

RECORD OF PROCEEDINGS

Minutes of Meeting Plain Township Board of Trustee Meeting

Held Administrative Office 7:15 a.m.

The Plain Township Board of Trustees met in regular session at the Plain Township Administrative Office, New Albany, Ohio.

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

Roll Call: Members Present Dave Ferguson, Dave Olmstead and Tom Rybski. Bud Zappitelli, Fiscal Officer, was present. Other people present were Ben Collins, Chief Hoovler, Bob Pharris, Assistant Chief Rupp and Battalion Chief Sponaugle.

ADDITIONS OR CORRECTIONS TO THE AGENDA

Mr. Olmstead requested an Executive Session at the end of the meeting. Chief Hoovler added Resolution F2.

APPROVAL OF MINUTES

Mr. Rybski made a motion to approve the November 28, 2018 Board of Trustees Meeting minutes as submitted. Mr. Olmstead seconded the motion.

Vote: All Aye (Resolution 18121901)

Mr. Rybski made a motion to approve the December 6, 2018 Board of Trustees Meeting minutes as submitted. Mr. Olmstead seconded the motion.

Vote: All Aye (Resolution 18121902)

PAYMENT OF THE BILLS

Mr. Olmstead made a motion to pay the pending warrants in the amount of \$437,585.49.

Mr. Rybski seconded the motion. Vote: All Aye (Resolution 18121903)

ADMINISTRATOR

Mr. Collins said the HRA cost that we have paid so far is \$155,172. He reviewed the prior year. He said that Mrs. Reife was back from Aruba and they reviewed the pool rate history. He said that they are reviewing RecDesk versus the revenues. There was a brief discussion concerning pool rates.

Mr. Rybski made a motion to pass Resolution No. 181219A1. Be it resolved: Regular Board of Trustees meetings for 2019 will be held the first Wednesday of each month at 7:00 p.m. and the third Wednesday of each month at 7:15 a.m. The first Wednesday meeting of each

month will be held at the Plain Township fire station located at 9500 Johnstown Road, New Albany, Ohio 43054. The second Wednesday meeting of each month will be held at the Plain Township administrative offices located at 45 Second Street, New Albany, Ohio 43054.

The organizational meeting of the Plain Township Board of Trustees will be held on January 9, 2019 at 7:00 p.m. at the Plain Township fire station. The second meeting of January will be held on January 23, 2019 at 7:15 a.m. at the Plain Township administrative offices.

Notice of special meetings will be posted at least 24 hours in advance on the township's website at www.plaintownship.org and at the township office at 45 Second Street, notifying the public of the time, place and purpose of the special meeting. The media will be notified of special meetings via email, telephone or fax – as requested. Notice of emergency meetings will be posted on the township website as soon as possible and notice will be sent via email to local media and any persons who have requested notice.

Mr. Olmstead seconded the motion. Vote: All Aye

Mr. Olmstead made a motion to pass Resolution No. 181219A2. 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 2019 in such matters as the Board or its designee may refer to them; and

WHEREAS, the Board has appropriated \$20,000 for legal services for 2019.

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 2019 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 2019 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. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 181219A3. 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 2019 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 2019 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 2019 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. Olmstead seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 181219A4. Be it Resolved to approve a 3% wage increase for all township employees beginning on the first pay date in 2018, being January 4, 2019. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Olmstead made a motion to pass Resolution No. 181219A5. 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. Rybski seconded the motion. Vote: All Aye

Mr. Rybski made a motion to pass Resolution No. 181219A6. 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 2019 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 2019 calendar year in the amount of \$2,060 to be paid out of 01-A-28 (General- Contractual Services)

Mr. Olmstead seconded the motion. Vote: All Aye

ZONING

No Report.

MAINTENANCE

Mr. Pharris said the county is about done with the Bevelhymer Road ditch project. There was discussion concerning the project. Mr. Pharris said the maintenance building roof is done and they are almost done with the siding. He said that he would like them to come back and put gutters on the back of the building and wrap the door jams with metal so he will get a quote.

Mr. Olmstead said they received a letter from a concerned citizen about people driving through the grass in the cemetery. Mr. Pharris said that he would put snow stakes up 1 ½ feet from the driveway to see if that helps. He said it has been an ongoing issue for 10 years. There was discussion concerning people driving through the grass at the cemetery.

FIRE DEPARTMENT

Chief Hoovler said there have been 109 Fire and EMS runs since the last Trustee meeting.

Mr. Olmstead made a motion to pass Resolution No. 181219F1. Be it resolved to elect Trustee Dave Olmstead and Trustee Tom Rybski to serve one year on the Volunteer Firefighters' Dependents Fund as board members. Trustee Dave Olmstead to serve as chairman. Also to elect Bob Albright to serve as a citizens representative. Chief John Hoovler and Assistant Chief Rupp to serve as board members from the fire department. Chief Hoovler to serve as secretary. Mr. Rybski seconded the motion. Vote: All Aye

Mr. Ferguson made a motion to pass Resolution No. 181219F2. Be it resolved to pay Flora's Diesel Repair Service, Inc. \$9,892.29 for the repair of Engine121 out of fund 10-A-10B. (Fire District-Repairs-Non-Routine) Mr. Rybski seconded the motion. Vote: All Aye

There was discussion concerning the EMS Coordinator/ Specialist positions and the Peak Time staffing positions.

CITY OF NEW ALBANY LIAISON – MICHAEL DURIK

Mr. Durik said that the property west of Beech Road and north of Morse Road is going to be sold to Google. He said they will be putting in data centers much like Facebook. He said it is 440 acres so it is substantial improvement. There was discussion concerning the development in that area and cell tower legislation.

FISCAL OFFICE

The November 2018 End of Month Reports and Bank Reconciliation were presented to the board.

Mr. Zappitelli asked if the board would make a motion to pay either through online bill pay or by credit card payments for utilities for the December bills.

Mr. Olmstead made a motion to authorize the fiscal office to pay the utility bills arriving in December online or by credit card. Mr. Rybski seconded the motion. Vote: All Aye (Resolution 18121904)

OLD BUSINESS

Mr. Olmstead said that Mr. Collins attended the RCOG meeting because he had a scheduling conflict. He said that the contracts got deferred to the January meeting because the Prosecutor's Office had some questions. There was discussion concerning the contracts.

EXECUTIVE SESSION

Mr. Olmstead made a motion to adjourn into executive session at 8:08 a.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 also attended the Executive Session.

Mr. Ferguson made a motion to close out of executive session at 8:27 a.m. Mr. Rybski seconded the motion. Roll Call Vote: All Aye

ADJOURNMENT

Mr. Ferguson made a motion to adjourn the meeting at 8:27 a.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