

Orange Township Board of Trustees
Delaware County, Ohio
Regular Trustee Meeting, June 17, 2019

***A full and accurate account of this meeting's audio and video can be found at www.orangetwp.org ***

Mr. Rivers called the meeting to order at 6:00 p.m.

PRESENT: Ryan Rivers, Chair - present
Lisa Knapp, Vice-Chair – present
Deborah Taranto, Trustee – present
Wesley Mayer, Fiscal Officer – present

ALSO PRESENT:

Matt Noble	Fire Chief
Bill Cowan	Director of Operations
Amanda Sheterom	Human Resources/Communications Manager
Lee Bodnar	Township Administrator
Michael McCarthy	Township General Counsel

PLEDGE OF ALLEGIANCE

RESOLUTION OF NECESSITY FOR THE PARK LEVY

Mr. Rivers asked Mr. McCarthy to catch the Board up to speed regarding the resolutions of necessity. Mr. McCarthy reviewed the necessary steps that needed to be taken to place a request for a levy. This is the preliminary step to take after going to the county auditor's office for the needed correct information. He reminded the Board these were renewals; no increase.

RES.19-230 A RESOLUTION OF NECESSITY TO LEVY A(N) RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PARKS AND RECREATIONAL PURPOSES.

(R.C. §§ 5705.03, 5705.19(H), 5705.191, 5705.192, and 5705.25)

The Board of Trustees of Orange Township, Delaware County, Ohio ("Board") met in _____ session on _____, 20____ with the following members present:

Deborah Taranto

Lisa Knapp

Ryan Rivers.

Mr. Rivers moved the adoption of the following Resolution:

PREAMBLE

Orange Township Board of Trustees
Delaware County, Ohio
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WHEREAS, the amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Orange Township, Delaware County, Ohio (“Township”); and,

WHEREAS, it is necessary to levy a tax in excess of the ten-mill limitation; and

WHEREAS, the levy would be for the purpose of parks and recreational purposes, said purposes being authorized by R.C. § 5705.19(H); and,

WHEREAS, a resolution declaring the necessity of levying a(n) renewal tax, pursuant to R.C. § 5705.19, outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of the Township, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

1. The amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Township.
2. It is necessary to levy a tax in excess of the ten-mill limitation.
3. Pursuant to R.C. § 5705.03(B)(1):
 - a. The purpose of the tax is as follows:

parks and recreational purposes;

- b. The type of levy is as follows:

_____ additional levy

proposed levy rate: _____ mill(s)

XX renewal levy: 0 increase 0 decrease

current levy rate: 1 mill(s)

amount of proposed increase/decrease: 0 mill(s)

total proposed levy rate: 1 mill(s)

_____ replacement levy: _____ increase _____ decrease

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current levy rate: _____ mill(s)

amount of proposed increase/decrease: _____ mill(s)

total proposed levy rate: _____ mill(s)

- c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.191, and 5705.25 and the following:

 R.C. 5705.19(H) ;

- d. The term of the tax is as follows (in years or continuing):

 3 years ;

- e. The territory where the tax is to be levied is as follows:

 XX Upon the entire territory of the Township

 If authorized by the Revised Code, the following described portion of the territory of the Township:

_____;

- f. The date of the election at which the question of the tax shall appear on the ballot is as follows;

 November 5, 2019 ;

- g. The territory where the ballot measure is to be submitted is as follows:

 XX Upon the entire territory of the Township

 If authorized by the Revised Code, the following described portion of the territory of the Township:

_____;

- h. The tax will be first levied and collected as follows:

The tax year in which the tax will first be levied is 2019 ;

The calendar year in which the tax will first be collected is 2020 ;

- i. The Township has territory in Delaware County and each of the following listed counties:

 Delaware County only .

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4. Pursuant to R.C. § 5705.03(B)(1), the Fiscal Officer is hereby directed to certify a copy of this resolution to the Auditor. The Board hereby requests that the Auditor certify to this Board the following:
 - a. The total current tax valuation of the Township;
 - b. The number of mills required to generate the following amount of revenue; or,
\$ N/A
 - c. The dollar amount of revenue that would be generated by the levy of the following mills:
 1 mill(s).
5. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
6. This Resolution shall be in full force and effect immediately upon adoption.

Ms. Taranto seconded the motion.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

Voted on and signed this _____, 20 19 in Orange Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
ORANGE TOWNSHIP
DELAWARE COUNTY, OHIO**

Trustee

Trustee

Trustee

State of Ohio :

Orange Township Board of Trustees
Delaware County, Ohio
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Delaware County :

I, the undersigned Fiscal Officer of Orange Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 19-____ is taken and copied from the record of proceedings of the Board of Trustees of Orange Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true and accurate copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: _____

Fiscal Officer
Orange Township
Delaware County, Ohio

RESOLUTION OF NECESSITY FOR ROAD LEVY

**RES.19-231 A RESOLUTION OF NECESSITY TO LEVY A(N) RENEWAL TAX
IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF GENERAL
CONSTRUCTION, RECONSTRUCTION, RESURFACING, AND REPAIR OF STREETS, ROADS,
AND BRIDGES.**

(R.C. §§ 5705.03, 5705.19(G), 5705.191, 5705.192, and 5705.25)

The Board of Trustees of Orange Township, Delaware County, Ohio (“Board”) met in _____ session on _____, 20____ with the following members present:

Deborah Taranto

Lisa Knapp

Ryan Rivers.

Mr. Rivers Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Orange Township, Delaware County, Ohio (“Township”); and,

WHEREAS, it is necessary to levy a tax in excess of the ten-mill limitation; and

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WHEREAS, the levy would be for the purpose of general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges, said purposes being authorized by R.C. § 5705.19(G); and,

WHEREAS, a resolution declaring the necessity of levying a(n) renewal tax, pursuant to R.C. § 5705.19, outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of the Township, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

1. The amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Township.
2. It is necessary to levy a tax in excess of the ten-mill limitation.
3. Pursuant to R.C. § 5705.03(B)(1):
 - a. The purpose of the tax is as follows:

general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges;

- b. The type of levy is as follows:

 additional levy

proposed levy rate: mill(s)

XX renewal levy: 0 increase 0 decrease

current levy rate: 0.5 mill(s)

amount of proposed increase/decrease: 0 mill(s)

total proposed levy rate: 0.5 mill(s)

 replacement levy: increase decrease

current levy rate: mill(s)

amount of proposed increase/decrease: mill(s)

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total proposed levy rate: _____ mill(s)

- c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.191, and 5705.25 and the following:

_____ 5705.19(G) _____;

- d. The term of the tax is as follows (in years or continuing):

_____ 3 years _____;

- e. The territory where the tax is to be levied is as follows:

XX _____ Upon the entire territory of the Township

_____ If authorized by the Revised Code, the following described portion of the territory of the Township:

_____;

- f. The date of the election at which the question of the tax shall appear on the ballot is as follows;

_____ November 5, 2019 _____;

- g. The territory where the ballot measure is to be submitted is as follows:

XX _____ Upon the entire territory of the Township

_____ If authorized by the Revised Code, the following described portion of the territory of the Township:

_____;

- h. The tax will be first levied and collected as follows:

The tax year in which the tax will first be levied is 2019 _____;

The calendar year in which the tax will first be collected is 2020 _____;

- i. The Township has territory in Delaware County and each of the following listed counties:

_____ Delaware County only _____.

4. Pursuant to R.C. § 5705.03(B)(1), the Fiscal Officer is hereby directed to certify a copy of this resolution to the Auditor. The Board hereby requests that the Auditor certify to this Board the following:

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- a. The total current tax valuation of the Township;
- b. The number of mills required to generate the following amount of revenue; or,
\$ N/A
- c. The dollar amount of revenue that would be generated by the levy of the following mills:
 0.5 mill(s).

- 5. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.
- 6. This Resolution shall be in full force and effect immediately upon adoption.

Ms. Knapp seconded the motion.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

Voted on and signed this _____, 20____ in Orange Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
ORANGE TOWNSHIP
DELAWARE COUNTY, OHIO**

Trustee

Trustee

Trustee

State of Ohio :
Delaware County :

I, the undersigned Fiscal Officer of Orange Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 19- is taken and copied from the record of proceedings of the

Orange Township Board of Trustees
Delaware County, Ohio
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Board of Trustees of Orange Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true and accurate copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: _____

Fiscal Officer
Orange Township
Delaware County, Ohio

PUBLIC COMMENTS

Mr. Rivers asked for comments from the public regarding anything other than what is on the agenda.

Ms. Jen Keagy, 319 Amelia Lane, Delaware, Ohio 43015 with the Delaware County Health District came forward. She wanted to share with the Board the Age Friendly Assessment. She gave the Board copies. She explained the assessment.

APPROVAL OF MINUTES

APRIL 18, 2019 SPECIAL TRUSTEE MEETING

Fiscal Officer Wes Mayer commented he has presented this previously; he reviewed the past history. He had a discussion with Mr. Fowler and he suggested a third version. There was discussion among Mr. Mayer and the Board. Ms. Knapp and Ms. Taranto would like Ms. Ross to listen to this section and redo them. Mr. Mayer asked them to submit to him what they wanted in it. There were exchanges between the Board and Mr. Mayer of how the minutes have been and are being done.

MAY 20, 2019 REGULAR TRUSTEE MEETING

RES.19-232 APPROVAL OF MINUTES

Motion by Mr. Rivers to approve the May 20, 2019, regular trustee meeting minutes as presented.

Motion seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

MAY 24, 2019 SPECIAL TRUSTEE MEETING

RES.19-233 APPROVAL OF MINUTES

Motion by Mr. Rivers to approve the May 24, 2019, special trustee meeting minutes as presented.

Seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

JUNE 3, 2019 REGULAR TRUSTEE MEETING

RES.19-234 APPROVAL OF MINUTES

Motion by Mr. Rivers to approve the June 3, 2019, regular trustee meeting minutes as presented.

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Motion seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

JUNE 10, 2019 SPECIAL TRUSTEE MEETING

RES.19-235 APPROVAL OF MINUTES

Motion by Mr. Rivers to approve the June 10, 2019, special trustee meeting minutes as presented.

Seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

ZONING REPORT

ORANGE TOWNSHIP ZONING HEARINGS/MEETINGS REPORT

Mr. Bodnar shared the Zoning Report is on file at the township hall and copies were given to the Board.

MAINTENANCE REPORT

Mr. Cowan the Director of Operations came forward and reviewed his items brought before the Board. He answered the Board's clarifying questions.

PURCHASE ORDER

RES.19-236 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ENVIRONMENTAL TRENCHING INC

Motion by Mr. Rivers to authorize the issuance of a purchase order to Environmental Trenching Inc, in the amount of \$7,000.00, for North Road drain pipe installation.

Motion seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE CONTRACT WITH GEORGE J. IGEL & CO. FOR THE GREEN MEADOWS AND HIGHFIELD DRIVES IMPROVEMENT PROJECT

RES.19-237 APPROVING THE CONTRACT WITH GEORGE J. IGEL & CO. FOR THE GREEN MEADOWS AND HIGHFIELD DRIVES IMPROVEMENT PROJECT

Motion by Mr. Rivers;

WHEREAS, the Orange Township Board of Trustees ("Board") has found a necessity for and has approved project DEL-TR409-0.28, Green Meadows Drive & Highfield Drive Improvements ("Project") pursuant to Resolution 14-332; and,

WHEREAS, the Board approved the release of an Invitation To Bid ("ITB") for the Project pursuant to Resolution 19-172; and,

WHEREAS, George J. Igel & Co., Inc. ("Igel") submitted the winning bid for the Project; and,

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WHEREAS, the Board desires to enter into a contract (“Contract”) with Igel pursuant to that bid to construct the Project.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Orange Township, that:

Section 1. The Board hereby approves the attached Contract with Igel to perform all work required for the construction of the Project, pursuant to the terms and conditions in the Contract and the related bid documents.

Section 2. The Board authorizes payment to Igel pursuant to the terms of the Contract.

Section 3. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

Section 4. This Resolution shall be in full force and effect immediately upon adoption.

Motion seconded by: Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

APPROVE AND ACCEPT DELAWARE COUNTY ENGINEER CONSTRUCTION COST ESTIMATE TO BE INCLUDED WITH THE OHIO PUBLIC WORKS COMMISSION 2020 ROAD OVERLAY GRANT APPLICATION FOR IMPROVEMENTS TO COMMERCE COURT, GRAPHICS WAY, NORTH CENTRAL DRIVE AND ORANGE POINT DRIVE

RES.19-238 APPROVE AND ACCEPT DELAWARE COUNTY ENGINEER CONSTRUCTION COST ESTIMATE TO BE INCLUDED WITH THE OHIO PUBLIC WORKS COMMISSION 2020 ROAD OVERLAY GRANT APPLICATION FOR IMPROVEMENTS TO COMMERCE COURT, GRAPHICS WAY, NORTH CENTRAL DRIVE AND ORANGE POINT DRIVE

Motion by Mr. Rivers to approve and accept the Delaware County Engineer’s construction cost estimate for improvements to Commerce Court, Graphics Way, North Central Drive and Orange Point Drive.

Seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

THEN AND NOW PURCHASE ORDER

RES.19-239 AUTHORIZE THE ISSUANCE OF A THEN & NOW PURCHASE ORDER TO DUNROBIN ASSOCIATES, LLC

Motion by Mr. Rivers to authorize the issuance of a then and now purchase order to Dunrobin Associates, LLC in the amount of \$13,245.00, for Orange Road Phase II right of way acquisition.

Seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

PARK REPORT

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THEN AND NOW PURCHASE ORDER

RES.19-240 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO RECDESK LLC

Motion by Mr. Rivers to authorize the issuance of a purchase order to RecDesk LLC in the amount of \$3,900.00, for one year subscription.

Second: Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

PUBLIC SAFETY REPORT

Fire Chief Matt Noble came forward and reviewed his items on the agenda. Chief Noble addressed the Board's questions.

REIMBURSEMENT FF SPIRES SICK HOURS DUE TO INJURY LEAVE

RES.19-241 AUTHORIZE THE REIMBURSEMENT OF SICK LEAVE HOURS

Motion by Mr. Rivers to authorize the reimbursement of 552 hours of sick leave due to injury for Ryan Spires.

Motion seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

REIMBURSEMENT FF PETERS SICK HOURS DUE TO INJURY LEAVE

RES.19-242 AUTHORIZE THE REIMBURSEMENT OF SICK LEAVE HOURS

Motion by Mr. Rivers to authorize the reimbursement of 24 hours of sick leave due to injury for Raechel Peters.

Motion seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

APPOINT CODY JOHNSON AS A FULL-TIME FIREFIGHTER/PARAMEDIC EFFECTIVE JUNE 19TH, 2019 WITH FULL BENEFITS PACKAGE PER THE COLLECTING BARGAINING AGREEMENT

RES.19-243 APPOINTMENT OF CODY JOHNSON AS A FIREFIGHTER/PARAMEDIC, WITH PROBATIONARY PERIOD

Mr. Rivers moved the adoption of the following resolution:

BE IT RESOLVED that Cody Johnson is appointed to the non-exempt, full-time, bargaining unit position of Firefighter/Paramedic, effective June 19, 2019.

BE IT FURTHER RESOLVED that this appointment is probationary in accordance with Section 4.1 of the current collective bargaining agreement between the Township and the Orange Township Professional Firefighters, IAFF Local-3816.

BE IT FURTHER RESOLVED that, during the probationary period, the compensation for this position shall be as provided for a probationary firefighter/paramedic in the current collective bargaining agreement

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between the Township and the Orange Township Professional Firefighters, IAFF Local-3816, with paychecks to be issued based on a 14-day pay period.

BE IT FURTHER RESOLVED that, if the probationary period is successfully completed, the compensation for this position shall be as provided for a firefighter/paramedic in the current collective bargaining agreement between the Township and the Orange Township Professional Firefighters, IAFF Local-3816, with paychecks to be issued based on a 14-day pay period.

BE IT FURTHER RESOLVED that the compensation for this position shall also include the standard employee benefits package provided for all full-time union personnel in resolutions of the Board of Township Trustees and/or the current collective bargaining agreement between Orange Township and the Orange Township Professional Firefighters, IAFF Local-3816.

BE IT FURTHER RESOLVED that this appointment is contingent upon the satisfactory completion by Cody Johnson of a drug screen, physical examination, background investigation and PRADCO assessment.

Motion seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

ACCEPT RESIGNATION FROM CODY JOHNSON AS A PART-TIME FIREFIGHTER/EMT
EFFECTIVE JUNE 18TH, 2019

RES.19-244 ACCEPT RESIGNATION OF PART-TIME FIREFIGHTER/EMT

Motion by Mr. Rivers to accept the resignation of part-time firefighter/EMT Cody Johnson effective June 18, 2019.

Seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

ACCEPT RESIGNATION FROM KEVIN MCDOWELL AS A FULL-TIME
FIREFIGHTER/PARAMEDIC EFFECTIVE JUNE 25, 2019

RES.19-245 ACCEPT RESIGNATION OF FULL – TIME FIREFIGHTER/PARAMEDIC

Motion by Mr. Rivers to regretfully accept the resignation of firefighter/paramedic Kevin McDowell effective June 25, 2019.

Seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

ACCEPT GIFT CARD DONATION IN THE AMOUNT OF \$75.00

RES.19-246 ACKNOWLEDGE AND ACCEPT DONATION

Motion by Mr. Rivers to accept a donation in the form of a gift card for \$75.00.

Seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

FISCAL OFFICE REPORT

FISCAL OFFICE UPDATE

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Nothing to report.

THEN AND NOW PURCHASE ORDER

RES.19-247 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO DELAWARE COUNTY ENGINEER

Motion by Mr. Rivers to authorize the issuance of a then and now purchase order to Delaware County Engineer in the amount of \$15,514.27, for salt.

Second: Ms. Knapp.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

ADMINISTRATIVE REPORT

DISCUSSION AND POSSIBLE ACTION REGARDING FIRE CHIEF POSITION DESCRIPTION

Ms. Sheterom, Human Resources/Communications Manager came forward. She commented she, the Chief, and Mr. McCarthy had been working on the job description; updating and making it current. She commented after acceptance of this; there will be others. Chief Noble and Ms. Sheterom answered the Board's questions.

RES.19-248 ACCEPTING AND ADOPTING POSITION DESCRIPTION FOR THE EMPLOYMENT POSITION OF FIRE CHIEF

Mr. Rivers moved the adoption of the following resolution:

WHEREAS the Board has been presented a position description for the employment position of Fire Chief; and

WHEREAS it is deemed advisable to accept and adopt the same;

NOW THEREFORE BE IT RESOLVED that:

1. The *Fire Chief* position description ("Description") presented to the Board and dated Version 06/10/2019 is hereby approved and accepted and an employee in such a position shall henceforth serve under the terms and provisions stated therein and have the indicated qualifications, requirements, job functions, knowledge, skills, abilities and responsibilities.

2. The aforementioned Description is presented for informational purposes only and can be changed at any time by the Board, with or without notice.

3. Neither the aforementioned Description nor this Resolution are an employment contract, express or implied. An employee in this position is appointed pursuant to Ohio Revised Code Section 505.38 and is subject to removal as provided therein. Conversely, the employee can terminate the employment relationship at any time (for any reason or no reason), subject to the provisions of the *Personnel Policies and Procedures Manual* of the Board and other Board resolutions.

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4. No representative of Orange Township has the authority to enter into an agreement with any employee that is contrary to the foregoing.

5. Unless otherwise provided by the Board, appointment to such a position shall be contingent upon the applicant's satisfactory completion of a physical examination, drug screen, background investigation and PRADCO assessment.

6. Any portions of prior resolutions of the Board inconsistent with this Resolution are hereby repealed and of no further force or effect.

Motion seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

DISCUSSION AND POSSIBLE ACTION REGARDING THE VETERANS MEMORIAL PROJECT

Mr. Bodnar commented the Friday before last, they had accepted the proposals for the statement for qualifications for the Veteran's Memorial Project; one by Edge Planning out of Columbus and the other Darmen Miller and Associates out of Dublin. He soon would be engaged in rating process soon.

DISCUSSION AND POSSIBLE ACTION REGARDING ELECTRICAL ENERGY PROVIDER

This was in regards to the change of assignment in our agreement for electrical aggregation service provider, Residents are getting a letter from Capital Energy stating they were relinquishing services over to Consolidated Energy. Mr. McCarthy added information he had gathered.

RES.19-249 RESOLUTION CONSENTING TO ASSIGNMENT OF AGREEMENT TO PROVIDE COMPETITIVE RETAIL ELECTRIC SERVICE TO A GOVERNMENTAL AGGREGATION PROGRAM BY AND BETWEEN ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO AND CAPITAL ENERGY LLC AND ACKNOWLEDGING THAT AGREEMENT REMAINS IN PLACE AND IN FULL FORCE AND EFFECT

Mr. Rivers moved the adoption of the following Resolution:

WHEREAS, Capital Energy LLC (“Capital”) and Orange Township, Delaware County, Ohio (“Orange Township”) executed a contract titled *Agreement to Provide Competitive Retail Electric Service to a Governmental Aggregation Program by and Between Orange Township, Delaware County, Ohio and Capital Energy LLC* (“Agreement”) which was effective on November 7, 2017; and

WHEREAS, Orange Township has been advised by Capital of its assignment of such Agreement to Constellation NewEnergy, Inc. (“Constellation”); and

WHEREAS, Capital has requested Orange Township to acknowledge that the Agreement remains in place and in full force and effect; and

WHEREAS, Orange Township desires to express its consent to such assignment;

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NOW THEREFORE BE IT RESOLVED that the Board of Township Trustees of Orange Township, Delaware County, Ohio consents to the assignment of the Agreement by Capital to Constellation and acknowledges that the Agreement remains in place and in full force and effect.

BE IT FURTHER RESOLVED that the Township Fiscal Officer shall certify a copy of this resolution to Capital at his earliest convenience.

Motion seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

CERTIFICATION

I, the undersigned Township Fiscal Officer of Orange Township, Delaware County, Ohio, certify that the foregoing copy of Resolution No. _____ is taken and copied from the record of proceedings of the Board of Township Trustees and that it has been compared by me with the resolution on the record and is a true copy.

Dated: _____, 2019

Township Fiscal Officer

DISCUSSION AND POSSIBLE ACTION REGARDING LEGAL SERVICES

Mr. Mayer explained the situation; finding the resolution, getting counsel from the prosecutor's office and what was needed.

Mr. Rivers voiced his concerns about what goes to legal counsel regarding records requests He felt some were routine. Ms. Knapp voiced her thoughts and commented she would feel uncomfortable deciding what is routine. Ms. Taranto thought basic requests like for a contract or policy need not go to legal. Ms. Taranto felt Mr. Bodnar could decide as each one comes in. Mr. Mayer asked for clarification and was given. Mr. Rivers asked Ms. Taranto about her not voting on the previous resolutions. She commented she still does not like the amount of money that has been spent on public records. She added, although, she had seen where Mr. Zets had seen something differently than she had seen and it made sense. She commented there had been record request for things that are actually asking for records that would have to be created; not something that we have. There was continued discussion about the types of records requests and views were shared. Mr. Mayer voiced his concern about costs. The Board continued to discuss use of legal for public records requests. The Board agreed that everything could go to the Prosecutor's Office and Mr. Bodnar, if he thought it was needed to go to Mr. Zets, the outside attorney, he should consult the Board.

RES.19-250 APPROVING THE RETENTION OF ISAAC WILES

Motion by Mr. Rivers;

WHEREAS, pursuant to R.C. 309.09(B), the Orange Township Board of Trustees ("Board") may employ attorneys on an annual basis; and,

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WHEREAS, the Board finds it advisable and necessary to employ the Isaac Wiles law firm to advise the Board on legal matters; and,

WHEREAS, the Board desires to retain Isaac Wiles and execute any documents necessary to effectuate that desire.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Orange Township, that:

Section 1. The Board hereby retains the law firm Isaac Wiles to advise the Board on legal matters on an annual basis and approves the execution of documents necessary to effectuate this resolution.

Section 2. The Board authorizes Township Administrator Lee Bodnar to sign any agreement or document required to retain Isaac Wiles for 2019, on the condition that any such agreement will not exceed \$210.00 per attorney billable hour and \$85.00 paralegal per billable hour.

Section 4. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

Section 5. This Resolution shall be in full force and effect immediately upon adoption.

Ms. Knapp and Ms. Taranto, questioned Section 3. They didn't think it was done before and asked Mr. McCarthy his thoughts. Ms. Knapp asked that Section 3 be stricken from the resolution. It was agreed to strike Section 3 from the resolution

Motion seconded by: Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER IN THE AMOUNT OF \$115,376.00, FOR 2019 – 2020 PROPERTY AND CASUALTY INSURANCE COVERAGE

RES.19-251 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO RINEHART, WALTERS, DANNER

Motion by Mr. Rivers to authorize the issuance of a then and now purchase order to Rinehart, Walters, Danner in the amount of \$115,376.00, for 2019-2020 property & casualty insurance coverage.

Second: Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

OLD BUSINESS

TABLED ITEM: DISCUSSION AND POSSIBLE ACTION REGARDING NEW PLOW TRUCK PURCHASE (STATE COOPERATIVE PURCHASING PROGRAM)

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Mr. Cowan explained the plow truck body is available through the State Cooperative Purchasing Program. The plow package and dump bed and spreader box come from a separate vendor; it is also a State Cooperative Purchasing Agency. He has sent the information to Mr. Fowler and he has some questions about the separate vendor. Mr. Cowan had received additional information today and sent that information on to Mr. Fowler.

TABLED ITEM: DISCUSSION AND POSSIBLE ACTION REGARDING THE RENOVATIONS TO THE TOWNSHIP HALL

Mr. Bodnar commented there was no update and asked that it be tabled to next meeting.

TABLED ITEM: DISCUSSION AND POSSIBLE ACTION REGARDING THE TOWNSHIP WEBSITE PROJECT KICKOFF MEETING

Mr. Bodnar commented that last Tuesday there was a kick off meeting. Nine members were in attendance. Needed information has been sent on to Civic Plus. We are moving forward, but this process will take approximately six to seven months.

TABLED ITEM: DISCUSSION AND POSSIBLE ACTION REGARDING THE TOWNSHIP RECORDS COMMISSION MEETING

Mr. Bodnar asked that this be tabled as well.

NEW BUSINESS

REQUEST TO THE COUNTY PROSECUTOR'S OFFICE

Ms. Knapp commented the Fiscal Officer has stated he had gotten advice regarding the ACH policy and the method in which we are processing ACH transactions and she would like the Board to receive that legal advice. She would like that the Board get their own advice and formal opinion on how ACH transactions themselves; as to how they are processed, who approves them and when; and how that needs to conform or not conform to Ohio Revised Code. The Board had a discussion giving their differing thoughts on when Mr. Fowler was present at previous meeting.

RES.19-252 REQUEST TO THE COUNTY PROSECUTOR'S OFFICE

Motion by Ms. Knapp that the Board requests submits a formal request for advice regarding how the township should process ACH transactions, including the timing of the trustees approving it; whether that is before or after the payment is actually made and what time the Fiscal Officer should be making the payment and to insure the way we are doing that does conform to the Ohio Revised Code.

Discussion continued among the Board about the policy, and reaching out to Mr. Fowler. Mr. Rivers commented he would like to speak with Mr. Fowler before. More shared thoughts. Ms. Taranto commented she would second to get the opinion, then they would all be on the same page.

Seconded by Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes,

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Mr. Rivers commented he was still confused by what is being asked; and this was added to the agenda at the last minute; so his vote was no.

DISCUSSION REGARDING MINUTES

Ms. Knapp commented it is by law that it is the fiscal office responsibility to keep the minutes. She recommended removing that duty from the person currently do it and give those responsibilities back to Mr. Mayer. She felt the person currently doing the minutes; it is quiet exhausting and she would like to see her doing additional duties for the trustees.

Mr. Mayer commented he didn't think it needed to be a resolution. He and Mr. Bodnar could have a discussion, rearrange it and see how it can happen. Legally it is the Fiscal Officer's responsibility, because of things that had happened in the pass; a staff member ended up doing the minutes. He commented he would be happy to work with Mr. Bodnar to see that happen.

GAS AGGREGATION

There was discussion among Ms. Knapp, Ms. Taranto, and Mr. McCarthy just what this resolution is allowing. Mr. McCarthy commented it had been reviewed by the Board of Elections.

RES.19-253 A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO EFFECT A GOVERNMENTAL NATURAL GAS AGGREGATION PROGRAM WITH OPT-OUT PROVISIONS PURSUANT TO SECTION 4929.26 OHIO REVISED CODE AND DIRECTING THE DELAWARE COUNTY BOARD OF ELECTIONS TO SUBMIT A BALLOT QUESTION TO THE ELECTORS

Motion by Mr. Rivers;

Whereas, the Ohio Legislature enacted Chapter 4929, Ohio Revised Code, which authorized the legislative authorities of municipal corporations, townships, and unincorporated areas of the county, to aggregate the retail natural gas loads located within the respective jurisdictions and to enter into service agreements to facilitate the purchase and sale of the service for the retail natural gas loads; and

Whereas, such legislative authorities may exercise said authority individually or jointly with any other legislative authorities; and

Whereas, governmental aggregation provides an opportunity for residential and small business consumers to participate collectively in the potential benefits of natural gas service deregulation through lower natural gas rates, which would not otherwise be available to those customers individually; and

Whereas, the Board of Trustees of Orange Township ("Trustees") seeks to establish a governmental aggregation program with opt-out provisions pursuant to Section 4929.26, Ohio Revised Code, for the residents, businesses and other natural gas consumers within the unincorporated areas of the Township, and may be in conjunction with any other legislative authorities in the State of Ohio, as permitted by law (the "Aggregation Program").

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

Section 1: The Board finds and determines that it is in the best interest of the unincorporated areas of the Township, its residents, businesses and other retail natural gas consumers located within the unincorporated areas of the Township to establish an Aggregation Program within the unincorporated areas of the Township. Provided that the Aggregation Program is approved by the electors of the Township pursuant to Section 2 of this Resolution, the Board is hereby authorized to automatically aggregate, in accordance with Section 4929.26, Ohio Revised Code, the retail natural gas loads located within the unincorporated areas of the Township, and, for that purpose, to enter into service agreements to facilitate for those loads the purchase and sale of natural gas service. The Board may exercise such authority jointly with any other political subdivision of the State of Ohio to the full extent permitted by law, which may include use of an energy broker/consultant/aggregator, so long as the broker/consultant/aggregator is certified by the Public Utilities Commission of Ohio.

The aggregation, subject to Section 4929.26(A)(2)(a) and (b), Ohio Revised Code, and the opt-out rights described in Section 3 of this Resolution, will occur automatically for the retail natural gas loads located within the unincorporated areas of the Township and for which there is a choice of supplier, a rule or order has been adopted or issued under Chapter 4905, Ohio Revised Code, or an exemption granted under Sections 4929.04 to 4929.08, Ohio Revised Code.

Section 2: The Board of Elections of Delaware County is hereby directed to submit the following question to the electors of the unincorporated areas of the Township at the election on November 5, 2019:

Shall the Board of Trustees of Orange Township have the authority to aggregate the retail natural gas loads located within the unincorporated areas of the Township and for which there is a choice of supplier of that service, and for that purpose, enter into services agreements to facilitate for those loads the sale and purchase of natural gas service, such aggregation to occur automatically except where any person elects to opt-out, in accordance with Section 4929.26 of the Ohio Revised Code and Resolution No. _____ adopted by the Board of Trustees?

The Fiscal Officer of this Board is instructed to immediately file a certified copy of this Resolution and the proposed form of the ballot question with the Delaware County Board of Elections not less than ninety (90) days prior to the election to be held November 5, 2019. The Aggregation Program shall not take effect unless approved by a majority of the electors voting upon this Resolution and the Aggregation Program provided for herein at the election held pursuant to this Section 2 and Section 4929.26, Ohio Revised Code.

Section 3: Upon approval of a majority of the electors voting at the election provided for in Section 2 of this Resolution, this Board, individually or jointly with any other political subdivision, may develop a plan of operation and governance for the Aggregation Program. Before adopting such plan, this Board shall hold at least two public hearings on the plan. Before the first hearing, notice of the hearings shall be published once a week for two consecutive weeks in a newspaper of general circulation in the unincorporated areas of the Township. The notice shall summarize the plan and state the date, time, and place of each hearing. No plan adopted by this Board shall aggregate any retail natural gas load within the unincorporated areas of the Township unless it, in advance, clearly discloses to the person whose retail natural gas load is to be so aggregated that the person will be enrolled automatically in the Aggregation Program and will remain so enrolled unless the person affirmatively elects by a stated procedure not to be so enrolled. The disclosure

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shall state prominently the rates, charges, and other terms and conditions of enrollment. The stated procedure shall allow any person enrolled in the Aggregation Program the opportunity to opt-out of the program at least every two years, without paying a switching fee. Any such person who opts out of the Aggregation Program pursuant to the stated procedure shall default to the natural gas company providing distribution service for the person's retail natural gas load, until the person chooses an alternative supplier.

Section 4: It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board and that the deliberations of this Board and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Seconded by: Ms. Taranto

Ms. Taranto voiced a concern if it was to be on the ballot for all Orange Township Residents when it only pertained to those residents with Columbia Gas. There was a discussion among the Board, Mr. McCarthy and Mr. Mayer. The Board asked Mr. Chris Betts, with the Delaware County Prosecutor's Office his thoughts.

He commented he had come prepared to talk on this matter, but he has had with other townships dealings with electric and gas aggregation. The best to his recollection it does apply to the entire township. Ms. Taranto felt it would cause confusion. Ms. Knapp thought they would have to educate the residents.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

Date: _____

Trustee

Trustee

Trustee

EXECUTIVE SESSION

Motion by Mr. Rivers to go into Executive Session:

To Consider the, Employment, Discipline, of a Public Employee.

The following were invited to attend: Township General Counsel, Mr. McCarthy and Township Administrator, Mr. Bodnar.

Seconded by Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

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Motion by Mr. Rivers to return from Executive Session.

Seconded by: Ms. Knapp.

VOTE: Rivers – yes, Knapp – yes, Taranto – yes.

Motion by Mr. Rivers to make Mr. Bodnar acting fiscal officer.

Seconded by Ms. Taranto.

VOTE: Rivers – yes, Taranto – yes, Knapp – yes.

There was no further business meeting adjourned at 8:05 p.m.

Notice: Copies of documents referred to in these minutes can be obtained by contacting the Orange Township Administrator, Lee Bodnar.

Ryan Rivers, Chairman

Lisa Knapp, Vice-Chairman

Deborah Taranto, Trustee

Attest: _____
Wesley Mayer, Fiscal Officer