

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 3, 2005

Held

20

The Etna Township Board of Trustees met on May 3, 2005 in the Etna Township Hall to hold a regular meeting. The meeting was called to order at 7:00 p.m. by President Burkholder and the pledge of allegiance was recited.

Roll call showed Mrs. Siddens, Mr. George, President Burkholder and the clerk present.

ADOPTION OF THE AGENDA

Mr. George moved to adopt the agenda. Siddens seconded.

President Burkholder moved to amend the agenda to place the Water and Sewer Report under Public Comments and to add under New Business: (P) Supplies for printer, (Q) Correspondence from West Licking Joint Fire District and (R) Motion to make township secretary full time. George seconded.

Roll Call on amendment: Siddens, yes; George, yes; Burkholder, yes.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

ADOPTION OF THE MINUTES

Mrs. Siddens moved to adopt the April 19, 2005 meeting minutes. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

CORRESPONDENCE

- Licking County Board of Commissioners - Resolution 47-438 - vacating Columbus Street, Resolution 47-450 - dismiss Expedited II Annexation Petition
- Resolution 47-445 - Liquor permit
- Resolution 47-446 - Liquor permit
- Resolution 47-385 - approve replat of Lots 101-A and 102 in Etna
- Shelly Materials - invitation to a "free fishing weekend"
- Time Warner - acquisition of Aldephia Communication Corp.
- OTA - Grassroots Clippings newsletter
- Bureau of Workers' Compensation - notice of hearing and information on Ombuds office
- Licking County Health Department - notice of violation for 143 Carnation Place, 150 Wendell and Finley Mobile Home Park
- Licking County Planning Commission (LCPC) - staff report on text amendments Section 515 and application 2005-012-12, 2005-009-Z, and 2005-010-Z.
- Licking County Recycling and Litter Prevention - newsletter
- Don Walsh & Associates - brochures on playground equipment.
- Ohio Department of Transportation - regarding improving Route 40 and SR 310

REPORTS

A. Clerk's financial report

Month of April

	Receipts	Disbursements
General Fund	\$ 193,610.44	\$ 39,365.69
MV License Tax	1,961.99	1,494.40
Gasoline Tax	6,605.01	6,715.78
Road & Bridge	93,122.47	7,854.67
Special Assessments	1,979.83	320.98
Total	\$ 297,279.74	\$ 55,751.52

Funds Total at April 30, 2005 - \$1,257,161.37

PUBLIC HEARING

At 7:15 p.m., Mr. George moved to open a public hearing for a rezoning request by Joseph Edward Olson to rezone 8281 Columbia Road from Agriculture (AG) to Single Family Residential (RS). Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

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President Burkholder read the zoning commission's recommendation for approval (vote 5-0) and the recommendation from LCPC for approval.

Joseph Olson apologized for the confusion when he signed the original application and was not the owner of the property.

Jim Van Dyne, 7173 Refugee Road, said he was in favor of the rezoning and all requirements were met.

There were no public comments against the rezoning.

Mrs. Siddens questioned if Mr. Olson was aware of all the subdivision regulations and the requirements from the engineer's office. Mr. Olson replied that he was.

At 7:22 p.m., Mr. George moved to close the public hearing. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-05-03-01: Mr. George moved to accept the recommendation of the zoning commission and to rezone 8281 Columbia Road from Agriculture (AG) to Single Family Residential (RS). Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

PUBLIC COMMENTS

Jim Van Dyne said he approved of Laura Brown being hired as a full time secretary saying she has been a tremendous help to the zoning commission.

Marta Murphy, 8736 National Road, said the new proposal for the emergency access to Longwood Crossing will not work. It will be impossible for fire trucks to make the sharp turn from Route 40 and stay on the easement without violating their property. There are water and utility lines in the right-of-way that goes in front of their property. It also will be difficult for fire trucks to make another sharp turn where the road would go into a ravine. Substantial fill and compaction will be needed for construction of a road through this ravine.

Mr. George said the developer still has not met the 96 degree radius for the cul-de-sacs.

Water and Sewer Report

Written report submitted

Richard Lord said that SWLCWSD has filed EPA requirements for a "lock-in" plan for territory that the district would serve to prevent more annexation by other entities. There was discussion about Pataskala City Council meeting and health insurance reimbursement and compensation for board members. President Burkholder advocated the SWLCWSD board members be paid a yearly salary.

OLD BUSINESS

A. Cameron Chase subdivision final plat and subdivision deficiencies. May 6th at 10:00 a.m. final walk through with LCPC

President Burkholder said there is a question whether the previously installed handicap ramps met the specifications at that time. When DLZ reviewed the Licking County subdivision regulations, they could not find the requirement and duration of a maintenance bond to be provided by the developer for improvements. The bond would have provided the township the ability to correct or repair problems that may appear after the subdivision was accepted such as the cracked curbs and ramps. Burkholder would like to see both zoning inspectors present as well as a DLZ representative at the final walk through

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~~Resolution 05-05-03-02: President Burkholder moved to retain DLZ Engineering to be present at the final walk through. George seconded.~~²⁰

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

B. Cumberland Chase condos, letter of violation

The developer, MAS Companies, was fined \$1,800 for violations of the Licking County subdivision regulations by LCPC.

C. Cumberland Crossing, letter from West Licking Fire Board

John Singleton, Fire Prevention Officer, sent a letter to EMH&T informing them that the turning radius of Mandolin Court is not correct. The Fire Code does not allow any reduction for streets in excess of 150' in length and the drawing shows the cul-de-sac to be 195' to its terminus.

Mrs. Siddens suggested forwarding a copy of this letter to the county engineer and the county commissioners to make them aware of the situation.

D. Taylor Road update, letter from Peter Griggs dated April 25, 2005

Resolution 05-05-03-03: President Burkholder moved to forward a copy of Peter Griggs' letter dated April 25, 2005 to the Licking County Engineer with the attachments so the county engineer knows he has a statutory requirement to complete the engineering for Taylor Road. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

E. Motion to approve Dallas Maynard's accumulated comp time

Resolution 05-05-03-04: President Burkholder moved to approve 47.5 hours of unused comp time as of December 31, 2004 for Dallas Maynard. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

F. Resolution on competitive bidding, forwarded to Prosecutor

Township has not received a response from the Prosecutor's Office.

G. JEDZ election update

Public hearing is scheduled for May 17th and the resolution needs to be delivered to the Licking County Board of Elections by May 18th to be placed on the August 2, 2005 ballot.

H. Motion to complete five employee evaluations prior to April 19, 2005 to then discuss/record
President Burkholder reported that all employee evaluations were completed except for Mr. Ferris.

I. Cumberland Links - dirt mound

President Burkholder said the situation has not improved and there has been no response from the zoning department.

J. Jardin Manor water and sewer assessments

Mrs. Siddens explained that the county commissioners had taken full financial responsibility until the check was mailed to the SWLCWSD.

K. Retaining DLZ to file Issue II money

Resolution 05-05-03-05: President Burkholder moved to retain DLZ Engineering to prepare the Issue II applications for Columbia Road and Taylor Road and to advise if the township should select one road or two roads, not to exceed \$3,500. George seconded.

Roll Call: Siddens, no; George, yes; Burkholder, yes.

L. Motion to retain Compensation Consultants for workers' compensation

President Burkholder reported that the township does not qualify for a group plan this year and

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there are upcoming BWC hearings. There are also BWC programs that would help reduce the township's cost. The services provided were read.

Resolution 05-05-03-06: President Burkholder moved to retain Compensation Consultants as the township BWC representative for an annual fee of \$750. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

M. Receipt of BZA hearing sign form

Mrs. Siddens said the recommended changes by the trustees were not addressed and the form has not been changed.

Mrs. Siddens moved to table this item. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

At 8:35 p.m., Mrs. Siddens moved for a ten minute recess. Burkholder seconded. The vote in favor was unanimous.

NEW BUSINESS

A. Motion to approve mosquito contract for 2005

Resolution 05-05-03-07: Mr. George moved to approve the mosquito spraying contract with the Licking County Health Department for the 2005 season and not to exceed \$6,000. Burkholder seconded.

Discussion: The contract will state that spraying will be down upon the request of a township elected official and county roads will also be sprayed.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

B. Dirt at Frontier Ranch

President Burkholder said he would research who to contact regarding the dirt piles in the floodplain.

C. Motion to retain Loveland & Brosius regarding JEDZ

President Burkholder said he would like to be represented at the JEDZ public hearing.

Resolution 05-05-03-08: Mrs. Siddens moved to formally invite a representative from the Southwest Licking School Board, CETEC, City of Newark, Licking County Commissioners, ProLogis, Southgate and Assistant Licking County Prosecutor Tony Stucco to the May 17th public hearing on the JEDZ contract. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

D. Motion to retain Loveland & Brosius to review the draft PUD

President Burkholder said the zoning commission has requested that their draft PUD be reviewed by outside legal counsel.

Resolution 05-05-03-09: President Burkholder moved to retain Loveland & Brosius to review the draft PUD not to exceed \$3,000. George seconded.

Discussion: Mr. George questioned the \$3,000 cost. President Burkholder said he appreciates what LCPC and the prosecutor's office has done but feels there is a built in conflict of interest and Loveland & Brosius can provide a specialized service. Mrs. Siddens questioned if the zoning commission had separated PUD A, B and C or combined them as was done in the previous resolution.

Roll Call: Siddens, no; George, yes; Burkholder, yes.

E. Performance review section of the employee manual

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The current employee manual reads that performance reviews will be conducted annually during the month of December.

President Burkholder moved that the employee manual read "Performance reviews will be conducted annually on the anniversary of the employee's hire date." George seconded.

Discussion: Mrs. Siddens said she supports this but the Ohio Township Association template uses merit raises as opposed to blanket raises and cost of living raises. The township has also failed to do probationary reviews. She needs only three items to complete a new employee manual.

President Burkholder withdrew his motion and removed this item until all three requested items by Mrs. Siddens has been completed for the new employee manual.

F. Discussion regarding cemetery fees

There was discussion about platting the cemeteries and compiling the information on the new cemetery software after installation on the town hall computer.

Resolution 05-05-03-10: Mrs. Siddens moved to purchase 6 temporary markers for use in the Etna cemeteries from time of selection of space through time of permanent memorial. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

G. Approve time off requests from Laura Brown

May 5th and May 20th time off can be approved by her immediate supervisor.

H. Approve the zoning forms and quote from Franklin Printing

President Burkholder would like to have the forms revised. No action taken.

I. Compensation of the Zoning Commission and Board of Zoning Appeals and payment schedule.

A survey conducted by Mrs. Brown showed that the majority members of the two boards prefer to be paid annually.

Resolution 05-05-03-11: President Burkholder moved to increase the compensation of the zoning commission and BZA members from \$25 per meeting to \$35 per meeting and for the compensation of the chairman of the zoning commission and BZA be increased from \$30 to \$40 per meeting, to be paid on an annual basis and to be retroactive to the beginning of the second quarter of 2005. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

J. Review and prioritize purchases for road department

An estimate was received for crack sealing from Black Jack Asphalt Sealing for over \$25,000. It will take 120 days to receive a newly purchased crack sealer.

Resolution 05-05-03-12: Mr. George moved to purchase a crack sealer, model #OJK-12580D, 125 gallon capacity from BrewPro Inc. for \$27,895. with the state discount. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-05-03-13: Mr. George moved to purchase \$8,000 in crack seal material from BrewPro. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

There was discussion on the purchase of 2) Tools, 3). Generator 4) Tractor and 5) Buildings, garage and town hall.

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K. Purchases for road department

Resolution 05-05-03-14: Mr. George moved to approve Invoice 291814 from Shelly Materials for \$1,525.63 for hot patch. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-05-03-15: Mr. George moved to approve a blanket certificate for \$10,000 for operating supplies. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-05-03-16: President Burkholder moved to approve the expenditure of \$3,000 to Reco for repair of the backhoe. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

L. Tollgate Road complaint

Mrs. Siddens said there was a problem with speeding and would like to start the process of journalization to have the speed reduced. The Southwest Licking School District will also help with documentation.

Chuck Bundy, 10254 Tollgate Road, said that semi's and 18 wheelers are speeding down Tollgate Road, the road is not wide enough and speeders sometimes have a hard time stopping for school buses. Also registered a complaint about the condition of Petro Excavating Company.

Resolution 05-05-03-17: Mrs. Siddens moved to begin the process to request the county engineer through the county commissioners and ODOT to journalize Tollgate Road in Etna Township for the purpose of speed limit reduction. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

M. Lynns Road - time limit to install culvert

Mr. George said that the culvert will be installed Friday morning. Mrs. Siddens said it was stated in the permit that they were responsible for repair of the road.

Resolution 05-05-03-18: Mrs. Siddens moved for her to draft a letter, send the letter to the county prosecutor for approval, and ask the county prosecutor to forward the letter to Hanlin Rainaldi Construction stating that they are required to repair the road to the county engineer's and township's specifications and standards on completion of their project. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

P. Supplies for printer

Resolution 05-05-03-19: President Burkholder moved to approve the expenditure of \$374.95 to Zones for printer supplies. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Q. Correspondence from West Licking Fire Department

Already discussed.

R. Motion to make township secretary full time.

President Burkholder moved to table this item. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

PUBLIC COMMENTS

Alice Beougher said fleet storage is not allowed in a GB District. Mr. Maynard issued a permit for storage of U-Haul vehicles on National Road next to the Christian Bookstore. The permit needs to be revoked.

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Resolution 05-05-03-19: Mrs. Siddens moved for the board chairman to contact the Licking County Prosecutor for his assistance in revoking the permit for the U-Haul business on Route 40 next to the Christian Book Store. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

N. Motion to go into executive session per O.R.C. 121.22(g)(1) for employee compensation

At 10:38 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22(g)(1) for employee compensation. Clerk was asked to stay. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

At 11:01 p.m., President Burkholder moved to go out of executive session. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

O. Motion to go into executive session per O.R.C. 121.22(g)(1) for employee discipline

At 11:01 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22(g)(1) for employee discipline. Clerk was asked to stay. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

At 11:18 p.m., President Burkholder moved to go out of executive session. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

REPORTS

B. Road report

Written report submitted.

Mrs. Siddens said a gentleman, with the Work Release Program, will start tomorrow to work with Jim Wyrick in the park and cemeteries.

Resolution 05-05-03-20: Mr. George moved to approve the following road right-of-way permits:

1) #05-03-05-02 for 117 Reeder Court in Cameron Chase for Miller Pipeline.

2) #05-03-05-01 for 134 Laurel Drive for National Gas.

3) #05-03-05-03 for 125 Reeder Court for Miller Pipeline.

4) #05-03-05-04 for 121 Reeder Court for Miller Pipeline.

5) #05-03-05-05 for 2031 Destin Place South, Lot 14 for Miller Pipeline.

6) #05-03-05-06 for Watkins Road and Laurel Drive for SWLCWSD.

7) #05-03-05-07 for Refugee and Columbia Road for SWLCWSD. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-05-03-21: President Burkholder moved for the clerk to notify the Licking County Prosecutor to start the preparation of the bid package for the road project and the specifics will be sent later. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

ANNOUNCEMENTS AND TRUSTEES COMMENTS

None

PAYMENT OF BILLS

Mr. George moved to pay the following bills. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

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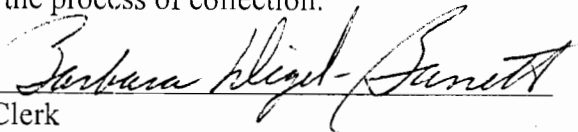
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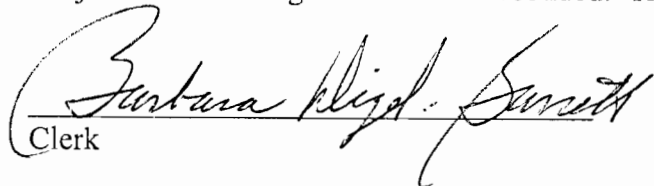
2305	PY	05/03/2005	JAMES W. WYRICK	- JWW	\$309.17
2306	PY	05/03/2005	MARK J. SMITH	- MJS	811.92
2307	PY	05/03/2005	PHILLIP M. WALLER	- PMW	1,443.53
2308	VW	05/03/2005	COLUMBIA GAS CO.		194.33
2309	VW	05/03/2005	AMERICAN ELECTRIC POWER		179.49
2310	VW	05/03/2005	SWLCWSD		134.86
2311	VW	05/03/2005	NEXTEL COMMUNICATIONS		41.54
2312	VW	05/03/2005	PRAXAIR DISTRIBUTION INC.		3.49
2313	VW	05/03/2005	OFFICE DEPOT, INC		311.22
2314	VW	05/03/2005	MIDLAND CO-OP, INC.		389.18
2315	VW	05/03/2005	WHEELSPORTS INC.		311.96
2316	VW	05/03/2005	SUBURBAN STEEL SUPPLY COMPANY		427.46
2317	VW	05/03/2005	KLEEM INC.		1,495.90
2318	VW	05/03/2005	BUREAU OF WORKERS COMPENSATION		15,259.39
	SW	05/03/2005	Skipped Warrants 2319 to 2319		0.00
2320	VW	05/03/2005	GORDON FLESCH COMPANY, INC.		43.42
2321	PY	05/03/2005	STEPHEN L. FERRIS	- SLF	625.18
2322	VW	05/03/2005	PAUL GEORGE		118.20
2323	VW	05/03/2005	GARY BURKHOLDER		194.98
2324	VW	05/03/2005	DALLAS W. MAYNARD		261.10
2325	VW	05/03/2005	PHILLIP M. WALLER		40.00
2326	VW	05/03/2005	STEPHEN L. FERRIS		46.98
2327	PY	05/03/2005	OHIO SCHOOL DISTRICT INCOME TAX		81.37
2328	PY	05/03/2005	TREASURER OF STATE OF OHIO		452.07
2329	PY	05/03/2005	PARK NATIONAL BANK		1,063.56
2330	PY	05/03/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM		4,114.53
2331	VW	05/03/2005	MEDICAL MUTUAL OF OHIO		4,286.99
2332	VW	05/03/2005	ADVANCED DRAINAGE SYSTEMS		1,947.84
2333	VW	05/03/2005	CHESTER, WILLCOX & SAXBE LLP		2,540.00
2334	PY	05/03/2005	GARY L. BURKHOLDER	- GLB	735.72
2335	PY	05/03/2005	PAUL W. GEORGE	- PWG	752.81
2336	VW	05/03/2005	ACE TRUCK EQUIPMENT, INC.		104.50
2337	VW	05/03/2005	HSBC BUSINESS SOLUTIONS		367.71
2338	VW	05/03/2005	PATASKALA BUILDING & HOME SUPPLY		46.30
2339	VW	05/03/2005	DAYTON LEGAL BLANK		111.02
2340	VW	05/03/2005	POSTMASTER		50.00
E00058		05/04/2005	M. BARBARA DIGEL-BARRETT		\$990.63 EP
E00059		05/04/2005	DALLAS W. MAYNARD		855.96 EP
E00060		05/04/2005	LAURA J. BROWN		627.94 EP
E00061		05/04/2005	RACHAEL D. SIDDENS		752.81 EP

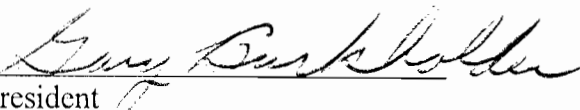
Total \$42,525.05

I do hereby certify that the funds for payment of the above obligations were lawfully appropriated and are on hand or are in the process of collection.


Clerk

At 11:45 p.m., Mrs. Siddens moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.


Clerk


President