

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Regular Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ October 18, _____ 20 _____ 2022

The Etna Township Board of Trustees met on Tuesday, October 18, 2022, in the Etna Township Administration Building for the purpose of conducting a regular meeting. The meeting was called to order at 6:01 p.m. by Trustee McKee. Jeff Johnson led the invocation and Rozland McKee led The Pledge of Allegiance. Roll call showed Trustees Mark Evans, Jeff Johnson, Rozland McKee-Flax, and Fiscal Officer Julie Varian present.

Trustee McKee moved to adopt the agenda. The motion was seconded by Trustee Johnson.

Trustee Evans moved to amend the agenda to include the advertising of the open road crew position under New Business. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans explained the township lost an employee on the 5th and to maintain our full crew we need to replace him. This would be to advertise for his replacement. The motion passed by unanimous affirmative vote.

The motion to adopt the agenda as amended passed by unanimous affirmative vote.

Public Comments –

Judy Cafemyer of 29 Roma Court looks forward to the Trustee discussion regarding the Refugee Road Project and has concerns with the delay in the next steps on this project.

Steve Perkins of 7532 Palmer Road is a member of the Citizens Advisory Council and discussed the need to do a mailer for the survey and does not support using Waste Away for mailers. Mr. Perkins does not support elected officials being appointed to boards.

Fiscal Officer Report

The Trustees discussed the check register and what they would like to see prior to the meeting to have time to review and what is provided in the Fiscal Officer binder.

Trustee McKee moved to approve the check register as submitted by the Fiscal Officer. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Resolution 22-10-18-01: Trustee McKee moved to approve the purchase orders. The motion was seconded by Trustee Johnson.

Trustee Evans moved to amend the motion as he understands Trustee McKee directing the Fiscal Officer to remove Pavement Technologies from the Purchase Order Resolution for the additional paving to Pavement Technologies in the sum of \$2,498.95. This would result in an underpayment to the company. This amount was in addition to their paving estimate, which was provided and this is in Trustee Evan's authority under the organizational meeting on January 4, approving up to 2,500 dollars in approved purchases for Trustees and Fiscal Officer and he feels it is inappropriate to exclude the purchase order and not pay the vendor. The estimate provided did indicate that the totals could change based on the measurements, so everything is proper and services were provided and we need to pay that, the authority to extend that amount was under, again, my authorized authority up to \$2,500 dollars a month. The motion was seconded by Trustee McKee. Discussion: Mr. Vance stated this amount is related to increasing the cost associated with a set fixed bid that the Board of Trustees approved, as a Board of Trustees, and if it was going to be amended at any point thereafter, it would need the involvement with the Board of Trustees again and they are seeking clarification from our legal resources and it will be an item on the November 1, 2022 agenda. Trustee Evans feels this is under his authority to approve and he limited them at \$2,500 dollars and did not exceed his authority. The roll call was as follows: Evans, yes; Johnson, no; and McKee, no; failed 2-1.

The roll call to adopt the purchase order resolution as presented was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1. F/O Varian requested the official minutes to reflect that the President of the Board denied a Trustee his authority per the January 4th meeting and his \$2,500 dollar expenditure for the month.

Trustee McKee moved to pay the bills. The motion was seconded by Trustee Johnson.

Discussion: Trustee Evans inquired on the payment to Pavement Technologies and F/O Varian explained that the purchase order was not approved so that bill will not be paid. The App River Bill has continued, and Dynamics have not been charging yet and the Office 365 is part of the App River invoice. Trustee McKee inquired on the Bricker and Eckler bill. F/O Varian explained it is for legal fees for the Fiscal Officer. There was discussion on what the bill was for. F/O Varian requested the minutes reflect that the President of the Board refuses legal services for the Fiscal Officer. Trustee McKee stated that she is not refusing legal services and that the bill is for where F/O Varian sent a letter to our contractor to force him to give her access to our laptops and to our emails. Trustee Evans stated during the January 4th Organizational meeting the Trustee approved purchases outside of meetings for Trustees and the Fiscal Officer and he feels this is within Mrs. Varian's rights. The access would be to provide access to complete records request.

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Trustee Johnson inquired if it was in the list of bills and it was not. F/O Varian requested the minutes reflect that the President of the Board has rejected verbally for the Fiscal Officer to have legal aid. President McKee stated the invoice is for \$3,533.50. F/O Varian explained it is not in the list of bills because the Trustees already approved a blanket purchase order for legal costs. The Trustees discussed the F/O providing a list for the board to review for all the checks being signed. The check register is in the past the bills are for the current. The motion was withdrawn until the end of the meeting when the Trustees can review the checks that need signed.

Work Session - Licking County TID Refugee Road Phase 2 Intergovernmental Agreement

Bill Lozier provided a presentation for the Licking County Transportation Improvement District (TID) regarding the Refugee Road Project. The Intergovernmental Agreement is between Etna Township, the City of Pataskala, and the Licking County Commissioners. Alan Haines, City of Pataskala Service Director, was there representing them and to answer any questions. Bill Lozier reviewed the project timeline and history. The project started around December of 2020. There are four development sites in this area which are requiring the improvements to Refugee Road. A cost sharing agreement between the developments was created from the Projected Truck Traffic Impact Studies. The City of Pataskala and the TID have applied for grant money. The developers and the grants will pay for one third of the project with the two public entities paying for another third, and the Licking County Commissioners will pay between ten and eleven million dollars. The total project costs are currently around 9.6 million dollars. The TID must legally phase the projects with the funds received and it has been broken down into three phases: design, right-of-way acquisition, and construction. The City of Pataskala, Etna Township, and the Licking County Commissioners have a Memorandum of Understanding to work together to complete the project. The IGA for Phase One included the seven hundred and fifty one thousand dollars that the City of Pataskala has contributed for design. To date well over four hundred thousand dollars have been spent. The project is about two thirds of the way through. This is now all about Phase two. The plan is to construct three lanes and roundabouts on Refugee Road. Mr. Lozier provided an overview of the project design layout. The roundabouts are designed large enough for the truck traffic and have been determined to be safer. The preliminary right-of-way plans are completed. At the September billing the design contract was at four hundred and ninety-six thousand and five hundred and fifty-nine dollars. Once they start acquiring the land for the project then it is hard to turn back. The construction cost estimate is currently eight million six hundred and twenty-one thousand seven hundred and ninety-five dollars with the twenty percent contingency. The project is still on budget. The expenses to date are four hundred and six thousand dollars which does not include the October billing. They have received six hundred and ten thousand dollars in grants. There is 2.6 million dollars in developer contribution. For the Construction phase they will go after the construction funds through a loan. That is approved for up to seven million dollars at three percent for a twenty year term. The payment to each, Etna Township and the City of Pataskala, will be two hundred and sixty thousand dollars. The project schedule is as follows: The design started April 1, 2022 and is anticipated to be completed by the end of the year; they are behind of the right-of-way and the project scheduled had them starting September 1, 2022 to be completed February 15, 2023; the construction phase is projected to start March 1, 2023 and completed September 2023. When acquiring the right-of-way the property owner has rights and is given time to respond. Some of the parcels the right-of-way is being donated by the developers, some are future development sites and some residential.

Bill Lozier stated some have asked about restarting the project to continue it out to SR310 and it is not possible to do this. This project was already under design and the project limits were determined based on the impacts to this area and this was the priority because it is where the development is going. Mr. Lozier discussed changing the Road Maintenance Agreement to include project sharing. Etna Township has concerns for when their section of Refugee Road from Columbia Road east to SR310 will need improvements and having the City of Pataskala help with this section.

Bill Lozier stated Julie Varian wrote a letter stating the project is affordable. There is revenue being created by the developers with the JEDD's and the TIF's. Bill Lozier stated the revenue from Ashely Furniture and Amazon could basically pay for the costs. The SIB loan was discussed.

Bill Lozier stated the TID agrees that there needs to be future plans for the Refugee Road and SR310 Intersection. A planning study needs to be initiated to determine when it will be needed and how to finance it.

Bill Lozier stated there was a question about a provision to void the agreement by any of the parties at any time during this project development and he discussed this with all the project partners. They cannot back out of the project once they start acquiring the right-of-way and they will be getting into a loan agreement that you will not be able to back out of either. They are already spent over

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four hundred thousand dollars. They have received grant funds and have received money from the developers. This project is needed and there are safety issues. Bill Lozier believes this is a good partnership.

Bill Lozier provided an overview of all the projects the TID is working on and along with future projects. Mr. Lozier stated they have initiated a request for a study to connect I70 to Intel. A new interchange at I70 would benefit Etna Township to relieve the congestion on SR310.

Bill Vance discussed the letters sent from President McKee regarding the Refugee Road improvements and her hopes to extend the improvements to SR310 and asked Mr. Lozier if it was appropriate point to make. Bill Lozier feels it is appropriate for them to study that.

Bill Vance discussed the Licking County Planning Commission process with developers in Etna Township. Etna Township leadership in the past planned for the development in the future between Mink Street and Etna Parkway. Those development applications that were vetted by the Licking County Planning Commission identified the transportation studies and the future impacts and travel plans associated with the truck traffic. Licking County felt they had a good plan on how to handle their truck traffic in these two areas.

Trustee Evans stated he also brought up the need for Refugee Road to be extended along with the Road Maintenance Agreement to be agreed to in the future and is concerned with the RMA holding up everything now and feels we need to move forward. The township has already entered into the IGA and the MOU and does not feel the township should back out now.

Julie Donnan with Brosius, Johnson, and Griggs explained that her office has provided President McKee with a motion regarding the second Intergovernmental Agreement.

Trustee McKee moved to approve the Second Intergovernmental Agreement for the Refugee Road Improvements Phase two along with any further changes or amendments thereto provided that approval of those changes and amendments and the character of these changes and amendments are not being inconsistent with this motion or adverse to the township and to future authorize the President of the Board of Trustee to execute the agreement on behalf of the Board of Trustees. The motion was seconded by Trustee Evans. Discussion: Trustee Evans stated the agreement has signature lines for all three Trustees and this motion has only the President signing. Bill Lozier discussed the SIB agreement and the township having one point person. Julie Donnan explained the language is allowing for minor technical modifications without a full board approval. This motion is to pass the Second Intergovernmental Agreement dated September 24, 2022. Trustee Johnson discussed the township going in debt for 3.5 million dollars for twenty years and has concerns with Ashley Furniture leaving prior to the twenty years and does not like strapping the resident for twenty years and would have liked to see some guarantees that the revenue would be there and if it wasn't there, that the businesses would pick the differences up. In the past when the Trustees designed the Industrial Park they specifically did so to keep the traffic off of Refugee Road because it was Pataskala's to maintain and didn't want to tear up their road. The developer was made to keep their road within the Etna Township Industrial Park. Trustee Johnson is also worried about the truck traffic on Mink Street. Trustee Johnson feels the City of Pataskala has a lot more to gain from the improvements to Refugee Road. Trustee Evans feels the truck traffic will be there whether this project is done or not. Bill Lozier stated it was always the desire of the developer to connect to Refugee Road which could not happen until the improvements were done. Trustee Johnson stated this is how he has always stood regarding this project and the Etna Township section of Refugee Road to SR310. The City of Pataskala has already posted signage regarding trucks on Refugee Road going east. Trustee Evans discussed TPA having to pull out of their development because of sewer. Trustee Evans discussed setback and height variances previously passed regarding the warehouses Trustee Johnson discussed the development on the north side of Refugee Road is not controlled by Etna Township. Alan Haines, Public Service Director for the City of Pataskala, stated this project will help to control the traffic in this area and both of these intersections have high crash incidents so this will also help reduce the T-bone crashes. The motion passed by unanimous affirmative vote.

Trustee McKee called to recess the meeting at 7:35 p.m. The motion was seconded by Trustee Johnson. The roll call on the motion was Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Trustee McKee moved to come out of recess at 7:56 p.m. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

Fiscal Officer Report - Continued

Trustee McKee moved to pay the bills minus the Brickler and Eckler \$3,533.50 and the Pavement Technology Inc. for \$154,730.20. The motion was seconded by Trustee Johnson.

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Discussion: The proposal from the asphalt improvement company for \$154,730.20 that specified streets and quantities and each one total an amount and the collection of the amounts totaled the \$154,730.20. Between the award of the work and paying that bill this evening the scope of that work has changed. The approval was not voted on by the Board of Trustees as a whole. The President of the Board would like time to discuss with legal and bring back on November 1st. Trustee Evans explained that the proposal to the Board stated the final quantities would be determined by actual field measurements. Trustee Evans mistakenly left off Rome Road from the list that was presented, and he told them to go ahead and treat Rome Road under his authority, the \$2,500 dollars. When they hit those limits, the vendor stopped. Trustee Evans stated the Fiscal Officer is separate from the Board of Trustees and the Trustees should pay F/O Varian's legal bill. Trustee Johnson wants the Trustees to do things correctly. The roll call on the motion was as follows: Evans, no; Johnson, yes; and McKee, yes; motion passed 2-1.

New Business

Resolution for 2022 OPWC Grant Application

Trustee Evans discussed the 2022 OPWC Grant Application to pave the roads in Etna Proper.

Resolution 22-10-18-02: Trustee Evans moved "Resolution to authorize Mark Evans to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvements and/or Local Transportation Improvements Program(s) and to execute contracts as require. The motion was seconded by Trustee Johnson. Discussion: Trustee McKee discussed this application is for Etna Proper east and west including the alleys. The deadline is November 4, 2022. Trustee Evans is waiting for the traffic counts from the Licking County Engineers office. Trustee Evans explained the cost to the township will vary on the points process. The engineer's estimate was provided to the Trustees showing the cost of the entire project. Trustee Evans does not have final figures but if the township does not receive the grant the township will have to pay the entire cost. Trustee Evans stated the engineers estimate is not correct. The Trustees do not have the application to review for him to submit for the OPWC grant. The last time the township received OPWC grant money was for Orchard Glen/Pepper Tree. Trustee Johnson suggested applying for a larger project because the township is usually not awarded every year. The township does not have the time to add roads and obtain engineer's estimates to submit this year. Trustee Johnson discussed waiting until next year to apply for a larger project. Trustee Evans would let Trustee McKee or Johnson handle the application if they would like and suggested Bill Vance could help. Bill Vance asked if Trustee Evans would like them to take over the Road Department. It was suggested that the application be finished and brought back on November 1, 2022. The roll call on this motion was as follows: Evans, yes; Johnson, no; and McKee, no; failed 2-1.

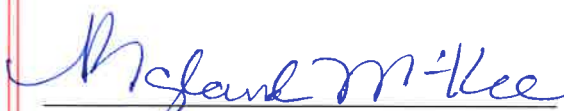
Road Crew Position

Trustee Evans moved to advertise and accept applications and/or resumes for full time road crew position, advertisement as presented. The motion was seconded by Trustee McKee. Discussion: This is to replace the employee that resigned on the 5th. The township is down one employee. It works very well having four plus Don Copley to be able to pair them up and we are also heading into plowing season. The limitation on the felony was removed per legal advice. The requirement of having the CDL was also added. Trustee Evans will receive the applications/resumes and forward them onto the other Trustees. The Trustees discussed the process for reviewing the applications submitted and what happened previously. This would be open until filled. The motion passed by unanimous affirmative vote.

Announcement and Trustee Comments –

Trustee Evans does not agree with the three minute limit to comments. He stated the Village of Kirkersville Zoning approved Zoning for warehouses near Zellers Acres and along US40. One parcel is not even in the Village. It will go to council October 26, 2022. Trustee Evans has concerns with records requests being filled, constant delays, playing games paying vendor bills, and transparency.

Trustee McKee moved to adjourn at 8:32 p.m. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.


Rozland McKee, President


Julie Varian, Fiscal Officer

All the resolutions as presented are on file with the Fiscal Officer.