

**BOARD OF TRUSTEES JOURNAL OF ACTIONS
FROM REGULAR MEETING HELD OCTOBER 18, 2021
ORANGE TOWNSHIP - DELAWARE COUNTY**

The electronic recordings of this meeting serve as the official meeting minutes.

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

Mr. Grumbles called the meeting to order at 6:03 p.m.

PRESENT: Ben Grumbles, Chair
Deborah Taranto, Vice-Chair
Ryan Rivers, Trustee
Lisa Kraft, Fiscal Officer

ALSO PRESENT: Michele Boni, Township Administrator
Silas Bowers, Director of Operations
Nathan McNeil, Fire Chief
Valerie Bunting, Office Manager

6:00 P.M. - ZONING HEARING ZON-21-05, EVANS FARM PCD AMENDMENTS

RES. 21-337 ADOPTING THE RECOMMENDATION OF APPROVAL OF THE ZONING COMMISSION AS TO ZONING APPLICATION #ZON-21-05 OF EVANS FARM LAND DEVELOPMENT COMPANY, LLC

Mr. Grumbles moved the adoption of the following Resolution:

WHEREAS, the Zoning Commission, by its *Motion* adopted September 28, 2021, recommended the approval of Zoning Application #ZON-21-05 of Evans Farm Land Development Company LLC, joined in by Evans Farm Delaware LLC and numerous individual lot owners all of the foregoing being property owners within the area subject of the application, requesting the amendment of Application #15-0104, as previously modified by Application #ZON-16-02, Application #ZON-18-05 and Application #ZON-20-02(collectively “Development Plan”); and

WHEREAS, that recommendation is for amendment of the Development Plan in accordance with the changes reflected in the materials submitted by the applicant and stamped RECEIVED with ORANGE TWP. ZONING above and OCT 8 2021 superimposed over RECEIVED by Orange Township Zoning, and

WHEREAS, the Board of Township Trustees (“Board”), following the required public hearing, determines that this version should be adopted and approved;

NOW THEREFORE BE IT RESOLVED that this version is adopted and approved.

BE IT FURTHER RESOLVED that all portions of the previously approved application and Development Plan of Application #15-0104, as modified by Applications #ZON-16-02, ZON-18-05, and ZON-20-02, are superseded in its entirety and shall not continue in full force and effect.

Motion seconded by Ms. Taranto

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

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6:00 P.M. - ZONING HEARING ZON-21-06, EVANS FARM SFPRD AMENDMENTS

RES. 21-338 ADOPTING THE RECOMMENDATION OF APPROVAL OF THE ZONING COMMISSION AS TO ZONING APPLICATION #ZON-21-06 OF EVANS FARM LAND DEVELOPMENT COMPANY, LLC

Mr. Grumbles moved the adoption of the following Resolution:

WHEREAS, the Zoning Commission, by its *Motion* adopted September 28, 2021, recommended the approval of Zoning Application #ZON-21-06 of Evans Farm Land Development Company LLC, joined in by Evans Farm Delaware LLC and numerous individual lot owners all of the foregoing being property owners within the area subject of the application, requesting the amendment of Application #15-0105, as previously modified by Application #ZON-17-07, Application #ZON-19-03 and Application #ZON-21-04 (collectively “Development Plan”); and

WHEREAS, that recommendation is for amendment of the Development Plan in accordance with the changes reflected in the materials submitted by the applicant and stamped RECEIVED with ORANGE TWP. ZONING above and OCT 8 2021 superimposed over RECEIVED by Orange Township Zoning, and

WHEREAS, the Board of Township Trustees (“Board”), following the required public hearing, determines that this version should be adopted and approved;

NOW THEREFORE BE IT RESOLVED that this version is adopted and approved.

BE IT FURTHER RESOLVED that all portions of the previously approved application and Development Plan of Application #15-0105, as modified by Applications #ZON-17-07, ZON-19-03, and ZON-21-04, are superseded in its entirety and shall not continue in full force and effect.

Motion seconded by Ms. Taranto

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

APPROVAL OF CONSENT AGENDA

1) IN THE MATTER OF APPROVING THE CONSENT AGENDA FOR THE REGULAR MEETING HELD ON OCTOBER 18, 2021:

It was moved by Mr. Grumbles, seconded by Ms. Taranto to approve the consent agenda for Regular Meeting held on October 18, 2021

Seconded by Ms. Taranto

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD HEREBY APPROVES THE FOLLOWING CONSENT AGENDA ITEMS FOUND IN LINE ITEMS A) & B)

A) RES.21-339 APPROVING THE ELECTRONIC RECORD OF THE PROCEEDINGS FROM THE REGULAR MEETING HELD ON OCTOBER 4, 2021

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WHEREAS, the Board of Trustees for Orange Township, Delaware County, Ohio (the “Board”) met in regular session on October 4, 2021

WHEREAS, the Fiscal Officer has certified, pursuant to section 305.11 of the Ohio Revised Code, that the entire record of the proceedings at that meeting is completely and accurately captured in the electronic record of those proceedings;

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves the electronic record of proceedings at the Regular Meeting held on October 4, 2021.

B) RES.21-340 APPROVING PURCHASE ORDERS, THEN AND NOW PURCHASE ORDERS, AND BLANKET PURCHASE ORDERS AS LISTED:

Vendor	Description	Account	Amount
ZoneCo	Professional Services	Zoning	\$60,000.00
National Business Furniture	New furniture for offices	General	\$10,686.00
LITE Tactical Solutions, LLC	Tactical Equipment	Fire	\$27,133.60
On Duty Equipment Company	Safety Gear	Fire	\$39,618.98
Edge Technology	Station 361 Training Room	CARES	\$16,856.88

RES.21-341 APPROVING AN APPLICATION TO PARTICIPATE IN OHIO PUBLIC WORKS COMMISSION STATE CAPITAL IMPROVMENTS AND/OR LOCAL TRANSPORTATION IMPROVEMENT PROGRAM(S) AND TO EXECUTE CONTRACTS AS REQUIRED FOR PARKLAWN DRIVE IMPROVEMENT PROJECT

A RESOLUTION AUTHORIZING Ben Grumbles, Orange Township Trustee, to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or local transportation improvement program(s) and to execute contracts as required;

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvements to public infrastructure, and

WHEREAS, the Orange Township Board of Trustees is planning to make capital improvements to Parklawn Drive Improvements Project, and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs,

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Orange Township (Delaware County): Section 1: That is hereby authorized to apply to the OPWC for funds as described above.

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**RES. 21-343 APPROVING A COOPERATIVE PROJECT AGREEMENT FOR LAZELLE ROAD
CULVERT AND STORM SEWER IMPROVEMENTS**

This **Agreement** made and entered into this 18th day of October, 2021 by and between the Delaware County Board of Commissioners (“County”), the Orange Township Board of Trustees (“Township”), and the Delaware County Engineer (“Engineer”).

WITNESSETH:

WHEREAS, a County, acting under authority of O.R.C. 5555.022, may declare the necessity for improvements to any public road and may order the County Engineer to prepare plans, specifications and estimates for such improvements; and

WHEREAS, a Township, when acting under authority of O.R.C. 5573.01, may declare the necessity for improvements to any township road and may order the County Engineer to prepare plans, specifications and estimates for such improvements; and

WHEREAS, R.C. 9.482 provides that a board of county commissioners may enter into an agreement with a board of trustees of any township, and a township board of trustees may enter into agreements with the board of county commissioners, whereby either board undertakes, and is authorized by the other board, to exercise any power, perform any function, or render any service, on behalf of the other board, that such board may exercise, perform, or render; and

WHEREAS, an existing 36-inch storm sewer and 73-inch x 55-inch corrugated metal pipe culvert under Lazelle Road are in poor condition and as result of settlement of backfill and deterioration of the corrugated metal pipe culvert, Lazelle Road is currently closed to traffic; and

WHEREAS, the County, as a routine matter, assists townships with the costs of replacing certain transportation infrastructure, including, but not limited to, large culverts and sewers located on/under township roads, for the safety, convenience and welfare of the public; and

WHEREAS, Lazelle Road is located on the county line between Delaware and Franklin Counties and the existing 36-inch storm sewer and 73-inch x 55-inch corrugated metal pipe culvert are located within an area lying partially within the corporation limits of the City of Columbus (“City”) and partially within the unincorporated area of the Township, and are, by law, the shared maintenance responsibility of the Township and the City;

NOW, THEREFORE, for and in consideration of the premises and the mutual promises, covenants and obligations hereinafter stated, the parties mutually agree as follows, to wit:

1. **PURPOSE**: The County and Township enter into this agreement for the purpose of undertaking the repair and replacement of an existing 36-inch storm sewer and an existing 73-inch x 55-inch culvert under Lazelle Road as a cooperative Project for the mutual benefit of both parties.
2. **RESPONSIBILITIES OF EACH PARTY**: The County Engineer, pursuant to request of the Township, has completed surveys, plans, profiles, cross sections, estimates, and specifications for the Project.

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The Township has acquired, at its cost, the necessary right of way within the unincorporated area of the township for construction and maintenance of the Project.

The County will cooperate with the City to acquire any additional, necessary right of way, contract for and construct the Project in cooperation with the City.

3. **PROJECT COSTS:** The Township has acquired, at its cost, the necessary public right of way located within the unincorporated area of the township for construction and maintenance of the Project.

The Township further agrees to pay the County a lump sum of **Thirty-Five Thousand Dollars (\$35,000)** as reimbursement for its share of the Project construction cost, which shall be considered the Township's entire cost responsibility for construction of the Project, within 30 days of receipt of an invoice and certification from the County Engineer stating that the construction of the Project has been acceptably completed.

The County and City shall pay all remaining costs of the Project pursuant to separate agreement.

4. **MISCELLANEOUS TERMS AND CONDITIONS:**

- 4.1 Entire Agreement: This Agreement, and those documents incorporated by reference herein, shall constitute the entire understanding and agreement, shall supersede all prior understandings and agreements relating to the subject matter hereof, and may only be amended in writing with the mutual consent and agreement of the parties.
- 4.2 Governing Law: This Agreement shall be governed by and interpreted in accordance with the laws of the State of Ohio. Any and all legal disputes arising from this Agreement shall be filed in and heard before the courts of Delaware County, Ohio.
- 4.3 Headings: The subject headings of the Sections and Subsections in this Agreement are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This Agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.
- 4.4 Waivers: No waiver of breach of any provision of this Agreement shall in any way constitute a waiver of any prior, concurrent, subsequent, or future breach of this Agreement or any other provision hereof. No term or provision of this Agreement shall be deemed waived, and no breach excused, unless such a waiver or consent is expressly made in writing and signed by the party claimed to have waived or consented. Such waiver shall not constitute and shall not in any way be interpreted as a waiver of any other term or provision or future breach unless said waiver expressly states an intention to waive another specific term or provision or future breach.
- 4.5 Severability: If any item, condition, portion, or section of this Agreement or the application thereof to any person, premises, or circumstance shall to any extent, be held to be invalid or unenforceable, the remainder hereof and the application of such term, condition, provision, or section to persons, premises, or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be

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The Township Fiscal Officer of Orange Township, Delaware County, Ohio hereby certifies that the funds required to meet the obligation set forth in this Agreement with the Board of County Commissioners of Delaware County, Ohio 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 Township Fiscal Officer also certifies that it has been confirmed with the State of Ohio Auditor that the Board of County Commissioners of Delaware County, Ohio has no unresolved findings for recovery issued against it by the State of Ohio.

_____, 2021

Lisa Kraft, Township Fiscal Officer
Orange Township, Delaware County, Ohio

CON.21-10.18.01 CONSENSUS FOR DIRECTOR OF OPERATIONS TO PURSUE ROOF REPLACEMENT FOR 1680 EAST ORANGE RD

RES.21-344 ACKNOWLEDGE AND ACCEPT DONATION

Motion by Mr. Grumbles to accept a donation of a \$50.00 Senor Antonio’s gift card for the Fire Department.

Seconded by Ms. Taranto

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

RES.21-345 ESTABLISHMENT OF NEW FUND

The Board of Trustees of Orange Township, Delaware County, Ohio (“Board”) met in regular session on October 18, 2021 with the following members present:

Ben Grumbles
Deborah Taranto
Ryan Rivers

Mr. Grumbles Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the Board desires to establish new fund for the following purpose:

Separate and Manage the Unclaimed Monies of Orange Township
(Purpose of Fund)

RESOLUTION

NOW THEREFORE, BE IT RESOLVED:

A. The Board hereby establishes a new fund (“Fund”) for the following purpose:

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Separate and Manage the Unclaimed Monies of Orange Township
an
(Purpose of Fund)

B. The Fund shall have the following name and number:

Unclaimed Monies
(Name of Fund)

9901
(Fund Number)

C. 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.

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

Ms. Taranto seconded the motion.

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

Voted on and signed this 18th of October, 2021 in Orange Township, Delaware County, Ohio.

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

Ben Grumbles, Chair

Deborah Taranto, Vice-Chair

Ryan Rivers, Trustee

Attest:

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Lisa Kraft
Orange Township Fiscal Officer

CERTIFICATE

State of Ohio, Delaware County

I, the undersigned Township Fiscal Officer of Orange Township, Delaware County, Ohio, certify that the foregoing Resolution No. 21-345 is taken and copied from the record of proceedings of the Board, 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: _____

Lisa Kraft
Orange Township Fiscal Officer

**RES.21-346 REVISING AND/OR INCREASING PERMANENT APPROPRIATIONS
ESTABLISHED IN RES.20-401**

Mr. Grumbles moved the adoption of the following Resolution:

BE IT RESOLVED that the appropriations for the fiscal year ending December 31, 2021, as made at the Trustee Meeting on December 16, 2020, in Res.20-401, are changing as follows:

Purposes for which expenditures are to be made for and during said fiscal year, as follows, via:

Unclaimed Monies Fund

That the appropriations for the below account codes be created in the Unclaimed Monies FUND:

<u>Account code</u>	<u>Description</u>	<u>Previous</u>	<u>Revised</u>
9901- 990-990-0000	Unclaimed Monies	\$0	\$3,000.00
	Total:	\$0	\$3,000.00

General Fund

That the appropriations for the below account codes be created in the General Fund to allow for transfer of money to Unclaimed Monies Fund:

<u>Account code</u>	<u>Description</u>	<u>Previous</u>	<u>Revised</u>
1000- 910-910-0000	Transfers Out	\$0	\$2,000.00
	Total:	\$0	\$2,000.00

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Deborah Taranto
Vice-Chair

Ryan Rivers
Trustee

Attest:

Lisa Kraft
Township Fiscal Officer
Orange Township, Delaware County, Ohio

CERTIFICATE

State of Ohio, Delaware County

I, the undersigned Township Fiscal Officer of Orange Township, Delaware County, Ohio, certify that the foregoing Resolution No. 21-346 is taken and copied from the record of proceedings of the Board, 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: _____

Lisa Kraft
Township Fiscal Officer
Orange Township, Delaware County, Ohio

RES.21-347 AUTHORIZE THE FISCAL OFFICE TO APPLY FOR AN ACCOUNT WITH VOYAGER FOR FUEL CARDS FOR VEHICLES THAT WILL BE ABLE TO BE USED AT MANY DIFFERENT GAS STATIONS

Motion by Mr. Grumbles authorize the fiscal office to apply for an account with Voyager for fuel cards for that will be assigned by vehicle. The cards will be able to be used at many different gas stations. Upon activation and receipt of cards, the BP account will be closed.

Most vehicle assigned cards will be assigned a monthly dollar limit of \$500, with the Medic 361 vehicle being set at \$2,000 based on previous purchases.

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Seconded: Ms. Taranto

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

RES.21-348 UPDATING VENDORS APPROVED FOR ELECTRONIC FUNDS TRANSFER

Mr. Grumbles moved the adoption of the following motion.

WHEREAS, the Orange Township Board of Trustees (“Board”) currently authorizes the payment of township funds via electronic transfer for some types of payments and believes it will increasingly do so as even more vendors require electronic payments; and,

WHEREAS, the Board also occasionally receives funds via electronic payment; and,

WHEREAS, Revised Code §§ 9.37 and 507.11(B)(2) authorizes townships to make electronic transfers of funds (i.e. ACH); and,

WHEREAS, the Board previously approved an Electronic Funds Transfer Policy by Resolution 21-047; and,

WHEREAS, the Board now desires to update the entities approved for ACH transactions as indicated below in Exhibit A.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Board hereby approves the updates to Exhibit A approved in Resolution 21-047 with the addition of the Voyager Card as an eligible entity
2. 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 all deliberations of this Board and 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.
3. This Resolution shall take effect immediately upon adoption.

Ms. Taranto seconded the motion.

VOTE: Grumbles – Yes Taranto – Yes Rivers – Yes

Voted on and adopted this 18th day of October, 2021 in Orange Township, Delaware County, Ohio.

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

Ben Grumbles
Chair

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Deborah Taranto
Vice-Chair Trustee

Ryan Rivers
Trustee

Acknowledged by:

Lisa Kraft
Fiscal Officer

**Exhibit A: Entities approved for ACH Transactions:
As of 10/18/2021**

- BP Oil
- First Commonwealth Bank – Master Cards
- Aetna
- Ohio Deferred Compensation
- Menards
- Home Depot
- John Deere Financial/Beems BP Distribution
- Pitney Bowes
- Local Union Dues
- ODJFS
- OPERS
- OP&F
- Voyager Card (US Bank)

RES.21-349 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

Mr. Grumbles moved the adoption of the following Resolution:

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

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Attest:

Lisa Kraft
Orange Township Fiscal Officer

**RES.21-352 HIRING AND ESTABLISHING THE TERMS AND CONDITIONS OF
EMPLOYMENT FOR THE SENIOR HUMAN RESOURCES MANAGER**

PREAMBLE

WHEREAS, the Board desires to employ Mike Kremnitzer as Senior Human Resources Manager and establish the terms and conditions of his employment; and

WHEREAS, it is in the best interest of the Township and its residents to provide certain benefits, including, in certain circumstances, severance pay, to this employee as a form of compensation;

RESOLUTION

This Employment Agreement (the “Agreement”), is entered into on October 18, 2022, (the “Effective Date”) by and between Mike Kremnitzer and Orange Township, Delaware County, Ohio.

RECITALS

WHEREAS, nothing in this Agreement is meant to, nor shall it be interpreted to, supersede Ohio statutory law governing the appointment, powers, duties and/or removal of the Senior Human Resources Manager. This Agreement is meant, and shall be interpreted, only to supplement those statutes and case law interpreting those statutes. If there is a discrepancy between this Agreement and the Ohio Revised Code, the Ohio Revised Code controls.

NOW THEREFORE, in consideration of the exchange of valuable consideration, the sufficiency of which the Parties agree exist, and upon the terms and conditions set forth below, Orange Township, Ohio and Mike Kremnitzer agree as follows:

1. **Start date.** Pursuant to authorized by R.C. 511.10, Mike Kremnitzer shall begin working as the full-time Senior Human Resources Manager on December 1, 2021 . **THE EMPLOYEE IS AN EMPLOYEE AT-WILL AND SERVES AT THE PLEASURE OF THE ORANGE TOWNSHIP BOARD OF TRUSTEES.** Unless terminated in accordance with Paragraph 8 below, the terms of this Agreement will be reviewed every two years, on or about the anniversary of the Effective Date.

Because the established position of Senior Human Resources Manager, and the at-will nature of this position, is governed by Ohio statute (R.C. 511.10), nothing in this Agreement is intended to create, and will not be interpreted as creating, a vested right in employment and/or continued employment. This Agreement serves only to outline the duties, compensation, responsibilities, benefits, etc. of this at-will employment relationship.

2. **Duties and Responsibilities.** Mike Kremnitzer shall perform the duties and responsibilities of the Senior Human Resources Manager, in the job description attached hereto as Appendix A and

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incorporated herein by reference and such other duties as may be determined by the Board from time to time . The employee’s full working time and effort shall be devoted to such employment.

3. **Work Hours.** As Senior Human Resources Manager, Mike Kremnitzer generally is expected to be present at the Township office during the normal office hours, when the Township is open for business, and to work at least forty (40) hours per week to fulfill the duties of the position. In addition, the Senior Human Resources Manager may be required to work such other or additional hours necessary to fulfill the duties or as may, from time to time, be requested by the Board of Trustees or Township Administrator. Mike Kremnitzer recognizes the performance of the duties expected of this position may require irregular work hours and/or flexibility in the work schedule. Mike Kremnitzer shall, as necessary, devote time outside “normal” working hours to the Township’s business.
4. **Compensation.** The Township shall pay Mike Kremnitzer an annual salary of \$83,000.00 pro-rated for the remainder of 2021, which will be paid in equal bi-weekly installments, less applicable withholdings 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 Senior Human Resources Manager and agreed to by the Board of Trustees.

As set forth in Paragraph 7 below, the Parties agree the annual salary set forth herein can be amended via Board of Trustee legislation. This Agreement need not be amended solely for the purpose of making a salary adjustment. The Employee shall be exempt from the overtime provisions of the Fair Labor Standards Act (29 U.S.C. §§201 et seq.) under the Executive Employee Exemption. As an Executive Employee under the FLSA, the Employee will not be eligible for compensation at a time and one-half rate, and he will not be compensated in the form of pay for hours worked in excess of forty (40) hours per work week. Nothing contained herein shall be deemed as a guarantee of continued employment by the Township.

5. **Benefits.** Unless otherwise provided under Ohio law, Mike Kremnitzer shall be entitled to the following benefits:
 - a. **Vacation Leave.** 20 days (160 hours) per year. 5 days (40 hours) of Vacation Leave will be pro-rated for 2021 and will be awarded on December 1, 2021 for immediate use by the Senior Human Resources Manager. Starting on January 1, 2022 and then in all years thereafter, Vacation Leave will accrue at 6.15 hours per pay period. Vacation Leave requests will be scheduled in advance with, and are subject to the prior approval of, the Township Administrator. The Senior Human Resources Manager shall be subject to, and comply with, all other Township policies pertaining to the use, carryover, and cash out of Vacation Leave.
 - b. **Personal Leave.** 2 days per year. Personal Leave will be awarded on December 1, 2021 for immediate use by the Senior Human Resources Manager. The Senior Human Resources Manager will be subject to, and comply with, all other Township policies pertaining to the use, approval, carryover and forfeiture of Personal Leave.
 - c. **Sick Leave.** 15 days (120 hours) per year, accruing at 4.6 hours per pay period. Upon termination of employment for any reason, Mike Kremnitzer may elect to be paid for all earned, but unused sick leave, at a rate of 1/4 of its value. The Senior Human Resources Manager will

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be subject to and comply with all other Township policies pertaining to notification, use, carryover, and approval of Sick Leave.

- d. **Holidays.** The Senior Human Resources Manager shall be granted a paid day off from work in observance of each holiday authorized by R C. 511.10.
 - e. **Other Benefits.** The Senior Human Resources Manager may participate in other Township benefits such as 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 Senior Human Resources Manager's eligibility and benefit amounts will be subject to such terms and conditions as contained in the applicable benefit plan documents, as maintained by the Township. The Board of Trustees reserves the right to revise, delete, alter or amend any benefits and applicable plan documents without prior notice to the Senior Human Resources Manager.
 - f. **Professional Activities.** The Senior Human Resources Manager is encouraged to join and participate in professional associations to further her professional development. Subject to Board of Trustees or Township Administrator prior approval, the actual and necessary expenses for membership and participation will be paid or reimbursed in accordance with the Township policy.
 - g. **Business Expenses.** The Township shall reimburse the Senior Human Resources Manager for all actual and necessary travel and business expenses required in the performance of the official duties during employment under this Agreement, subject to such limitations as provided by applicable law and by Township policies.
 - h. **Personal Equipment.** The Township shall provide the Senior Human Resources Manager with the following equipment necessary to perform the duties of the position: cell phone, computer, software, and other equipment necessary to perform the duties of the position.
6. **Medical Examination.** Upon the request of the Board of Trustees, the Senior Human Resources Manager hereby agrees to submit to comprehensive medical examinations by Board-approved physicians, including drug screens, random or based on reasonable suspicion. Duly- qualified physician statements certifying the physical and mental competency or incompetency of Senior Human Resources Manager will thereafter be filed with the Board of Trustees. The cost of such medical examinations above and beyond what is covered by medical insurance will be paid solely the Township
7. **Performance Evaluation.** The Board of Trustees or Township Administrator may periodically review the Senior Human Resources Manager's performance and give the Senior Human Resources Manager a written performance evaluation. Following this review, the Board of Trustees, at its sole discretion, can determine whether the Senior Human Resources Manager's salary should be adjusted. If so, the Board shall adopt legislation making this adjustment. If the Board determines that the Senior Human Resources Manager's salary should be adjusted negatively, the Board shall give Senior Human Resources Manager sixty (60) days' notice to improve performance before adjusting salary. This Agreement need not be amended solely for the purpose of making a salary adjustment.

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8. **Termination.** The Agreement and Mike Kremnitzer's employment as Senior Human Resources Manager may be terminated as set forth below:

- a. **By the Township For Cause.** The Township may terminate this Agreement and Mike Kremnitzer's employment as Senior Human Resources Manager for cause as follows:
 - i. thirty (30) days after the onset of physical or mental disability, confirmed by a professional medical diagnosis, that will prevent the effective performance of the Senior Human Resources Manager's duties on a continuous basis, after the Board, in good faith, engages in the interactive process to accommodate Senior Human Resources Manager's disability pursuant to R.C. 4112; or
 - ii. immediately in the event the Senior Human Resources Manager has engaged in one or more of the following acts or omissions:
 - (A) guilty of theft or fraud in the workplace, or was persistently dishonest;
 - (B) habitually incompetent or neglectful of duties;
 - (C) insubordinate or willfully disobedient to the Township's lawful orders;
 - (D) intoxicated or under the influence of illicit drugs if these are not related to a disability;
 - (E) harassing or abusive towards Trustees, employees, or residents; and/or
 - (F) guilty of off-duty criminal conduct excluding minor traffic offenses; and/or
 - (G) serious violations of Township policy, procedures, rules or regulations.

In the event of termination for cause under this subsection, Mike Kremnitzer will be entitled to receive only the compensation and benefits earned through the date of termination, unless required by law or by any benefit plan documents.

- b. **By the Township Without Cause.** The Township may terminate this Agreement and Mike Kremnitzer employment as Senior Human Resources Manager , for any reason or no reason at all, which need not be disclosed, by giving the employee thirty (30) days' advance written notice of the termination. If the Township determines, at its sole discretion, to terminate this Agreement without cause, it shall pay Mike Kremnitzer (1) the equivalent of three months of the salary at the time of termination plus (2) the equivalent cost of three months of continued Orange Township health insurance at the coverage level in effect at the time of termination. This payment shall be made within 45 days of the termination date.
- c. **By the Senior Human Resources Manager.** The Senior Human Resources Manager may terminate this Agreement for any reason or no reason at all, by giving the Township thirty (30) days' advance written notice. The Senior Human Resources Manager shall be paid her full compensation until the termination date.

9. **Township Property and Equipment.** During employment and upon termination of employment, the Senior Human Resources Manager will comply with and enforce all policies, procedures and legal obligations related to the protection, use, disclosure and return of Township property, records, information and equipment. The Senior Human Resources Manager understands and agrees that to the extent necessary to access Township property, computer systems or files, she is required to provide the Township with any and all login information, passwords or passcodes upon request. Upon termination or resignation, Mike Kremnitzer will not delete, destroy, remove or alter and will immediately return

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any and all Township property, information, records or equipment in her possession or control, including software, hardware, cell phones, computers and all copies or other reproductions thereof.

10. **Ongoing Cooperation.** Following termination for any reason or resignation, the Senior Human Resources Manager shall cooperate with the Township, its Trustees, employees, officers, and administrators, to assist in any investigations, transition matters, or other reasonable requests.
11. **Driving.** The Senior Human Resources Manager shall, at all times, possess and maintain a valid, non-suspended State of Ohio Driver's license and comply with all driving policies, procedures, and traffic laws. Throughout her employment, the Senior Human Resources Manager will maintain motor vehicle insurance at coverage levels acceptable to the Board of Trustees.
12. **Notices.** All notices, requests, demands and other communications required hereunder will be in writing and will be deemed to have been given: (1) upon receipt when delivered in person, (2) one business day after delivery to an agent such as an overnight or similar delivery service, or (3) two business days after mailing by regular United States mail, postage prepaid. Notice must be made upon the applicable party to whom the notice is to be sent, as follows:

To Senior Human Resources Manager: Mike Kremnitzer (mailing address then on file with the Township)	To the Township: Orange Township Attn: Chair, Board of Trustees 1680 E. Orange Road PO Box 397 Lewis Center, OH 43035
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13. **Waiver; Remedies Cumulative.** No waiver of any right or option hereunder by any party will operate as a waiver of any other right or option, or the same right or option as respects any subsequent occasion for its exercise, or of any legal remedy. No waiver by any party of any breach of this Agreement or of any agreement or covenant contained herein will be held to constitute a waiver of any other breach or a continuation of the same breach. All remedies provided by this Agreement are in addition to all other remedies by it or the law provided.
14. **Assignment.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the Township. Neither this Agreement nor any duties, rights, and/or responsibilities hereunder may be assignable by Mike Kremnitzer and any such purported assignment by her shall be considered void and of no force or effect.
15. **Severability.** The parties agree that if any part, term or provision of this Agreement will be found illegal and unenforceable by any court of law, the remaining provisions will be severable, valid and enforceable in accordance with their terms.
16. **Choice of Law and Venue.** This Agreement will be construed in accordance with the laws of the State of Ohio. The parties hereto consent to the exclusive and sole jurisdiction and venue of Delaware County Court of Common Pleas.

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**CON.21-10.18.02 CONSENSUS TO MOVE NOVEMBER 1, 2021 REGULAR TRUSTEE MEETING
TO NOVEMBER 3, 2021 AT 6:00 P.M.**

**RES.21-353 TO ENACT A VOLUNTARY VACCINATION INCENTIVE PROGRAM
FOR FULL AND PART-TIME EMPLOYEES AND APPROPRIATE \$100,000.00 FROM THE
CORONAVIRUS RELIEF FUND FOR THE CURRENT EXPENSE OF THE PROGRAM**

RECITALS

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can be easily spread from person to person; and

WHEREAS, on March 11, 2020, the World Health Organization announced that the COVID-19 outbreak can be characterized as a pandemic; and

WHEREAS, throughout the pandemic, Orange Township, Delaware County, Ohio (the “Township”) has adopted policies and practices to ensure the health and safety of our employees; and

WHEREAS, the Township received funds through the State of Ohio, as a part of an award of Federal Financial Assistance from the United States Department of the Treasury under the Social Security Act, as amended by the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) as the Coronavirus Relief Fund (“CRF”); and

WHEREAS, CRF funds may be utilized to cover costs that (i) are necessary expenditures incurred due to the public health emergency with respect to Coronavirus Disease 2019 (“COVID-19”); (ii) were not accounted for in the recipient’s budget most recently approved as of March 27, 2020; and (iii) were incurred during the period from March 1, 2020 through the eligible period; and

WHEREAS, the Township will create a Voluntary Vaccination Incentive Program for employees to participate in the vaccination campaign against the global health pandemic of COVID-19 given its benefits for the individual, the organization and the community at large.

RESOLUTION

NOW THEREFORE, be it resolved by the Board that the following Resolutions be, and hereby are, adopted:

SECTION 1. That the Board hereby determines and affirms, in exercising its reasonable judgment, that the Voluntary Vaccination Incentive Program and the funds associated therewith, (i) shall be necessary expenditures incurred due to the public health emergency with respect to COVID-19; (ii) were not accounted for in the budget approved as of March 27, 2020; and (iii) were incurred during the period from March 1, 2020 through the eligible time period, and fulfill the eligibility requirements for use of CRF funds provided to the Township.

SECTION 2. The Board hereby establishes the Voluntary Vaccination Incentive Program (the “Program”) for all full-time and part-time Township employees. Under this Program, any fully vaccinated Township employee shall receive a one-time bonus in the amount of \$1,000.00. For the purpose of the

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Deborah Taranto, Vice-Chair

Ryan Rivers, Trustee

Attest: _____
Lisa Kraft, Fiscal Officer