. Turnaround times are around 6 months currently. With this purchase, it will also replace some gear that expires in the first quarter of next year. Purchasing the gear this year will prevent any lapse in time a firefighter will go without a second set of gear due to the long manufacturing time. This

purchase will also help space out purchases of gear over the next 2 years to lessen the impact it will have on the budget in 2023.

**20220523-Fire-C:** Trustee Kretz **MOVED** to approve purchase request 22-Fire-1349 to Phoenix Safety Outfitters, for fire gear in the amount of \$36,690.00, and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

This request is to advertise a Request for Proposal to replace the existing, damaged communications tower at Station 63. The tower, damaged by the 2019 tornado cannot be repaired and must be replaced. The Township has received the insurance settlement for the tower damage. The advertised RFP is for the following scope of work:

- 1) Removal of all networking hardware from currently installed antenna
- 2) Removal and disposal of currently erected tower on site
- 3) The purchase, delivery, and erection of one (1) self-supporting antenna tower
- 4) Installation of all removed and replacement networking equipment

Submittals will be required to address (accept or take exception to) all parts of the tower specification and provide qualifications, affidavit of personal property tax, and Homeland Security Form 0038. Bids will be due Wednesday, July 6, 2022, at 10:00.

**20220523-Fire-D:** Trustee Dean **MOVED** to approve the advertisement and distribution of the Request for Proposals for the Station 63 replacement tower; and to receive subsequent bids; and to authorize the Township Administrator to sign for the Board, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Administrator Zaharieff presented the bi-weekly activity report.

## **LEGAL ADVISOR**

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

## **FISCAL OFFICER**

Fiscal Officer Rushing presented a resolution to authorize the Township to accept credit cards and other means of payments for Township operations. He stated this has been a goal by staff to add another avenue of convenience to residents and customers alike. Fiscal Officer Rushing Thanked Finance Director Teri Molden and staff for their work on this. Fiscal Officer Rushing also stated Legal has reviewed and found no exceptions. He looks forward to implementing this and increase the level of customer service to taxpayers.

Trustee Kretz asked if the merchant services is maintaining compliance or the Township.

Fiscal Officer Rushing stated the merchant services provider would hold PCI compliance for the Township and staff would be required to go through training.

**20220523-FIN-A: A RESOLUTION ACCEPTING PAYMENTS BY FINANCIAL TRANSACTION DEVICES FOR TOWNSHIP EXPENSES**

Trustee Kretz moved the adoption of the following Resolution:

**WHEREAS**, Ohio Revised Code 503.55 allows for acceptance of payments by financial transaction devices for Township expenses which reads;

(A) "Financial transaction device" includes a credit card, debit card, charge card, or prepaid or stored value card, or automated clearinghouse network credit, debit, or e-check entry that includes, but is not limited to, accounts receivable and internet-initiated, point of purchase, and telephone-initiated applications or any other device or method for making an electronic payment or transfer of funds.; and

(1) "Township expenses" includes fees, costs, assessments, fines, penalties, payments, or any other expense a person owes or otherwise pays to a Township.

(B) Notwithstanding any other section of the Revised Code and except as provided in division (D) of this section, a Board of Township Trustees may adopt a resolution authorizing the acceptance of payments by financial transaction devices for Township expenses. The resolution shall include the following:

(1) A specification of those Township offices that are authorized to accept payments by financial transaction devices.

(2) A list of Township expenses that may be paid for through the use of a financial transaction device.

(3) Specific identification of financial transaction devices that the board authorizes as acceptable means of payment for Township expenses. Uniform acceptance of financial transaction devices among different types of Township expenses is not required.

(4) The amount, if any, authorized as a surcharge or convenience fee under division (E) of this section for persons using a financial transaction device. Uniform application of surcharges or convenience fees among different types of Township expenses is not required.

(5) A specific provision as provided in division (G) of this section requiring the payment of a penalty if a payment made by means of a financial transaction device is returned or dishonored for any reason.

(6) The Township Fiscal Officer shall act as the Administrative Agent to solicit proposals in compliance with the procedures provided in division (C).

(C) The Township shall follow the procedures provided in this division whenever it plans to contract with financial institutions, issuers of financial transaction devices, or processors of financial transaction devices for the purposes of this section. The Township Fiscal Officer shall request proposals from financial institutions, issuers of financial transaction devices, or processors of financial transaction devices, as appropriate in accordance with the resolution adopted under division (B) of this section.

(D) A Board of Township Trustees adopting a resolution under this section shall post a copy of the resolution in each Township office accepting payment by a financial transaction device. Each Township office subject to the board's resolution adopted under division (B) of this section may use only the financial institutions, issuers of financial transaction devices, and processors of financial transaction devices with which the board of Township Trustees' contracts, and each such office is subject to the terms of those contracts.

(E) A Board of Township Trustees may establish a surcharge or convenience fee that may be imposed upon a person making payment by a financial transaction device. The surcharge or convenience fee shall not be imposed unless authorized or otherwise permitted by the rules prescribed by an agreement governing the use and acceptance of the financial transaction device.

If a surcharge or convenience fee is imposed, every Township office accepting payment by a financial transaction device shall clearly post a notice in that office and shall notify each person making a payment by such a device, about the surcharge or fee. Notice to each person making a payment shall be provided regardless of the



medium used to make the payment and, in a manner, appropriate to that medium. Each notice shall include all the following:

- (1) A statement that there is a surcharge or convenience fee for using a financial transaction device.
  - (2) The total amount of the charge or fee expressed in dollars and cents for each transaction, or the rate of the charge or fee expressed as a percentage of the total amount of the transaction, whichever is applicable.
  - (3) A clear statement that the surcharge or convenience fee is nonrefundable.
- (F) If a person elects to make a payment to the Township by a financial transaction device and a surcharge or convenience fee is imposed, the payment of the surcharge or fee shall be considered voluntary and the surcharge or fee is not refundable.
- (G) If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the Township for payment of a penalty over and above the amount of the expense due. The board of Township Trustees shall determine the amount of the penalty, which may be either a fee not to exceed twenty dollars or payment of the amount necessary to reimburse the Township for banking charges, legal fees, or other expenses incurred by the Township in collecting the returned or dishonored payment. The remedies and procedures provided in this section are in addition to any other available civil or criminal remedies provided by law.
- (H) No person making any payment by financial transaction device to a Township office shall be relieved from liability for the underlying obligation except to the extent that the Township realizes final payment of the underlying obligation in cash or its equivalent. If final payment is not made by the financial transaction device issuer or other guarantor of payment in the transaction, the underlying obligation shall survive, and the Township shall retain all remedies for enforcement that would have applied if the transaction had not occurred.
- (I) A Township official or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments.

**NOW THEREFORE BE IT RESOLVED THAT**, by the Beavercreek Township Trustees, Greene County, Ohio, that the Township elects allows for acceptance of payments by financial transaction devices for Township expenses.

1. The Township offices that are authorized to accept payments by financial transactions devices are Community Risk & Development, Fire, Fiscal, Finance, Cemetery and Roads.
2. The Township expenses that may be paid for through the use of a financial transaction device are Fees for Services, Permits, Donations, and Public Records Requests and other related transactions
3. Financial transaction devices that the board authorizes as acceptable means of payment for Township expenses are online payments using credit cards or bank accounts made using the current website platform, Civic Plus, along with Forte Payment Systems. There will also be one terminal located at Township Administrative Office.
4. For credit card transactions, a surcharge fee will be passed on to the customer. For electronic checks used for online payments a fee per transaction up to \$50.000.00 will be passed on to the customer.
5. If a person makes payment by financial transaction device and the payment is returned or dishonored for any reason, the person is liable to the Township for payment of a penalty over and above the amount of the expense due. The fee amount will not exceed \$20 and will cover any banking, legal or other expenditures incurred by the Township due to the dishonored payment.

**BE IT FURTHER RESOLVED:** that it is hereby found and determined that all formal actions of this Township concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Township Trustees, and that all deliberations of the Township Trustees and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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.

## TRUSTEES

Trustee Wallace reported that Miami Valley Regional Planning Commission (MVRPC) will meet on June 2, 2022.

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 have a meeting on June 2, 2022.

Administrator Zaharieff reported he will meet this week with the School Superintendent and the City Manager.

Administrator Zaharieff reported that the Wright Patterson AFB Restoration Advisory Board had no report.

Trustee Wallace reported that Greene County Township Association meeting is June 14 in Jamestown.

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

**20220523-Admin-E:** Trustee Kretz made a **MOTION** at 6:01 p.m. to move to executive session regarding Ohio Revised Code section 121.22(G)(1) to consider the employment and compensation of public employees, discipline of a public employee and the investigation of complaints against a public employee, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Admin-F:** Trustee Kretz made a **MOTION** to end executive session, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Admin-G:** Trustee Kretz made a **MOTION** to designate the fire chief to investigate the allegations of a hostile work environment and prepare the necessary charges in conformity with the applicable Ohio Revised Code sections, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Admin-H:** Trustee Kretz made a MOTION to designate the fire chief to investigate the manner in which a hostile work environment claim was received and handled by supervision and prepare the necessary charges in conformity with the applicable Ohio Revised Code sections, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

**20220523-Admin-I:** Trustee Dean made a MOTION to adjourn the meeting, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

APPROVED:

  
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Deborah L. Wallace, Chair

ATTESTED:

  
\_\_\_\_\_  
Ryan A. Rushing, Fiscal Officer

6-13-2022  
Date