

**The Board of Trustees of Sugarcreek Township, Greene County, Ohio, met in Regular Session, June 7, 2010, at 7:30 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.**

1. Chairperson Nadine Daugherty called the meeting to order at 7:28 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Nadine Daugherty and Mike Pittman being present. Mr. King was absent.  
Others present, in addition to Mr. Tiffany, who signed in were Jim Tharpe, Jim Martin, Donna Hellman, Scott Bryant, Barbara Burson, William Barrett, Sharon McGinnis, and Jeff Gaylor.

**4. Reports**

**A. Administration**

A report prepared by Mr. Tiffany is appended.

**B. Fire**

A report prepared by Chief Pavlak is appended. Mrs. Daugherty asked Chief Pavlak about the Certificate of Appreciation he and Joann Zimmerman received from Greene County Joint Vocational. Chief Pavlak said they received them for serving on the Adult Education Committee.

**C. Police**

A report prepared by Chief Flick, for the police department, is appended. Mr. Pittman read a Letter of Recognition issue by Chief Flick for a letter the Department received from a Citizen thanking Sgt. White for his services involving a traffic accident.

**D. Roads and Services**

A report prepared by Tracey Messer, Director of Roads and Services, is appended. Mr. Messer talked briefly about the proposed mandatory Federal EPA Storm Water Surveys on tonight's agenda.

**E. Zoning**

A report prepared by Cara KillKelley, Township Planner/Zoning Official, is appended. Cara said there were three properties on the agenda tonight to be declared a nuisance for vegetation and noxious weeds.

**F. Trustees**

Mr. Pittman said he attended the Memorial Day Service at the Bellbrook Cemetery. Mr. Pittman said he also attended the Greene County Trustee Association Meeting. Mr. Pittman said, thanks to Mr. Tiffany volunteering him, he will help establish a booth for the Association at the Greene County Fair.

**6. New Business**

**Fire Department**

G. Reclassification of Fire Department Personnel Under the Terms of the Acceptance of FY2008 Safer Grant: Brian R. Bacher, William J. Barrett, Jeffery A. Gaylor, Frederick W. Murray, and Shannon L. Sentell.

**Resolution # 2010.06.07.06**

WHEREAS, on May 15, 2009, the Sugarcreek Township Board of Trustees approved Resolution 2009.06.15.07, accepting the FY2008 Safer Grant; and,

WHEREAS, Chief Randall J. Pavlak is requesting, under the terms of the FY2008 Safer Grant, the reclassification of Brian R. Bacher, William J. Barrett, Jeffrey A. Gaylor, Frederick W. Murray and Shannon L. Sentell in support of the goals and objectives of the Sugarcreek Township Fire Department;

and,

WHEREAS, the funds for these employee status changes are allocated out of the FY2008 Safer Grant,

NOW THEREFORE, BE IT RESOLVED, that William J. Barrett, Frederick W. Murray and Shannon L. Sentell shall be reclassified to that of Part-time Firefighter/EMT at the pay rate of \$8.85 per hour, Jeffrey A. Gaylor shall be reclassified to that of Part-time Firefighter/EMT at the pay rate of \$8.50 per hour and Brian R. Bacher shall be reclassified to that of Part-time Firefighter/Paramedic at the pay rate of \$10.13 per hour.

FURTHER BE IT RESOLVED, these reclassifications shall have an effective date of June 21, 2010, with a one (1) year probationary period ending on June 21, 2011.

Mrs. Daugherty moved to accept the Resolution as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

Mr. Gaylor and Mr. Barrett were present and were personally congratulated by the Board and Staff.

**Fiscal Office**

**A. Payment of Bills**

Mrs. Daugherty moved to Accept the Payment of Bill as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**B. Transfer of Appropriations Roads and Services Department (Principal and Interest for Clio Road)**

**Resolution # 2010.06.07.01**

<b>Debit</b>		<b>Credit</b>		
<b>Fund Number</b>	<b>Account Name</b>	<b>Fund Number</b>	<b>Account Name</b>	<b>Amount</b>
2031-910-910	Roads and Services	3101-810-810	Bond Anticipation Note	\$650,000.00
2031-910-910	Roads and Services	3101-830-830	Bond Anticipation Note	\$ 17,825.35

**Total Transfer: \$667,825.35**

Mr. Pittman moved to accept the Transfer as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**Fire Department**

**C. Resignation of Part-time Firefighter/Paramedic, Megan A. Carboni**

**Resolution # 2010.06.07.02**

WHEREAS, Firefighter Megan A. Carboni has submitted her letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Firefighter Carboni has been a member of the Sugarcreek Township Fire Department

since December 2, 2002; and,

WHEREAS, Chief Randall J. Pavlak indicated in his May 27, 2010, correspondence that Firefighter Carboni has been on injury leave for the past eighteen (18) months due to an accident and is resigning in order to allow Sugarcreek Township to fill the part-time position she currently holds; and,

WHEREAS, Chief Pavlak states that Firefighter Carboni has no financial obligations to the Township and recommends we accept with regret her resignation,

NOW THEREFORE, BE IT RESOLVED, this Board of Sugarcreek Township Trustees officially accepts the resignation of Megan A. Carboni with an effective date of June 1, 2010, and publicly thanks her for the time she served our citizens.

D. Resignation of Part-Time Firefighter/EMT, Robert M. Conway

**Resolution # 2010.06.07.03**

WHEREAS, Firefighter Robert M. Conway has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Conway has been a member of the Sugarcreek Township Fire Department since December 3, 2001, and,

WHEREAS, Chief Randall J. Pavlak indicated in his May 27, 2010, correspondence that Firefighter Conway has no financial obligations to the Township and recommends we accept with regret his resignation,

NOW THEREFORE, BE IT RESOLVED, this Board of Sugarcreek Township Trustees officially accepts the resignation of Robert M. Conway with an effective date of June 1, 2010, and publicly thanks him for the time he served our citizens.

E. Resignation of Volunteer Firefighter, Rachel A. Adams and Eric N. McFarland

**Resolution # 2010.06.07.04**

WHEREAS, Firefighters Rachel A. Adams and Eric N. McFarland have submitted their letters of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Ms. Adams has been a member of the Sugarcreek Township Fire Department since April 18, 2005, and,

WHEREAS, Mr. McFarland has been a member of the Sugarcreek Township Fire Department since October 20, 2008, and,

WHEREAS, Chief Randall J. Pavlak indicated in his May 27, 2010, correspondence that neither Firefighter Adams nor Firefighter McFarland have financial obligations to the Township and recommends we accept with regret their resignations,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignations of Rachel A. Adams with an effective date of May 1, 2010 and Eric N. McFarland with an effective date of May 19, 2010.

F. Resignation of PALS Member Keith T. Knight

**Resolution # 2010.06.07.05**

WHEREAS, Chief Randall J. Pavlak states in his letter dated June 3, 2010, that Mr. Knight has submitted his resignation with an effective date of June 2, 2010; and,

WHEREAS, Keith T. Knight has been a member with the Professional Assistant Liaison System (PALS) since May 19, 2003; and,

WHEREAS, Chief Pavlak is requesting the Board accept with regret Mr. Knight's resignation,  
NOW THEREFORE, BE IT RESOLVED, that the Board of Township Trustees accepts the resignation of Keith T. Knight as a PALS Member with the Sugarcreek Township Fire Department effective June 2, 2010.

Mrs. Daugherty moved to accept the Resignations Megan A. Carboni, Robert M. Conway, Rachael A. Adams, Eric N. McFarland, and Keith T. Knight. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**Police Department**

H. Resignation of Full-time Police Officer, Zachary W. Johnson

**Resolution # 2010.06.07.07**

WHEREAS, Zachary W. Johnson has submitted his letter of resignation from the Sugarcreek Township Police Department (copy attached hereto and incorporated herein); and,

WHEREAS, Officer Johnson has been an employee of the Sugarcreek Township Police Department since April 21, 2008; and,

WHEREAS, Police Chief, Gilbert A. Flick, recommends we accept Officer Johnson's resignation,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Zachary W. Johnson effective June 6, 2010.

Mr. Pittman moved to accept the Resolution as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

I. Appoint Part-time Dispatcher, Tara S. Melvin

**Resolution # 2010.06.07.08**

WHEREAS, the continuing need exists to maintain proper staffing within the Sugarcreek Township Communications Department; and,

WHEREAS, a vacancy exists within the classification of part-time Dispatcher; and,

WHEREAS, this vacancy was advertised and applications for the position were evaluated by Lieutenant James K. Deaton and Chief Gilbert A. Flick; and,

WHEREAS, the Chief of Police, Police Lieutenant and Township Administrator have identified

Tara S. Melvin as an ideal candidate for the position of part-time Dispatcher,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees appoints Tara S. Melvin to the position of part-time Dispatcher at the pay rate of \$11.50 per hour.

FURTHER BE IT FURTHER RESOLVED, this appointment shall have an effective date of June 7, 2010, and will be subject to a one (1) year probationary period ending June 7, 2011.

Mrs. Daugherty moved to accept the Resolution as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**Roads and Services Department**

J. Resolution in Opposition of the Proposed Mandatory Federal EPA Storm Water Survey for Small MS4 Storm Water Permit Holders

**Resolution # 2010.06.07.09**

WHEREAS, Sugarcreek Township is currently a co-permit holder of the Greene County MS4 Storm Water Permit, and;

WHEREAS, the Sugarcreek Township Board of Trustees opposes the proposed mandatory Federal EPA Storm Water Survey for small MS4 storm water permit holders due to the extensive, unfunded cost to be born by local government; and,

WHEREAS, this Board of Trustees fully supports the letter written by Ronald S. Volkerding, P.E. Director of the Greene County Sanitary Engineering Department,

NOW THEREFORE, BE IT RESOLVED that this Board of Trustees for Sugarcreek Township, Greene County, Ohio opposes the proposed mandatory Federal EPA Storm Water Survey for small MS4 storm water permit holders.

Mr. Pittman moved to accept the Resolution as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**Administration**

K. Declaration of Excess Property for Administration, Fire and Roads and Services Departments

**Resolution # 2010.06.07.10**

WHEREAS, the Sugarcreek Township Administration, Fire and Roads and Services Departments have identified equipment which is no longer needed for operations, and;

WHEREAS, the items on the attached sheet have an individual value of \$2,000.00 or less,

NOW THEREFORE BE IT RESOLVED, this Sugarcreek Township Board of Trustees hereby declares the attached list of property to be excess and directs the appropriate disposition of this property.

Mr. Tiffany said there was a correction on one of the items on the list.

Mrs. Daugherty moved to table the Resolution until the list was corrected. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

L. Declaration of Excess Police Department and Roads and Services Department Property

**Resolution # 2010.06.07.11**

WHEREAS, the Sugarcreek Township Police Department and Roads and Services Department have identified equipment which is no longer needed for operations, and;

WHEREAS, the Police Department equipment is identified as a 2005 Ford Crown Victoria police cruiser, VIN number 2FAFP71W35X116728 that is in disrepair, and;

WHEREAS, the Roads and Services Department equipment is identified as a 2003 Ford Crown Victoria, VIN number 2FAFP71W23X125708, and;

WHEREAS, the Greene County Career Center has expressed an interest in these vehicles for use in their educational programs, and;

WHEREAS, both of these vehicles have an individual value of less than the repair cost to make them roadworthy for service,

NOW THEREFORE BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby declares these vehicles to be excess and directs their transfer to the Greene County Commissioners for use at the Greene County Career Center.

Mr. Pittman moved to accept the Resolution as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

M. Declaring a Nuisance at 3295 Penewit Road

**Resolution # 2010.06.07.12**

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 3295 Penewit Road and has observed vegetation and noxious weeds exceeding 12” in height; and,

WHEREAS, at least seven days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control or removal is not made within seven (7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 3295 Penewit Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of

such vegetation in accordance with the provisions of ORC 505.87.

N. Declaring a Nuisance at 3728 Ferry Road

**Resolution # 2010.06.07.13**

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 3728 Ferry Road and has observed vegetation and noxious weeds exceeding 12” in height; and,

WHEREAS, at least seven days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control or removal is not made within seven (7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 3728 Ferry Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of such vegetation in accordance with the provisions of ORC 505.87.

O. Declaring a Nuisance at 1157 McBee Road

**Resolution # 2010.06.07.14**

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 1157 McBee Road and has observed vegetation and noxious weeds exceeding 12” in height; and,

WHEREAS, at least seven days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control or removal is not made within seven (7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 1157 McBee Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of such vegetation in accordance with the provisions of ORC 505.87.

Mrs. Daugherty moved to declare a Nuisance at Property Addresses 3295 Penewit Road, 3728 Ferry Road

and 1157 McBee Road. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**P. Approve School Resource Officer Agreement**

Mr. Tiffany said the new Agreement is the same as the previous year other than an increase in the hourly rate to thirty dollars.

Mr. Pittman moved to accept the Agreement. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

**Trustee/Staff**

In order to pursue the creation of a Little Miami River Overlay District, Mr. Tiffany suggested a model be created by consulting with Mr. Eric Partee of Little Miami Inc. and Mr. Bob Gable of the Ohio Department of Natural Resources. The Board and Cara KillKelley agreed. Mr. Tiffany said he would see if a work session could be set up in the next couple of weeks.

Mrs. Daugherty said she would like to see the Department Heads in attendance at the work sessions at least once a month. Mr. Pittman agreed.

Mr. Pittman said the 'GO' section of the Dayton Daily News omitted the Township Farmers Market when listing the local Farmer's Markets.

Chief Pavlak encouraged everyone to read H.B. 400 which calls for an elimination of State Income Tax by 2020. Chief Pavlak said it was interesting reading.

**Public Comments**

Mr. Jim Martin said, referring to Mr. Messer comments on EPA requirements, that eventually all Cities with populations greater than ten thousand will be required to have a treatment plant. The Township will not since it will be handled by the County. Mr. Martin said if the Merger Issue goes to a vote it will do so with a lot of propaganda. We do have enough information to know taxes will go up and there will be an Income Tax. It is time for the Trustees to stand up and say they don't want it.

Mrs. Daugherty moved to adjourn at 8:35 pm. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mrs. Daugherty - Yes

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Theodore L. Hodson, Fiscal Officer