

RECORD OF PROCEEDINGS

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

Regular Meeting

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

January 28, 2021

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 January 28, 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: No minutes to approve.

Trustee Fleshman mentioned that some Township residents have asked about the minutes that are not up from a special meeting in December. Fleshman stated he understands the department has been busy but wants to get an idea of when minutes may be caught up.

Horn directed the question to Assistant Fiscal Officer Robyn Watkins. Watkins stated she did not have an answer.

Fiscal Officer Mary Rhinehart raised a question for Watkins. "I saw there were minutes for 12/17 for a special meeting, did those get approved?"

Watkins stated she just got the signatures from everyone for all those meetings signed on Tuesday and is actually trying to work to get them on the website as "I am working through this meeting, multitasking to try to get them up".

Rhinehart stated they have been doing changeover and tax preparation this month so Watkins has not had any extra time. She stated she just got a contact phone number she needed for a second assistant fiscal officer. She stated that has not been posted yet but has a feeling they will have a good call-in for that and hopefully they will get this revised in the next month.

Trustee Alex wanted to make a motion to require the Fiscal Office to have the minutes completed by the next regular meeting and posted by the following meeting after that.

Rhinehart stated "that is impossible right now. We don't have that time. It takes two days and we have payroll next week".

Alex stated that he thought it doable and asked for a second.

Rhinehart stated she didn't know what he was talking about, that she didn't understand. She stated "we have two people, we are trying to keep up with a whole new system and changeover, there is no other time."

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She stated "I am working anywhere from 12 to 17 hours a day and I work through the weekends, so there is no more time for me."

Watkins spoke to Trustee Alex, "with that motion, I am not disagreeing with you, I'm just saying there is a total of a minimum of eight sets of minutes that would need to be done. If you're counting payroll next week and the meeting to follow the next week, that gives me three or four days to do eight or ten sets of minutes within my time frame, based on what Mary has shared with you."

Rhinehart asked Watkins how many days does it take?

Watkins replied sometimes it takes two days per set of minutes depending on the other day-to-day operations. Bills still have to be paid.

Rhinehart stated "so we would have to not pay bills, postpone payroll to get the minutes done or they will not get done. We have to work on, and I don't believe you can force us to do that, we have other things to get done. We tried to use help from the person that is filling in for the administrative assistant, she is not capable, perhaps we should get that position hired."

Chairman Horn commented that he knew that a couple days ago there were four people working on accounting. He stated he did have a talk with the State Auditor and asked him to come in for a meeting and help to possibly get costs down. He stated that Mark Potts had set up a meeting with the State Auditor for Monday at 1 p.m.

Horn mentioned to Alex that the longer the meetings are, the more time it takes to do the minutes. He mentioned one set of minutes he saw consisted of 31 pages.

Fleshman mentioned we have a motion on the floor. He agreed with Alex that we need to get these done as soon as we can. He asked do we want to move this and get the department another meeting time before any decision is made?

Alex responded "I think this is something that should be a basic thing we should be able to accomplish". He mentioned the Township having used someone before to type meeting minutes with no problem. He stated that if the current secretary is unable to do that, they should be training her how to do that appropriately. Alex mentioned the numerous staff members in the department and that someone should be able to turn this around so the trustees could do their business and the public can see the minutes. Alex stated that he felt this is a failure of the fiscal office.

Fleshman mentioned that he would like to second the motion, stating his reason is to show action as he is getting e-mails saying that the Board is not taking action.

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Fleshman seconded the motion, the roll was called and the vote was as follows.
Motion passed.

Alex: x YES/ NO

Fleshman: x YES/ NO

Horn: x YES/ NO

Old Business:

Fiscal Officer Mary Rhinehart recommended the following resolution:

Resolution 2021-015

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves accounts payable through 01/28/2021 in the amount of \$305,590.74 and payroll paid on 01/22/2021 in the amount of \$182,952.08 for a total of \$488,542.82. From check number 65344 to 65510 and electronic vouchers from 33-2021 to 83-2021.

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

Alex: x YES/ NO

Fleshman: x YES/ NO

Horn: x YES/ NO

Chairman Horn moved to the next item on the agenda regarding payroll dates for the trustees.

Fleshman asked to have the floor.

He stated "On the very first meeting of the year the Board votes on payroll for the trustees as well as the fiscal officer and when that is going to be paid. Currently we missed that so we need to vote on it. Where we are now, our Fiscal Officer is saying that pay is going to be done the first payroll of each month which if we vote on it, could vary on day of the month".

Fleshman stated he talked to Legal about this. He complimented Rhinehart on "catching this". If a trustee is paid on the last payday, and a trustee leaves office for any reason, he would pay for days he did not complete before the end of the month. Therefore, there would need to be compensation back to the Township.

Fleshman stated that Rhinehart was correct in what she was stating and making sure we are in compliance. He stated that with the payroll being at the end of the month, the trustees would have to sign a document that Rhinehart could craft stating we would be responsible to pay that back.

He stated that the only other resolution to avoid signing something that would say we would be financially responsible and taking any liability off of the fiscal officer would be if we are paid on the first of the month and get twelve equal pays. He mentioned the House Bill stating such.

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Fleshman stated he did not know which way the Board would want to do it, but he would like to have some unison to it, that we are setting a structure to this.

He stated that he has no problem if Rhinehart would like to be paid on a different schedule. He stated that he would like to hear from the Board.

Alex stated that he felt other issues were of more importance.

Horn agreed and stated that he felt over the past years the trustees have always been paid on the last pay period of the month and does not feel it needs to change. He mentioned speaking with the State Auditor who confirmed that it is not unlawful for the Board to continue with the present pay period.

Alex stated that he would rather spend time focusing on Township employees continuing to be paid.

Rhinehart stated "I don't think this is the proper time to talk about it. The problem is you are hearing two different standards. There is evidence as to why you should never be paid before the end of the month. When I went to UAN training, they said "if your trustees are being paid before the end of the month, that's bad and you need to talk to me". So until they change their training regarding that, I will not do it".

Mark Potts stated that the State Auditor was to come in on Monday and that would be the time to discuss this.

Fleshman stated that what we eventually need to do is vote on it because it is a Board decision and that after meeting with the State Auditor, he would like to see the trustees start being paid on the first of the month. He stated the current pay period presents an inconvenience to him.

Rhinehart stated "it is an inconvenience to have another payroll when we have them every two weeks, to have a third one in the month". She stated that in the Ohio Township Association manual, there is information stating, assuming that something should happen to a trustee and they are not able to finish the month, it would be deducted from their last payroll, so it assumes they are getting paid after the month is complete.

She stated the same issue is coming up this week, because "we have a budget hopefully being approved by the Budget Commission on Monday, we have not heard back yet, so this is a prime example that if they approve our increase in budget to 10.6 million, the payroll will change for this month and be prorated back to the date of that decision".

She stated if you have already paid, you wouldn't have gotten the increase until the next time, so it is not practical. She stated most of the guidelines, all of the questions and answers in the manual for Ohio Township Association assume you are paid after you do the work, not before you have done half the job.

Fleshman responded "that's why if it's good enough for all of our government workers to get paid on the first, it is only right to pay the trustees, which we have the right to vote on, on the first, just like any other government, just like the people who collect Social Security, they know that their check is going to be

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on the first. Just like our Army, our Navy, our military, our county commissioners. The trustees wish to get paid that way, to pay three people cannot be that difficult.”

Rhinehart stated it is going to cause all kinds of issues and that they should talk about it on Monday with Mark.

She stated “there are very many places I can cite, everyone follows the Ohio Township Association guidelines, that is why they have their conferences, all kinds of information comes through them.

She stated that this was not the appropriate time to discuss it, that it is obvious there is not full knowledge about it.

Fleshman stated that he wanted to remind his fellow trustees that this is a Board decision.

Rhinehart stated “you cannot decide the structure of how the Fiscal Office operates”.

Fleshman replied “this is a Board decision we vote on every year.”

Alex and Horn agreed that it is their decision.

Fleshman stated “we are the ones who will vote on that”, that they will have a discussion with the State Auditor and make a decision.

Mark Potts spoke and wanted to address the staff in Payroll. He reported one remaining bill for professional services rendered through December 31 of 2020 by Broshius, Johnson and Griggs LLC in consultation with Mr. Wilcheck. He asked for a resolution to pay a cost of \$8,092.00.

Trustee Fleshman moved for the adoption of the following Resolution:

Resolution 2021-016

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves the fiscal department to pay invoice #36109 for Broshius, Johnson and Griggs for legal services rendered in December 2020 for a total cost of \$8,092.00.

Trustee Alex seconded the Resolution; with no discussion, the roll was called for its adoption and the vote was as follows. Resolution passed.

Alex: x YES/□ NO

Fleshman: x YES/□ NO

Horn: x YES/□ NO

Potts stated that we had received the information about the Ohio Township Association's on-line conference and he thought we should have Robyn Watkins attend so she could have the required training for the Fiscal Office. He said it would be \$65 and asked a trustee to make a motion for a resolution.

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Trustee Alex moved for the adoption of the following Resolution:

Resolution 2021-017

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves Robyn Watkins to attend the 2021 Ohio Township Association online conference at a cost not to exceed \$65.00.

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

Alex: x YES/ NO

Fleshman: x YES/ NO

Horn: x YES/ NO

Fiscal Officer Mary Rhinehart mentioned something that came up yesterday. She stated she would like to ask about having an attorney for another case. She stated we had this one last year for BWC. The potential risk on this is about \$84,000 and it looks like he is costing maybe \$1,500 to \$2,000 and is saving us that kind of dollars. She stated this can happen in every case but we only handle cases where there is an extreme risk like this and there is a questionable back-and-forth between medical opinions as to the nature of the problem.

Alex stated that he did not want to move on it until they are able to go into an Executive Session and the Board can fully agree on what they are voting on.

Rhinehart agreed to find out the date on a final deadline.

With no further discussion, Chairman Horn moved to New Business.

New Business:

Police Department Report:

Chief Byron Smith stated he believes the Board has been sent an offer of judgment request regarding the last part of the Rob Wells incident. He stated they are requesting from the Board "your thought process", if you want them to move forward and obtain a settlement.

Fleshman stated that in his opinion, an attorney has picked this up and basically they are putting a small dollar amount on it, saying the girl that was in the vehicle had some trauma because of seeing what was going on, however the video convicts and if you look at the video, there is no way this person could have seen any trauma.

Alex commented that the case is still pending and they should table any discussion until an Executive Session.

Fleshman asked Chief Smith if the Board needed to vote on this.

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Smith replied that he did not know the timeline on it and agreed that an Executive Session could be held for further discussion.

Mark Potts stated that this is an insurance matter, that he has discussed this with Pete. He stated he thinks the counsel for the insurance company wants to “wrap this up” so it does not go into a court case.

Lieutenant Ratliff wanted to recognize the accomplishments of his department. He mentioned a shooting incident within the township and expressed appreciation for Officer Norm Baldwin in his participation in the incident. He stated that Officer Baldwin was the one who spotted the suspect and joined in pursuit along with Officers Roger Myers and Jeff Menshouse. He stated it was extremely high-risk, that they continued to follow the suspect. He stated that safety of the township was the more important objective. He stated he wanted the Board to know that they have a small police department with only ten officers but he is always amazed at what they can do and how they do not mind doing their job. He stated he just wanted to compliment them in this open meeting.

A grievance representative for the Police Department, Sergeant Todd Moore, was introduced.

Sergeant Moore began by mentioning that under section 527 of the police contract, subsection C, they would like with the Board of Trustees to ask for appeal for grievance for Officer Josh Edwards, regarding Officer Edwards requesting the use of injury leave which was denied.

Moore stated that on January 11, 2021 Officer Edwards went to a BWC doctor's appointment and during that appointment, the doctor determined that Officer Edwards was unable to continue working as a police officer due to an open BWC claim from a service-connected injury that happened on January 31, 2019. Moore stated that when Officer Edwards left the doctor, he notified Lieutenant Ratliff on January 11, 2021 of the results of his appointment.

Moore stated Officer Edwards at that time requested to use his remaining injury leave per current contract under Section 24.1. He stated Officer Edwards was approved by the Board of Trustees on February 7, 2019 for the initial injury leave request. He stated Officer Edwards was off from January 31, 2019 to March 1, 2019 and again for the same service-connected injury from April 9, 2019 to June 9, 2019.

Moore stated at that time the current contract said they were only allowed 540 hours for three calendar months of injury leave. He stated that as a result Officer Edwards was forced to come back to work although at that point he still had not received any treatment because BWC claims continued to be fought with the Township.

Moore stated that on July 1, 2019 the Board of Trustees and the FOP entered into a new contract with the police officers. He stated under the new contract all parties agreed that under Section 24.1, injury leave would increase to six months.

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Moore stated that from June 9, 2019 through January 11, 2021 Officer Edwards continued to see his BWC doctor about his BWC claims dating back to January 31, 2019. He stated that because no treatment was rendered over that time and Officer Edwards could not get treatment approved with BWC, he continued to have issues with the injury that happened on January 31, 2019. He stated that they asked the Board of Trustees to allow Officer Edwards to continue to use the remaining three months of injury leave per the current wording of the contract under Section 24.1 for the following reasons:

1. The Board of Trustees already approved Officer Edwards to use injury leave for the initial service-connected injury in February 7, 2019.
2. Under Section 24.1, the current wording does not say the injury has to occur during the current dates of the contract to be awarded the six months, just that the previous contract now has to be granted up to six months of injury leave.

Moore stated that since Officer Edwards already used three months of the injury leave under the previous contract wording, they are requesting that the remaining three months under the new wording of six months be granted.

He said that under 24.1 C, it states if leave was approved, which occurred on the 7th of January, 2019, any request for leave shall be charged during that injury leave.

He stated that under 24.2 B, injury leave is authorized by the Board of Trustees. On January 11, 2021 when Officer Edwards requested to use his remaining injury leave as approved previously by the Board of Trustees, it was denied.

Moore stated that on January 15 by using 5.6 A of the contract, they had an informal meeting with Chief Smith and Lieutenant Ratliff about the issue. He stated that afternoon Lieutenant informed Officer Edwards that the request was denied and would not be taken to The Board. Moore stated that on January 16 they filed a formal grievance under Section 5.7 B and the Chief again denied that request for remaining injury leave.

Jackie, an FOP attorney, then spoke. She explained that under the old contract three months of injury leave were permitted and under the new contract it was six months injury leave. She stated that when they negotiated the new contract, they intentionally did not state that any injury had to occur within this contract language. She stated "in Article 24.1 Section B, it clearly states there is a recurrence of a previous service-connected injury, it does not say a previous service-connected injury that occurred after 2019, it does not say a previous service-connected injury that occurred during the contract cycle, it just says a recurrence of a previous service-connected injury."

She stated that in this case it was a service-connected injury, they agree it was a service-connected injury, injury leave was granted previously and because of that, there is no reason why Officer Edwards should not qualify for the three months of injury leave. She asked that The Board would take it under advisement.

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With no further discussion, Alex moved to the fire department.

Fire Department Report:

Chief James Welch reported the resignation of Scott Meyer. He mentioned putting together a hiring committee as they will have five or six more firefighters leaving in the next six months.

Chairman Horn asked Welch if he could meet the following week with he and Fiscal Officer Mary Rhinehart with regard to the Fire Department contract.

Welch and Rhinehart said that would be fine.

Fleshman asked if we were circling back to discuss the grievance process. He stated that he would like to make a motion to deny the request for Officer Josh Edwards and if there was no further discussion on the matter, he would ask for a second.

Horn seconded. The roll was called and the vote was as follows:

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

Alex explained that even though he thought the grievance did not have merit, he believed the Board "botched it up".

Horn expressed his opinion that the vote should stand as it is.

Sergeant Todd Moore stated that per the contract, the Board does have seven days from this meeting to give a response. He commented that after his statement he was hoping for a dialogue but the Board obviously chose not to.

Lieutenant Ratliff commented that he felt they needed to have the hearing and end it quickly.

Fleshman stated that he would like to rescind the motion. He stated that there should be good dialogue before actually making a decision. He stated that based on contract language, he felt the Board should have full understanding of what they are voting on. He asked for a second.

Alex seconded. The roll was called and the vote was as follows:

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

Steve Mason of FOP introduced himself and expressed appreciation for the motion being withdrawn so they could have further discussion. He stated that he was just offering dialogue in the future.

With no further discussion, Alex moved to the road department.

Road Department Report:

Jim Stevens stated he did not have anything on the agenda and just wanted to update. He stated they are still receiving bids for heating of the pole barn. He stated that by the next meeting, he will let the Board know what the bids are.

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He stated that otherwise they are just getting prepared for the upcoming snow in the area over the weekend.

With no further discussion, Alex moved to the trustee reports:

Trustee Reports:

Aryeh Alex, Trustee

Alex stated he had no report.

John Fleshman, Trustee

Fleshman reported increase in car break-ins around his neighborhood, advised the public to keep their cars locked and to be observant. Fleshman stated that he did catch someone on video but difficult to visualize because the person was wearing a mask.

Ralph Horn, Trustee

Horn agreed with Fleshman and had nothing else to report.

With no more discussion, Alex moved to the fiscal department:

Fiscal Department Report:

Mary Rhinehart, Fiscal Officer

Rhinehart mentioned receiving a note regarding a liquor license. She stated that 3 Amigo Mexican Grill is looking to transfer their liquor license to Saigon Eatery at 4182 West Broad Street. She stated they have until February 16 to request a hearing and asked if the Board wanted to hold a hearing. She stated that a date needed to be set up.

Alex stated that the Board will set a date for a hearing and post it for the public.

With no further discussion, Alex moved to the administrator report:

Administrator Report:

Mark Potts, Administrator

Potts reported that Mid-Ohio Regional Planning Commission is asking Franklin Township if they would like to renew their membership. He asked for a resolution.

Trustee Alex moved for the adoption of the following Resolution:

Resolution 2021-018

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio, that the Board approves to accept the Mid-Ohio Regional Planning Commission (MORPC) annual membership renewal for 2021 at a cost not to exceed \$5,685.03.

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

Alex: x YES/ NO

Fleshman: x YES/ NO

Horn: x YES/ NO

Potts mentioned a discussion with Todd Broecker of the Building Department regarding contract renewal with Toole & Associates. He asked for a resolution.

Trustee Alex moved for the adoption of the following Resolution:

Resolution 2021-019

BE IT RESOLVED, that the Board approves the renewal of the contract for commercial building department service with Toole & Associations for 2021, per the contract presented by Toole & Associations.

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

Alex: x YES/ NO

Fleshman: x YES/ NO

Horn: x YES/ NO

Chairman Horn asked Potts if there were any questions from the public.

Potts mentioned one question on the ZOOM Group Chat regarding the “No Knock” resolution.

Fleshman stated he wanted to know where the Board stood on No Knock. He stated that along with the residents in Franklin Township, it was determined before Covid-19 that “we could do it”. He asked Potts what needed to be done to continue.

Potts stated that a decision would have to be made by the Board, there would be some work done within the office, putting together a No Knock registry.

Fleshman stated his opinion that the No Knock policy was a good idea to prevent unwanted solicitation in Franklin Township.

Alex expressed his concern that the No Knock policy would interfere with certain groups being able to accomplish their charitable goals and that it may interfere with freedom of speech.

A resident spoke, stated he listened to an executive meeting in which the Board said no decision has been made. He stated he also listened to a regular meeting in which the Board said they agreed on something. The resident expressed his confusion.

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Fleshman explained that in the executive meeting the Board agreed to further discussion in a regular meeting.

Adjournment:

With no further discussion, Alex adjourned the meeting.

Signature on file with original

Aryeh Alex, Trustee

Signature on file with original

John Fleshman, Vice-Chairman/Trustee

Signature on file with original

Ralph Horn, Chairman/Trustee

Signature on file with original

Assistant Fiscal Officer/Fiscal Officer

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Minutes were taken by RW & typed by DR
Minutes approved by Board of Trustees on 05/06/21