

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 20, 2020

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 20, 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:

The meeting minutes for the 06/25/2020 regular meeting, 08/06/2020 special and regular meetings, and the 08/13/2020 special meeting minutes were not available for Board approval.

Old Business

Rhinehart opened with providing an answer to a question that was asked at a prior meeting about why the July 2020 payroll is \$89,000.00 higher than the July 2019 payroll especially since there are six (6) less employees. Rhinehart asked Assistant Fiscal Officer, Robyn Watkins to explain the findings.

In 2019 the information provided to the public was net wages and the information provided to the public in 2020 is gross wages. In comparing the net and gross wages, including the average of 3% raises, employee cash outs, and the increase in overtime, this puts the Township at just about where it should be financially for the year, Watkins explained.

Rhinehart asked if there were any questions.

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

Resolution 20-162

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves:

WHEREAS, it is necessary to provide for the current expenses and other expenditures of Franklin Township, Franklin County, Ohio during the year ending December 31, 2020; and,

WHEREAS, these are supplemental appropriations to adjust the annual appropriations that are effective from January 1, 2020 thru December 31, 2020.

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

Section 1, the sums presented in Exhibit A, here to attached, be and the same are hereby set aside and appropriated for the several purposes for which expenditures are to be made for and during the year ending December 31, 2020.

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Alex moved for the adoption and 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 20-163

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS NECESSARY TO SUBSIDIZE ROAD OPERATIONS FOR 2020 AND TO ELIMINATE DEFICITS IN GRANT FUNDS

The Board of Trustees of Franklin Township, Franklin County, Ohio met remotely via teleconference in a Regular session on August 20, 2020, and the following Trustees were present:

√ YES/□ NO: Alex √ YES/□ NO: Fleshman √ YES/□ NO: Horn

WHEREAS, revenues for the operations of the road department are not sufficient to fund existing operations; and,

WHEREAS, transfers from the General Fund are necessary to subsidize the operations and keep the road department operating for 2020; and,

WHEREAS, matching funds for the Fire SAFER Grant Fund (2193) are necessary and a subsidy to the FEMA Fire Assistance Grant 18-02964 Fund (2904) is necessary to eliminate the fund cash deficit.

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

SECTION 1, the fiscal officer is authorized, upon appropriations approved by the Board of Trustees, to transfer funds as follows:

<u>From</u>	<u>To</u>	<u>Amount</u>
General Fund (1000)	FEMA Assist Fire 18-02964 (2904)	\$11,976
General Fund (1000)	Road and Bridge (2031)	45,000
General Fund (1000)	Permissive Motor Vehicle Tax (2231)	48,800
General Fund (1000)	Fire SAFER Grant (2193)	24,217

Fleshman asked the chairman for a discussion. Fleshman asked Rhinehart if there are any additional revenues expected during the remainder of 2020? Rhinehart said that they have already considered the estimated revenues in this resolution, and that these are the shortfalls in revenues due to COVID-19. Fleshman asked if the \$500,000.00 the Township received for COVID-19 funding can be used to replenish these funds. Rhinehart explained that this resolution is not a loan, it is a transfer. Rhinehart responded that the COVID-19 funding is separate. Those funds will all be decided in appropriations sometime this October. We will have to encumber those funds

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by that point or whatever funds are not encumbered the Township will have to return, said Rhinehart.

Fleshman moved for the adoption and 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.

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

Resolution 20-164

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves bills in the amount of \$108,339.23 and payroll ending on 08/18/2020 in the amount of \$164,729.56 for a total of \$273,068.79. From check number 64014 to 64149, electronic vouchers 289-2020 through 337-2020.

Alex moved for the adoption and 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 20-165

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves to renew the email service contract with ONIX effective October 1, 2020 - September 30, 2021 at an annual rate of \$3,312.00. Including a discussion to transfer to Microsoft 360, beginning in January 2021.

Fleshman asked Rhinehart why the Township would want to change email systems. Rhinehart said that she is asking for a future discussion to consider a transfer of providers in 2021. Horn asked Rhinehart to recap the resolution. Rhinehart said this is a resolution for an annual renewal of our existing provider and a request to discuss a possible transition in the future.

Fleshman moved for the adoption and 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.

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

Resolution (see below)

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves a third engagement letter for Jeffrey J. Wilcheck, CPA, an independent contractor, with services to include:

- Training and guidance in the areas of Ohio Budgetary requirements in accounting and financial reporting;
- Assist in reconciling the 2020 financial records with the bank;
- Assist with the budget for 2020 and 2021;
- Assist with the issues identified by the Auditor of State audit and Local Government Services related to 2017-2019;
- Other services at the request of the Township and within the dollar limits of this agreement.

The fees are not to exceed \$7,500.00, for 200 hours of services, billed periodically to the Township at a rate of \$37.50 per hour. The work completed is subject to review and acceptance by the Township Fiscal Officer.

Fleshman asked Rhinehart to share with the Board what Wilcheck has accomplished and where the Township is going financially. Rhinehart said that Local Government Services (LGS) was hired by the Township to reconcile the 2017 – 2019 bank statements. It has since been determined that those records are unauditible. Since these records are irreconcilable the Township could be put into some type of jeopardy, said Rhinehart. LGS could come in and begin taking care of all of our books at \$50.00/hour with an estimate of two people. Currently we are paying \$37.50 an hour for Jeff, but if LGS comes in it would be a minimum of \$100.00/per hour, said Rhinehart. Secondly, Jeff has already been working on some of the months that LGS could not reconcile, he is very efficient, said Rhinehart. In addition, we are expected to have items of concern and possibly citations from the auditors and we need to put things into place to satisfy our operations currently and going forward, said Rhinehart. The auditors are going to want to see a plan of what we are doing now since they have found our books to be unauditible. It is vital for us to continue to have Jeff helping us with these things, Rhinehart explained.

Horn expressed his concerns that the Township is not going to have enough money to get through 2020. As Horn mentioned in a previous meeting he is concerned about how long the Township needs to keep Jeff. Horn said, it is a matter of what the Township can afford. The Township has spent five months of digging and the budget has been adjusted. The Township owes it to their employees and residents to have two people in the fiscal office who can complete payroll on their own. Currently, the Assistant Fiscal Officer is performing payroll on her own and with Jeff, there are additional

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interruptions. We should take about a month or a month-and-a-half to have both the Fiscal Officer and Assist Fiscal Officer become proficient in payroll, said Horn. The Township has had some payroll glitches and if one of you is absent or sick we have no back up at this time. I think we need to focus on becoming efficient at payroll at this time, said Horn. The Township does have the State to lean on, such as Mr. Long, said Horn. I would like to make a motion to postpone extending Jeff's contract for a bit. We may want to visit the bank and get a better overview. I am willing to call Mr. Long myself and let him know that I am available. I do not feel like we should extend Jeff's agreement at this time. I think we can lean on the State by reaching out and asking for this help, said Horn.

Rhinehart responded that she is working ten to twelve hours a day and at times, up to seven days a week but gets paid for ten to twelve hours per week. Rhinehart shared that she is focused on submitting the back taxes beginning with 2014. What Jeff is doing is working on the prior year's finances so we can get a balance and we can get a real idea of where we stand, said Rhinehart. We have many years of checks which were marked cleared in the bank but we physically have those checks in our hand, which in reality mean those checks did not clear, said Rhinehart. We have so much research to do and that is what Jeff is doing. If he is not here I can tell you for sure, that we will have LGS here based on Mark Long, the auditor's view, that we are not taking this seriously. If the Township lets go of the person who can help us, we will be placed in financial emergency and we will then be run by the Auditors of the State's Office and LGS. This means they will have control, we will not have control, said Rhinehart.

Horn said, this is what the Township is doing now, we are being run by the State. Based on the financial circumstances, myself or Administrator Potts can have a conversation with the State about our financial crisis. We can then ask the State for an extension, we won't know until we ask, said Horn. Rhinehart said, we cannot figure out where we are without the consultant doing this. If he doesn't do it, then the State will come in and do it and charge us at least twice as much. Horn said, before we agree to anything I want to have a conversation with the State and that's it.

Fleshman said the information Ms. Rhinehart provided is alarming, that the State can then dictate their time and give the Township a bill. What if we just did something to keep the consultant working, but we give seventy-five hours or so now and then Mr. Horn can look into this and see who we can talk to, said Fleshman. This will allow the consultant to work on particular projects just in case we would fall into this, then the State is going to send the people and we pay what they say we are going to pay, said Fleshman. At least we can keep him moving at seventy-five hours and then see what additional hours are needed after that, said Fleshman. Horn said if we give him eighty hours that is equivalent to two weeks and I would not have a problem with that, this will give me and Mr. Potts time to reach out to the State.

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Rhinehart said, with a decision of eighty hours, this is assuming that the consultant will not find another job assignment. As a consultant he may not be willing, said Rhinehart. Horn said if he can find more work, then more power to him, that's a good thing and I would be happy for him. Horn said if we have to have the State come in I don't think they will charge us those amounts.

Alex said that with the previous fiscal officers leaving the Township in a terrible situation is costing the Township a lot of time and resources and money to clean it up. Fiscal Officer Rhinehart, and Robyn and Jeff are working exceptionally hard to clean up the mess, and so I think we should acknowledge that and we cannot count on anyone to come to our rescue here. My hope is that we can get this fix sooner than later, so we can get back to understanding how much revenue we have coming in, how expenditures are going out, and all of the debt that was incurred by the previous fiscal officer are cleaned up, said Alex. My hesitation is if the state comes in and puts the Township in fiscal emergency, we can say goodbye to any operations that are currently happening. If we can allow or give our fiscal officer the tools to keep doing this work for a little bit longer to prevent that from happening, to get everything situated, I believe that is a good thing, said Alex.

Alex said he is hesitant to spend more money. The Board can do a shorter term of the contract which would be the compromise here so we can then come back at a later time, said Alex. Horn said he is willing to compromise in this but strongly would like the fiscal officer and the assistant proficient in payroll. We do not have the funds to farm out payroll, said Horn.

Rhinehart said we have already spent \$15,000.00 for LGS. They have had to stop because they are unable to do it. In three hours, Jeff was able to reconcile what LGS was unable to do, said Rhinehart. Horn said if he's that good then he should be able to balance the books in a few weeks. Alex asked Rhinehart how many hours Jeff has left. Rhinehart said he has approximately 15 hours left in his current engagement letter.

Alex asked if the 15 hours left would be enough to get us through until the next meeting? Rhinehart warned the Board that the auditor/investigator said we need to be utilizing Jeff. He will be most efficient and if we do not have him engaged then they will probably make the decision on their own. Alex said the question is not if we want Jeff, it's if the hours he has left can get us through until the next meeting. Rhinehart said, no, that the 15 hours left will not get us through the next two weeks. Alex then asked Rhinehart how many hours would. Rhinehart said that Jeff is working right now trying to get all the accounts in order. There are still issues within the budget. He was planning to meet with each department head to finalize the budget for the rest of the year, Rhinehart said.

Horn said he would support an additional eighty hours tonight, and reminded the Chairman that we continue to have issues with payroll and those need addressed. Alex agreed. Alex asked Fleshman if he agreed. Fleshman

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said he is willing to make a motion to adopt a resolution to extend Jeff's engagement letter to eighty hours.

Fleshman made a motion to adopt the following resolution:

Resolution 20-166

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves to extend Jeffrey J. Wilcheck, CPA, independent contractor's engagement letter for an additional 80 hours at \$37.50/hr., not to exceed \$3,000.00. With services as outlined above.

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.

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

Resolution 20-167 (TABLED)

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves an initial engagement letter for Sybert, Rhoad, Lackey & Swisher for legal counsel services to include:

Current Worker Compensation Matters
Potential Worker Compensation Matters
Any other matters decided by the parties

The general hourly rate is \$225.00 for Sybert, Rhoad, Lackey & Fisher, \$195.00 for associates, and \$76.00 for a paralegal law clerk.

The work authorized will be a case by case basis and is to be completed and subject to review and acceptance by the Township Fiscal Officer.

Rhinehart explained that in the past the Township did not challenge any of their worker comp claims and therefore all claims were never denied, and were accepted so the Township paid them out. For example, we've paid all medical costs, time-off costs, overtime for replacement staff for all claims previously. We even had one person who was off for a whole year on injury leave and the Township paid their entire salary and benefits even though they did not work, plus the overtime costs and benefits to cover the position, said Rhinehart.

Having legal counsel will then allow the Township to cross-examine the claimant at a hearing. In other words, they are allowed to ask questions of the individual filing the claim and the person is required to respond. Currently, we have a representative who can provide all facts that are currently available but

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they cannot ask the claimant any questions. We had a case just this past week where the Township could have possibly won the case if we had been allowed to ask some simple questions, said Rhinehart. I have used this person before in my professional career about 12 years ago and he won about 30% of my cases. For the Township, 30% could be thousands of dollars. It is wise of the Township to invest in this legal counsel on a case by case basis. We do have a hearing coming up and if we do not have legal counsel we will lose this case, said Rhinehart.

Alex said that he received this information at 4:30 p.m. today, so he does not think that there was enough time given to vote on anything today. Secondly, Alex said he trusts the Township workers and expressed that the Township has good employees. If an employee is injured on the job and for the Township to hire an attorney and to go after them while they are trying to get their rightful workman's comp claim is outrageous, said Alex. I won't support that. If our employees are injured they are deemed eligible to have workman's compensation, then the Township should pay them that. We have really, really good people that serve our residents and our Township. I would not hire an attorney to go after our employees on behalf of the Township. That is out of line, and I am a hard no on this, said Alex.

Horn said that him and Trustee Fleshman need to take a look at the information themselves. Horn said he was not aware that the Board would be talking about this subject at tonight's meeting and asked for the topic to be tabled.

Horn made the following motion to table the topic and resolution related to hiring legal counsel to represent the Township in workmen's compensation hearings. Alex seconded the motion

Rhinehart asked the chairman for a discussion. Rhinehart added that she apologized in her email for being so last minute, The reason the Board received such a late notification was because she was just made aware of the situation herself yesterday and had to contact an attorney today to present this. The upcoming hearing is most likely an old injury which is not connected to work, and there is a deadline for a response, said Rhinehart.

With no further discussion, roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Motion passed.

With nothing further in Old Business, Alex moved to the Police Department.

POLICE DEPARTMENT:

Chief Byron Smith asked the Board for two resolutions. One to accept a Memo of Understanding (MOU) between the Township and the Fraternal Order of Police (FOP) on the use of body-worn cameras & recorders. Second, to accept the policy of operating and utilizing the body worn cameras & recorder within the police department.

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Horn thanked Smith for submitting the documentation on the body cameras in advance so the Board had adequate time to review--Alex agreed both of these items have been reviewed by the FOP and he assumes the Township Administrator, said Smith.

Alex made a motion to adopt the following resolution:

Resolution 20-171

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves to accept the Memo of Understanding between Franklin Township and the Fraternal Order of Police (FOP), Capital City Lodge No. 9, related to the use of body worn cameras & recording within the township police department.

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.

Alex made a motion to adopt the following resolution:

Resolution 20-172

BE IT RESOLVED by the Board of Trustees of Franklin Township, Franklin County, Ohio that the Board approves to implement the Franklin Township Police Department Body Worn Camera Policy, effective August 25, 2020.

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.

Smith reminded the Board that they gave him and Administrator Potts authority to research available properties for tiny homes. With the advice of the Township realtor, Laura Esterline, of Heart of it All Realty, we have a property located at 1765 Marsdale available. After the property is cleaned up, a construction company is willing to donate their time and materials to build the tiny homes and whatever else is needed on the property, said Smith. Alex said he thinks this a great use of the property and the Township should move forward on this. Horn said he needs more information and facts on the matter. I do not want to put tiny homes in the middle of 300 residents. Horn does not want to infringe this project on the residents. Alex said there is no way the Board can vote on this tonight. Horn said he needs more time to research. Horn said he will not approve anything with an adverse impact on our neighborhood, as the property values are beginning to increase per the

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Franklin County Auditor's Office. Horn said he does not want to go back in our neighborhoods and risk decreased property values.

Smith asked the Board if he should be looking for properties which are not located within neighborhoods. Horn said the farther away from the area the better. Smith is asking for the Board to provide direction on where he should be looking. Alex said he doesn't hear an objection from Trustee Horn but that he needs more time. Fleshman said that the Board has given Smith approval to keep looking for properties so a new resolution or motion is not needed at this time. Smith asked the Board if there are any other differentiating factors before he keeps looking at properties. Horn said he would like to speak with the Township realtor before making any decisions. Smith said he would put the project on hold until he hears back from the Board.

Fleshman said the police department is down two cars due to accidents within the last year. Fleshman asked Smith to get with the fiscal department to see how our lease program works, and to see if we can replace those cruisers without going outside of the budget. We will need to see if there is a financial impact if any, to replace those two cars, said Fleshman.

With nothing further from the police department, Alex moved to New Business.

NEW BUSINESS

FIRE DEPARTMENT:

Chief James Welch had nothing to report.

ROAD DEPARTMENT:

Road Superintendent, Jim Stevens had nothing to report.

With nothing further in the departments, Alex moved to the Trustee Report:

TRUSTEE REPORT:

Trustee Alex had nothing to report.

Trustee Fleshman provided an update on the sanitary sewer project stating the crew is still working in the Mon-E-Bak area currently. The Lowell Drive area will soon follow once Mon-E-Bak is complete, said Fleshman.

Trustee Horn had nothing to report.

FISCAL OFFICER REPORT:

Fiscal Officer Mary Rhinehart left the meeting, nothing was left to report.

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ADMINISTRATOR REPORT:

Administrator, Mark Potts asked the Board for a motion to approve the renewal contract with Pitney Bowes (postage meter rental). This agreement will include a new postage meter and our rates will be lower than what we are currently paying, said Potts. *Fleshman* said he supports the Township renting the machine so Pitney Bowes can handle all upgrades and maintenance.

Fleshman made the following motion to allow Administrator Mark Potts to sign and orchestrate the renewal contract between Franklin Township and Pitney Bowes for the postage machine rental. Alex seconded the motion. With no further discussion, roll was called for its adoption and the vote was as follows: Alex, yes; Fleshman, yes; Horn, yes. Motion passed.

The Assistant Fiscal Officer said that with the savings and the upgraded postage meter, this will be a great asset to the administrative side of our work. Pitney Bowes will keep the meter current as postage or weigh requirements change. This means the Township will follow postal requirements and less risk of return mail due to weight or postage issues Said Watkins. Alex said this information is great for the Board to know.

QUESTIONS

With no further reporting, Alex said there was a comment left in the chat for the fiscal officer, but since she has left the meeting this question can be addressed at a later time. Alex asked Potts if there were any comments from the public via social media, email or teleconference.

Potts said there are no comments via social media or email. Potts unmuted the teleconference and there were no comments from the audience in attendance on the telephone.

ADJOURNMENT

With nothing further to discuss, Alex adjourned the meeting at 7:40 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