

## **RECORD OF PROCEEDINGS**

### *Minutes of Meeting*

### Plain Township Board of Trustee Meeting

The Plain Township Board of Trustees met in a special session at 6:30 p.m. at the Fire Station, 9500 Johnstown Road, 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, Assistant Chief Ecleberry, and Finance Officer Courtney Rogers. Visitors present: Jay Herskowitz, Scott Harper, and Doug Burnip.

### **ADDITIONS OR CORRECTIONS TO THE AGENDA**

Mr. Zappitelli added resolutions B2 and B3.

Ms. Mollard has new business.

Mr. Ferguson requested an executive session at the end of the agenda.

Mr. Collins has unnumbered resolutions for the gas and electric contract renewals, as well as a resolution for the Aquatic Center's slide tower contract.

### **PAYMENT OF THE BILLS**

Ms. Beckett-Hill made a motion to pay the pending warrants in the amount of \$76,235.87.

Ms. Mollard seconded the motion. Vote: All Aye. (Resolution 23121201)

### **APPROVAL OF MINUTES**

Mr. Ferguson made a motion to approve the November 15, 2023 meeting minutes. Ms. Beckett-Hill seconded the motion. Vote: All Aye. (Resolution 23121202).

### **FRANKLIN COUNTY SHERIFF'S OFFICE**

Deputy Upton was not in attendance.

### **TOWNSHIP RECORDS COMMISSION**

There was no action.

**ADMINISTRATOR**

Mr. Collins introduced Mr. Doug Burnip who has been consulting for the Township on our natural gas and electric supply purchases for the past decade. Mr. Collins advised our current electric and natural gas rates end in June 2024 and October 2024, respectively. The Township can lock in new rates now. Mr. Burnip presented current market conditions and rates from various suppliers to the Board. The length of potential contracts and bundling was discussed as well as the best time to lock in.

**Ms. Mollard made a motion to give Mr. Collins the authority to lock in rates at the prices discussed today (or lower) for 3 years, and to align the electric and natural gas contracts' start date. Ms. Beckett-Hill seconded the motion. Vote: All Aye. Mr. Ferguson abstained.**

Ms. Mollard introduced Mr. Jay Herskowitz and Mr. Scott Harper from the Rocky Fork Blacklick Accord. Mr. Herskowitz said serving on the panel has been very rewarding and interesting. He noted a major concern of the panel was tree preservation with the construction of a hotel on Bevelhymer Road.

Mr. Harper has been on the Implementation Panel since 2021 and has seen a lot of projects come through. The most contentious meeting regarded the Haines Creek development on Central College Road. The panel encouraged the developer to talk to the neighbors and, after doing so, the developer agreed to a greater buffer which was a win-win for all. Mr. Harper pointed out that the Rocky Fork document is now 20 years old. Updating the document is being discussed since the densities are higher than in the original planning document.

The storage facility on Walnut Street, the Steiner Project, and the Thrive Community on Walton Parkway were also discussed with regard to residents' concerns.

**Ms. Beckett-Hill made a Motion to pass Resolution No. 231212A1. Be it resolved, that expenses incurred for 2024 by the trustees, fiscal officer, and administrator when attending state conferences and membership dues of state associations will be paid from the General Fund. Ms. Mollard seconded the Motion. Vote: All Aye**

**Ms. Mollard made a Motion to pass Resolution No. 231212A2.**

**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 in order to participate in the 2024 State Cooperative Purchasing Program:

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. Ferguson made a Motion to pass Resolution No. 231212A3.

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 2024 in such matters as the Board or its designee may refer to them; and

**WHEREAS, the Board has appropriated \$32,500 for legal services for 2024.**

**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 2024 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 2024 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.**

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

**Ms. Beckett-Hill made a Motion to pass Resolution No. 231212A4.**

**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 2024 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 2024 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 2024 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.

Ms. Mollard seconded the Motion. Vote: All Aye

Ms. Mollard made a Motion to pass Resolution No. 231212A5. Be it resolved: Regular Board of Trustees meetings for 2024 will be held the first Wednesday of each month at 6:30 p.m. and the third Wednesday of each month at 8:00 a.m. Meetings will be held at the Plain Township fire station located at 9500 Johnstown Road, New Albany, Ohio 43054 unless otherwise noted.

The organizational meeting of the Plain Township Board of Trustees will be held on January 10, 2024 at 6:30 p.m. The second regular meeting of January will be held on January 24, 2024 at 8:00 am.

Notice of special meetings will be posted at least 24 hours in advance on the township's website at [www.plaintownship.org](http://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.

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

**Mr. Ferguson made a Motion to pass Resolution No. 231212A6. Be it resolved, that the Plain Township Board of Trustees hereby re-appoints Mike Chapplelear, a resident of the unincorporated territory of Plain Township, to serve as a Plain Township appointee to the Rocky Fork Blacklick Accord, for a term expiring December 31, 2026. Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

**Mr. Ferguson made a Motion to pass Resolution No. 231212A7. Be it resolved, that the Plain Township Board of Trustees hereby re-appoints Jay Herskowitz, a resident of the unincorporated territory of Plain Township, to serve as a Plain Township appointee to the Rocky Fork Blacklick Accord, for a term expiring December 31, 2026. Ms. Mollard seconded the Motion. Vote: All Aye**

**Mr. Ferguson made a Motion to pass Resolution No. 231212A8. Be it resolved, that the Plain Township Board of Trustees hereby re-appoints Scott Harper, a resident of the unincorporated territory of Plain Township, to serve as a Plain Township appointee to the Rocky Fork Blacklick Accord, for a term expiring December 31, 2026. Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

**Ms. Mollard made a Motion to pass Resolution No. 231212A9. Be it resolved that the Plain Township Board of Trustees hereby re-appoints Abbey Brooks, a resident of Plain Township, to serve as a trustee of the New Albany Plain Local Joint Parks District Board of Trustees, for an unexpired three-year term ending December 31, 2026. Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

**Ms. Mollard made a Motion to pass Resolution No. 231212A10. 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 an unexpired three-year term ending December 31, 2026. Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

**Ms. Beckett-Hill made a Motion to pass Resolution No. 231212A11. Be it resolved, that the Plain Township Board of Trustees hereby appoints Shane Clapham, a resident of the unincorporated territory of Plain Township, to serve as a member of the Board of Zoning Appeals, for a term ending December 31, 2028. Ms. Mollard seconded the Motion. Vote: All Aye**



**Ms. Mollard made a Motion to table Resolution No. 231212A12. Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

The slide tower project and its cost were discussed prior to a vote. Mr. Collins advised this is a rebid for the end of the 2024 pool season, noting that minor repairs may be necessary prior to the pool season. The Township can terminate the contract for convenience if necessary. ARPA funds can be used for this project, and Mr. Collins also plans to submit this to the state capital grant program.

**Ms. Beckett-Hill made a Motion to pass Resolution No. 231212A13.**

**Whereas, the Plain Township Board of Trustees has competitively bid a capital improvement project identified as the Plain Township Aquatic Center Slide Tower Renovation Project in accordance with the Ohio Revised Code; and**

**Whereas, after tabulating the bids, the apparent low bidder, and only bidder, is WhiteWater West Industries, Ltd.; and**

**Whereas, there appear to be no mathematical errors and WhiteWater West Industries, Ltd. is found to be a reputable company and determined to be the lowest and best bidder; and**

**Now Therefore, Be it resolved, that the Plain Township Board of Trustees hereby awards the contract for the Plain Township Aquatic Center Slide Tower Renovation Project to WhiteWater West Industries, Ltd., the lowest and best bidder with a bid of \$261,351.**

**Be it Further Resolved to authorize the township administrator to execute the Notice of Award and negotiate all necessary contract documents on behalf of the Plain Township Board of Trustees.**

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

### **TOWNSHIP LIAISONS**

Township liaisons were discussed and assigned as follows:

New Albany City Council – Mr. Ferguson

New Albany-Plain Local School Board – Ms. Beckett-Hill

McCoy Board – Ms. Beckett-Hill

New Albany Joint Parks District – Ms. Mollard

**ZONING**

Mr. Collins informed the Trustees that the Nuisance letter was mailed out and the owners have not yet cleaned up the property. Mr. Collins also received a similar complaint about a property on Babbitt Road. Those owners have cleaned up the property.

Ms. Mollard inquired why the proposed Fieldhouse was going to Zoning. Mr. Collins explained that there is nothing to approve, it is just for conversation. Ms. Mollard also informed the Trustees that Dave Wharton would like to attend a meeting to show the current Fieldhouse plans.

**ROAD/MAINTENANCE**

**Mr. Ferguson made a Motion to pass Resolution No. 231212M1. Be it Resolved, to set aside and authorize payment to the City of New Albany up to \$12,000 for 2024 Road Salt purchases out of fund 2141-330-54090 (Road District – Material). Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

**FIRE DEPARTMENT**

Chief Connor reported things are moving forward with ImageTrend and they are assigning an implementation team.

Chief Eccleberry informed the Board that the department received the investigative report regarding the fire on Walcott Loop. The cause was a faulty microwave.

Chief Eccleberry also reported that Sutphen has completed the move to its new facility and has started working on truck orders. Plain Township expects to take delivery of the truck on order in early 2025.

The Strategic Plan was discussed by Chief Connor and the Trustees. The data from Fitch and MECC has been corrected. It was noted that response times are affected by construction, rush hour and roundabouts. It was also noted that more calls come in from age 55 and older communities.

**Ms. Mollard made a Motion to formally adopt the Summary Document of the 2023-2025 Strategic Plan. Ms. Beckett-Hill seconded the Motion. Vote: All Aye. (Resolution 23121203)**

**FISCAL OFFICE**

**Ms. Beckett-Hill made a Motion to pass Resolution No. 231212B1. 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. Ferguson seconded the Motion. Vote: All Aye

Mr. Ferguson made a Motion to pass Resolution No. 231212B2. Be it resolved: to allow the Fiscal Office to pay vendors by Automatic Clearing House (ACH). Ms. Mollard seconded the Motion. Vote: All Aye

Ms. Mollard made a Motion to pass Resolution No. 231212B3. Be it Resolved, to increase appropriations in Fund 2904-220-55000 ARPA First Responders Retention Grant Expenses-Other by \$148,000.00. Ms. Beckett-Hill seconded the Motion. Vote: All Aye

### **NEW BUSINESS**

Ms. Mollard would like to discuss a rotation in leadership of the Board at the first meeting in January 2024.

Mr. Ferguson initiated discussion on the next community survey. The Trustees expect to have 2023 data concluded and analyzed in the third quarter of 2024 which could be good timing for the next survey.

### **EXECUTIVE SESSION**

Mr. Ferguson made a motion to adjourn into executive session at 8:13 p.m. pursuant to Ohio Revised Code 121.22 (G)(1) for employment, promotion, and compensation. Ms. Beckett-Hill seconded the motion. Vote: All Aye

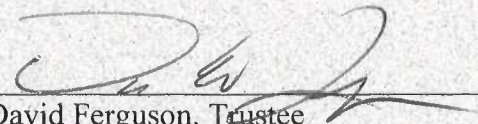
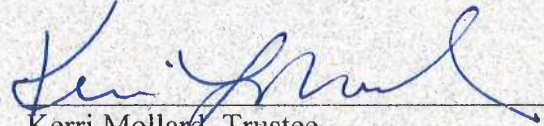
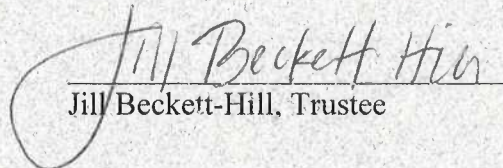
Mr. Ferguson made a motion to close out of executive session 9:24 p.m. Ms. Beckett-Hill seconded the motion. Vote: All Aye

### **ADJOURNMENT**

Mr. Ferguson made a motion to adjourn the meeting at 9:24 p.m. Ms. Mollard seconded the motion. Vote: All Aye



**BOARD OF TRUSTEES:**

  
\_\_\_\_\_  
David Ferguson, Trustee  
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Kerri Mollard, Trustee  
\_\_\_\_\_  
Jill Beckett-Hill, Trustee  
\_\_\_\_\_  
Bud Zappitelli, Fiscal Officer