

RECORD OF PROCEEDINGS

Minutes of Meeting

Plain Township Board of Trustee Meeting

The Plain Township Board of Trustees met in regular session at 8:05 a.m. at the Fire Station, 9500 Johnstown Road, New Albany, OH 43054.

Mr. Ferguson called the meeting to order. Mr. Rybski led the Trustees in the Pledge of Allegiance to the flag.

Roll Call: Members Present: Dave Ferguson, Tom Rybski and Dave Olmstead. Bud Zappitelli, Fiscal Officer, was present. Others present: Chief Rupp, Ben Collins, Bobby Pharris, Captain Chris Pabst and Courtney Rogers. Visitors present: Kerri Mollard.

ADDITIONS OR CORRECTIONS TO THE AGENDA

Mr. Olmstead requested an Executive Session for purposes of compensation.

APPROVAL OF MINUTES

Mr. Ferguson made a motion to approve the December 1, 2021 Board of Trustees Meeting minutes. Mr. Olmstead seconded the motion. Vote: All Aye. (Resolution 21123001)

PAYMENT OF THE BILLS

Mr. Olmstead made a motion to pay the pending warrants in the amount of \$858,183.34. Mr. Rybski seconded the motion. Vote: All Aye. (Resolution 21123002)

ADMINISTRATOR

Mr. Collins indicated that the HRA reimbursements continue to trend below 2020.

Next, Mr. Collins indicated that he had followed up with OTARMA regarding the pool claim. He found that, according to our policy, the loss of water in the pool was covered so he is trying that approach to recover some of the Township's loss.

Mr. Collins and the Trustees discussed the need for a special meeting regarding the Fire Department's Strategic Plan. Ultimately, it was decided that the presentations from the two potential companies being considered would be at the January 5th meeting.

Mr. Collins indicated that we have agenda items for the pool. Continuation of our pool contracts for vending and concession as well as the pool management contract all have changes. For

example, minimum wage has gone up a dollar since our latest contract which increases the price of managing the pool altogether.

Mr. Collins then reported on the roof repairs. He indicated that the delays have occurred because the contractor needs to have the plans reviewed by Prime AE and broken down into pieces. Mr. Ferguson requested an update at the next meeting on January 5th.

Mr. Collins then indicated that the Pine Meadows resident is still having trouble. They are now pursuing mitigation, but if that fails, they may return to the Township seeking assistance.

Mr. Collins reported that all employees on health insurance have completed their wellness credits.

Mr. Rybski made a motion to pass Resolution 211230A1.

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 2022 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 2022.

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

SECTION 1. Peter N. Griggs of Brosius, Johnson & Griggs, LLC and the law firm of Brosius, Johnson & Griggs, LLC, are hereby employed on an annual basis for calendar year 2021 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 2021 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. Olmstead seconded the Motion. Vote: All Aye

Mr. Olmstead made a motion to pass Resolution 211230A2.

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 2022 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 I. The Plain Township Fiscal Officer or its designee is hereby authorized to engage Peter N. Griggs of Brosius, Johnson & Griggs, LLC and the law firm of Brosius, Johnson & Griggs, LLC, in calendar year 2022 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 2022 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. Ferguson made a motion to pass Resolution No. 211230A3. Be it resolved, that the Plain Township Board of Trustees hereby approves extending the existing agreement with Forward Vending and Building Service, LLC, to operate the vending machines at the Plain Township Aquatic Center, for one year – the 2022 pool season. The existing agreement was a term of three years, being 2019, 2020 and 2021.

Mr. Rybski seconded the Motion. Vote: All Aye.

Mr. Rybski made a motion to pass Resolution No. 211230A4. Be it resolved, that the Plain Township Board of Trustees hereby approves extending the existing agreement with Redwood Management Systems, LLC, to operate the concession stand at the Plain Township Aquatic Center, for one year – the 2022 pool season. The existing agreement was a term of three years, being 2019, 2020 and 2021.

Mr. Olmstead seconded the Motion. Vote: All Aye.

Mr. Olmstead made a motion to pass Resolution No. 211230A5. Be it Resolved: To approve a contract with Johnson Controls Security Solutions LLC, for monthly security system monitoring and maintenance at the township offices in the amount of \$1,134.61 annually, according to the same conditions for a term of five years, to be paid out of 1000-120-53050. Mr. Ferguson seconded the Motion. Vote: All Aye.

Mr. Ferguson made a motion to pass Resolution No. 211230A6. Be it Resolved: To approve a contract with Johnson Controls Security Solutions LLC, for monthly security system monitoring and maintenance at the township pool in the amount of \$869.42 annually,

according to the same conditions for a term of five years, to be paid out of 2171-610-53058. Mr. Olmstead seconded the Motion. Vote: All Aye.

Mr. Ferguson made a motion to pass Resolution No. 211230A7.

WHEREAS, TOM RYBSKI has continually served the residents of Plain Township since the year 2000, most recently as Plain Township Trustee since 2013, and prior to that representing Plain Township on the Rocky Fork Blacklick Accord from 2011 to 2013, and prior to that serving on the Plain Township Zoning Commission from 2000 to 2011; and

WHEREAS, TOM RYBSKI, and his wife Melinda, has resided in Plain Township since 1987, raised his family in Plain Township and served the community in many other positions; and

WHEREAS, TOM RYBSKI has been a tireless advocate for township residents and worked to ensure high quality services for all township residents;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES, PLAIN TOWNSHIP, FRANKLIN COUNTY, OHIO:

That Plain Township Trustees Dave Ferguson and Dave Olmstead would like to extend their thanks and appreciation to outgoing Trustee Tom Rybski on behalf of the Township staff and residents, for all of his many contributions to the work of Plain Township and the entire community.

Mr. Olmstead seconded the Motion. Vote: All Aye. Mr. Rybski abstained

ZONING

Mr. Collins indicated that there has been an additional permit request for an additional wedding venue and bridal suites at Jorgenson Farms. The Rocky Fork Blacklick Accord approved the Cardinal Storage development next to the HQ Flats on Hamilton Road.

Mr. Ferguson made a motion to pass Resolution No. 211230Z1. Be it resolved, that the Plain Township Board of Trustees hereby appoints Chris Barrett, a resident of the unincorporated territory of Plain Township, to fill a vacant seat on the Zoning Commission for a term expiring December 31, 2025. Mr. Olmstead seconded the Motion. Vote: All Aye.

Mr. Olmstead made a motion to pass Resolution No. 211230Z2. Be it resolved, that the Plain Township Board of Trustees hereby appoints Chad Blind, a resident of the unincorporated territory of Plain Township, to fill a vacant seat on the Board of Zoning Appeals for a term expiring December 31, 2025. Mr. Ferguson seconded the Motion. Vote: All Aye.

ROAD/MAINTENANCE

Mr. Pharris reported that maintenance has started closing all gates when they are digging a grave and they are closing the gates closest to the funeral until time for the funeral.

Mr. Ferguson inquired as to whether those responsible for the damage/vandalism to the pool slides were ever identified. Mr Pharris said that no suspects were ever identified.

Mr. Ferguson made a motion to pass Resolution No. 211230M1. Be it resolved, to pay TruGreen Commercial Services of 461 Enterprise Drive, Lewis center, Ohio 43035 up to \$7,987.25 for lawn treatment and fertilization for 2022 to include services according to the attached proposal for the following facilities:

Maplewood Cemetery: \$5,612.35 (2041-410-58099) Cemetery-Other Expenses

Fire Station: \$1,493.90 (2111-220-58099) Fire District-Other Expenses-Misc

Aquatic Center: \$882.00 (2171-610-58099) Pool-Other Expenses

TruGreen Commercial Services

461 Enterprise Drive

Lewis Center, Ohio 43035

Mr. Olmstead seconded the Motion. Vote: All Aye.

FIRE DEPARTMENT

Chief Rupp indicated that there have been 67 Fire and 159 EMS runs since the last meeting. He stated that there has been a significant increase in line of duty deaths of firefighters in 2021 attributed to COVID.

Mr. Ferguson asked about closing the fire house to the public with the uptick of COVID. Chief Rupp responded that they are very selective about who comes in. They have really only reopened for Trustee meetings and Government meetings.

Mr. Collins indicated that our identified nursing home runs have doubled over 2020. The Trustees recommended looking at trends to make sure we are properly staffed for the future. Chief Rupp indicated that he had looked into the Community Paramedic Program and that that may be an opportunity there to consider.

Captain Pabst discussed the benefits of upgrading to the new Alpha 2 Simulator Training Door.

Mr. Ferguson made a Motion to pass Resolution No. 211230F1. Be it resolved to elect Trustee Dave Ferguson and Trustee Dave Olmstead 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 citizen's representative. Chief Jack Rupp and Battalion Chief Sponaule to serve as board members from the fire department. Chief Rupp to serve as secretary. Mr. Olmstead seconded the Motion. Vote: All Aye.

Mr. Olmstead made a Motion to pass Resolution No. 211230F2. Be it resolved to approve tuition reimbursement for Travis Dudley of up to \$5,250.00 for courses to be completed at the Mount Vernon Nazarene University in 2022. Captain Dudley is completing a Bachelor of Public Administration degree. To be paid out of fund 2111-220-58018 (Fire – Other Expenses - Training). Mr. Ferguson seconded the Motion. Vote: All Aye.

Mr. Rybski made a Motion to pass Resolution No. 211230F3. Be it resolved, to pay Fire Forge & Company the amount of \$5,000.00 and trade in the department's Alpha Door 1 for a new forcible door simulator, the Alpha 2 valued at \$11,475.00. To be paid out of fund 2111-220-58018 (Fire District – Other Expenses - Training). The Alpha 1 door simulator was paid for with a donation from Discover Card. Mr. Olmstead seconded the Motion. Vote: All Aye.

FISCAL OFFICE

The November bank reconciliation and month end reports were presented.

Mr. Olmstead made a Motion to pass Resolution No. 211230B1. Be it Resolved: To authorize the Plain Township Fiscal Officer to renew an agreement with Kindred Spirits Investment Management LLC, DBA RedTree Investment Group for investment advisor services at the current rate of \$6,000 annually (to be billed quarterly) to be paid out of Fund 1000-110-53060 (General – Contractual Services). Mr. Rybski seconded the Motion. Vote: All Aye.

OLD/NEW BUSINESS

Mr. Olmstead indicated that Phil Heit resigned from the McCoy Board as he is spending more and more time out of the community. The Board thanked him for his service and recognized the contributions to the community he has made.

EXECUTIVE SESSION

Mr. Olmstead made a motion to adjourn into executive session at 9:17 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. Vote: All Aye

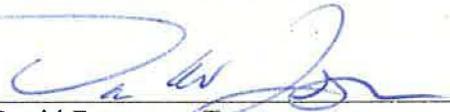
Mr. Zappitelli and Mr. Collins attended the Executive Session.

Mr. Olmstead made a motion to close out of executive session at 9:45 a.m. Mr. Rybski seconded the motion. Vote: All Aye

ADJOURNMENT

Mr. Rybski made a motion to adjourn the meeting at 9:45 a.m. Mr. Ferguson seconded the motion. Vote: All Aye

BOARD OF TRUSTEES:



David Ferguson, Trustee



Dave Olmstead, Trustee

Thomas Rybski, Trustee



Bud Zappitelli, Fiscal Officer