

RECORD OF PROCEEDINGS

**Minutes of Franklin Township
Franklin County, Ohio**

Regular Meeting

**Held via Teleconference
COVID-19 Emergency Declaration
Ohio's Open Meeting Act**

February 25, 2021

Call Meeting to Order:

Chairman Horn called the Regular Meeting of the Franklin Township Board of Trustees to order at 6:30 p.m. on February 25, 2021, via teleconference (ZOOM).

Opening Prayer: Led by Trustee Fleshman

The Pledge of Allegiance: Led by Trustee Alex

Roll Call: Alex, yes; Fleshman, yes; Horn, yes.

Approval of Prior Meeting Minutes: None

Horn confirmed with the Assistant Fiscal Officer, Robyn Watkins that there were no written meeting minutes to approve. Watkins confirmed.

Alex clarified that the board has not reviewed or approved any written in quite some time and asked for an explanation. Fiscal Officer Rhinehart explained that there is no time to produce written minutes and she needs another fiscal office assistant. Rhinehart reminded everyone that the audio recording of all of the meetings are available on the township website.

Horn replied that he recalled that at the last regular meeting the board requested that all of the meeting minutes be in written form and the audio recordings be removed from the website. Rhinehart said that the answer is still the same and that the fiscal department is pressed for time and there is no time to produce written minutes. Rhinehart shared that she is still working 12 to 14 hours a day and can barely keep up.

Horn asked Watkins if she recalls the board requesting the audio recordings of the meeting minutes to be removed from the township website. Watkins said, based on her understanding of the motion that was made at the previous regular meeting, that the board was not accepting the audio recordings which were placed on the website and asked for those recordings to be removed and to be replaced with written minutes once approved by the board. Watkins explained that the challenge is that there are no typed/written versions of the meeting minutes at this time for the board to approve.

Horn said we need someone to type these meeting minutes. Horn stated that he thought there were about 13 meetings which needed to be typed. Watkins confirmed that there were approximately 13 audios available on the township website that need to be converted to written form.

Horn asked Administrator Potts to meet with him to discuss internal options of finding help on getting these minutes caught up. Rhinehart reminded the board that an attempt has already been made to have the Administrative Assistant type one set of meeting minutes and it took her over one week to type them and then they were not usable and had to be retyped by

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Watkins. Rhinehart stated that the temporary staff covering for the Administrative Assistant position is not capable of typing minutes.

With no further discussion Horn moved to Old Business.

Old Business

The Fiscal Officer recommended the following resolution:

Resolution 2021-034
NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio: *that the Board approves accounts payable through 02/25/2021 in the amount of \$73,154.71 and payroll paid on 02/19/21 in the amount of \$147,994.15 for a total of \$221,148.86. From check number 65648 to 65759 and electronic vouchers from 127-2021 to 159-2021.*

Horn moved. Fleshman seconded the Resolution; with no discussion, the roll was called for its adoption and the vote was as follows:

Horn: YES/ NO

Fleshman: YES/ NO

Alex: YES/ NO

Resolution passed.

With no further discussion Horn moved to New Business:

Old Business

Police Department Report

Horn introduced Deputy Carter from the Franklin County Sheriff's Office to provide a report. Deputy Carter reported the following from January 8, 2021 – February 11, 2021:

501	Calls for Service	51	Reports written
16	Arrests	7	Drug Offenses
1	Burglary	5	Stolen Vehicles
4	Recovered Vehicles	10	Weapon Related Runs
2	Robberies	16	Thefts

Franklin Township Police Lieutenant David Ratliff said that the sheriff's report does not include the online reports received on the township website.

Horn thanked Deputy Carter and asked Chief Smith if he had anything to report.

Chief Smith reported that the Hart Road block watch asked if they could resume their monthly meeting in the township hall. Horn said he is unsure about holding public meetings in the township hall. Alex replied that the State of Ohio has not released the restrictions on congregating and it is best to keep

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the hall closed for public meetings. The Hart Road block watch can meet at another location, just not the township hall said Alex.

Smith said he would reach out to the pastor at Central Baptist Church to see if he is willing to allow the Hart Road block watch to meet there.

With no further discussion, Horn moved to the Fire Department:

Fire Department Report:

Chief Welch said that employee Bayden Chandler submitted his resignation effective March 4, 2021.

*Horn made the following motion to accept the resignation of Bayden Chandler as of March 4, 2021. Fleshman seconded the motion; with no discussion, the roll was called for its acceptance and the vote was as follows: **Horn:** YES/ NO **Fleshman:** YES/ NO **Alex:** YES/ NO Motion passed.*

Welch shared that he recently hired two new firefighters to keep the number near, or at, 29 members of the fire department.

Trustee Horn moved for the adoption of the following Resolution:

Resolution 2021-035
BE IT RESOLVED, that the Board approves the hiring of Michael Carl at FFI level effective March 2, 2021.

Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

Horn: YES/ NO **Fleshman:** YES/ NO **Alex:** YES/ NO

Resolution passed.

Trustee Horn moved for the adoption of the following Resolution:

Resolution 2021-036
BE IT RESOLVED, that the Board approves the hiring of Brody Dille at FFI level effective March 4, 2021.

Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

Horn: YES/ NO **Fleshman:** YES/ NO **Alex:** YES/ NO

Resolution passed.

Chief Welch shared that Engine 192 is in South Dakota getting some detailed paint work done but while there he has asked the manufacturer for a quote on

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a couple of additional items needed on the engine. Welch said he would present the quotes to the board at a later date upon receipt.

Welch explained to the board that the Village of Valleyview has not paid their annual dues per the fire contract between the village and the township. Welch asked the board what he should do about this as the village is 2 years behind in payments. Horn said the village has not been a very good partner since he has been in office. Horn said that he and Fleshman have done many favors for the village throughout their term. Welch said the village is breaking the statute by not providing fire protection. Horn said he will look into this and possible violations. Potts said he has reached out to the County Prosecutor's Office and have not received any response to date. Horn asked Potts to reach out to the township attorney for guidance.

Welch informed the board that he is shopping around to find the best price on mattresses for the fire department. The employees are sleeping on mattresses that are over ten years old and it's time to replace them. Welch said he would provide the board with quotes once he completes the price comparisons.

Welch asked the board what the status is on the township commercial building department. Captain Broecker is currently still handling the building department operations but he is needed at Station 192. We are unable to move him to Station 192 because someone needs to be responsible for the building department and the day-to-day operations. Welch asked the board for a timeline where the building department is handed over to someone else. According to the State Auditor's Office the building department has nothing to do with the fire department, said Welch.

Horn said he would work with Administrator Potts to find an answer.

Welch said the current COVID-19 policy expired on 12/31/20 and asked the board to extend the policy.

*Alex made the following motion to extend the Franklin Township COVID-19 policy through April 30, 2021. Fleshman seconded the motion; with no discussion, the roll was called for its acceptance and the vote was as follows: **Horn:** YES/ NO **Fleshman:** YES/ NO **Alex:** YES/ NO Motion passed.*

Welch explained that he needs a vendor that does emergency tire repair. Welch said he submitted the application for a vendor to the fiscal office and received a list of questions back. The vendor submitted is a reputable vendor located on W. Mound Street. This credit application is needed and Welch said he does not know what to do. Fleshman said if this is a vendor that Welch feels is needed then we can just move forward to get this moving.

Horn asked Welch if he could schedule a special meeting to finalize the negotiation of the collective bargaining agreement between Franklin Township and IAFF 1441.

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Fleshman said if the board agrees with everything that was sent out, then there is no reason why they cannot move on this tonight. Horn said he has a few more questions and would like to have a special meeting. Alex said he received some updated contract language and is good with moving the contract tonight.

Rhinehart said, this is not on the agenda to be addressed tonight, the community was not aware of it being decided, they do not have the opportunity to even ask questions before it is voted on, and there is no written contract available

Trustee Alex moved for the adoption of the following Resolution:

Resolution 2021-037

BE IT RESOLVED, that the Board approves to accept the contract from the International Association of Fire Fighters Local 1441 including the most updated language, effective March 1, 2021 through February 28, 2024.

Trustee Fleshman seconded the Resolution, the roll was called for its adoption and the vote was as follows:

Horn: YES/ NO ***Fleshman:*** YES/ NO ***Alex:*** YES/ NO

Resolution passed.

Horn said he voted yes but wants to make sure everyone understands the compensation portion with the small wage increase. Horn said he was not clear on the recommendations from Fiscal Officer Rhinehart on some changes that needed to be made. Horn asked Welch if he had any concerns about the contract. Welch said, his concerns are nothing that can't be handled at a later time.

Horn asked Welch if he would get with Fiscal Officer Rhinehart to make sure there is nothing legal that needs to be handled within the contract. Alex said he believes that everything has been handled within the language which was sent over by the president of Local 1441, Ron Delozier.

Horn asked Welch to find out when the board can expect the new contract completed including the new language.

With no further discussion, Horn moved to the Road Department.

Road Department Report:

Road Superintendent, Jim Stevens nothing to report.

With no further discussion, Horn moved to the Trustee's Report.

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Trustees Report:

Trustee Alex said he received communication from a couple of employees who stated they have not received the reimbursement check from the 2020 HRA. Alex asked Fiscal Officer Rhinehart for an update.

Fiscal Officer Rhinehart explained that the HRA is a Healthcare Reimbursement Agreement and that the township is reimbursing the staff for obligations they have already paid. This plan is not designed to pay for past due medical bills. If a staff member is behind on a bill is because they did not pay the bill. However, all of the phase 1 checks from 2020 were mailed yesterday, and phase 2 will go out tomorrow as long as the appropriations are approved tonight.

Trustee Fleshman shared that he has received many calls from residents commending how well the township roads are maintained during heavy winter snow storms. Fleshman said that the board has never formally recognized the road department for a job well done.

Trustee Fleshman moved for the adoption of the following Resolution:

Resolution 2021-038

BE IT RESOLVED, by the Board of Trustees of Franklin Township, Franklin County, Ohio that the board recognizes the Road Department staff for their outstanding work in clearing and maintaining roads during the snow events of 2020/2021. We thank you for your countless hours of work in keeping the roads safe for the residents of Franklin Township. The Board of Trustees hereby recognize: Hunter Braithwaite, Ryan Phillippi, James Stevens and James Timmons.

Trustee Alex seconded the Resolution, the roll was called for its adoption and the vote was as follows:

Horn: YES/ NO ***Fleshman:*** YES/ NO ***Alex:*** YES/ NO

Resolution passed.

Alex said he gladly seconds this resolution as Franklin Township has the hardest working road crew in the state of Ohio. Horn agreed with Alex. Fleshman said adopting a resolution is the highest honor the Board of Trustees can do and the road crew deserves this.

Fleshman said he spoke with our legal team for the township and said we need to set a time for when the elected officials get paid. After reviewing the language provided, Fleshman said he is not comfortable with it. Fleshman recommended each elected official get paid on the 1st of every month. This eliminates the concern about being prepaid.

Alex asked Fleshman that the board established a resolution in 2020 that should not have changed. The Fiscal Officer is in violation by not following that resolution. Alex stated that at the last meeting the board passed a

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resolution where the elected officials would get paid on the same pay cycle as the employees, which is a bi-weekly pay cycle, and asked if there was an issue with that. Fleshman said that resolution was not recognized by the Fiscal Officer and he does not know why. Alex said the board sets the policy and these should be set in place.

Trustee Fleshman moved for the adoption of the following Resolution:

Resolution 2021-039

WHEREAS, The Board of Trustees of Franklin Township, Franklin County, Ohio approves to have all elected officials of Franklin Township to be paid 12 equal payments throughout the year and will be paid on the first of each month beginning on March 1, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF FRANKLIN TOWNSHIP, FRANKLIN COUNTY TO BE PAID IN 12 EQUAL PAYMENTS IN 2021 AND WILL BE PAID ON THE FIRST OF EACH MONTH.

Trustee Alex seconded the motion, the roll was called for its adoption and the vote was as follows:

YES/NO: **Horn** YES/NO: **Fleshman** YES/NO: **Alex**

Resolution passed.

Fleshman said currently he has been impacted by how the trustees have been getting paid by having to pay for his health insurance out of his pocket versus a payroll deduction due to timing. This resolution will avoid any further interruptions in payroll withholdings, said Fleshman.

Horn said he hopes this will resolve the problem. Fleshman said if this resolution is not followed then the board will go to step 2. Horn said at this point he has no idea when he is going to get paid.

Assistant Fiscal Officer, Robyn Watkins stated that she hopes that the Board of Trustees and the Fiscal Officer can come together in harmony to find common ground on their pay date. Watkins said it is important to her that payroll is correct and that everyone is happy on their pay date.

Horn said there is a resolution outlined that specifies the pay date of the elected officials. The trustees set the date for when they get paid and we need to follow this language.

Fiscal Officer Rhinehart stated that this topic was to be addressed in the Fiscal Officer section of the agenda. Rhinehart said she is working to find a solution through the county prosecutor's office and is asking the board to table this topic until that time. Alex said if the resolutions that the board set forward are going to continue to be ignored and policies are set by the board and the Fiscal

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Officer is unwilling to execute the policy that is a violation. When policies are not followed that is the problem, said Alex.

Rhinehart said she has received guidance from the Auditor of State's Office that she cannot prepay the trustees.

Fiscal Department:

The fiscal officer presented the following resolution:

Resolution 2021-030

WHEREAS, it is necessary to provide for the current expenses and other expenditures of Franklin Township, Franklin County during the year ending December 31, 2021; and

WHEREAS, the Annual Appropriations Resolution 2020-238 for the period from January 1, 2021 thru December 31, 2021 needs amended; and

WHEREAS, the March 2019 Medical Mutual health insurance premium was unpaid by the former Fiscal Officer; and

WHEREAS, this expenditure was unknown and therefore unaccounted for in the various departments/funds affected in the 2021 budget; and

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

SECTION 1, the fiscal officer is hereby authorized to increase appropriations as presented in Exhibit 1 hereto attached to meet the additional expenditure of about \$75,300.

Horn moved. Alex seconded the resolution, the roll was called for its adoption, and the vote was as follows:

✓YES/□NO: **Horn**

✓YES/□NO: **Fleshman**

✓YES/□NO: **Alex**

Resolution passed.

The Fiscal Officer presented the following resolution:

Resolution 2021-031

WHEREAS, it is necessary to provide for the current expenses and other expenditures of Franklin Township, Franklin County during the year ending December 31, 2021; and

WHEREAS, the Annual Appropriations Resolution 2020-238 for the period from January 1, 2021 thru December 31, 2021 needs amended; and

WHEREAS, the March 2019 Medical Mutual health insurance premium was unpaid by the former Fiscal Officer; and

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WHEREAS, this expenditure was unknown and therefore unaccounted for in the various departments/funds affected in the 2021 budget; and

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

SECTION 1, the fiscal officer is hereby authorized to increase appropriations as presented in Exhibit 1 Appropriations #2 hereto attached to meet the additional expenditure of about \$16,500.

Horn moved. Alex seconded the resolution, the roll was called for its adoption, and the vote was as follows:

√YES/□ NO: **Horn**

√ YES/□ NO: **Fleshman**

√YES/□ NO: **Alex**

Resolution passed.

The Fiscal Officer presented the following resolution:

Resolution 2021-032

WHEREAS, Section 5705.41(D), Revised Code, requires prior certificate by the Township Fiscal Officer that the amount required to meet an obligation in the current year has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances, and;

WHEREAS, If no certificate is furnished as required, the fiscal officer may certify "then" when the obligation was incurred and "now" that sufficient appropriations exist for that purpose, and;

WHEREAS, If the amount exceeds \$3,000, the fiscal officer shall obtain authorization, by resolution, from the governing board, and;

WHEREAS, the Township has received a summary from Medical Mutual for health care reimbursement account benefits to be reimbursed in 2020 that exceed \$3,000.

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

SECTION 1, the Fiscal Officer is authorized to pay the outstanding obligation with designated Employees per the final Phase 2 table dated February 19, 2021, via separate checks for a cumulative amount of **\$9,517.64** for HRA benefits provided in 2020.

Horn moved. Alex seconded the resolution, the roll was called for its adoption, and the vote was as follows:

√YES/□ NO: **Horn**

√ YES/□ NO: **Fleshman**

√YES/□ NO: **Alex**

Resolution passed.

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The Fiscal Officer presented the following resolution:

Resolution 2021-033

WHEREAS, Section 505.24(C) Ohio Revised Code, requires by unanimous vote, a board of township trustees may adopt a method of compensation of township elected officer consisting of an annual salary to be paid in equal monthly payments; and

WHEREAS, If the office of trustee is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the office; and

WHEREAS, The amount of the annual salary approved by the board shall be no more than the maximum amount that could be received annually by a trustee if the trustee were paid on a per diem basis as specified in this division, and shall be paid from the township general fund or from other township funds in such proportions as the board may specify by resolution; and

WHEREAS, Each trustee shall certify the percentage of time spent working on matters to be paid from the township general fund and from other township funds in such proportions as the kinds of services performed; and

WHEREAS, A board of township trustees that has adopted a salary method of compensation may return to a method of compensation on a per diem basis as specified in this division by a majority vote; and

WHEREAS, Any change in the method of compensation shall be effective on the first day of January of the year during which the board has voted to change the method of compensation; and

WHEREAS, Township trustees' salaries are limited to two hundred (200) days annually and the amount of compensation varies with the township budget as per the Township Budget Compensation table as set forth in ORC 505.24; and

WHEREAS, The word "budget" means the request filed with the budget commission by the taxing authority, and interpreted as the amount of money that the budget commission certifies that the trustees of a township would have available for expenditures during the fiscal year, as shown on its latest amended official certificate of estimated resources and any amended certificates issued by the county budget commission (OAG 92-003; OAG 99-015); and

WHEREAS, The compensation of a township trustee would be controlled by a budget increase as amended and supplemented, and not the original budget adopted by the trustees, assuming that an amended certificate

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of estimated resources has been obtained from the budget commission recognizing this additional revenue (OAG 79-006; OAG 99-015); and

WHEREAS, The per diem of the trustee for the remainder of the year is that established by statute for the higher budgetary level and will receive the higher salary only from the date the County Auditor approved the amended certificate (OAG 79-006; OAG 92-003; OAG 99-015); and

WHEREAS, The annual salary will be increased on the effective date of the budget increase to the salary for the higher compensation bracket. This increase must be prorated for the portion of the year remaining after the effective date of the increase and would not result in a retroactive payment for the portion of the year already served (OAG 99-015); and

WHEREAS, Trustees on a per diem basis may be paid for work actually done in the service of the township and properly presented to the fiscal officer, therefore an ill trustee who could not work could not be paid, but Trustees compensated on a salary basis could receive salary payments despite an illness (ORC 505.24); and

WHEREAS, In the event that a trustee should die, resign, or otherwise vacate his/her office in the course of his/her term, the successor could draw his/her per diem to the full statutory limit; and

WHEREAS, If the salary method of payment is used, each person holding the office may receive payments for only those months, and any fractions thereof, during which he/she holds the office. For the trustee leaving office, any adjustment necessary as to his/her compensation may be made in his/her final payment.

NOW, THEREFORE, BE IT RESOLVED by the board of township trustees of Franklin Township, Franklin County:

SECTION 1, the Fiscal Officer is authorized to pay the township trustees on a salary basis effective January 1, 2021 forward.

Resolution did not pass.

Horn did not ask for a vote, he said the board addressed this issue with a previous resolution. Rhinehart said, this language is written as the law and this is about salaries not about timing of the elected officials' pay. The township has never voted on if the trustees want to be salary or per diem. Fleshman said the most recent resolution outlines that the trustees will get paid in 12 equal payments. Horn said if the previous resolution from 2020 states that the trustees get paid on the last pay period of each month and that should continue. Rhinehart said that the statute says the board is to determine if they

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want to be paid salary or per diem and that is the purpose of the resolution. Fleshman said this has been established and we need to move on.

Administrator Report:

Administrator Potts asked the board to consider improving internet and security functions for the township.

Trustee Fleshman moved for the adoption of the following Resolution:

Resolution 2021-040

WHEREAS, the implementation of a new firewall systems at the Township Hall on Frank Road and the Fire Station on Sullivant Avenue would improve internet and security functions for the Township,

AND, WHEREAS, the installation of a new system is needed to improve internet and security functions for the Township,

BE IT RESOLVED, that the Board approves an expenditure not to exceed \$5,000, based on the quote of \$4,268.76 to allow Revolution Group to do such work for the Township, based on their quote and documents provided.

Trustee Alex seconded the Resolution, the roll was called for its adoption and the vote was as follows:

Horn: YES/ NO ***Fleshman:*** YES/ NO ***Alex:*** YES/ NO

Resolution passed.

Questions:

Robbyne Chaney asked the board how the fire truck was getting to South Dakota to get the work done on it. Secondly, she said she enjoys having the audio of the meeting minutes available online because she can hear the tones of everyone's voices. An example is when the trustees verbally attacked Fiscal Officer Rhinehart in this meeting is snarky, said Chaney.

Fleshman said the fire truck was picked up by the manufacturer on a flatbed and driven back to South Dakota.

Horn apologized to Chaney if he offended her during the meeting.

Potts checked social media, email and opened the phone lines and there were no additional comments from the public.

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Adjournment

With no further discussion, Horn adjourned the meeting at 8:15 p.m.

Signature of file with original
Aryeh Alex, Trustee

Signature of file with original
John Fleshman, Vice-Chairman/Trustee

Signature of file with original
Ralph Horn, Chairman/Trustee

Signature of file with original
Mary Rhinehart, Fiscal Officer