

RECORD OF PROCEEDINGS

Minutes of Meeting

Plain Township Board of Trustee Meeting

The Plain Township Board of Trustees met in regular session at 6:30 p.m. at the New Albany Village Hall, 99 West Main Street, New Albany, OH 43054.

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

Roll Call: Members Present: Dave Ferguson, Kerri Mollard, and Jill Beckett-Hill. Others present: Fiscal Officer Bud Zappitelli, Administrator Ben Collins, Chief Connor, Maintenance Supervisor Bob Pharris, Administrative/Zoning Coordinator Mary Fee, Battalion Chief Dudley, Battalion Chief Sponaugle, Captain Pabst, Captain Reasoner, Captain Todd Moore, Firefighter Lainge, Firefighter Forsthoefel, and Finance Officer Courtney Rogers. Visitors present: Mike Durik and Deputy Phillips

ADDITIONS OR CORRECTIONS TO THE AGENDA

Mr. Ferguson requested an executive session after item #7 on the agenda for compensation, appointments, and discipline.

PAYMENT OF THE BILLS

Mr. Ferguson made a motion to pay the pending warrants in the amount of \$341,235.71.

Ms. Mollard seconded the motion. Vote: All Aye. (Resolution 23030101)

APPROVAL OF MINUTES

Mr. Ferguson made a motion to approve the February 15, 2023 Board of Trustees Meeting minutes as submitted. Ms. Mollard seconded the motion. Vote: All Aye. (Resolution 23030102)

Mr. Ferguson made a motion to approve the February 21, 2023 Board of Trustees Meeting minutes as submitted. Ms. Beckett-Hill seconded the motion. Vote: All Aye. (Resolution 23030103)

Mr. Ferguson made a motion to approve the February 22, 2023 Board of Trustees Meeting minutes as submitted. Ms. Mollard seconded the motion. Vote: All Aye. (Resolution 23030104)

NEW ALBANY CITY LIASON-MIKE DURIK

Mr. Durik had nothing new to report.

FRANKLIN COUNTY SHERIFF-DEPUTY PHILLIPS

Deputy Phillips had nothing new to report.

EXECUTIVE SESSION

Mr. Ferguson made a motion to adjourn into executive session at 6:34 p.m. pursuant to Ohio Revised Code 121.22 (G)(1) for appointment, promotion, compensation, and discipline. Ms. Beckett-Hill seconded the motion. Vote: All Aye

Mr. Zappitelli attended the Executive Session. Mr. Collins joined the Executive Session at 7:15 p.m.

Mr. Ferguson made a motion to close out of executive session at 7:41 p.m. Ms. Mollard seconded the motion. Vote: All Aye

ADMINISTRATOR

Mr. Collins discussed the options to repair the pool slide tower. Whitewater suggested an alternative material to refurbish the tower. Including demolition, Whitewater's estimate is \$270,000. Prime Engineers provided an estimate of \$150,000 which includes the concrete pour. Because of the cost of the project, it will need to be prevailing wage and sent out for competitive bids. This project will likely have to take place after the 2023 pool season.

Mr. Collins also reported that he adjusted the Ohio Public Works Commission Clouse Road Stormwater grant by increasing the Plain Township loan amount to get a higher score. The total project cost is estimated at \$516,000. Ms. Mollard asked if Mr. Collins has heard anything from the Franklin County Engineers office regarding estimates and surveys that they were going to provide. He is working with an engineer in the Franklin County Engineer's office, but he speculates that they are waiting to see if the project is funded before they staff it.

The New Albany Planning Commission is rezoning 200 acres in Licking County for an employment center. There are no plans to connect Clouse Road.

Mr. Ferguson made a Motion to pass Resolution No. 230301A1.

WHEREAS, Ohio Revised Code 3709.03 provides that the Franklin County General Health District Advisory Council shall consist of the president of the board of county

commissioners, the chief executive of each municipal corporation not constituting a city health district, and the president of the board of township trustees of each township; and

WHEREAS, Ohio Revised Code 3709.03 further provides that the board of township trustees of a township may select an alternate from among themselves to serve if the president of the board of township trustees is unable to attend any meeting of the district advisory council, and that when attending a meeting on behalf of a council member, the alternate may vote on any matter on which the member is authorized to vote;

NOW THEREFORE BE IT RESOLVED, by the Board of Trustees of Plain Township that Trustee Jill Beckett-Hill is hereby appointed to serve as the alternate representing Plain Township at any meeting of the Franklin County General Health District Advisory Council.

Ms. Mollard seconded the Motion. Vote: All Aye.

Mr. Ferguson made a Motion to pass Resolution No. 230301A2. Be it resolved: To increase Administrative and Zoning Coordinator Mary Fee's pay rate by \$1.00 per hour beginning March 4, 2023. Ms. Beckett-Hill seconded the Motion. Vote: All Aye.

Ms. Mollard made a Motion to pass Resolution No. 230301A3. Be it resolved: To increase Pool Coordinator Bonnie Reife's pay rate by \$1.00 per hour beginning March 4, 2023. Ms. Beckett-Hill seconded the Motion. Vote: All Aye.

ZONING

Mr. Collins reported that the Board of Zoning Appeals continues to be busy. A variance was submitted this week and he expects a rezoning application for a property on Walnut Street.

ROAD/MAINTENANCE

Mr. Pharris reported he that there was one funeral this week. His staff continues working on the Fire Station and Maintenance breakroom renovations. There are three more bunkrooms and Debbie's office left to paint. The Maintenance staff also had to pick up tree limbs after the recent storms. Ms. Mollard publicly recognized Trustee Beckett-Hill for all her hard work with getting the renovations completed.

Ms. Beckett-Hill made a Motion to pass Resolution No. 230301M1. Be it Resolved, that the Board of Trustees approves a \$1.30 per hour wage increase for township maintenance workers Doug Hollis and Corey Fleig effective on the pay period beginning March 4, 2023 upon the completion of their probationary periods. Ms. Mollard seconded the Motion. Vote: All Aye.

FIRE DEPARTMENT

There have been 108 runs since the last meeting.

Chief Connor thanked Ms. Beckett-Hill and the Maintenance staff for all their hard work with the Fire Station renovations.

Chief Connor reported that Engine 122 is still out of commission. It needs a new starter cable. Engine 121 is going back for a radiator repair. Ladder 121 is out of commission. Plain Township is currently borrowing Washington Township's Ladder truck.

Interviews for the Lieutenant position occurred today and will continue on Friday, March 3rd. Mark Powell has transitioned to the EMS Coordinator position and is catching on quickly.

Mr. Ferguson made a Motion to pass Resolution No. 230301F1. Be it resolved to appoint Battalion Chief Greg Ecleberry as Assistant Fire Chief, with a start date to be determined by the Fire Chief. The Assistant Fire Chief shall be paid a base rate of \$61.49 per hour with a medic bonus of \$1.75 per hour and full pickup of the Ohio Police and Fire Pension employee contribution as a fringe benefit. Ms. Mollard seconded the Motion. Vote: All Aye.

Mr. Ferguson made a Motion to pass Resolution No. 230301F2. Be it resolved to pay the Ohio Fire Chiefs' Association \$18,560 for eleven officer candidate assessments and testing, out of fund 2111-220-58099 (Fire Fund – Other Expenses).

**Ohio Fire Chiefs' Association
450 W. Wilson Bridge Road, Suite 150
Worthington, OH 43085**

Ms. Beckett-Hill seconded the Motion. Vote: All Aye.

Mr. Ferguson questioned the costs associated with the promotional process, including the written test, assessments, and interviews. He asked if an estimate of the costs were previously discussed. Chief Connor informed him that the estimates were provided in the Fall of 2022. Mr. Ferguson asked the Fiscal office if they saw a cost estimate on the assessments. Ms. Rogers reported that she did not recall seeing cost estimates. Eleven candidates went through the process.

Ms. Mollard made a Motion to pass Resolution No. 230301F3. Be it resolved to increase the purchase order for Heritage Fire Equipment from \$15,000 to \$50,000 for fire equipment repairs out of fund 2111-220-58024. (Fire District-Repairs-Non-Routine).

**Heritage Fire Equipment
2162 Cloverleaf Street East
Columbus, OH 43232**

Ms. Beckett-Hill seconded the Motion. Vote: All Aye.

Ms. Beckett-Hill made a Motion to pass Resolution No. 230301F4. Be it resolved to pay Dalmatian Fire Protection the amount of \$49,900 to replace the dry suppression system at the fire station out of fund 2111-220-55020 (Fire District – Buildings and Additions).

**Dalmatian Fire Protection
7719 Graphics Way, Suite F
Lewis Center, OH 43035**

Ms. Mollard seconded the Motion. Vote: All Aye.

Mr. Ferguson asked if the current system needs to be replaced. Chief Connor reported that it was difficult to find a company that was willing to do the work. Fire Marshall Guthrie found this company. The system must be replaced in the Spring or Fall, when it's warmer but not too hot.

Mr. Ferguson made a Motion to pass Resolution No. 230301F5. WHEREAS, the Board of Trustees of Plain Township, Franklin County, Ohio, has received, for filing, written charges against Jason Moore pursuant to Ohio Revised Code §§ 505.38 and 733.35 to 733.39; and

WHEREAS, the Board of Trustees finds that it is in the best interests of the Township and its residents to establish proceedings in conformity with the aforementioned sections;

NOW THEREFORE, be it resolved by the Board of Trustees of Plain Township, Franklin County, Ohio, that the following Resolution be and it hereby is adopted:

RESOLVED, that the Board, having received for filing written charges against Jason Moore, hereby orders and directs that a true copy of the aforementioned charges be served upon Jason Moore, and return thereof be made to the Board, all as provided in Ohio Revised Code §§733.35; and

BE IT FURTHER RESOLVED, that the aforementioned charges shall come on for hearing before the Board of Trustees of Plain Township, Franklin County, Ohio at its next regularly scheduled meeting on Wednesday, March 15, 2023, at 6:30 P.M., at the Plain Township Fire Station, New Albany, Ohio 43054 unless the Board of Trustees extends the time for the hearing upon application of Jason Moore; and

BE IT FURTHER RESOLVED, that pursuant to Ohio Revised Code §§733.38, subpoenas and/or compulsory process to compel the attendance of persons and the production of books and papers may be issued by or upon request to the Board in the manner hereinafter provided:

- 1. For the purposes hereinbefore stated, the Township Administrator is hereby authorized to sign all subpoenas and/or compulsory process which are issued in connection herewith and to deliver the same to the person so requesting the issuance thereof.**

2. A subpoena and/or compulsory process to compel the attendance of persons and the production of books and papers shall be served by any one of the following methods:

- a. Service by Certified Mail.** The Township Administrator or the person requesting the service shall place a copy of the process, subpoena, or other document to be served in an envelope and shall address the envelope to the person to be served at the address set forth in the caption or at the address set forth in written instructions furnished to the Township Administrator. The person shall then affix adequate postage and place the sealed envelope in the United States mail as certified mail, return receipt requested, with instructions to the delivering postal employee to show to whom delivered, date of delivery, and address where delivered; or
- b. Personal Service.** The Township Administrator shall deliver the process, subpoena, or other document to be served to the sheriff of the county in which the party to be served resides or may be found or to any person not less than 18 years of age who is not a party to this proceeding or the Township Administrator may serve such process, subpoena, or other document. Such person shall locate the person to be served and shall tender a copy of the process, subpoena, or other document to the person to be served and, upon service thereof, the person serving the same shall endorse that fact on the process, subpoena, or other document and return it to the Township Administrator; or
- c. Residence Service.** Residence service may be effected by leaving a copy of the process, subpoena, or other document to be served at the usual place of residence to the person to be served with some person of suitable age and discretion residing therein. The Township Administrator shall issue the process, subpoena, or other document to be served to any one of those persons listed in subsection (b), above, who shall, in turn, return it in the same manner as prescribed in that subsection.

This Resolution shall take effect and be in force from and after the date of its adoption.

Ms. Mollard seconded the Motion. Vote: All Aye.

Mr. Collins noted that the charges have been provided to the Board of Trustees in an electronic version.

Ms. Mollard wants it on the record that at the November 16, 2022 meeting, the Trustees told all employees that they had a duty to comply, that everyone participate openly and honestly and that their cooperation was essential to understand the truth. The Trustees also advised all employees not to discuss the investigation or allegations.

Mr. Ferguson reported that a hearing will be scheduled at the next Board of Trustees meeting in coordination with the employee's attorney.

DISCIPLINARY CHARGES

In accordance with Ohio Revised Code §§505.38 and 733.35 to 733.39, inclusive, I, Patrick T. Connor, the Fire Chief of the Plain Township Fire Department, Franklin County, Ohio, am filing with the Plain Township Board of Trustees the following written charges against Jason Moore:

During the course of a Plain Township Fire Department investigation, , on or about November 7, 2022, Lt. Moore approached Grant Reader about the investigation and that Matt Temple asked him to do so. Matt Temple said he never did ask Lt. Moore to approach Grant Reader. On or about November 10, 2022, Lt. Moore was communicating a very personal story about another employee that was inaccurate and defamatory. This employee was upset, but initially reluctant to do anything about it because of it being a supervisor. However, on November 11, 2022 did report the issue of Lt. Moore to Township Administrator Ben Collins. On November 11, 2022, Lt. Moore claims Battalion Chief Sponaugle yelled at him, but a recording of the conversation does not indicate this. On or about November 14, 2022 while on a phone call with Chief Connor. Lt. Moore was asked if he had reached out to past employees and communicated the details of the departmental investigation despite being under a direct order not to discuss the investigation. He responded to the Chief "You are misinformed". Those former employees confirmed that Lt. Moore did, in fact, initiate contact with them. Lt. Moore was not truthful when speaking to the Fire Chief. On or about November 17, 2022, while being questioned by the Township investigator, Lt. Moore refused to give pertinent information about the departmental investigation during his interview. Garrity warning was discussed and Lt. Moore said, "Discipline doesn't motivate me". Lt. Moore claims to have had information about another employee that had been harmed by a former employee. Withholding this information hindered the departmental investigation. On or about February 6, 2023, Lt. Moore was questioned in Administrator Collins' office about the phone call on November 14, 2022 with Chief Connor. Once again, he was asked if he had reached out externally and discussed the investigation. He would not answer "yes or no" and replied that he was "not proud of some things he has done during the personnel investigation." On January 24, 2023, Lt. Moore again told Chief Connor that Battalion Chief Sponaugle "yelled" at him. This conversation was also recorded, which recording contradicts Lt. Moore's statement. Lt. Moore was dishonest when reporting this to Chief Connor. Lt. Moore continues to avoid an answer to this question and engages in conduct that is detrimental to the departmental investigation and Fire Department operations by supplying false or misleading information, withholding pertinent information when applying for employment, or at any time during employment and making or publishing false statements that are hateful or discriminatory toward township employees or officers or contribute and/or promote discriminatory activities.

In addition, during the course of the departmental investigation, on or about November 10, 2022, Lt. Moore had two separate meetings, one with Township Administrator Ben Collins and one with Battalion Chief Kevin Sponaugle. In both meetings, he was informed that an investigation would take place and in order to protect the integrity of the investigation, he was directed not to discuss the investigation with anyone and not to interfere with the investigation. Lt. Moore was also advised by the Township investigator not to discuss the investigation. Despite these direct orders, following

those meetings and on the same day, he discussed details of the investigation with FF Scott Dozier, then while out on the Engine discussed with crewmember's Chris Durst, Colby Reynolds, and Matt Temple. Lt. Moore's subordinates were very uncomfortable and reported him to their captain. Lt. Moore questioned his crew as to why they reported him to Captain Brian Reasoner. Lt. Moore continued discussing the investigation on multiple occasions and with multiple people). FF Chris Durst, FF Matt Temple, FF Colby Reynolds, FF Scott Dozier, FF Grant Reader, Former FF Alissa Witkowski (J. Miller text), Former FF Mike Tocci, Former FF PJ Dubeck (KS Phone), Former FF Shawn Stauffer (KS Phone). Such actions are in violation of direct orders and constitute insubordination and otherwise willfully hindering, limiting, or sabotaging office operations and the integrity of the investigation. As a Lieutenant, he should be focused on the emergencies at hand and not questioning his crew about a pending investigation. Lt. Moore's actions exhibit a failure to lead and inappropriate behavior for a supervisor.

Furthermore, on several shift days occurring on or about December 7-13, 2022, Lt. Moore marked off on sick leave the night before his scheduled shifts and did not notify anyone that it would create overtime. This led to members being held over or forced to work last minute in his absence. The common practice is to notify the battalion chief on duty so a recall can be done. This shows poor leadership and personal accountability and otherwise violates Departmental protocol.

On or about December 11, 2022, Lt. Moore scheduled Central Ohio Strike Team training for Dec 13-15, but did not inform anyone. He then directed off-duty firefighters Chris Durst and Colby Reynolds to load up supplies and said he would give them Compensatory Time. This was not approved by the Chief and Lt. Moore lacked authority to grant compensatory time to the firefighters.

On or about December 13, 2022, Chief Connor received an email regarding a \$500.00 commitment for a training program at Whitehall Fire Department. Lt. Moore was off on paternity leave and never communicated that he was representing the Plain Township Fire Department and committing money. Chief Connor verified in a phone call with Whitehall Assistant Chief KJ Watts. Lt. Moore told Chief Connor that he was representing the Save a Warrior program, but AC Watts did not confirm that and said that Lt. Moore should have been communicating with his chief. Such actions constitute a continued failure to perform job or work assignments satisfactorily, safely, and efficiently and incurring costs or obligations in the name of the Township without the authority or prior approval.

It should be noted that over Lt. Moore's career at Plain Township, he has displayed a behavior pattern that is controversial and argumentative. Unfortunately, the prior fire chiefs neglected to process complaints from supervisors, which in turn encouraged repeated bad behavior. For example:

- November 25, 2019 – While on a COST team deployment, Lt. Moore got into an altercation with another supervisor. Chief Rupp was present and had to physically separate the two and mediate, but no discipline issued.
 - August 4, 2021 – Lt. Moore falsely accused BC Eccleberry and Capt. Pabst of bullying him and creating a hostile work environment. This was in response to a directive regarding the
-

training committee that he disagreed with. Chief Rupp asked Lt. Moore to retract his statement, and he did. However, this caused significant interpersonal conflict.

- October 19, 2021 – On a zoom call where Chief Rupp was present, Lt. Moore was directed to move bunkrooms to accommodate upcoming promotions. He said, “this is bullshit” and “I’m the only one getting fucked”. No discipline was issued by Chief Rupp.
- On December 19, 2022, while on the scene of an auto accident requiring rescue, Lt. Moore exhibited behavior unbecoming a fire officer by losing control of his temper and throwing the “jaws of life” rescue tool. The rescue tool struck a New Albany Police Officer. This event is captured on the police officer’s video footage.

Based upon the foregoing, there is reason to believe that Lt. Moore’s actions and behavior during the above-described incidents constitute offenses of a serious nature. In particular, Lt. Moore has repeatedly violated direct orders and been insubordinate; he failed to cooperate with a departmental investigation; his actions during the departmental investigation hindered the investigation by otherwise supplying false or misleading information, withholding pertinent information and making or publishing false statements that are hateful or discriminatory toward township employees or officers or contribute and/or promote discriminatory activities; he has engaged in conduct unbecoming an officer on several occasions; he continues to fail to perform job or work assignments satisfactorily, safely, and efficiently and incurring costs or obligations in the name of the Township without the authority or prior approval; and has otherwise engaged in inappropriate and bad behavior during the course of his employment with the Township. Lt. Moore’s actions, occurring in the official performance of his duties, are believed to be in violation of numerous Township Employee Handbook provisions, direct orders, and other Plain Township Fire Department rules and regulations and constitute misfeasance, malfeasance, misconduct in office, neglect of duty and other failure of good behavior.

Respectfully Submitted,



Patrick Connor, Fire Chief
Plain Township Fire Department

Ms. Mollard also noted that the Fire Department article is in the new Healthy New Albany magazine. She was pleased with how the article turned out.

FISCAL OFFICE

Ms. Beckett-Hill made a Motion to pass Resolution No. 230301B1. Be it resolved: To increase Accounting Assistant Nancy Frye's pay rate by \$1.50 per hour beginning March 4, 2023. Mr. Ferguson seconded the Motion. Vote: All Aye.

NEW BUSINESS

Mr. Ferguson reported that he met with a trustee from Monroe Township. They discussed the growth in New Albany and fire service. Mr. Ferguson was pleased with the meeting and the mutual desire to collaborate between townships.

EXECUTIVE SESSION

Mr. Ferguson made a motion to adjourn into executive session at 8:12 p.m. pursuant to Ohio Revised Code 121.22 (G)(1) for discipline and personnel matters. Ms. Mollard seconded the motion. Vote: All Aye

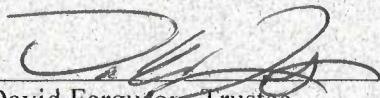
Mr. Zappitelli, Chief Connor, and Mr. Collins attended the Executive Session.

Mr. Ferguson made a motion to close out of executive session at 9:36 p.m. Ms. Mollard seconded the motion. Vote: All Aye

ADJOURNMENT

Mr. Ferguson made a motion to adjourn the meeting at 9:37 p.m. Ms. Beckett-Hill seconded the motion. Vote: All Aye

BOARD OF TRUSTEES:



David Ferguson, Trustee

Kerri Mollard, Trustee

Bud Zappitelli, Fiscal Officer

Jill Beckett-Hill, Trustee