

## Etna Township Trustees Regular Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

December 21,

2013

Held

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The Etna Township Board of Trustees met on Saturday, December 21, 2013 in the Etna Township Administration Building. The meeting was called to order at 9:00 a.m. by President Carlisle. Jeff Johnson led the invocation and Harold Rowand led The Pledge of Allegiance. The roll call showed Trustees Jeff Johnson, John Carlisle, Randy Foor, and Fiscal Officer Walter Rogers present.

Trustee Johnson moved to adopt the agenda. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Carlisle moved to adopt the minutes as presented for November 16, 2013 meeting, the December 3, 2013 meeting, and the December 7, 2013 meeting as presented. The motion was seconded by Trustee Johnson. The motion passed by unanimous affirmative vote.

#### Public Comments –

Gil Guttentag of 70 Runkle Drive discussed whether the Fire Board was accruing money for liability to pay out if they lose the lawsuit. Trustee Foor explained the insurance company is handling the lawsuits. F/O Rogers explained that governmental entities can only do time accruals and are not permitted to do gap accruals like that.

Gil Guttentag inquired on the status of the one million gallon water loss with the Southwest Licking Water and Sewer District. Gary Burkholder stated it is being investigated and it has been referred to the Licking County Prosecutors office and the Licking County Sheriff's office.

Gary Burkholder stated he is a member of the Economic Development Committee and the Etna Township representative for the Southwest Licking Water and Sewer Board. He also pointed out that there are a majority of the members of the Economic Development Committee in attendance and it was not an advertised meeting of the board. He provided the Trustees with a copy of the letter he received from Mr. Stamper requesting him to step down from the Economic Development Committee stating he has a conflict of interest. Gary Burkholder discussed the conflict of interest that Mark Schaff might have serving on the Board of Zoning Appeals. Gary Burkholder has requested that the Trustees dismiss this matter and that any discussion of this matter be taken in the public forum because of the lack of transparency that has already been demonstrated by some members on the Economic Development Committee.

Trustee Carlisle stated for the record the members that were attending the Trustees meeting were Mark Schaff, Len Fatica, and alternate Rob Platte. Mark Schaff was attending a member of the Economic Development Committee, Len Fatica was attending as a member of the Economic Development Committee and Gary Burkholder was attending and is a member of the Economic Development Committee. Rob Platte was attending as an employee of the township.

Mark Schaff of 7461 National Road distributed to the Trustees the letter from Mr. Stamper, along with the letter from Gary Burkholder and the Southwest Licking Water and Sewer District, and a *Columbus Dispatch* article from December 10, 2013, "Ethics, Lobbyist Quits State School Board". Mr. Burkholder has accused Mark Schaff of a conflict of interest. Mark Schaff has not lobbied for any funding from another agency. Mark Schaff stated Mr. Burkholder has a conflict of interest because he lobbied for money from Etna Township to the Water Board. Mr. Burkholder receives reimbursement from the Water Board roughly in the amount of \$12,000 dollars a year. The lobbying for financial transfers that in-directly benefit Mr. Burkholder causes the conflict of interest and discussed the similarity between this and the article in *The Columbus Dispatch*. Mark Schaff feels that the Water Board needs to work out their own budget and have competitive rates.

#### Old Business

##### Permanent Appropriations

The draft budget was reviewed by the Trustees. Trustee Carlisle reported that the five dollar permissive tax imposed by the Licking County Commissioners will generate an additional \$15,800 dollars a year.

##### Taylor Road Annexation

Rob Platte reported that David Wigginton did find merit to appeal and it was filed by December 12, 2013. The Board of Trustees needs to ratify that action. Trustee Carlisle discussed the road needing to be turned over to the City of Reynoldsburg with the annexation of the property. The residents of Etna Township should not have to maintain the road if the property was annexed into Reynoldsburg.

The previous resolution was to employ the law firm and this resolution is to ratify the appeal filed.

**Resolution 13-12-21-01:** Trustee Carlisle moved to approve as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

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Resolution 13-12-21-01 to ratify the appeal filed by Schaller, Campbell, and Untied was presented as follows: WHEREAS, on December 07, 2013, the Etna Township Board of Trustees (the "Board") employed the law firm of Schaller, Campbell and Untied, 32 North Park Place Newark, Ohio 43055 (hereinafter known as "SCU"), to represent the Township and its officers, boards and commissions in their official capacities and to advise them in connection with the matter of an annexation petition filed with the Licking County Board of Commissioners as FILE #3-2013, via Resolution #13-12-07-01; and WHEREAS, SCU has found just reason to file an appeal with the Licking County Court of Common Pleas concerning the annexation petition and filed such on December 12, 2013; and WHEREAS, the Board finds it necessary to ratify the appeal filed by SCU. NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF ETNA TOWNSHIP, LICKING COUNTY, OHIO, THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED: Section 1. The Board hereby ratifies the appeal filed on its behalf on December 12, 2013 by David Q. Wigginton and the law firm of Schaller, Campbell and Untied, 32 North Park Place Newark, Ohio 43055.

**New Business****Inventory and disposals as presented and to certify to Licking County**

This resolution is to certify the township inventory to Licking County. The township does not have any items for disposal at this time.

**Resolution 13-12-21-02:** Trustee Carlisle moved to approve as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Resolution 13-12-21-02 to certify the township inventory to the County Engineer was presented as follows: WHEREAS, per Ohio Revised Code §505.04, the Etna Township Board of Trustees (the "Board") shall make an inventory of all the materials, machinery, tools, and other township supplies in its possession, and file the inventory with the Fiscal Officer and the County Engineer; and WHEREAS, the Board has determined the inventory of the township to be as listed in the attached "Exhibit A". NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF ETNA TOWNSHIP, LICKING COUNTY, OHIO, THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED: Section 1. The Board certifies the attached "Exhibit A" to be the current inventory of all township materials, machinery, tools, and other township supplies in its possession and the inventory of all current township disposals. Section 2. The Board directs the Township Administrator to file two original copies of this Resolution and attached Exhibit A, one with the Fiscal Officer and one with the Licking County Engineer.

The Board of Trustees will leave the Organizational and Regular Meeting on January 7, 2014.

**Dental Plan**

Trustee Foor presented another option for Dental Insurance with a savings to the township for some dependents/employees but it would increase for others. The net difference is just under \$100.00 a month as a whole. The increase in coverage is from \$1,000 per dependant to \$1,500 per dependant and also offers orthodontic coverage. The resolution needs to be modified to show a cost to the employees.

**Announcements & Trustee Comments**

Trustee Foor thanked the Road Crew for a good job during the recent snow storms.

Trustee Johnson moved to pay the bills. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Carlisle moved to go into Executive Session at 9:40 a.m. per O.R.C. 121.22 (G)(1) to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official, or the investigation of charges or complaints against a public employee, official, licensee, or regulated individual and O.R.C. 121.22 (G)(8) to consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance, or to negotiations with other political subdivisions respecting requests for economic development assistance. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Johnson moved to come out of Executive Session at 12:09 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Gary Burkholder does not feel serving on the Economic Development Committee and the Southwest Licking Water and Sewer District would be a conflict of interest. The Economic Development Committee is an advisory board. The request to receive JEDZ revenue is to help save residents money.

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Trustee Carlisle stated this would be District wide and inquired if Pataskala and Harrison Township would be participating. Gary Burkholder stated that has not been discussed, but they have solicited the Pataskala JEDD as well.

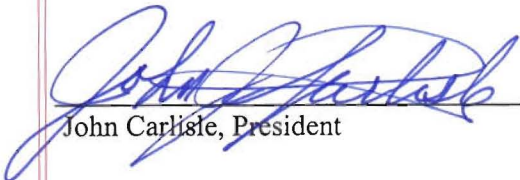
Trustee Carlisle stated the Board of Trustees already voted on the Water and Sewer District's request to be included in the JEDD and denied the request. Trustee Carlisle asked why this was taken to the Economic Development Committee. Gary Burkholder feels the arguments that were used to reject their request have been addressed. Gary Burkholder stated it is going on three years since the District has had a rate increase. Trustee Carlisle stated the board denied the request. Trustee Carlisle has previously stated he will not share this money with anyone but the City of Reynoldsburg. In 2012 the letter was submitted to Bob Stamper and the Economic Development Committee with the Trustees being copied. The recent request was submitted to Bob Stamper and a verbal request was made to copy the Trustees.

**Dental Plan**

**Resolution 13-12-21-03:** Trustee Foor moved to enter into a dental insurance plan contract offered by Delta Dental through Ohio Insurance Services as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Resolution 13-12-21-03 to enter into a dental insurance plan contract offered by Delta Dental through Ohio Insurance Services was presented as follows: WHEREAS, the Etna Township Board of Trustees (the "Board") has received a dental insurance quote from Ohio Insurance Services for a dental plan offered by Delta Dental for the 2014 coverage year (the "Dental Plan"); and WHEREAS, the Board, from time to time, evaluates the coverage it offers its employees and officials and makes adjustments as needed to both promote fiscal responsibility and review coverage options; and WHEREAS, the qualified employees and officials have unanimously expressed support for the Dental Plan (attached hereto as "Exhibit A"). NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF ETNA TOWNSHIP, LICKING COUNTY, OHIO, THAT THE FOLLOWING RESOLUTION BE AND IT HEREBY IS ADOPTED: Section 1. The Board accepts the quote for the Dental Plan as the dental coverage provided by the township to its employees and officials for the 2014 plan year, effective immediately. Section 2. The Board directs the Township Administrator to execute any documents needed to enter into the Dental Plan.

Trustee Johnson moved to adjourned at 12:27 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

  
John Carlisle, President

  
Walter Rogers, Fiscal Officer