

Orange Township Trustees
July 2, 2018
Regular Meeting

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Orange Township Trustee Minutes at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a “road map” to the audio recording. Copies of this record are available by request at the Orange Township Fiscal Office, 1680 East Orange Road, Lewis Center, Ohio 43035.

Ms. Knapp called the meeting to order at 7:01 p.m.

This meeting was held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

Motion by Ms. Knapp to appoint Lee Bodnar as Interim Fiscal Officer.

Seconded by Mr. Rivers.

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

ROLL CALL: Lisa F. Knapp – present, Ryan Rivers – present, Deborah Taranto – absent.

TOWNSHIP OFFICIALS ALSO PRESENT

Matt Noble	Fire Chief
Amanda Sheterom	Human Resources/Communications Manager
Beth Hugh	Maintenance and Parks Director
Michele Boni	Planning and Zoning Director
Lee Bodnar	Township Administrator
Michael McCarthy	Township General Counsel

PLEDGE OF ALLEGIANCE

The minutes were prepared by Administrative Assistant for Maintenance and Parks Mary Ann Ross.

PUBLIC COMMENTS

Ms. Knapp asked anyone to come forward to discuss anything other than items on the agenda.

Jen Keagy, with the Delaware County Health District, 801 Polaris Parkway #270, Columbus, Ohio 43240 came forward. She came forward to give some updates from the health department. She commented:

- They will soon be sending welcome letters to residents of the county that buy a new house; rents a new apartment or condo
- They want to make sure residents are aware of the services provided by the health department
- She gave her first quarter statistics for overdose deaths in the county; they will be providing that data on a quarterly basis

APPROVAL OF MINUTES

Orange Township Trustees

July 2, 2018

Regular Meeting

APPROVAL OF MAY 7, 2018 SPECIAL REGULAR TRUSTEE MEETING

RES.18-234 APPROVAL OF MINUTES

Motion by Ms. Knapp to approve the May 7, 2018, special/regular trustee meeting minutes as presented.

Seconded by Mr. Rivers.

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

ZONING REPORT

ORANGE TOWNSHIP ZONING HEARINGS/MEETING REPORT

Ms. Boni, Planning and Zoning Inspector gave a review of the zoning report which can be found on the table as you enter the meeting room.

RESIGNATION OF BOARD OF ZONING APPEALS MEMBER

RES.18-235 ACCEPT RESIGNATION

Motion by Ms. Knapp to accept the resignation of Ms. Genevieve Hoffman from the Orange Township Board of Zoning Appeals effective immediately.

Motion Seconded by Mr. Rivers.

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

DISCUSSION AND POSSIBLE ACTION REGARDING MEMBER FOR THE BOARD OF ZONING APPEALS

Ms. Boni explained they do have two candidates; but according to the protocol she asked consensus to post on the website. She thought she would ask the Board to consider a candidate at the next board meeting.

MAINTENANCE REPORT

There was nothing to report.

PARK REPORT

OBSOLETE ITEM

RES.18-236 FINDING CERTAIN PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE, OBSOLETE, OR UNFIT FOR THE USE FOR WHICH IT WAS ACQUIRED TO HAVE NO VALUE AND ORDERING IT TO BE DISCARDED OR SALVAGED

Ms. Knapp moved the adoption of the following Resolution:

Orange Township Trustees

July 2, 2018

Regular Meeting

WHEREAS, the Township has certain used property which has no value and is not needed for public use, is obsolete, or is unfit for the use for which it was acquired;

NOW THEREFORE BE IT RESOLVED that the property listed in Exhibit "A" of this resolution, incorporated herein by reference as if fully repeated, is found to be not needed for public use, is obsolete, or is unfit for the use for which it was acquired, and to have no value.

BE IT FURTHER RESOLVED that such property shall be discarded or salvaged and the Maintenance and Parks Director or her designee shall oversee its' disposal.

Exhibit "A"

Amt	Item	Serial/Model #
2	Basketball backboard and hoop	

Motion seconded by Mr. Rivers.

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

APPROVE CHANGE ORDERS

Director of Parks and Maintenance, Beth Hugh explained the two change orders. Ms. Hugh answered Ms. Knapp questions. Ms. Knapp would like to see and approve change orders before the work is done. Ms. Hugh asked even the smaller ones. Ms. Knapp said these weren't bad, but she had seen others. Ms. Knapp asked to put these off until Ms. Hugh brought the Board the signed documentation.

PUBLIC SAFETY REPORT

Nothing to report.

FISCAL OFFICER REPORT

JANUARY, FEBRUARY, MARCH FINANCIALS

Ms. Knapp explained she had sent Mr. Spitzer an email earlier in the day requesting the Board receive the financials in a PDF format that is printed so they can search them. She is not going to approve them until she receives them in the typical fashion they have been receiving them. She tabled the financials.

LIQUOR LICENSE PERMIT

After a short discussion. There was consensus not to have an hearing.

APPOINTMENT AND COMPENSATION FOR AN ASSISTANT FISCAL OFFICER

Orange Township Trustees

July 2, 2018

Regular Meeting

This item was tabled until the next meeting because Mr. Spitzer was not present to speak on this.

RESIGNATION OF THE FISCAL OFFICE ASSISTANT – SPOT LABOR POSITION

This item was tabled until the next meeting because Mr. Spitzer was not present to speak on this.

PURCHASE ORDERS

RES.18-237 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO JHP (JEFFERSON HEALTH PLAN)

Motion by Ms. Knapp to authorize the issuance of a purchase order to Jefferson Health Plan, in the amount of \$200,000.00, for medical premium.

Seconded by Mr. Rivers.

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

Ms. Knapp asked Mr. Bodnar regarding the correct amount of the invoices. She elected reduce the amount of the purchase to \$15,000.00; Mr. Rivers agreed.

RES.18-238 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ISAAC WILES BURKHOLDER & TEETOR, LLC

Motion by Ms. Knapp to authorize the issuance of a purchase order to Isaac Wiles Burkholder & Teetor, LLC in the amount of \$15,000.00, for legal services.

Seconded by: Mr. Rivers.

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

Ms. Knapp asked Mr. Bodnar what the current costs were with Mr. Kim. Mr. Bodnar responded around \$8,800.00. Ms. Knapp commented she would like to make this purchase order for \$10,000.00; Mr. Rivers agreed.

RES.18-239 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO FISHEL HASS KIM ALBRECHT DOWNEY

Motion by Ms. Knapp to authorize the issuance of a purchase order to Fishcel Hass Kim Albrecht Downey, in the amount of \$10,000.00, for legal services.

Seconded by: Mr. Rivers.

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

ADMINISTRATIVE REPORT

DISCUSSION AND POSSIBLE ACTION REGARDING NEW POSITION DESCRIPTION

This item was tabled.

OLD BUSINESS

Orange Township Trustees

July 2, 2018

Regular Meeting

TABLED: DISCUSSION AND POSSIBLE ACTION REGARDING SHELLY & SANDS Inc. –
ORANGE ROAD/US23 INTERSECTION

Ms. Hugh explained she hasn't heard back from the Delaware County Engineer's Office regarding her questions. The item was tabled.

TABLED: APPROVE RACE PENQUIN AGREEMENT

This item was tabled. Mr. Rivers thought this would be done with the committee for the Vet's Memorial. He hasn't seen any new updates; he did know there were different thoughts.

Ms. Hugh suggested removing from the agenda both Shelly & Sands and the Race Penguin. The Board agreed.

DISCUSSION AND POSSIBLE ACTION CONCERNING THE OUTREACH AND
COMMUNICATION COMMITTEE

This item was removed.

DISCUSSION AND POSSIBLE ACTION REGARDING THE VETERAN'S MEMORIAL
PROJECT

This item was removed.

EXECUTIVE SESSION

Motion by Ms. Knapp to go into Executive Session to consider

- The appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official
- To conference with attorney(s) for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

The following were invited to attend: Human Resources/Communications Manager, Mr. Sheterom; Maintenance and Parks Director, Ms. Hugh; Township Administrator, Mr. Bodnar; and Township General Counsel, Mr. McCarthy.

Seconded by: Mr. Rivers.

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

Motion by Ms. Knapp to return to regular session.

Seconded by: Mr. Rivers.

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

REGULAR SESSION (Continued)

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION REGARDING TOWNSHIP ADMINISTRATOR CONTRACT

Ms. Knapp commented she was very pleased to announce they were able to reach an agreement with Mr. Bodnar to extend his contract for two years. They are giving him a raise; an extra week of vacation; a new contract. Ms Knapp commented he is worth every penny they pay him. She felt he has brought so much to the township and she would not replace him with anyone else. Mr. Rivers seconded this. Mr. Bodnar thought they were very kind words and he will try to live up to those words.

RES.18-243 APPROVING THE EMPLOYMENT CONTRACT OF TOWNSHIP ADMINISTRATOR LEE BODNAR

Motion by Ms. Knapp;

WHEREAS, the Orange Township Board of Trustees (“Board”) hired Lee Bodnar as Township Administrator in 2016; and,

WHEREAS, Administrator Bodnar was employed under a two year employment contract commencing in 2016; and,

WHEREAS, the Board desires to retain Administrator Bodnar and execute a new employment contract; and,

WHEREAS, the Board desires to enter into the attached Employment Contract with Mr. Bodnar specifying the terms and conditions of his continuing employment.

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

Section 1. The Board hereby approves the attached “Employment Contract” with Lee Bodnar in order to retain Mr. Bodnar as Township Administrator. The Employment Contract and all of its terms will be effective as of May 31, 2018.

Section 2. The Board delegates its authority to execute the attached Employment Contract to Trustee Lisa Knapp, giving her authority to sign the Contract on the Board’s behalf.

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.

Orange Township Trustees

July 2, 2018

Regular Meeting

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

Seconded by: Mr. Rivers.

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

Attachment

Employment Contract
between
LEE BODNAR
and
ORANGE TOWNSHIP, DELAWARE COUNTY, OHIO
hereinafter called TOWNSHIP
(individually called PARTY, collectively called PARTIES)

Effective May 31, 2018, the Township will re-employ Lee Bodnar as Orange Township Administrator (the “Administrator”) and will provide the following benefits and compensation to this individual, subject to the following terms and conditions of employment:

- 1. Nature and Extent of Services.** The Administrator shall discharge faithfully, diligently and to the best of his ability the responsibilities of Administrator as outlined in the Ohio Revised Code and perform such other lawful and reasonable duties as requested by the Orange Township Board of Trustees (“Board”). The Administrator shall not be engaged in any business activity in conflict with his position and duties other than on behalf of and as directed by the Township, whether or not such business activity is pursued for gain, profit or other pecuniary advantage, without the prior written approval of the Board. The Administrator’s full working time and effort shall be devoted to his employment with the Township.
- 2. Term.** The term of this Contract shall be for two (2) years beginning on the effective date of May 31, 2018. At the expiration of the two-year term of employment, the Administrator may be re-employed by the Board. This Contract is renewable for successive terms of either one (1) or (2) years, at the Parties’ discretion. If the two-year term ends and there has not been 1) a renewal of this Contract in writing, 2) a new contract that replaces this Contract, or 3) written termination of this Contract pursuant to the terms of Article 10, then this Contract shall continue on a month-to-month basis on the same terms and conditions.
- 3. Annual Salary.** As compensation for all services of every character and description rendered to the Township by the Administrator during a full calendar year, the Administrator shall receive the base annual salary of One Hundred and Eight Thousand One Hundred and Sixty Dollars (\$108,160) per full calendar year of employment (or such higher salary as the Board may, from time to time and in its sole and absolute discretion, determine) payable on a biweekly basis. All compensation received by the Administrator shall be subject to withholding for federal, state, and local income taxes, and other such taxes and charges including pension contributions as required by applicable laws, rules, regulations, or as authorized in writing by the Administrator and agreed to by the Board. The Administrator shall be exempt from the overtime

Orange Township Trustees

July 2, 2018

Regular Meeting

provisions of the Fair Labor Standards Act (29 U.S.C. Sec. 201 et seq.) under the Executive Employee Exemption.

4. Work Hours. The regularly scheduled work hours for the Administrator shall total at least eighty (80) hours per biweekly pay period. In addition, the Administrator shall work such other or additional hours as may be necessary to fulfill his duties as the Orange Township Administrator and/or as may, from time to time, be requested by the Board. As an exempt Executive Employee under FSLA, the Administrator will not be eligible for compensation at a one and one-half rate and he will not be compensated in the form of pay for hours worked in excess of eighty (80) hours per pay period.

5. Vacation Time. Commencing upon the effective date of the Contract the Administrator shall accrue vacation time at the rate of 6.154 hours per biweekly pay period. Vacation requests shall be scheduled in advance with, and are subject to the approval of, the Board or its designee. Vacation time which is not used during the calendar year in which it is credited may be carried over into subsequent calendar years. All unused vacation time accrued under Administrator's previous contract with Township shall be carried over. In addition, the Administrator shall be paid in full for unused vacation time upon termination of employment with the Township. The Administrator shall comply with all Township policies relating to the use of vacation time.

6. Sick Leave. Commencing upon the effective date of the Contract, the Administrator shall accrue 4.6 hours of sick leave per biweekly pay period. The Administrator shall be credited with all unused sick time he accrued under his previous contract with the Township. The Administrator shall comply with all Township policies pertaining to notification, use, and approval of sick leave.

7. Holidays. The Administrator shall be granted a day off from work in observance of each holiday authorized by Section 511.10 of the Ohio Revised Code and in accordance with the Policy Manual.

8. Benefits. The Administrator shall be eligible for Township medical, dental, and vision insurance, life insurance, Public Employees' Retirement System (PERS), and other similar benefits offered uniformly to all full-time Township employees or as required by law. The Administrator's eligibility and benefit amounts shall be subject to such terms and conditions as contained in the applicable plans and/or policies therefore as maintained, from time to time, by the Township. The Board reserves the right to revise, delete, alter or amend any such plan and/or policy.

9. Policies and Procedures. Unless otherwise specified in this Contract, the Administrator shall be subject to all policies and procedures of the Township, including the Policies and Procedures Manual, the Social Media Policy, the Flexible Scheduling Policy, and the Compensatory Time Policy (see attached). The terms and conditions of this Contract shall prevail over any conflicting Township policies and procedures.

10. Termination of Employment.

Orange Township Trustees

July 2, 2018

Regular Meeting

- a. **For Cause.** The Board may initiate termination of the Administrator's employment for cause. The term "for cause" shall mean that the Administrator has engaged in one or more of the following types of actions: misconduct, insubordination or lack of cooperation; possession, use, or sale of controlled substances, being under the influence of alcohol or a controlled substance on work premises or during work hours; poor or inadequate performance; incompetence or inability to perform the duties of the position; bribery; neglect of duty; abuse of Township property; removing Township property without prior authorization; falsification of employment application or other personnel records; falsifying Township reports or records; conviction of any crime (other than a minor misdemeanor); conduct involving theft, dishonesty or moral turpitude; improper physical or verbal harassment; sexual harassment; disrespect or improper treatment toward fellow employees, visitors or other members of the public; any act or omission amounting to misfeasance, malfeasance or nonfeasance; serious violations of Township policy, procedure, rule or regulation; unsatisfactory attendance; abuse or improper use of sick leave; or any other failure of good behavior. Upon termination of the Administrator's employment for cause, the Administrator shall not be entitled to any further wages or benefits hereunder.
- b. **Without Cause.** Either the Board or the Administrator may initiate termination of the Administrator's employment at any time without cause as follows:
- (i) The Board shall notify the Administrator in writing of his termination thirty (30) days prior to the effective date of such termination. If the Township terminates the employment of the Administrator without cause, the Township agrees to pay the Administrator as described in section d of this Article.
 - (ii) If the Administrator desires to terminate employment the Administrator shall so notify the Board in writing thirty (30) days prior to the effective date of such termination. The Administrator understands that if he terminates employment, no further salary or benefits shall be paid to him after the effective date of his termination.
- c. **Job Abolishment.** If the Administrator's employment is terminated due to the abolishment of the position, it will be considered termination "without cause" pursuant to the provisions of Section 11(b)(i) of this Article.
- d. **Early Termination.** As an incentive for continued employment and as full damages under this contract, the Board hereby approves early termination pay to the Administrator. Early termination pay shall be owed to the Administrator in the event the Board terminates his employment without cause, under the provisions of Section 11(b)(i) or 11(c) of this Contract. Early termination pay shall also be owed if the Board acts to rescind or modify Article 11 of this Contract without the written consent of the Administrator. Early termination pay shall be equal to four months (8 pay periods) of the salary earned at the time of termination, plus the cost of four months of continued health insurance at the coverage level in effect at the time of termination. Payment of early termination pay will be made in a lump sum payable within thirty (30) days of the effective date of termination. Early termination pay shall be subject to all required tax and deductions. Early termination pay shall not be owed to the Administrator in the event his employment is terminated for cause or in the event he resigns from his position.

Orange Township Trustees
July 2, 2018
Regular Meeting

11. Professional Activities. Administrator shall be encouraged to attend those professional meetings and activities as are approved by the Board, the actual and necessary expenses of said attendance to be paid as approved by the Board. The Administrator may join professional associations as approved by the Board in order to gain knowledge valuable for programs provided and operated by the Board.

12. Expenses. The Board shall reimburse Administrator for all actual and necessary travel and related expenses required in the performance of official duties during employment under this Contract, subject to such limitations as provided by applicable law and by Township policies.

13. Medical Examination. Upon the request of the Board, the Administrator hereby agrees to submit to comprehensive medical examinations by Board-approved physicians, including drug screens. Duly qualified physicians' statements certifying the physical and mental competency or incompetency of Administrator shall thereafter be filed with the Board. The cost of said medical examinations above and beyond what is covered by medical insurance shall be borne by the Board.

14. Performance Evaluation. The Board shall review the Administrator's performance at least once annually. The Board shall give the Administrator a written performance evaluation. Additional evaluations may be made if desired by the Board or if requested by the Administrator

15. Governing Law. This Contract shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Contract shall be filed in and heard before the courts of Delaware County, Ohio.

16. Entire Agreement. This Contract (and any and all Attachments thereto) shall constitute the entire understanding and agreement between the Parties, shall supersede all prior understandings and agreements, whether written or oral, between the Parties relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the Parties.

LEE BODNAR

LISA KNAPP, TRUSTEE

DATE

DATE

Orange Township Trustees
July 2, 2018
Regular Meeting

APPROVED AS TO FORM

Date: _____

Carol Hamilton O'Brien
Delaware County Prosecuting Attorney

FISCAL OFFICER'S CERTIFICATION (RC 5705.41(D)):

The Orange Township Fiscal Officer hereby certifies that the funds required to meet the obligation set forth in this Agreement have been lawfully appropriated for such purpose and are in the township treasury or in the process of collection, free from any other encumbrances. The Orange Township Fiscal Officer also certifies that it has confirmed with the State of Ohio Auditor that Lee Bodnar has no outstanding findings for recovery pending or issued against him by the State of Ohio.

Joel Spitzer
Orange Township Fiscal Officer

PARK REPORT (continued)

APPROVE CHANGE ORDERS (continued)

RES.18-240 AUTHORIZE CHANGE ORDER #1 TO TRUCCO

Motion by Ms. Knapp to authorize to sign change order #1 to TRUCCO, for North Road Park Phase 1, in the amount of \$544.43.

Seconded by: Mr. Rivers.

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

RES.18-241 AUTHORIZE CHANGE ORDER #2 TO TRUCCO

Motion by Ms. Knapp to authorize to sign change order #2 to TRUCCO, for North Road Park Phase 1, in the amount of \$2,549.65.

Seconded by: Mr. Rivers.

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

APPROVE PAY APPLICATION

RES.18-242 AUTHORIZE RELEASE OF PAYMENT TO TRUCCO

Orange Township Trustees

July 2, 2018

Regular Meeting

Motion by Ms. Knapp to authorize release of payment to Trucco for pay application # 8 in the amount of \$86,579.59, for North Road Park.

Seconded by: Mr. Rivers.

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

COUNTY I. T. CONTRACT

Ms. Knapp commented a couple months ago the Fiscal Officer informed her he would be firing his Fiscal Office employee, Patti Lewis. She was currently under medical leave and had an EOC complaint pending. To protect the township she undertook actions to hire her to work for the trustees. She was thinking that would be a resolution to a situation that could cost the township hundreds of thousands of dollars. She thought Mr. Spitzer didn't care to employ her anymore and hired her under the township. She went on to say; as soon as the township did this; Mr. Spitzer with malintent, made numerous negative comments and false accusations about the county IT Director who is Patti's husband. She continued; in fact, he went on a all out war with him simply because the township hired his wife to work for us. Unfortunately Delaware County Auditor George Kaitisa has informed the township that the county does not plan to renew the IT contract with the township at this time unless Mr. Spitzer retracts his statements and false accusations. Ms. Knapp mentioned several items that have been delayed. She felt if the contract wasn't renewed it would cost the township hundreds of thousands of dollars; also a very important relationship with Delaware County. The contract ends in October, and the township is in a holding pattern.

Ms. Knapp asked Mr. Bodnar if he any additional information or update on this. Mr. Bodnar commented he didn't have any updates at this time. She asked Mr. Rivers; he did not.

Ms. Knapp asked Mr. Bodnar if he would seek some sort of resolution with the county. He said he would. She asked for an update at the next meeting.

Ms. Lisa Kraft, 2181 Barnet Court, Lewis Center, Ohio 43035 came forward. She asked if the county warehouse's all the township's data. Ms. Knapp commented the township wouldn't lose the data but they do house the data. Ms. Kraft commented the township would then need another provider for that, anti-virus, security, everything? Ms. Knapp commented yes. She wondered if they had a feel which way it would go; with county or another provider? Ms. Knapp explained the situation in more detail. Ms. Kraft wondered if there was a plan "B" in place. Ms. Knapp commented no. Ms. Kraft felt it would be a long process and costly to look for another provider.

Ms. Knapp reiterated her deep concern.

Tony Bodkin from the Delaware County Gazette asked how it would affect Patti Lewis if there was nothing for her to do. Ms. Knapp commented that Ms. Lewis right now has other things she is working on right now.

There was no further business, meeting adjourned at 7:40 p.m.

Orange Township Trustees
July 2, 2018
Regular Meeting

Lisa F. Knapp, Chairman

Ryan Rivers, Vice Chairman

Deborah Taranto, Trustee

Attest: _____
Joel M. Spitzer, Fiscal Officer