

RECORD OF PROCEEDINGS

Minutes of Meeting

Plain Township Board of Trustee Meeting

Held

Fire Station

7:00 p.m.

The Plain Township Board of Trustees met in regular session at the Plain Township Fire Station, 9500 Johnstown Road, New Albany, Ohio.

Mr. Ferguson called the meeting to order with the Pledge of Allegiance to the flag.

Roll Call: Members Present: Dave Ferguson and Tom Rybski. Dave Olmstead was absent. Bud Zappitelli Fiscal Officer was present. Other people present were Ben Collins, Chief Hoovler, Assistant Chief Rupp, Cindy Powell, Battalion Chief Ecleberry, Captain Pabst, Fire Marshal Guthrie, Debbie Barnett, Firefighter Houseberg and Firefighter Cantrell.

ADDITIONS OR CORRECTIONS TO THE AGENDA

Mr. Rybski requested an executive session for the purposes of employment, promotion, or compensation prior to the Fiscal Office. Mr. Zappitelli added the pending warrants to the agenda. Chief Hoovler added two resolutions (F3 and F4).

APPROVAL OF MINUTES

Mr. Rybski made a motion to approve the December 18, 2019 Board of Trustees Meeting minutes as submitted. Mr. Ferguson seconded the motion.

Vote: All Aye. (Resolution 20010801)

PAYMENT OF THE BILLS

Mr. Ferguson made a motion to pay the pending warrants in the amount of \$566,260.95.

Mr. Rybski seconded the motion. Vote: All Aye (Resolution 20010802)

ADMINISTRATOR

Mr. Collins attended the New Albany Steering Committee meeting. They continue to look at the future planning of the City of New Albany. The Heit Center celebrated their 5 year anniversary this evening. Mr. Collins will be meeting with Dan Inglis and Jennifer McDougall to plan for the 2020 Wellness program. Mr. Collins and Mrs. Reife are continuing to work to improve the Pool Rental policy to address some of the issues the Township had in 2019. Mr. Collins heard from Representative Mary Lightbody that AEP Ohio is reconsidering the telecommunication tower on Harlem Road. Mr. Collins provided plans to a resident who called concerning trees that the City of Columbus cut down near his property at Central College and Hamilton Road. Mr. Ferguson inquired about the progress of dumping on Sally Armstrong's lot on Bevelhymer Road.

She had permitted ODOT to use the property for the ditch, however others are using it as a dumping site of building materials.

Mr. Ferguson made a motion to pass Resolution No. 200108A1. Be it resolved, that the Plain Township Board of Trustees meetings will be conducted under Roberts Rules of Order. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108A2. Be it resolved, that expenses incurred by the trustees, administrator and fiscal officer when attending state conferences and membership dues of state associations will be paid from the General Fund. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108A3. Be it resolved: To set the 2020 mileage reimbursement rate at \$0.575 in accordance with IRS allowances and any subsequent changes thereto. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108A4. Be it resolved, that the Plain Township Board of Trustees hereby designates the township administrator as the board's designee for public records training in compliance with Ohio Revised Code § 109.43. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Rybski made a motion to pass Resolution No. 200108A5. Whereas, Ohio's Cooperative Purchasing Act. (AM. Sub. H.B. No. 100) was signed into law on December 4, 1985; and Whereas, effective March 6, 1986, Ohio's Cooperative Purchasing Act provides the opportunity for counties, townships, municipal corporations, regional transit authorities, regional airport authorities or port authorities and school districts, conservancy districts, township park districts and park districts and other authorities, to participate in contracts distributed by the state of Ohio, Department of Administrative Services, Office of Cooperative Purchasing for the purchase of supplies, services, equipment and certain materials;

Now therefore be it resolved, that the Plain Township Board of Trustees hereby agrees as follows:

Section 1. That the Plain Township Board of Trustees hereby requests authority in the name of Plain Township, to participate in state contracts which the Department of Administrative Services, Office of State Purchasing has entered into and the Office of Cooperative Purchasing has distributed for the purchase of supplies, services, equipment and certain other materials pursuant to Revised Code Section 125.04.

Section 2. That the township administrator is hereby authorized to agree in the name of Plain Township to be bound by all contract terms and conditions as the Department of Administrative Services, Office of Cooperative Purchasing prescribes. Such terms and conditions may include a reasonable annual membership fee to cover the administrative costs which the Department of Administrative Services incurs as a result of Plain Township's participation in the contract. Further, that the Plain Township Board of Trustees hereby agrees to be bound by all such terms and conditions and to not cause or assist in any way the misuse of such contracts or make contract disclosures to non-

members of the Coop for the purpose of avoiding the requirements established by ORC 125.04.

Section 3. That the township administrator is hereby authorized to agree in the name of Plain Township to directly pay the vendor, under each such state contract in which it participates for items it receives pursuant to the contract, and the Plain Township Board of Trustees does hereby agree to directly pay the vendor.

Mr. Ferguson seconded the motion. Vote: All Aye

Mr. Rybski made a motion to pass Resolution No. 200108A6. WHEREAS, the Plain Township Board of Township Trustees ("Board") is authorized by Section 309.09(B) of the Revised Code to employ attorneys on an annual basis other than the prosecuting attorney to represent the Township and its officers, boards and commissions in their official capacities and to advise them on legal matters; and

WHEREAS, Section 309.09(B) of the Revised Code provides that no such attorney may be employed except on the order of the Board, duly entered upon its Journal, in which the compensation to be paid for the attorney's legal services shall be fixed; and

WHEREAS, the Board finds it necessary to appoint attorneys to counsel and represent the Township on an annual basis for calendar year 2020 in such matters as the Board or its designee may refer to them; and

WHEREAS, the Board has appropriated \$22,500 for legal services for 2020.

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

SECTION 1. Donald F. Brosius of Brosius, Johnson & Griggs, LLC and the law firm of Brosius, Johnson & Griggs, LLC, are hereby employed on an annual basis for calendar year 2020 as the Township's legal counsel to represent the Township and its officers, boards and commissions in their official capacities and to advise them in connection with such matters as may be referred to said Counsel by or on behalf of the Board or its designee.

SECTION 2. The compensation for such counsel during 2020 shall be paid as follows: \$225.00 per hour partner attorney time; \$205.00 per hour senior associate time; \$180.00 per hour associate time; \$120.00 per hour law clerk time; and \$105.00 per hour legal assistant time; plus out-of-pocket expense reimbursements; provided that the total compensation shall not exceed \$15,000 without further action by this Board.

SECTION 3. The attorneys may be discharged at any time by majority vote of the Board.

SECTION 4. The Township Fiscal Officer is directed to send a copy of this Resolution to the law firm.

SECTION 5. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken 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 actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.

Mr. Ferguson seconded the motion. Vote: All Aye

Mr. Rybski made a motion to pass Resolution No. 200108A7. WHEREAS; the Plain Township Board of Township Trustees ("Board") is authorized by Section 309.09(B) of the Revised Code to employ attorneys on an annual basis other than the prosecuting attorney

to represent the Township and its officers, boards and commissions in their official capacities and to advise them on legal matters; and

WHEREAS, Section 309.09(B) of the Revised Code provides that no such attorney may be employed except on the order of the Board, duly entered upon its Journal, in which the compensation to be paid for the attorney's legal services shall be fixed; and

WHEREAS, the Board finds it necessary to appoint attorneys to counsel and represent the Township on an annual basis for calendar year 2020 in such matters as the Board or its designee may refer to them; and

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

SECTION 1. The Plain Township Fiscal Officer or its designee is hereby authorized to engage Donald F. Brosius of Brosius, Johnson & Griggs, LLC and the law firm of Brosius, Johnson & Griggs, LLC, in calendar year 2020 to represent the Fiscal Officer in his official capacity and to advise the Fiscal Officer in connection with such matters as may be referred to said Counsel by or on behalf of the Fiscal Officer or its designee.

SECTION 2. The compensation for such counsel during 2020 shall be paid as follows: \$225.00 per hour partner attorney time; \$205.00 per hour senior associate time; \$180.00 per hour associate time; \$120.00 per hour law clerk time; and \$105.00 per hour legal assistant time; plus out-of-pocket expense reimbursements; provided that the total legal expenses incurred by the Fiscal Officer shall not exceed \$2,500 without further action by this Board.

SECTION 3. The Board of Trustees retains authority over employment of the township's attorneys and may amend or rescind this resolution at any time.

SECTION 4. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken 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 actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.

Mr. Ferguson seconded the motion. Vote: All Aye

Mr. Rybski made a motion to pass Resolution No. 200108A8. Be it resolved, that the Board of Trustees hereby approves an intergovernmental agreement with the Franklin Soil and Water Conservation District for the provision of technical and educational services for the calendar year 2020 as detailed in the attached agreement, in order to comply with the National Pollutant Discharge Elimination System permit then in effect, and authorizes the township administrator to execute this agreement for and on behalf of the Board of Trustees of Plain Township and to authorize payment to the Franklin Soil and Water Conservation District for the 2020 calendar year in the amount of \$2,060 to be paid out of 01-A-28 (General- Contractual Services).

Mr. Ferguson seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108A9. Be it resolved, to renew the Plain Township health insurance coverage with UnitedHealthcare for the BT-AP (CoPay Clear) with Rx 01 prescription plan for a term beginning January 1, 2020 through December 31, 2020 at a 3.0% rate reduction over current rates.

Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108A10. Be it resolved, that the Plain Township Board of Trustees hereby agrees to renew an agreement with Chard Snyder to administer the township Health Reimbursement Arrangement for 2020 and to authorize the township administrator to enter such an agreement.

Be it further resolved, that the Plain Township Board of Trustees approves a Health Reimbursement Arrangement for 2020 consistent with the attached, providing HRA 1 in the amount of \$1000/\$2000 to be earned with wellness dollars and HRA 2 in the amount of \$6500/\$13000 to be funded by Plain Township.

Mr. Rybski seconded the motion. Vote: All Aye

ZONING

Mr. Collins reported that at the Strategic meeting this morning, a few members of the community expressed interest in building an indoor athletic facility near Rocky Fork Park.

Mr. Rybski made a motion to pass Resolution No. 200108Z1. Be it Resolved, to set a public hearing for Zoning Resolution Text Amendment 11-14-2019 to be held on Wednesday, February 5, 2020 at 7:00 pm at the Plain Township Fire Station, 9500 Johnstown Road, New Albany, Ohio 43054. Mr. Ferguson seconded the motion. Vote: All Aye

ROADS/ MAINTENANCE

Mr. Collins said the snow plow was giving them problems and it was serviced at Kaffenbarger. They haven't had to use it since. Agri-pro is not continuing the trade-in program for the mowers.

Mr. Ferguson made a motion to pass Resolution No. 200108M1. Be it Resolved, to set aside and authorize payment to the City of New Albany up to \$10,000 for Road Salt out of fund 11-B-02 (Road District – Material). Mr. Rybski seconded the motion. Vote: All Aye

FIRE DEPARTMENT

Chief Hoovler said 2019 runs were up approximately 10% over the previous year. Total runs for 2019 were 2,902. The increase is mostly in evening runs. They responded to call at First and Main 130 times in 2019. Mr. Ferguson inquired about the number of drug overdoses that the PTFD has responded to. There seemed to be consensus that Plain Township is not seeing an increase in drug overdoses, the same way other communities are. Chief Hoovler reported that they had 162 fire and EMS runs since the last Board of Trustees meeting. The fire department continues to be very busy.

Chief Hoovler reported there was a time over the holiday when all the crews were out on runs and his concern that help would have been 25-30 minutes out if there had been an emergency call within Plain Township.

There was discussion surrounding the roof of the fire station. Allied Roofing is trying to determine the cause of the leaking.

Mr. Ferguson made a motion to pass Resolution No. 200108F1. Be it resolved to approve tuition reimbursement for Debbie Barnett for an amount up to \$5,250.00 for courses to be completed at the Mount Vernon Nazarene University in 2020. Debbie is completing a Bachelor of Public Administration degree. This is to be paid out of fund 01-C-09. (General-Fire-Other Expenses). Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108F2. Be it resolved to amend the Plain Township fire inspection and plan review fees effective January 1, 2020 according to the attached fee schedule. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108F3. Be it resolved to approve out of state travel for FFPM Mark Powell and FFPM Joe Herren to attend Fire Department Training Network in Indianapolis, Indiana June 22-25, 2020. This fire training request is to attend a 3-day fireground company officer training. The training consists of live fire training, officer tactics, leadership and classroom. The cost not to exceed \$3,771.00 including course registration fees, meals, travel and hotel. Out of fund 10-A-15D. (Fire District-Other Expenses-Training) Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 200108F4. Be it resolved to approve out of state travel for seven (7) firefighters to attend FDIC. The amount not to exceed \$6,500.00 for conference expenses including registration fees, passes, meals, travel and hotels. The conference will be held in Indianapolis, Indiana on April 20-25, 2020. Station vehicles will be used for transportation as possible. The firefighters attending the conference will be named later. Out of fund 10-A-15D. (Fire District-Other Expenses-Training). Mr. Rybski seconded the motion. Vote: All Aye

EXECUTIVE SESSION

Mr. Ferguson made a motion to adjourn into executive session 7:52 p.m. pursuant to Ohio Revised Code 121.22 (G)(1) for appointment, employment, promotion or compensation, demotion or dismissal. Mr. Rybski seconded the motion. Roll Call Vote: All Aye

Mr. Zappitelli and Mr. Collins also attended the Executive Session.

Mr. Ferguson made a motion to close out of executive session at 8:20 p.m. Mr. Rybski seconded the motion. Roll Call Vote: All Aye

FISCAL OFFICE

Mr. Rybski made a motion to pass Resolution No. 200108B1. Be it resolved: to hire Rebecca Rousseau as part-time accounting assistant for the Plain Township Fiscal Office at

the rate of \$45.00 per hour starting on the pay period beginning January 11, 2020 to assist with the VIP Software Conversion. Not to exceed 60 hours.

Mr. Ferguson seconded the motion. Vote: All Aye

NEW BUSINESS

Mr. Rybski requested that the Board of Trustees receive as much of the meeting information as possible ahead of time. He expressed that it seems like quite a few resolutions are being brought to the meeting without advance notice.

ADJOURNMENT

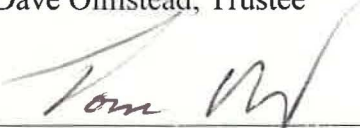
Mr. Ferguson made a motion to adjourn the meeting at 8:21 p.m. Mr. Rybski seconded the motion. Vote: All Aye

BOARD OF TRUSTEES:



David Ferguson, Trustee

Dave Olmstead, Trustee



Thomas Rybski, Trustee



Bud Zappitelli, Fiscal Officer