

January 22, 2013

WORKSHOP MEETING AT 6:30

Insurance presentation by Thomas Welsch from OTARMA

Recess until 7:00pm

The Board of Trustees of Bethel Township, Miami County met in regular session on January 22, 2013 at the Bethel Township Meeting Room, 8735 South Second Street, Brandt. Members in attendance were Mrs. Vanhaaren, Mr. Hirt and Mr. Wray.

RECONVENE

CALL TO ORDER

Pledge of allegiance was taken.

APPROVAL OF THE MINUTES

Tabled until next meeting.

MR. HIRT MOTIONED TO TABLE THE APPROVAL OF THE MINUTES AND WAS SECONDED BY MR. WRAY AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

STAFF REPORTS

SHERIFF

No Break-ins in Bethel

FIRE

Emergency Responses:

Runs from January 5, 2013 thru January 19, 2013

EMS- 19

FIRE- 3

Total Runs for 2013

EMS- 38

FIRE- 4

Mutual Aid Responses

01/07/2013 Tanker to Bethel Clark - Cancelled

Training:

EMS: Bloodborne Pathogens

FIRE: Carbon Monoxide Emergencies

ZONING

Since the last meeting no zoning applications have been received and none issued.

YEAR TO DATE (2013):

Certificates Received this year: 3
Certificates Issued this year: 3

Declarations received this year: 0

Variances received this year: 2

Conditional Use applied for this year: 2

Zoning Amendments applied for this year: 1
Zoning Text Amendments applied for this year: 0

BOARDS & COMMISSIONS:

MIAMI COUNTY PLANNING COMMISSION:

Miami County Planning Commission will meet on February 19, 2013. Bethel Township has no cases for their review.

BETHEL TOWNSHIP ZONING COMMISSION:

The Bethel Township Zoning Commission (ZC) will not meet for the month of February, 2013.

BETHEL TOWNSHIP BOARD OF ZONING APPEALS:

The Bethel Township Board of Zoning Appeals (BZA) will meet on February 28, 2013 to hear the following case:

CU-02-13: A request from Justin Powell 8315 State Route 722, for conditional use approval to construct a 20' by 8' billboard sign on the property located at 7080 US Route 40 (on the State Route 201 frontage) located in an Agricultural, A-2 Zoning District.

2013 ZONING ENFORCEMENT:

	Junk Cars	High Grass	Construction Related	Health Referrals	Other	Cleared
Current	5	0	0	4	2	0
YTD	5	0	0	5	2	0

ADMINISTRATORS REPORT

- Resolution 13-01-021 This resolution selects the Township's insurance carrier for 2013 for property and liability coverage for 2013.
- Resolution 13-01-022 This resolution renews the Employee Assistance Program for township employees with Upper Valley Medical Center at a cost of \$1,320.00. This is the same amount as last year.
- Resolution 13-01-023 Our annual resolution designating Friendship Park and the rear of Bethel West Cemetery as debris collection sites as part of Miami County's Debris Management Plan should a disaster happen.
- Resolution 13-01-024 Our annual resolution designating the Township Administrator as the debris manager for any disaster as part of the Miami County Debris Management Plan.
- Resolution 13-01-025 This is a last minute addition to the agenda. We received notification today from Time Warner Cable that we had ten (10) days from receipt of their certified letter that we intend to continue to collect franchise fees for cable TV in accordance with §1332.27(A) of the Ohio Revised Code.

PUBLIC COMMENT FOR ITEMS ON AGENDA

NONE

ACTION ITEMS

RESOLUTION #13-01-021

A RESOLUTION SELECTING THE INSURANCE CARRIER AND PLAN FOR THE TOWNSHIPS LIABILITY, AUTOMOBILE LIABILITY, WRONGFUL ACTS COVERAGE, AUTOMOBILE PHYSICAL AND PROPERTY COVERAGE FOR 2013, AS WELL AS AUTHORIZING THE EXPENDITURE OF TOWNSHIP FUNDS FOR SAID PLAN AND AUTHORIZING THE ADMINISTRATOR TO EXECUTE ALL DOCUMENTS ASSOCIATED WITH THE PLAN ON BEHALF OF THE BOARD OF TRUSTEES

WHEREAS, THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY, OHIO, DEEMS IT NECESSARY AND ADVISABLE TO OBTAIN AND MAINTAIN LEGAL AND AUTOMOBILE LIABILITY INSURANCE;

WHEREAS, BETHEL TOWNSHIP HAS HISTORICALLY OBTAINED LEGAL LIABILITY, AUTOMOBILE LIABILITY, WRONGFUL ACTS COVERAGE, AUTOMOBILE PHYSICAL AND PROPERTY COVERAGE THROUGH THE OHIO TOWNSHIP ASSOCIATION RISK MANAGEMENT AUTHORITY;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY, OHIO THAT:

SECTION 1. THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP AUTHORIZES AN EXPENDITURE IN THE AMOUNT NOT TO EXCEED \$15,265.00 TO THE OHIO TOWNSHIP ASSOCIATION RISK MANAGEMENT AUTHORITY FOR

LEGAL LIABILITY, AUTOMOBILE LIABILITY, WRONGFUL ACTS COVERAGE, AUTOMOBILE PHYSICAL AND PROPERTY COVERAGE.

SECTION 2. THE ADMINISTRATOR OF THE BOARD IS AUTHORIZED TO EXECUTE THE AGREEMENT ON BEHALF OF THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP.

THE ABOVE RESOLUTION WAS MOVED BY MR. HIRT AND SECONDED BY MR. WRAY AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

RESOLUTION #13-01-022

A RESOLUTION ENTERING INTO AN AGREEMENT WITH THE UPPER VALLEY MEDICAL CENTER EXTERNAL EMPLOYEE ASSISTANCE PROGRAM FOR SERVICES IN YEAR 2013 AT A COST NOT TO EXCEED \$1,320.00

WHEREAS, The Board of Trustees of Bethel Township, Miami County adopted Resolution #282-04 on December 28,2004 for contracting with Upper Valley Medical Center External Employee Assistance Program, and

WHEREAS, The Board of Trustees of Bethel Township, Miami County has determined that the program was utilized by the employees of the Board of Trustees of Bethel Township, Miami County and the volunteers of the Bethel Township Fire Department, and

WHEREAS, The Board of Trustees of Bethel Township, Miami County believes that this program provides a productive benefit for the employees of the Board of Trustees of Bethel Township, Miami County and the volunteers of the Bethel Township Fire Department, therefore,

Be it resolved by the Board of Trustees of Bethel Township, Miami County to enter into an agreement with the Upper Valley Medical center external employee assistance program from service in year 2013 at a cost not to exceed \$1,320.00.

THE ABOVE RESOLUTION WAS MOVED BY MR. WRAY AND SECONDED BY MR. HIRT AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

RESOLUTION #13-01-023

A RESOLUTION DESIGNATING BETHEL WEST CEMETERY AND FRIENDSHIP PARK AS THE DESIGNATED DEBRIS COLLECTION SITES FOR BETHEL TOWNSHIP AS REQUIRED BY THE MIAMI COUNTY DEBRIS MANAGEMENT PLAN

WHEREAS, Miami County has put in place a Debris Management Plan incorporated under the Emergency Operations plan to handle debris if a disaster occurs in Miami County, and

WHEREAS, the Board of Trustees of Bethel Township, Miami County adopted the Miami County Debris Management Plan on January 26, 2010 through their approval of Resolution #10-01-025, acknowledging Bethel Township as an active participant of the Miami County Debris Management Plan which gives Bethel Township eligibility for reimbursement of funds for such disasters, and

WHEREAS, the Bethel Township Board of Trustees does not have another active Debris Management Plan that is comprehensive and meets the Federal Emergency Management Agency Guidelines, and

WHEREAS, the Board of Trustees must annual designate a site(s) for storm debris collection, and

WHEREAS, the Board of Trustees must designate a site(s) for the collection of storm debris to satisfy the requirements of the Miami County Debris Management Plan, THEREFORE

BE IT RESOLVED, by the Bethel Township Board of Trustees, that Bethel the rear of Bethel West Cemetery and Friendship Park be the designated debris collection sites for the Township's collection of debris as require d by the Miami County Debris Management Plan.

THE ABOVE RESOLUTION WAS MOVED BY MR. HIRT AND SECONDED BY MR. WRAY AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

RESOLUTION #13-01-024

A RESOLUTION DESIGNATING THE TOWNSHIP ADMINISTRATOR AS THE DEBRIS MANAGER FOR BETHEL TOWNSHIP AS REQUIRED BY THE MIAMI COUNTY DEBRIS MANAGEMENT PLAN

WHEREAS, Miami County has put in place a Debris Management Plan incorporated under the Emergency Operations plan to handle debris if a disaster occurs in Miami County, and

WHEREAS, the Board of Trustees of Bethel Township, Miami County adopted the Miami County Debris Management Plan on January 26, 2010 through their approval of Resolution #10-01-025, acknowledging Bethel Township as an active participant of the Miami County Debris Management Plan which gives Bethel Township eligibility for reimbursement of funds for such disasters, and

WHEREAS, the Bethel Township Board of Trustees does not have another active Debris Management Plan that is comprehensive and meets the Federal Emergency Management Agency Guidelines, and

WHEREAS, the Bethel Township Board of Trustees must annual designate the Township Administrator as their debris manager, and

WHEREAS, the Bethel Township Administrator shall be designated as the Debris Manager for Bethel Township, THEREFORE

BE IT RESOLVED, by the Bethel Township Board of Trustees, that the Township Administrator shall be the Township's designated debris manager as required by the Miami County Debris Management

THE ABOVE RESOLUTION WAS MOVED BY MR. WRAY AND SECONDED BY MR. HIRT AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

RESOLUTION #13-01-025

A RESOLUTION ESTABLISHING A VIDEO SERVICE PROVIDER FEE TO BE PAID BY ANY VIDEO SERVICE PROVIDER OFFERING VIDEO SERVICE IN THE TOWNSHIP; AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO GIVE NOTICE TO THE VIDEO SERVICE PROVIDER OF THE VIDEO SERVICE PROVIDER FEE ON BEHALF OF THE BETHEL TOWNSHIP BOARD OF TRUSTEES

WHEREAS, THE OHIO GENERAL ASSEMBLY ENACTED SECTION 1332.21 THROUGH 1332.34 OF THE OHIO REVISED CODE, EFFECTIVE SEPTEMBER 24, 2007, TO PROVIDE A STATEWIDE "UNIFORM REGULATORY FRAMEWORK" FOR THE PROVISION OF CABLE TELEVISION AND/OR OTHER VIDEO SERVICE (THE "VIDEO LAW"); AND

WHEREAS, THE TOWNSHIP OF BETHEL HAS A CABLE TELEVISION FRANCHISE AGREEMENT WITH TIME WARNER CABLE, A DIVISION OF TIME WARNER ENTERTAINMENT COMPANY L.P. WHICH EXPIRES BY ITS OWN TERMS ON OR ABOUT AND PURSUANT TO WHICH FRANCHISEE IS PAYING FRANCHISE FEES IN THE AMOUNT OF 3 PERCENT (3%) OF THE GROSS REVENUE IT RECEIVES FROM CABLE SUBSCRIBERS IN THE TOWNSHIP; AND

WHEREAS, UNDER THE VIDEO LAW A VIDEO SERVICE PROVIDER THAT IS PROVIDING VIDEO SERVICE TO SUBSCRIBERS IN THE TOWNSHIP PURSUANT TO A STATE-ISSUED VIDEO SERVICE AUTHORIZATION MUST PAY THE TOWNSHIP A VIDEO SERVICE PROVIDER FEE ("VSP FEE") BASED ON A PERCENTAGE OF THE PROVIDER'S GROSS REVENUES RECEIVED FROM PROVIDING VIDEO SERVICE IN THE TOWNSHIP, THREE PERCENT (3%) OF SUCH GROSS REVENUES; AND

WHEREAS, THE VIDEO LAW REQUIRES THAT THE PERCENTAGE OF GROSS REVENUES ON WHICH VSP FEES ARE PAID MUST BE THE SAME AS THE PERCENTAGE OF GROSS REVENUE THAT A CABLE OPERATOR PAYS PURSUANT TO A FRANCHISE AGREEMENT THAT IS IN EFFECT IN THE TOWNSHIP (THE "VSP FEE PERCENTAGE") OR, IF THERE IS NO EFFECTIVE FRANCHISE AGREEMENT UNDER WHICH FRANCHISE FEES ARE PAYABLE FOR A GIVEN CALENDAR QUARTER, THE VSP FEE PERCENTAGE SHALL BE ZERO PERCENT (0%) OF GROSS REVENUES UNLESS THE TOWNSHIP DETERMINES BY RESOLUTION THAT THE VSP FEE WILL BE A PERCENTAGE OF GROSS REVENUES NOT TO EXCEED FIVE PERCENT (5%) OF GROSS REVENUES; AND

WHEREAS, THE VIDEO LAW FURTHER REQUIRES THE TOWNSHIP TO PROVIDE A VIDEO SERVICE PROVIDER WITH WRITTEN NOTICE OF THE VSP FEE PERCENTAGE WITHIN TEN (10) DAYS OF RECEIVING NOTICE FROM THE VIDEO SERVICE PROVIDER, PURSUANT TO R.C. 1332.27(A), THAT IT WILL BE OFFERING SERVICE IN THE TOWNSHIP; AND

WHEREAS, IN ORDER TO PROVIDE TIMELY NOTICE TO A VIDEO SERVICE PROVIDER OF THE VSP FEE PERCENTAGE, IT IS NECESSARY FOR THIS BOARD (I) TO ESTABLISH THE VSP FEE PERCENTAGE; AND (II) TO AUTHORIZE THE TRUSTEE PRESIDENT TO PROVIDE THE APPROPRIATE NOTICE OF THE VSP FEE PERCENTAGE TO A VIDEO SERVICE PROVIDER WITHIN TEN (10) DAYS OF THE TOWNSHIP RECEIVING NOTICE THAT A VIDEO SERVICE PROVIDER WILL BEGIN PROVIDING SERVICE IN THE TOWNSHIP.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY, OHIO THAT:

SECTION 1: THAT THIS BOARD OF TRUSTEES OF BETHEL TOWNSHIP HEREBY ESTABLISHES AND VSP FEE THAT IS CALCULATED BY APPLYING A VSP FEE PERCENTAGE OF THREE PERCENT (3%) TO THE VIDEO SERVICE PROVIDER'S GROSS REVENUES AS DEFINED IN SECTION 1332.32(B) OF THE VIDEO LAW. ALL VIDEO SERVICE PROVIDERS AND CABLE TELEVISION OPERATORS PROVIDING VIDEO SERVICE IN THE TOWNSHIP SHALL APPLY THE VSP FEE PERCENTAGE AGAINST GROSS REVENUES AS DEFINED THE VIDEO LAW.

SECTION 2: THAT THE VSP FEE SHALL BE PAID BY EACH VIDEO SERVICE PROVIDER PROVIDING SERVICE IN THE TOWNSHIP ON A QUARTERLY BASIS BUT NOT SOONER THAN FORTY-FIVE (45) DAYS NOR LATER THAN SIXTY (60) DAYS AFTER THE END OF EACH CALENDAR QUARTER. R.C. §1332.32(A).

SECTION 3: THAT THE TRUSTEE PRESIDENT IS AUTHORIZED AND DIRECTED TO PROVIDE ANY VIDEO SERVICE PROVIDER WITH NOTICE OF THE VSP FEE PERCENTAGE AS DETERMINED BY THIS BOARD OF TRUSTEES ABOVE, WHICH NOTICE SHALL BE GIVEN BY CERTIFIED MAIL, UPON RECEIPT OF NOTICE FROM SUCH VIDEO SERVICE PROVIDER THAT IT WILL BEGIN PROVIDING VIDEO SERVICE IN THE TOWNSHIP PURSUANT TO STATE-ISSUED VIDEO SERVICE AUTHORIZATION.

SECTION 4: THAT IT IS FOUND AND DETERMINED THAT ALL FORMAL ACTIONS OF THE BOARD OF TRUSTEES CONCERNING AND RELATING TO THE ADOPTION OF THIS RESOLUTION WERE ADOPTED IN AN OPEN MEETING OF THIS BOARD OF TRUSTEES, AND THAT ALL DELIBERATIONS OF THE BOARD OF TRUSTEES AND ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTION WERE IN MEETINGS OPEN TO THE PUBLIC IN COMPLIANCE WITH ALL LEGAL REQUIREMENTS.

SECTION 5: THAT THIS RESOLUTION IS HEREBY DECLARED TO BE AN EMERGENCY MEASURE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC HEALTH, SAFETY AND WELFARE OF BETHEL TOWNSHIP, MIAMI COUNTY, OHIO AND THIS RESOLUTION SHALL BECOME IMMEDIATELY EFFECTIVE UPON RECEIVING THE AFFIRMATIVE VOTE OF TWO-THIRDS OF ALL MEMBERS ELECTED TO THE BOARD OF TRUSTEES OTHERWISE FROM AND AFTER THE EARLIEST PERIOD ALLOWED BY LAW.

BETH van HAAREN

JEROME L. HIRT

CLIFF WRAY

CERTIFICATE OF RECORDING OFFICER

I, DEBORAH A. WATSON, HEREBY CERTIFY THAT THE FORGOING IS A TRUE AND CORRECT COPY OF RESOLUTION #13-01-025 ADOPTED BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY HELD ON THE 29TH DAY OF JANUARY, 2013, AND THAT I AM DULY AUTHORIZED TO EXECUTE THIS CERTIFICATE.

DEBORAH A. WATSON
FISCAL OFFICER
BETHEL TOWNSHIP – MIAMI COUNTY

THE ABOVE RESOLUTION WAS MOVED BY MR. HIRT AND SECONDED BY MR. WRAY AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

ANNOUNCEMENTS

January 24- Board of Zoning Appeals Meeting, Township Meeting Room, 6:00PM (if needed)

January 29-Trustee Workshop Meeting, Township Meeting Room, 8:30AM

February 12-Board of Trustee Meeting Cancelled-Christmas Holiday

February 18- Township Offices closed in observance of the Presidents Day Holiday

February 19- Trustee Workshop Meeting, Township Meeting Room, 8:30AM

*indicates a meeting will be held only if needed.

PUBLIC COMMENTS ON ANY TOPIC

None

Presentation of Awards: Rookie of the Year Lucas Pyles
EMT of the Year Richard Morrett
Firefighter of the Year: Andrew Moore
Officer of the Year: Jay Zimmerman

MOTION TO RECORD PAYMENT OF WARRANTS

**RESOLUTION 12-12-172
A RESOLUTION TO RECORD WARRANTS
45978 TO 45956**

BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF BETHEL TOWNSHIP, MIAMI COUNTY THAT THE PAYMENT OF WARRANTS NO. 45978 THROUGH NO. 45956 BE RECORDED THROUGH THE REQUEST OF THE FISCAL OFFICER.

THE ABOVE RESOLUTION WAS MOVED BY MR. HIRT AND SECONDED BY MR. WRAY AND THE VOTE BEING TAKEN AS:

MR. HIRT	YES
MR. WRAY	YES
MRS. VANHAAREN	YES

PAYMENTS

wrnt_num	wrnt_date	wrnt_pyee	wrnt_amnt
46093	12/31/2012	VISION SERVICE PLAN	\$8.77
46094	12/31/2012	MIAMI COUNTY ENGINEER	\$3,684.39
46095	12/31/2012	EDS HVAC-PLUMBING-ELECTRIC	\$141.00
46096	12/31/2012	ALCOR SUPPLY COMPANY INC.	\$40.00
46097	12/31/2012	ALCOR SUPPLY COMPANY INC.	\$35.10
46098	12/31/2012	CROUCH	\$219.00
46099	12/31/2012	LOWES BUSINESS ACCOUNT	\$231.55
46100	12/31/2012	AT&T	\$13.47
46101	12/31/2012	MIAMI COUNTY SANITARY ENGINEERING DEPT.	\$272.93
46102	12/31/2012	AQUA FALLS BOTTLED WATER	\$69.25
46103	12/31/2012	SAMS CLUB	\$100.42
46104	12/31/2012	WEILER WELDING CO INC	\$86.80

46105	12/31/2012	WARREN FIRE EQUIPMENT, INC	\$3,084.00
46106	12/31/2012	BARNEY RENTALS, INC.	\$144.95
46107	12/31/2012	MIAMI COUNTY ENGINEER	\$821.83
46108	12/31/2012	SCHOOL DISTRICT INCOME TAX OHIO PUBLIC EMPLOYEES DEFERRED	\$1,138.17
46109	12/31/2012	COMPENSAT	\$50.00
46110	12/31/2012	REGIONAL INCOME TAX AGENCY	\$1,460.89
46111	12/31/2012	CITY OF DAYTON	\$70.83
46112	12/31/2012	TIPP CITY	\$257.25
46113	12/31/2012	CITY OF TROY	\$40.78
46114	12/31/2012	CITY OF FAIRBORN	\$21.04
46115	12/31/2012	BETHEL TOWNSHIP FIREFIGHTERS ASSOCIATION	\$10.00
46169	12/31/2012	UNITED STATES POSTAL SERVICE	\$400.00

RECEIPTS

Recess for Cake

A Request for Executive Session was made by Trustee Wray for the purpose of Personnel.

A motion was made by Trustee Hirt and seconded by Trustee Wray to go into Executive Session at 7:25pm. A vote was taken.

Mr. Hirt	Yes
Mr. Wray	Yes
Mrs. van HAAREN	Yes

A motion was made by to go back into regular session by Trustee Hirt and seconded by Trustee Wray at 8:30pm. A vote was taken.

Mr. Hirt	Yes
Mr. Wray	Yes
Mrs. van HAAREN	Yes

Back into regular session at 9:20pm.

Meeting Adjourned 9:21pm

Meeting Adjourned 7:22pm

Beth Vanhaaren- Chair

Cliff Wray, Vice Chair

Jerome Hirt- Trustee

Mrs. Deborah Watson, Fiscal Officer