

**The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on May 7, 2012, at 7:00 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.**

1. Chairperson Nadine Daugherty called the Session to order at 7:00 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Scott Bryant, Mike Pittman and Nadine Daugherty being present. In addition to Township Administrator Barry Tiffany, others present who signed in were Donna Hellman, Jim Tharpe, Thomas Gilvin, William Goodpastor, Myles Corwin, Doug Betz, Brian Saunders, Johna Dingus, Kevin Sanders, Amelia Robinson, Amy and Ashley Fry, Beth Umine, Caitlin Umine, Jason and Emily Praeter, Rick and Sara Benge, Ben Kelly, Susie and Steve Williamson and Jim Martin. Mrs. Daugherty said since Mr. Baldino had another meeting to attend and, so family members of others being honored did not have to sit through the whole meeting, she would skip ahead on the agenda.

**Administration**

- O. Appointment of Board of Zoning Commission Alternate Doug Betz

**Resolution # 2012.05.07.13**

WHEREAS, the Board of Zoning Commission plays a pivotal role in the land-use decisions for Sugarcreek Township; and,

WHEREAS, an open alternate position exists and it is imperative that all positions on the Zoning Commission be filled with Citizens who will make decisions in the best interest of Sugarcreek Township; and,

WHEREAS, Mr. Doug Betz has expressed a genuine interest in serving on the Board of Zoning Commission; and,

WHEREAS, Mr. Doug Betz was interviewed by Chairperson William Schieman and Board Member Charles Schwegman and found to have the necessary qualifications to serve as an alternate member on the Board of Zoning Commission; and,

NOW THEREFORE, BE IT RESOLVED, that Mr. Doug Betz is hereby appointed to the position of Alternate Member on the Board of Zoning Commission for the remainder of a five-year term beginning April 1, 2012, and expiring on March 31, 2014. (Said appointment made pursuant to Ohio Revised Code Section 519.13.)

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mr. Betz came forward to introduce himself. Mr. Pittman thanked Mr. Betz for taking Mr. Baldino's place as an alternate for the Board of Zoning Appeals. Each of the Trustees personally welcomed Mr. Betz to the Zoning Commission.

N. Appointment of Board of Zoning Commission Member John Baldino

**Resolution # 2012.05.07.12**

WHEREAS, the five-year term of a Board of Zoning Commission member has expired with said Board Member opting not to continue on the Board; and,

WHEREAS, the Board of Zoning Commission plays a pivotal role in the land-use decisions for Sugarcreek Township; and,

WHEREAS, it is imperative that all positions on the Zoning Commission be filled with citizens who will make decisions in the best interest of Sugarcreek Township; and,

WHEREAS, John C. Baldino currently holds the position of Alternate Member on the Board of Zoning Commission, is fully qualified and has expressed a genuine interest in serving on the Board of Zoning Commission in the member capacity; and,

NOW THEREFORE, BE IT RESOLVED, that John C. Baldino is hereby appointed to the Board of Zoning Commission for a five-year term beginning April 1, 2012, and expiring on March 31, 2017. (Said appointment made pursuant to Ohio Revised Code Section 519.13).

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

P. Congratulating the 2011-2012 Bellbrook High School Girls Varsity Basketball Team.

**Resolution # 2012.05.07.14**

WHEREAS, it is well-known that coaches and players on a team work toward a common goal utilizing their teamwork skills; and,

WHEREAS, in order for a team to be effective, their teamwork needs to consist of more than a common goal, it also needs good instruction and mentorship of their coaches to establish clear roles and contributions, gain satisfaction from working together, accountability, and an appreciation for the skills of the team; and,

WHEREAS, the Bellbrook High School Girls Varsity Basketball team had a successful year, finishing with an impressive 22-4 record, qualifying them to compete at the 2012 OHSAA Girls Basketball Division II Semi-Finals for the first time since 1976,

NOW, THEREFORE, BE IT RESOLVED, this Sugarcreek Township Board of Trustees would like to offer congratulations and recognize the following members of the 2011-2012 Bellbrook High School Girls Varsity Basketball team: Caroline Hypes, Hannah Songer, Gabrielle Etter, Kaitlin Gibson, Lexie Seger, Caitlin Umina, Capt. Shelby Sigman, Capt. Leisha Crawford, Liz Dimbath, Chea Taylor, Emily Smith, Madi Hofacker, Erin Dorn, Kelly Neumann, and Livia Baker.

FURTHER BE IT RESOLVED, this Board of Trustees would like to offer congratulations and recognize the following coaches and staff of the 2011-2012 Bellbrook High School Girls Varsity Basketball team: Head Coach Jason Tincher, Assistant Coach Jeff Eckley, Assistant Coach Nicole Sam, Manager Joe Kenney, and Trainer Angela Stahl.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

As Mr. Bryant read the Resolution each of the girls present stood up. Mr. Bryant congratulated them for a great achievement. He said it was a job well done and applauded them for their hard work. Mr. Pittman thanked all of them for their efforts and thanked those supporting them. Mrs. Daugherty concurred with Mr. Bryant and Mr. Pittman and congratulated them for their outstanding team effort. The girls came forward and had their picture taken with the Board, Staff and their Coach.

Q. Honoring the Accomplishments of the 2011-2012 State Wrestling Champion. Bellbrook High School Freshman Cameron Kelly.

**Resolution # 2012.05.07.15**

WHEREAS, to be a good athlete you need to work hard, but to be a great athlete you need to have commitment, dedication and determination; and,

WHEREAS, through the years Cameron Kelly has shown he has qualities of a great athlete; and,

WHEREAS, during the 75<sup>th</sup> Annual State Wrestling Meet, Cameron Kelly, a two-time Junior High School wrestling champion, became the first Bellbrook wrestler to advance to the State finals since 1993; and,

WHEREAS, on March 3, 2012, Cameron Kelly became the first State champion at Bellbrook High School ending his wrestling season 45-1 as the Champion of the 106 pound class for Division II in Ohio.

NOW, THEREFORE, BE IT RESOLVED, this Sugarcreek Township Board of Trustees would like to offer congratulations to Cameron Kelly for his many wrestling achievements to date and those to come in the future.

FURTHER BE IT RESOLVED, this Board of Trustees would like to offer congratulations and recognize the Bellbrook High School wrestling coach, Bob Kosins for his mentorship and commitment to Cameron and the wrestling team.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mr. Kelly came to the podium and Mr. Tiffany asked him several questions regarding wrestling weight divisions etc. The board all expressed their congratulations and Mr. Kelly had this picture taken with the Board and his Father.

#### **Fire**

Chief Pavlak asked Mr. Ashley Fry, Mr. Jason Praeter, and Mrs. Emily Praeter to come forward. Chief Pavlak said Mr. Fry was involved in a serious accident on Wilmington Pike. He said when he arrived at the scene Mr. and Mrs. Praeter were present and attending to Mr. Fry. He said Mr. Fry had a life threatening injury to his arm and was in danger of bleeding to death. On his arrival Mrs. Praeter was in the road helping with traffic and Mr. Praeter had applied a belt tourniquet to Mr. Fry's arm, which probably saved his life. Mr. Fry was Care Flighted to the hospital and is recovering well. Mr. Fry thanked Emily and Jason Praeter and all involved for saving his life. Chief Pavlak presented the Praeter's with a certificate recognizing and thanking them for their outstanding and life saving aid. Mr. Martin said to the Praeter's as they were taking their seats that we hadn't heard the word 'hero' tonight but they were truly heroes. The Firefighters involved had arrived at the meeting and Mrs. Daugherty called for a short recess so all involved could visit.

#### **Fire**

- E. Appointment of Fire Personnel Myles B. Goodwin, Brian M. Sanders, William G. Goodpaster and Thomas J, Gilvin

#### **Resolution # 2012.05.07.03**

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

WHEREAS, vacancies exist within the classification of Volunteer, Part-time Firefighter/EMT and Part-time Safer Firefighter/EMT; and,

WHEREAS, Chief Pavlak has recommended the appointments of Myles B. Corwin as Volunteer Firefighter, William G. Goodpaster and Brian M. Sanders as Part-time Firefighter/EMT's, and Thomas J. Gilvin as Part-time Safer Firefighter/EMT in support of the goals and objectives of the Sugarcreek Township Fire Department; and,

WHEREAS, funds are available for this purpose within the Fire Department's 2012 Operating Budget; and,

WHEREAS, Part-time Township employees are hired with the expectation that the employee(s) will work not more than one-thousand five-hundred (1,500) hours total in any year, calculated annually from the date of part-time appointment,

NOW THEREFORE, BE IT RESOLVED, that Myles B. Corwin shall be appointed to the position of Volunteer Firefighter, William G. Goodpaster and Brian M. Sanders shall be appointed to the positions of Part-time Firefighter/EMTs, and Thomas J. Gilvin shall be appointed to the position of Part-time Safer Firefighter/EMT.

FURTHER BE IT RESOLVED, that these positions shall have an effective date of May 7, 2012, with a one (1) year probationary period ending on May 7, 2013. Mr. Pittman moved to accept the Resolution as presented. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

All the new appointees came forward and had their pictures taken with the Board and Staff and were personally thanked by all.

## **Community Activities**

### **Reports**

#### **A. Administration**

A report prepared by Mr. Tiffany will be appended to the permanent record. Mr. Tiffany said he had nothing to add.

#### **B. Fire**

The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak thanked the Roads and Services Department for their help during the Sugar Maple Festival. Mr. Tiffany asked if the new Rescue Unit was in., Chief Pavlak said it was. Mr. Bryant asked what we were doing with the old unit. Chief Pavlak responded that Beaver Creek Twp. was interested in it. If not, it will go out to bid.

#### **C. Police**

The report prepared by the Police Department will be appended to the permanent record. Chief Deaton said Officer Colon is doing a great job with the Guide Camp. Mrs. Daugherty asked how things were going with the camp. Chief Deaton said we now have about 40 attendees. Mr. Bryant asked about their activities. Chief Deaton said it will be drug education mixed with normal camp activities and the camp will run from Thursday through Saturday.

**D. Roads and Services**

The report prepared by Mr. Messer will be appended to the permanent record. Mr. Messer said the Road on Little Sugarcreek has slipped about 5 inches. He said he could not finalize the curb on Seton Hill today but would do so tomorrow. Mr. Pittman said we have had trouble with Little Sugarcreek for years. He asked if someone with more experience or expertise might be able to repair it. Mr. Messer explained that the area concerned involves a high pressure gas line owned by Vectren. They do not let anyone do work near the line except for themselves, Their cost for repair is prohibitive. Mr. Messer said we have slowed things down and think what we are doing will eventually stop it from moving anymore. Mr. Bryant said even if materials are free we still have employee costs for repairs. Mr. Bryant suggested we look for a grant. All that can happen is we get turned down. Mr. Bryant asked about Conference Road. Mr. Messer said he was removing edges to improve the base to help hold the road together until we can get a grant. Mr. Bryant asked how long the edge work would take. Mr. Messer said he doesn't know because it will depend on how deep he has to go to repair some areas.

**E. Zoning**

The report prepared by Cara Tilford, Director of Planning and Zoning will be appended to the permanent record. Cara said she is looking into a Farmers Market grant for next years market. Mr. Bryant asked about the Risk Management Team mentioned in her report. Cara said we have a team of employees and have previously identified safety issues. We are going through to see what has been addressed and what has not. Mr. Bryant asked if she was creating a report. Cara said Joanne Zimmerman was in charge and would be doing so. Mr. Bryant asked if he could get a report. Mr. Tiffany responded that he would get him a copy. Mrs. Daugherty asked Cara if the 'Walk to School' event was on May 18<sup>th</sup>. Cara said it was and the 18th was also the first Farmer's Market. Mrs. Daugherty asked if there was a date for the opening of the Old Fort Bank. Cara said there is but she didn't recall it. She said she would have Karen add it to the Calendar.

**F. Trustees**

Mr. Bryant said he attended the M.V.R.P. C. meeting and that it was relatively short. He said for the most part they were getting things in line for next year and he thought they had a good agenda.

Mrs. Daugherty said she didn't have much to report but attended the Greene County Heath meeting. Mr. Pittman said he thought their meetings were important and was glad she attended them.

**6. Old Business**

- Summary of Work Sessions – Mrs. Daugherty said our work sessions were getting more organized and a little shorter. She said we had a good meeting tonight.
- Website program – Mrs. Daugherty asked Mr. Tiffany if he could provide an update. Mr. Tiffany said he was very impressed with CivicPlus and said he had several meetings scheduled with them to get our new website going. He said things should be in place by October and we should be live by the first of November. Mr. Bryant asked if Karen Shroyer is involved also. Mr. Tiffany said she is.
- Economic Development Update – Mrs. Daugherty said there is a meeting scheduled for the 17<sup>th</sup> of this month. She said the three trustees will meet to share their ideas and come up with a development concept acceptable to all of them.

7. **New Business**

**Fiscal Office**

A. Approval of Minutes

Mrs. Daugherty moved to approve the minutes of both the previous regular and work session meetings. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

B. Payment on Bills

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

C. Transfer of Appropriations

**Resolution # 2012.05.07.01**

<b>Debit</b>		<b>Credit</b>	
<b>Amount to</b>	<b>Account Name</b>	<b>Fund Number</b>	<b>Account Name</b>
<b>Fund Number</b>			
<b>Debit/Credit</b>			
2081-910-910	Transfers-out Police	3102-830-830	Bond Retirement
\$14,004.37			
2112-910-910	Transfers-out Fire	3102-830-830	Bond Retirement
\$19,339.38			—
		<b>Total Transfers</b>	<b>\$33,343.75</b>

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

Mr. Bryant – Yes  
Mr. Pittman - Yes

Mrs. Daugherty – Yes

D. Announcement of Liquor Permit application Thomas and King Inc. DBA Applebees

**Resolution # 2012.05.07.01**

WHEREAS, an application for a liquor permit was received from Thomas & King Inc. DBA Applebees Neighborhood Grill & Bar, located at 6242 Wilmington Pike; and,

WHEREAS, this application is for an “A” class permit, allowing the selling of alcoholic beverages at the premises; and,

WHEREAS, through this announcement, this Board of Trustees affords the residents of Sugarcreek Township the opportunity to express comments in writing either for against per the ORC,

NOW THEREFORE, BE IT RESOLVED, that if the Fiscal Officer receives no negative comments by 4:00 p.m., May 14, 2012, subject to the Ohio Revised Code, Sugarcreek Township will not file a request for a hearing with the Ohio Department of Commerce, Division of Liquor Control.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

**Fire**

F. Proclaiming National EMS Week

**Resolution # 2012.05.07.04**

WHEREAS, the Ohio Department of Public Safety has declared May 20 – 26, 2012, as National EMS Week; and,

WHEREAS, National EMS Week is an annual celebration honoring those men and women who respond to emergency calls, respond to disasters and render life-saving assistance to the Citizens of communities throughout the United States of America; and,

WHEREAS, EMS personnel are essential to the abilities of the Sugarcreek Township Fire Department to continue delivery of quality service to Sugarcreek Township residents; and,

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby proclaims the Week of May 20 – 26, 2012, as “National EMS Week,” and expresses our sincerest thanks to all our EMS Personnel.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mr. Pittman said we are very fortunate to have the Department we have. Mr. Bryant said these proclamations are reminders, but they do a great job all year long. Mr. Jim Frolich asked how many EMS people we have. Chief Pavlak said approximately sixty of our seventy people are EMS qualified.

### **Police**

H. To Recognize National Police Week 2012 and to Honor the Service and Sacrifice of Those Law Enforcement Officers Killed in the Line of Duty While Protecting Our Communities and Safeguarding Our Democracy

#### **Resolution # 2012.05.07.06**

WHEREAS, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week of May 15 falls as National Police week; and,

WHEREAS, the members of the law enforcement agency of Sugarcreek Township play an essential role in safeguarding the rights and freedoms of Sugarcreek Township; and,

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and,

WHEREAS, the men and women of the law enforcement agency of Sugarcreek Township unceasingly provide a vital public service; and,

NOW, THEREFORE BE IT RESOLVED, this Board for Sugarcreek Township Trustees calls upon all citizens of Sugarcreek Township and upon all patriotic, civic and educational organizations to observe the week of May 13 – 19, 2012, as Police Week.

FURTHER BE IT RESOLVED that this Board of Trustees for Sugarcreek Township calls upon all citizens of Sugarcreek Township to observe May 15, 2012, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mrs. Daugherty said we are fortunate to have the Officers we have. Chief Deaton said every day he comes to work that he is proud to see his staff. This is a great way to honor them, they are truly deserving. Mr. Bryant asked Chief Deaton to please pass on to them how much we think of them. Mr. Froelich asked how many Officers we have. Chief Deaton said twenty three.

I. School Resource Officer Agreement

**Resolution # 2012.05.07.07**

WHEREAS, the Sugarcreek Local School District, Greene County, Ohio has expressed a desire to have a School Resource Officer on assignment at the Bellbrook High School for a period of four (4) hours each school day; and,

WHEREAS, the Board of Trustees of Sugarcreek Township has previously authorized the additional position of School Resource Officer; and,

WHEREAS, Chief James K. Deaton recommends that the Board of Trustees enter into the attached Agreement for the School Resource Officer and finds it in the best interest of the community; and,

WHEREAS, the Sugarcreek Local School District and the Sugarcreek Township Trustees desire to enter into an Agreement for the School Resource Officer services for the 2012-2013 school year (see attached agreement).

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby accepts and enters into this Agreement for the School Resource Officer services for the 2012-2013 school year.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Chief Deaton said he sees more and more Police Departments discontinuing school contracts due to school funding problems. He said our partnership with the school works very well for us. Mr. Bryant said if the school was not seeing the value in it they would not be renewing. Mr. Pittman asked if we would be changing Officers. Chief Deaton said he liked to have three years before changing.

## **Roads and Services**

### **J. Proclaiming National Public Works Week**

#### **Resolution # 2012.05.07.08**

WHEREAS, Citizens are served every day by public servants at the federal, state, county, city and township levels, who supply continuity to our democratic society; and,

WHEREAS, public employees and volunteers make great contributions to their communities by serving in areas such as health, education, crime prevention, fire protection and conservation; and,

WHEREAS, the public employees and volunteers of Sugarcreek Township are committed to exhibiting the highest standards of excellence, dedication, creativity and skills; and,

WHEREAS, the public employees and volunteers of Sugarcreek Township are an integral part of improving the quality of life in our township by being responsive to the needs of citizens and supporting township services, thus making Sugarcreek Township a highly-valued community; and,

WHEREAS, the effectiveness and efficiency of government depend in large measure on public employees and volunteers, whose task is to provide service of the quality and quantity required and expected by the public on a daily basis; and,

WHEREAS, this Board of Trustees of Sugarcreek Township recognizes the dedication and talents of its public employees and volunteers, as well as the importance of the services they render at all levels of government;

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees of Sugarcreek Township, does hereby proclaim May 20 - 26, 2012, as "National Public Works Week" in Sugarcreek Township, and does thereby call upon all citizens to recognize and express their appreciation for the vital contributions made daily by the public employees throughout Sugarcreek Township.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mr. Pittman said the sentence containing 'improving the quality of life' is what it's all about.

## **Zoning**

### **K. Declaring a nuisance at 3576 Wilmington-Dayton Road**

**Resolution # 2012.05.07.09**

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 3576 Wilmington-Dayton Road and has observed vegetation in excess of 12"; 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, the owner's maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation 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,

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the vegetation at 3576 Wilmington-Dayton Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the removal of such refuse, garbage and other debris in accordance with the provisions of ORC 505.87.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

**Administration**

M. Recognition of Board of Zoning Commission Member William Wiseman

**Resolution # 2012.05.07.11**

WHEREAS, since March 7, 2005, William Wiseman has served as a faithful member of the Board of Zoning Commission; and,

WHEREAS, Mr. Wiseman has demonstrated an unwavering commitment to our community and surrounding areas while serving on the Board of Zoning Commission; and,

WHEREAS, Mr. Wiseman, in his role as a member of the Board of Zoning Commission, has impacted the development of Sugarcreek Township in a positive way; and,

WHEREAS, Mr. Wiseman has submitted his resignation effective March 31, 2012, selflessly opting to step aside to make room for the appointment of new members, ready and willing to serve; and,

NOW THEREFORE, BE IT RESOLVED, the Board of Sugarcreek Township Trustees wishes to recognize William Wiseman's steadfast personal commitment, dedication and service to the citizens of Sugarcreek Township and further extends their best wishes to Mr. Wiseman for the future.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mr. Wiseman was absent. Mr. Bill Schieman, Chairman of the Board of Zoning Commission, spoke on his behalf. Mr. Schieman said on behalf of the Board and myself personally, it has been a pleasure to serve with him. His background has been of great value to them and he is the kind of person we need to serve on our Boards. Mr. Schieman said he weighed all deliberations carefully and all listened when he spoke. Mr. Schieman said tomorrow night is the next Board meeting and Mr. Baldino will replace him.

R. Resolution Authorizing the Lease-Purchase Agreement and a Lease Agreement, and matters elated Thereto.

**Resolution # 2012.05.07.16**

WHEREAS, The Board of Township Trustees (the "Board") of Sugarcreek Township, County of Greene, Ohio (the "Township"), has determined it necessary to construct road improvements to Clyo Road in the township (the "New Project"); and

WHEREAS, the Board has determined it to be in the best interest of the Township and its residents to refund its outstanding Lease Agreement between PS&W Holding Company Inc., ("PS&W") and the Township, dated June 23, 2009, as amended by a First Amendment to Lease Agreement between PS&W and the Township, dated June 22, 2010, originally entered into to pay the cost of constructing road improvements in the Township (the "Prior Project"); and

WHEREAS, in order to provide financing for the acquisition and construction of the New Project and refunding of the Prior Project and pursuant to Ohio Revised Code Section 505.267 it is determined to be necessary and appropriate to undertake a lease-purchase financing program as described herein; and

WHEREAS, the estimated cost of such improvements shall not exceed \$320,000 and the amount to be financed, including any debt service reserve fund, and costs of issuance, shall not exceed \$320,000; and

WHEREAS, the estimated cost of refinancing the Prior Project is \$240,000 and the amount to be refinanced, including any debt service reserve fund, and costs of issuance shall not exceed \$240,000;

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Sugarcreek Township, County of Greene, Ohio, that:

Section 1. It is hereby determined to be necessary and in the best interest of the inhabitants and citizens of the Township, and the Township hereby agrees, to acquire and construct, or cause to be acquired and constructed, the New Project and to refund the Prior Project, in accordance with the plan of lease financing described in this Resolution. The New Project shall be acquired and constructed on a parcel of land (referred to as the "New Site") easements to which are owned by the Township and the Township constructed the Prior Project on a parcel of land (the "Prior Site" together with the New Site the "Site") easements to which are owned by the Township, all as more particularly described on Exhibit A to the Ground Lease Agreement referred to herein.

Section 2. The Township shall sublease its interest in the Site to such entity as the Township Administrator of the Township shall designate (the "Ground Lessor") pursuant to a Ground Lease Agreement (the "Ground Lease") to be dated as determined by the Township Administrator, in substantially the form presently on file with this Board, which is hereby approved. The President of the Board, the Township Administrator or either of them, are hereby authorized to execute and deliver the Ground Lease on behalf of the Township with such changes not substantially adverse to the Township as the official executing the same may approve; the approval of such changes and that the same are not substantially adverse to the Township shall be conclusively evidenced by the execution of the Ground Lease by such official. The initial term of the Ground Lease shall be until December 31, 2012, provided that the Ground Lessor or its assignee shall have the right to renew for three (3) additional one year renewal terms beginning on January 1, 2013 and continuing to a date determined by the Township Administrator. The Ground Lease shall provide for the payment, in advance for all permitted renewal terms, of rent in the amount of One Dollar (\$1.00) per year.

Section 3. The Township shall sublease its interest in the Site and related grounds and facilities, if any, back from the Ground Lessor pursuant to a Lease Agreement (the "Lease") dated of even date with the Ground Lease, in substantially the form presently on file with this Board, which is hereby approved. The President of the Board, the Township Administrator of the Board, or either of them, are hereby authorized to execute and deliver the Lease on behalf of the Township with such changes not substantially adverse to the Township as the official executing the same may approve; the approval of

such changes and that the same are not substantially adverse to the Township shall be conclusively evidenced by the execution of the Lease by such official.

The Lease shall require the Township, as agent for the Ground Lessor or its assignee, to acquire and construct or cause to be acquired and constructed on the Site, the New Project, and shall provide, among other things, for the payment of Base Rent from the Township to the Ground Lessor or its assignee. Base Rent shall be payable in such amounts and at such times as shall be determined by the Township Administrator, provided that the actual Base Rent payment shall not exceed the amount that would be required if the applicable interest rate were five percent (5%) per annum applied on a principal amount of \$560,000. The initial term of the Lease shall be until December 31, 2012, provided that the Township shall have the right to renew for three (3) additional one year renewal terms beginning on January 1, 2013 and continuing to a date determined by the Township Administrator. The Lease shall provide for termination in the event the Township fails to appropriate funds adequate to pay rent due with respect to any renewal term.

Section 4. The Township hereby consents to and approves the assignment of the Ground Lease and the Lease from the Ground Lessor to U.S. Bank National Association, a national banking corporation, or its nominee, as Trustee and the execution of a Trust Indenture (the "Indenture") relating to the collection and distribution of rental payments and the issuance of Certificates of Participation (Sugar creek Township – Clio Road Improvements Project) (the "Certificates") evidencing proportionate interests in the Base Rent to be paid by the Township under the Lease. The form of the Indenture and of the Certificates in substantially the forms presently on file with this Board, and the issuance of the Certificates, are hereby approved. The President of the Board, the Township Administrator or either of them, are hereby authorized to execute and deliver the Indenture on behalf of the Township with such changes not substantially adverse to the Township as the official executing the same may approve; the approval of such changes and that the same are not substantially adverse to the Township shall be conclusively evidenced by the execution of the Indenture by such official. The Township hereby authorizes and directs that the Certificates shall be sold to Fifth Third Securities, Inc., Cincinnati, Ohio, at a price not less than 100% of the par value thereof, and resold at a price or prices approved by the Fiscal Officer. The determinations of the final terms of sale of the Certificates, and the resulting Lease terms, including the interest rate, financed amount, term, and amortization schedule, together with any other matters required by this Resolution to be determined or approved by the Fiscal Officer, shall be set forth by the Fiscal Officer in a certificate to be entitled the "Certificate of Award".

Section 5. The Township agrees to execute and perform the Ground Lease and the Lease in accordance with the terms thereof. The Township agrees to comply with the terms and conditions of the Indenture insofar as they relate to the Township, and further agrees to comply with the terms and conditions of such additional documents and agreements relating thereto as shall be deemed, by the Township Administrator, the President of the Board or either of them, in their discretion, necessary or appropriate in connection with the financing herein described.

Section 6. The Township Administrator, the President of the Board and the Fiscal Officer, or any of them, are hereby authorized and directed to execute and deliver, on behalf of the Township, such additional instruments, documents, agreements, certificates, and other papers as may be in their discretion necessary or appropriate in order to carry out the intent of this Resolution in such forms as the official executing the same may approve.

Section 7. Nothing in the Ground Lease, the Lease, the Indenture, the Certificates, or any agreements or documents relating thereto shall constitute or be construed or deemed to constitute a debt or bonded indebtedness or a general obligation of this Board, the Township or any agency of the Township. Neither the taxing power nor the full faith and credit of this Board or the Township are pledged or shall be pledged for the payment or security of the Ground Lease, the Lease, the Indenture, the Certificates, or any other related agreement or document.

Section 8. The Township hereby covenants that it will restrict the use of the proceeds of the Lease and the Certificates hereby authorized in such manner and to such extent, if any, as may be necessary after taking into account reasonable expectations at the time the debt is incurred, so that they will not constitute "arbitrage bonds" under Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and the regulations prescribed thereunder and will, to the extent possible, comply with all other applicable provisions of the Code and the regulations thereunder to retain the Federal income tax exemption for interest on the Lease and the Certificates, including any expenditure requirements, investment limitations, rebate requirements or use restrictions. The Fiscal Officer or any other officer having responsibility with respect to the issuance of the Certificates is authorized and directed to give an appropriate certificate on behalf of the Township, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to said Section 148 and the Regulations.

The Lease is hereby designated a "qualified tax-exempt obligation" for the purposes set forth in Section 265(b)(3) of the Code. This Board finds and determines that the reasonable anticipated amount of qualified tax-exempt obligations (other than private activity bonds) which will be issued by the Township during the calendar year in which the Lease is initially delivered (2009) does not and the Board hereby covenants that, during such year, the amount of tax-exempt obligations issued by the Township and designated as "qualified tax-exempt obligations" for such purpose will not exceed \$10,000,000.

Section 9. There is hereby appropriated from the net proceeds of the Certificates, to the extent the same are available for the payment of costs of the Project, a sum not to exceed \$560,000, to be used for the payment of such costs and related costs, as outlined herein, and funding a reserve fund for the Lease and the Certificates if determined by the Township Administrator of the Board to be necessary for the marketing of the Certificates. There is further appropriated, from unappropriated funds currently on

deposit in the Road and Bridge Fund of the Township, the sum of \$0 to pay the cost of lease payments due or coming due under the Lease for the initial term ending December 31, 2012.

Section 10. The law firm of Peck, Shaffer & Williams LLP be and is hereby retained as special counsel to the Township to prepare the necessary authorization and related closing documents for the issuance, sale and delivery of the Ground Lease, the Lease Agreement, the Certificates and, if appropriate, rendering its approving legal opinion in connection therewith in accordance with the written agreement presently on file with the Township which the President of the Board, the Township Administrator, or either of them, are hereby authorized to execute and deliver on behalf of the Township, with such changes thereto not substantially adverse to the Township as may be approved by such officers. The approval of such changes by such officers, and that the same are not substantially adverse to the Township, shall be conclusively evidenced by the execution of such agreement by such officers. Such law firm shall be compensated by the Township for the above services in accordance with such written agreement.

Section 11. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 12. This Resolution shall take effect immediately upon its adoption.

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

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

Mr. Bryant asked what Centerville's share would be. Mr. Tiffany said about fifteen thousand. He said the Counties share is also fifteen thousand. Mr. Tiffany said we have a one million four hundred and forty thousand dollar grant from the State. Mr. Bryant asked the status of the water line. Mr. Tiffany said the design is approved. Chief Pavlak asked if it Bellbrook was doing the water. Mr. Tiffany replied that it would be both Bellbrook and the County.

#### **8. Trustee/Staff Discussion**

Mr. Tiffany said our OTARMA risk insurance went up three hundred and eleven dollars. He said we have looked at changing but we cannot right now. If we change, they will no longer be responsible for any litigation nor will a new company take on any existing litigation.

Mrs. Daugherty moved to renew our OTARMA Insurance. Mr. Pittman and Mr. Bryant also agreed to do so.

**Public Comments**

Mr. Jim Martin said he was reading about the possibility of two hundred and sixty two acres of the Dille property becoming a park. Mr. Bryant said the park may not be taking up all of the acreage but plans have not yet been fully developed. Mr. Martin said he read there may be thirty acres of game fields with nothing being done to the remainder. He said we're removing a lot of acreage from the tax duplicate just to let sit. Mr. Martin said this would leave and open path for Centerville to take the park and then the Tate farm.

Mrs. Daugherty said we would like to see some commercial development there. Mr. Pittman said we have to have commercial development along 675. Mr. Martin said he wondered how the park levy would affect the road levy. He also said we only have eight percent commercial and industrial income and we need about thirty. He said we need new people on the Zoning Board and more like Mr. Betz.

Mrs. Daugherty moved to adjourn at 8:55 pm. Mr. Bryant seconded. Roll was called with the vote being as follows:

Mr. Bryant – Yes  
Mr. Pittman - Yes  
Mrs. Daugherty – Yes

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Theodore L. Hodson, Fiscal Officer