

# RECORD OF PROCEEDINGS

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

**Regular Meeting**

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

**August 6, 2020**

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**Call Meeting to Order:**

Chairman Alex called the Regular Meeting of the Franklin Township Board of Trustees to order at 6:30 p.m. on August 6, 2020, via teleconference (ZOOM).

**Opening Prayer:** Led by Trustee Fleshman

**The Pledge of Allegiance:** Led by Trustee Horn

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

**Prior Meeting Minutes:**

*Alex made a motion to approve the following minutes from the Special Meeting on July 9, 2020, the Regular Meeting on July 9, 2020, the Special Meeting on July 23, 2020, the Regular Meeting on July 23, 2020 and the Special Meeting on July 30, 2020.*

Fleshman asked if the amended language he submitted for the June 25, 2020 meeting minutes has been reviewed by the Fiscal Officer. Fiscal Officer Rhinehart said she was still reviewing the audio and asked for the June 25<sup>th</sup>, 2020 minutes to remain tabled at this time.

*Fleshman seconded the motion. With no further discussion, a vote was taken as follows: Alex, yes; Fleshman, yes; Horn, yes. The motion was passed.*

**Old Business**

**Real Estate Update:**

*Laura Esterline, Heart of it All Realty, asked the Board if she could list parcel# 140-001749-00 (O Marsdale) for sale at a selling price of \$7,500.00. Esterline explained that this parcel is adjacent to 1295 Marsdale.*

Alex made a motion for the following resolution as read:

**Resolution 20-154**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves Laura Esterline, Heart of it All Realty to list parcel# 140-001749-00 (O Marsdale) on the market at a listing price of \$7,500.00.

*Fleshman seconded the motion, with no discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

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Esterline asked the Board if she could list 1963 Harrisburg Pike on the market at a listing price of \$249,900.00. Esterline explained that the market is hot right now and this is the right time to list this property.

Alex made a motion for the following resolution as read:

**Resolution 20-155**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves Laura Esterline, Heart of it All Realty to list parcel# 140-000527-00 (1963 Harrisburg Pike) on the market at a listing price of \$249,900.00.

*Fleshman seconded the motion, with no discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Esterline explained to the Board that she received an offer of \$2,500.00 for 1207 Hart Road which is currently listed on the market for \$5,000.00. Esterline asked the Board if they were interested in this offer or would they prefer to leave the property on the market at the current list price.

Fleshman stated that since the market is so good right now he recommends leaving 1207 Hart Road listed on the market at \$5,000.00 for a little longer. Alex agreed with Fleshman on his recommendation. Esterline confirmed that the property would remain on the market as listed.

Esterline explained to the Board that she needs help from the Township as it relates to the property located at 714 N. Hague Avenue. It is difficult to get to the property due to overgrowth of trees/brush as well as high grass, said Esterline. Administrator Potts shared that he was with the Township Road Department this week as they worked to create a better access to the property.

Esterline reminded the Board that paperwork needs to be signed on the offer which was accepted (per Resolution 2020-127) on the property located at 1661 Harrisburg Pike.

Esterline presented the Board with two offers she received on 1295 Marsdale. She then asked the Board which offer they were interested in accepting. Both offers are above the listed price, said Esterline.

Offer A: \$8000.00

Offer B: \$8100.00

Fleshman asked if either offer planned to build a home on the parcel. Esterline said both offers have expressed their intent to build.

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Fleshman made a motion for the following resolution as read:

**Resolution 20-156**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board accepts the offer of \$8,100.00 for 1295 Marsdale Avenue (parcel# 140-001748-00) with the understanding the buyer will build a new home on the parcel.

*Alex seconded the motion, with no further discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Esterline presented to the Board an offer of \$8,100.00 for 0 Marsdale Avenue. She then asked the Board if they were interested in accepting this offer.

Fleshman made a motion for the following resolution as read:

**Resolution 20-157**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board accepts the offer of \$8,100.00 for 0 Marsdale Avenue (parcel# 140-001749-00).

*Alex seconded the motion, with no discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Esterline asked the Board if she could schedule a meeting with Administrator Potts and Trustee Horn before the next regular meeting on August 20, 2020, to review future real estate plans for the Township. Horn asked Esterline to give him a call to schedule a time to meet. Esterline said she would be sending Chairman Alex the paperwork to sign on the properties discussed during this meeting.

With no further discussion, Alex moved to Resolutions.

**Resolutions:**

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Fiscal Officer, Mary Rhinehart recommended the following resolution to read as follows:

**Resolution 20-152**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves bills in the amount of \$35,839.42 and payroll ending on 08/04/2020 in the amount of \$171,779.22 for a total of \$213,618.64. From check number 63898 to 64013 and an electronic voucher number 2020-288.

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

Fiscal Officer, Mary Rhinehart recommended the following resolution to read as follows:

**Resolution 20-149**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board authorized the participation in the Ohio Township Association Group Retrospective Rating Program (BWC).

*Rhinehart explained that this program could save the township up to \$40,000.00 annually. This is a retrospective Bureau of Workman's Compensation (BWC) Managed Care company, said Rhinehart. Fleshman asked if the Township would no longer utilize BWC. Rhinehart explained that this program would manage the Township's BWC claims as they do now.*

*Alex moved, Fleshman seconded the motion, with no further discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Fiscal Officer, Mary Rhinehart recommended the following resolution to read as follows:

**Resolution 20-150**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves the Fiscal Officer to authorize the transfer of funds necessary for the repayment of interfund advances from prior years.

Rhinehart explained that this resolution gives her permission to balance the books and with the length of time the advances have been outstanding it

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demonstrates the inability of the Fire Levy, Police Levy, and Road & Bridge funds to repay the advances.

Fleshman & Horn both expressed their concerns about needing more clarity on this resolution before approving. Jeff Wilcheck, CPA/Consultant provided additional information to the Board related to the resolution and how it takes the debt from the departments and balances the books. This process will also help in preparing for the 2021 budget, said Wilcheck.

Alex said that each department head has met with the Fiscal Officer and agree with Res# 2020-150. Fleshman asked the department heads who were on the call to share their opinion. Chief Smith & Chief Welch confirmed they have both met with the Fiscal Officer on this resolution. Road Superintendent, Jim Stevens was not on the call to comment.

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

Fiscal Officer, Mary Rhinehart recommended the following resolution to read as follows:

**Resolution 20-151**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves the Fiscal Officer to provide supplemental appropriations for the period commencing January 1, 2020 and ending December 31, 2020.

Fleshman asked if this is the cleanup work from resolution 2020-150? Wilcheck confirmed that Resolution 2020-250 is to authorize the transfer of funds and Resolution 2020-151 is to re-appropriate the funds. Fleshman said he understood the explanation from Wilcheck. Horn confirmed an understanding as well.

*Alex moved, Fleshman seconded the motion, with no further discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Fiscal Officer Rhinehart provided the Board with an update from the Auditor of State's Office (AOS) and Local Government Services (LGS) related to the audit proceedings.

Discoveries have been made that indicate there is over one million dollars difference between 2019 and 2020. Transactions are being investigated at this time. This large of a difference is alarming as it compounds the impact of the 2021 budget, said Rhinehart.

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The word unauditible was also mentioned. This means there are records which are untraceable. For example, in 2017 there are entries missing which require many things to be looked at. This process could run into 2021 because our goal is to get the records into a place that the AOS will accept, said Rhinehart.

Alex thanked Rhinehart for all of her hard work.

Wilcheck said that the 2020 & 2021 budget revenue will be impacted by COVID-19 and that he will continue to work closely with the department heads.

Rhinehart said that unfortunately the department heads have been working with an inflated budget due to taxes and roll backs not entered or duplicated in error within the UAN system. We have to make difficult choices and the numbers keep changing daily based on the research we are doing. Rhinehart thanked Assistant Fiscal Officer, Robyn Watkins for her research efforts.

Horn shared his concerns about the budget and cutting expenses as much as possible. Horn said he is not sure if the Township can maintain Wilcheck long term. Can we afford to keep Wilcheck? Are there other resources available from the County Auditor or AOS, as our financial situation is not the best, said Horn?

Rhinehart asked to meet with the Trustees to review the budget and provide solutions. It is important to correct the errors now or they will compound, said Rhinehart.

Horn agrees things are challenging and expressed his concern over the outgoing expenses and if the Township will make it financially to the end of the year. Horn is concerned with things the way they are that people are unable to pay their property taxes and this will impact the Township's revenue as well.

Wilcheck supported Rhinehart's request for a special meeting and asked if the meeting could be next week. We can then go over big picture items together, said Wilcheck. Horn asked Potts to arrange a meeting.

With no further discussion, Alex moved to the Police Department.

### **Police Department Report:**

*Police Chief Bryon Smith* asked the Board what the status was on continuing with the annual high school scholarship award program for 2020. Smith said he was told there was not enough money to fund the program.

Rhinehart said there is enough money to fund the program but that she was in contact with the Franklin County Prosecutor's Office to ensure proper public purpose. Rhinehart asked the Board to table this agenda item until the next meeting on August 20, 2020. Horn asked if this was traffic camera revenue from 2019 and 2020. Smith confirmed. Rhinehart reiterated that there are

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funds available but that she is waiting on a response from the prosecutor's office.

Smith said that he received a written resignation from full time officer Leland Queen effective August 7, 2020.

Alex made a motion for the following resolution as read:

**Resolution 20-158**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board accepts the resignation of full-time police officer Leland Queen, effective August 7, 2020.

*Fleshman seconded the motion, with no discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Smith asked the Board if they would consider moving part-time officer Jeffrey Menshouse to full-time to ensure coverage on the 3rd shift.

Alex said unfortunately with the current budget he cannot vote on funds that are not there. The Franklin County Sheriff's Office might have to cover, said Alex.

Fleshman said that the fire and the police are two different funds and we owe it to our residents who have paid their taxes to put this request up for a vote. Horn agreed with Fleshman that the fire and police are two different funding sources.

Fleshman made a motion for the following resolution as read:

**Resolution 20-159**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approved the Police Chief to move Jeffrey Menshouse from part-time to full-time status as a police officer effective August 8, 2020.

*Horn seconded the motion, with no further discussion, the roll was called for its adoption and the vote was as follows: Alex, no; Fleshman, yes; Horn, yes. Resolution passed.*

Smith said that he has distributed 2,431 free lunches and 641 narcan kits during the month of July 2020. Alex asked Smith if this is an increase? Unfortunately, COVID-19 restrictions have increased overdose rates as more people are asking for narcan kits, said Smith.

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With no further discussion, Alex moved to the Fire Department.

**Fire Department:**

*Chief Welch* explained that he had previously distributed the Memo of Understanding (MOU) for the EMS Coordinator Position. Welch shared that Lt. Arnold has accepted these additional responsibilities of the EMS Coordinator as well as his regular work.

Fleshman made a motion for the following resolution as read:

**Resolution 20-160**

*BE IT RESOLVED* by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board accepts the Memo of Understanding between the Township and Robert Arnold in accepting the additional responsibilities as the EMS Coordinator for the Franklin Township Fire Department.

*Alex seconded the motion, with no discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

Fleshman said we owe this to the fire department and the residents.

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

**Road Department:**

Road Superintendent, Jim Stevens, not on the call.

Administrator Potts shared that he joined the Road Department this week as they worked on clearing debris from 714 N. Hague Avenue. Potts said that the Road Department has also been working on several storm drain repairs throughout the Township.

With no further discussion, Alex moved to Trustee Reports.

**Trustee Alex:**

*Alex* said that a second unfair labor practice lawsuit was filed against the Township by the Teamsters #413 through the State Employment Relations Board (SERB), case# 2020-ULP02-0031.



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Alex made a motion for the following resolution as read:

## **Resolution 20-161**

**RESOLUTION APPROVING SETTLEMENT AGREEMENT FOR CASE OHIO STATE  
EMPLOYMENT RELATIONS BOARD UNFAIR LABOR PRACTICE CHARGE CASE NO.  
2020-ULP-02-0031**

**WHEREAS**, the Board of Trustees (the "Board") of Franklin Township, Franklin County, Ohio (the "Township"), and the Teamster Local No. 413 ("Union") have reached a settlement in Ohio State Employment Relations Board Unfair Labor Practice Charge Case No. 2020-ULP-02-0031; and,

**WHEREAS**, the Board believes it is in the best interest of the Township and its residents to approve and authorize the execution of an agreement entitled "SETTLEMENT AGREEMENT AND RELEASE AND WAIVER" (hereafter referred to as the "Agreement") in order to effectuate such settlement and resolution of the aforementioned claim.

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

**Section 1.** This Board hereby approves the Agreement attached to this Resolution as Attachment A, including the Collective Bargaining Agreement attached thereto.

**Section 2.** The Chairman of the Board of Trustees of the Township is hereby authorized to execute and deliver the Agreement, together with such changes that are not materially adverse to the interest of the Township, are consistent with this Resolution and are approved by the Chairman. The Chairman's execution and delivery of the Agreement shall be conclusive evidence that he approved any changes in the Agreement, and any such changes are not materially adverse to the interests of the Township. Upon execution of the Agreement, the Board authorizes legal counsel to file the same with the Ohio State Employment Relations Board.

**Section 3.** This resolution shall take effect at the earliest date permitted by law.

Potts reminded the Board that upon approving this resolution that they accept the collective bargaining agreement for all clerical and office staff employed at the Township.

*Fleshman seconded the motion, with no discussion, the roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Resolution passed.*

### **Trustee Fleshman:**

Fleshman shared that recently the Franklin County Commissioners passed legislation which supports local minority business. This is a positive move and is a great opportunity for the Township, said Fleshman.

**Trustee Horn:** Had nothing to report.

With no further discussion from the trustees, Alex moved to Administrator Potts.

**Administrator Potts:** Had nothing to report.

Alex asked Potts if there were any public comments via email, social media or teleconferencing (ZOOM).

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Potts said there were no comments left in his email or on social media but there were comments via teleconference (ZOOM).

Via telephone, resident Mike Blevins, said he had two questions for Fiscal Officer Rhinehart. The first question is if she knew why payroll in July 2020 is \$89,000.00 higher than payroll this time last year in July 2019? Currently the Township has at least seven less employees during this time then in July of 2019 so I am curious as to why such an increase.

Blevins second question to Rhinehart was if there was any monetary gain to the two employees who had their memos of understanding amended during the July 23, 2020, regular meeting.

Rhinehart said she would have to research Blevins' first question but did confirm there was monetary gain for the two employees due to their amended memos of understanding approved at the July 23, 2020 meeting.

Alex asked Potts if there were any more comments from the public.

Potts said yes, we have another caller on the line with a comment/question.

Via telephone, Ron Delozier, President of Franklin Township, International Association of Fire Fighters, Local 1441, asked the Board why they believe in every other department except for the fire department? The fiscal department has presented a grim financial outcome and the fire department is making cuts every day. Actions were taken in this meeting where other departments are filling vacant positions but the fire department is expected to make cuts such as brownouts. Why is fire the only department making cuts, Delozier asked?

Fleshman said his decisions have been based on recommendations from the department heads, unless I made a mistake or misunderstood.

Horn asked Delozier to call him after the meeting but for him to know the decisions which he had made were not taken lightly.

Alex said that the Board is being made aware of things daily which are being uncovered in the Fiscal Office. With that being said we are unable to execute non-critical spending. Alex said he will continue to support no additional hires across all departments until we have good faith in our financial numbers. It is fiscal irresponsible to rehire until we have actual true financial numbers, said Alex.

Alex asked if Potts there were any other comments from the public. Potts confirmed there were no other public comments pending.

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With no further discussion, Alex adjourned the meeting at 8:00 p.m.

Signature on file with original  
Aryeh Alex, Chairman/Trustee

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

Excused – absent  
Ralph Horn, Trustee

Signature on file with original  
Mary Rhinehart, Fiscal Officer