

## RECORD OF PROCEEDINGS

*Minutes of Meeting*

Plain Township Board of Trustee Meeting

The Plain Township Board of Trustees met in regular session by video/teleconference at 7:00 p.m.

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 Rupp, Mary Fee, Mike Durik, Captain Dudley, and Courtney Rogers. Visitors present: Deputy Ken Upton.

### ELECTION OF OFFICERS

**Mr. Ferguson moved that they keep the existing officers for 2021. Mr. Olmstead made a motion to nominate Dave Ferguson as chair. Mr. Rybski seconded the motion. Vote: All Aye. Mr. Ferguson made a motion to nominate Dave Olmstead as vice-chair. Mr. Rybski seconded the motion. Vote: All Aye.**

### ADDITIONS OR CORRECTIONS TO THE AGENDA

None

### APPROVAL OF MINUTES

**Mr. Rybski made a motion to approve the December 23, 2020 Board of Trustees Meeting minutes as submitted. Mr. Olmstead seconded the motion. Vote: All Aye.**

### CITY LIASON

Mr. Mike Durick gave a brief report from sunny Palm Springs. City Council has made some committee appointment changes. There is a zoning change in Hawkmoor – a large lot is being split into two parcels. Joe Stephanov was authorized to go forward on getting bids for recycling costs for next year. Approved to get bids for architecture and design costs for Taylor Farms park. Per zoning it will be a passive park. The first reading of the 1.5% increase in salary for NA Council and Mayor was read at the last meeting. Rate increase was determined by salary survey. City County would like to thank the Fire Department for the Christmas parade. There have been rave reviews from the residents. Continuing the parade year after year may be considered.

### ADMINISTRATOR

Mr. Collins stated that he has an addition to the agenda, F2 to replace a hot water system at the fire station. There are a lot of boilerplate items to go over that are typical for the first of the year, some are appointments for township positions, Zoning Commission, Board of Zoning Appeals, and the Rocky Fork Blacklick Accord. Mr. Collins pointed out that all township employees and

spouses on the township insurance plan completed 100% of their wellness credits for 2020. The 2020 HRA reimbursements are holding steady at the 28% increase over 2019. We are in the cycle for bidding out the contracts for waste and recycling collection and processing. Over the last couple of years, a recycling processing fee was added to the program and the other consortium communities have been picking up that fee on behalf of their residents, that is a preview of something the Board of Trustees may be asked to consider. Mr. Olmstead asked if the whole waste hauling contract is up for renewal. Mr. Collins indicated that we went through the process 3 years ago and we only had a 3-year fixed term with 2 one-year renewals, however, the language for those renewals was not statutorily compliant. We are at a point where we have 2021 remaining on the contract, and we need a new one for 2022. Mr. Olmstead suggested reaching out to Joe Stefanov and then perhaps meeting with Mark Watson who is the Eastern Region Operations Manager for Republic Waste Services, who might be interested in bidding if the volume was large enough. That would give options and encourage competition. Mr. Collins indicated that he has conversations with Republic and he recalls that in Central Ohio they are primarily a commercial collection operation. The consortium is comprised of over 60,000 households. We continue to work with SWACO and community representatives about how we can make that most appealing to different bidders.

The MECC Council of Governments held its quarterly meeting on December 17. The Board approved the financial report as well as the budgets for general, EMS and Dispatching. The Board also approved the agreement for emergency medical direction at no increase for 2021. The annual meeting of the RCOG will be March 18 at 1:00 pm.

Mr. Collins reported that the Cares Act window has been extended to December 31, 2021 so there is additional time to work through the installation of equipment and making sure that we use every last dollar for the township's benefit.

Mr. Olmstead asked about Keytel and if PSee Solutions could help with the township equipment and resources. Mr. Collins stated that PSee Solutions is currently providing IT services for township administration, fiscal, maintenance and the pool. They have assisted with email for some of their clients such as Jefferson Township when they migrated from Keytel to Microsoft 365. Mr. Collins has reached out to PSee Solutions and they are willing and interested in helping Plain Township. Mr. Olmstead stated that this may be an opportunity to bundle everything across the township to include administration, fiscal, maintenance, pool and fire department, and get a better rate. Mr. Olmstead would like a price from PSee Solutions.

**Mr. Ferguson made a motion to pass Resolution No. 210106A1. Be it resolved, that the Plain Township Board of Trustees meetings will be conducted under Roberts Rules of Order. Mr. Olmstead seconded the motion. Vote: All Aye**

**Mr. Ferguson made a motion to pass Resolution No. 210106A2. 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. Olmstead seconded the motion. Vote: All Aye**

**Mr. Rybski made a motion to pass Resolution No. 210106A3. Be it resolved: To set the 2021 mileage reimbursement rate at \$0.56 in accordance with IRS allowances and any subsequent changes thereto. Mr. Olmstead seconded the motion. Vote: All Aye**

**Mr. Rybski made a motion to pass Resolution No. 210106A4. 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. Olmstead seconded the motion. Vote: All Aye**

**Mr. Olmstead made a motion to pass Resolution No. 210106A5. Be it resolved: 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 2021 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 2021.**

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

**Mr. Olmstead made a motion to pass Resolution No. 210106A6. Be it resolved:**  
**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 2021 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 Peter N. Griggs of Brosius, Johnson & Griggs, LLC and the law firm of Brosius, Johnson & Griggs, LLC, in calendar year 2021 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 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 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. Rybski seconded the motion. Vote: All Aye**

**Mr. Olmstead made a motion to pass Resolution No. 210106A7. Be it resolved that the Plain Township Board of Trustees hereby re-appoints Scott Dodson, a resident of Plain Township, to serve as a trustee of the New Albany Plain Local Joint Parks District Board of Trustees, for a three-year term ending December 31, 2023. Mr. Rybski seconded the motion. Vote: All Aye**

Mr. Collins stated that the fiscal office has asked for a special bill pay meeting for January 13<sup>th</sup> to pay bills that are not ready to be paid due to the timing of the new year. There are certain bills such as credit cards that need paid prior to our next scheduled meeting on January 20<sup>th</sup> to avoid late payment penalties. All trustees indicated their availability on January 13<sup>th</sup>.

## ZONING

Mr. Collins indicated that there are a couple of expiring terms for the zoning boards that need to be re-appointed. A resolution is submitted to re-appoint Chris Barrett to the Board of Zoning Appeals. The Board of Zoning Appeals will hold a public hearing for a variance request at 12862 Bevelhymer Road - to decrease the required side yard setback. A resolution is submitted to re-appoint Scott Harper to the Zoning Commission. The Zoning Commission has not received any applications for January but will hold an organizational meeting this month. There is also a resolution submitted to re-appoint Jay Herskowitz to the Rocky Fork Blacklick Accord. Mr. Rybski asked if we had candidates that were willing to serve. Mr. Collins stated we had good success recruiting for the township zoning board and commission the last time, and we actually have alternates on the boards. Greg Eller of the Zoning Commission, moved out of the township so we will have one of the alternates replace him. Rick Wieland, another ZC member is expected to move in the near future. We do have one appointment on the Rocky Fork Blacklick Accord who has been serving since 2008 and is term limited so we will need someone to move over to that committee. We still have one additional alternate, Tom Byerly, who may be interested. Mr. Olmstead asked if we needed to start recruiting again. Mr. Collins will review previous applicants. Mr. Ferguson would like to recognize Mr. Wieland for his many years of service when he moves out of the district.

**Mr. Ferguson made a motion to pass Resolution No. 210106Z1. Be it resolved, that the Plain Township Board of Trustees hereby appoints Scott Harper, a resident of the unincorporated territory of Plain Township, to serve as a regular member of the Zoning Commission for a term ending on December 31, 2025. Mr. Rybski seconded the motion. Vote: All Aye**

**Mr. Ferguson made a motion to pass Resolution No. 210106Z2. Be it resolved, that the Plain Township Board of Trustees hereby appoints Chris Barrett, a resident of the unincorporated territory of Plain Township, to serve as a regular member of the Board of Zoning Appeals to a term ending on December 31, 2025. Mr. Rybski seconded the motion. Vote: All Aye**

**Mr. Ferguson made a motion to pass Resolution No. 210106Z3. Be it resolved that the Plain Township Board of Trustees hereby re-appoints Jay Herskowitz, a resident of Plain Township, to serve as a member of the Rocky Fork Blacklick Accord Panel, to a three-year term ending December 31, 2023. Mr. Rybski seconded the motion. Vote: All Aye**

## ROAD/MAINTENANCE

Mr. Pharris indicated that he was waiting for a COVID test to come back. He had been exposed to someone who tested positive for more than 15 minutes. His wife also took a test and it came back negative. Mr. Pharris said that everything was going well in the township except for the fact that staff had to work Christmas Eve, Christmas Day and New Year due to snow. There has

been no vandalism recently at the pool since temporary lights have been put up. Repairs are needed on the fence. There is not as much to do to open the pool this year.

**Mr. Olmstead made a motion to pass Resolution No. 210106M1. 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 2141-330-54090 (Road District – Material). Mr. Rybski seconded the motion. Vote: All Aye**

**Mr. Olmstead made a motion to pass Resolution No. 210106M2. Be it resolved, to pay TruGreen Commercial Services of 461 Enterprise Drive, Lewis center, Ohio 43035 up to \$7,277.60 for lawn treatment and fertilization for 2021 to include services according to the attached proposal for the following facilities:**

**Maplewood Cemetery: \$5,014.85 (2041-410-58099) Cemetery-Other Expenses**

**Fire Station: \$1,422.75 (2111-220-58099) Fire District-Other Expenses-Misc**

**Aquatic Center: \$840.00 (2171-610-58099) Pool-Other Expenses**

**Mr. Rybski seconded the motion. Vote: All Aye**

There was a short discussion about the cost of road salt.

Mr. Ferguson asked about the resident who is a nuisance at the cemetery. Maintenance currently blocks and/or locks the entrance first thing in the morning for funerals if the funeral is in that area.

## **FIRE DEPARTMENT**

Chief Rupp reported there were 103 EMS runs and 74 Fire runs since the last Board of Trustees meeting, which was 21 days ago, as a result, the numbers are higher. There are two resolutions before the board. The first resolution is what we have presented in terms of the savings for a BP Solutions Fuel Card contract, next door to the fire station. The second resolution is an agreement with Eaton Plumbing. After an investigation, it was determined that the Demand Duo hybrid water heating system will serve the fire department better in future years. Eaton Plumbing was the only one who came back with a quote for that system. Mr. Rybski asked about the current system. Chief Rupp replied that it is the original system that was in the fire station and that the hot water tank has developed small leaks and the boiler is making noise and showing some age.

**Mr. Rybski made a motion to pass Resolution No. 210106F1. Be it resolved, that the Plain Township Board of Trustees hereby approves an agreement for a BP Business Solutions Fuel Card, according to the attached terms. Be it further resolved that the Board of Trustees hereby authorizes the township administrator to execute this agreement on behalf of Plain Township. Mr. Olmstead seconded the motion. Vote: All Aye**

**Mr. Rybski made a motion to pass Resolution No. 210106F2. Be it Resolved, that the Board of Trustees hereby authorizes to pay Eaton Plumbing, Inc. for the replacement of the hot water system at Plain Township Fire Station 121, an amount up to \$24,669 to be paid out of Fund 2111-220-55020 (Fire District – Buildings and Additions) and be it further resolved that the Board of Trustees hereby authorizes the township administrator to execute an agreement on behalf of Plain Township. Mr. Olmstead seconded the motion. Vote: All Aye**

Chief Rupp reported that 27 of 39 fire fighters have received their first COVID vaccinations. Chief is working with Franklin County Public Health to include law enforcement to be included in the first round to receive the vaccine. Currently law enforcement is not considered a first responder for the early vaccine. Any firefighters that do not wish to take the vaccine will sign a declamation.

Chief Rupp thanked the City of New Albany's Josh Poland for helping to put together the virtual recognition program.

Mr. Olmstead asked if GNG does not pay their taxes on time, where would the funding come from to pay them; given that the rent receipts go to the fire fund, should the taxes be paid by the fire fund. Mr. Collins indicated that it would be appropriate to consider taking the funds from the fire fund.

### **FISCAL OFFICE**

Mr. Zappitelli recognized that Courtney Rogers is doing a fantastic job. At the present time, Courtney is the only one in the fiscal office. Mr. Zappitelli added Resolution 210106B1. Mr. Zappitelli indicated that they are looking for someone to help Courtney.

**Mr. Ferguson made a motion to pass Resolution No. 201202B1. WHEREAS, the Board of Trustees of Plain Township met in regular session on January 6, 2021; and WHEREAS, pursuant to Ohio Revised Code Section 321.34, the Franklin County Auditor's Office has made it possible for Advances on Real Estate Tax Settlements to be distributed via electronic transfer; now therefore BE IT RESOLVED that the Plain Township Fiscal Officer is hereby directed by the Plain Township Board of Trustees to request an advance on all funds, as they become available during fiscal year 2021. Mr. Olmstead seconded the motion. Vote: All Aye**

Mr. Rybski and the other Trustees expressed their gratitude to Courtney Rogers and recognized her hard work.

### **FRANKLIN COUNTY SHERIFF**

Sheriff Upton sent an email to the Trustees with a few statistics. He wanted to thank the Chief for his help to get law enforcement included as first responders so they can also the COVID vaccine.

### **NEW BUSINESS**

Mr. Ferguson thanked the entire staff for their patience and flexibility through this past year.

**ADJOURNMENT**

Mr. Ferguson made a motion to adjourn the meeting at 7:53 p.m. Mr. Rybski seconded the motion. Vote: All Aye

**BOARD OF TRUSTEES:**

DocuSigned by:  
*Bud Zappitelli*  
CBE881AE59A146F  
Bud Zappitelli, Fiscal Officer

DocuSigned by:  
*Dave Ferguson*  
492005552804E7  
David Ferguson, Trustee

DocuSigned by:  
*Dave Olmstead*  
AE95D9991EAD74E  
Dave Olmstead, Trustee

DocuSigned by:  
*Tom Rybski*  
789E531A8E25455  
Thomas Rybski, Trustee