

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Regular Meeting

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

Held _____ December 6, _____ 20 _____ 2022

The Etna Township Board of Trustees met on Tuesday, December 6, 2022, in the Etna Township Administration Building for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by Trustee McKee. Jeff Johnson led the invocation and Rozland McKee led The Pledge of Allegiance. Roll call showed Trustees Jeff Johnson, Mark Evans, Rozland McKee-Flax, and Fiscal Officer Julie Varian present.

Trustee McKee moved to adopt the agenda. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans requested to add items to the agenda but the agenda remained as presented. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Trustee McKee moved to adopt the minutes from the October 18th, 2022 and November 1st, 2022 meeting. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans does not feel the minutes accurately reflect Roberts Rules of Order forty-eight four part six regarding the motions that die from a lack of a second. If approved Trustees Evans requests that the Fiscal Officer not certify the minutes or if certified to include an addendum with the motions made to reflect the business of the board. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Presentation – WhereWolfe Security Camera Report

Trustees Evans and Johnson have not received a copy of the report from WhereWolfe.

Kevin Wolfe is a loss prevention executive with WhereWolfe Intelligence who is a private investigation firm located in Westerville, Ohio. Mr. Wolfe was contacted on October 26, 2022 to complete a forensics examination of a NVR, a Network Video Recorder. Mr. Wolfe met with Trustee McKee regarding her concerns on October 26, 2022 and he established an evidence receipt for that NVR and it was placed in his possession. Mr. Wolfe was asked to retrieve a password that would operate that operating system from Rob Blevins with Security Operation Systems. Mr. Wolfe was able to then extract the logs from the NVR. Mr. Wolfe also contacted Darren Richards with Dynamic Networks and the NVR did not ride on Etna Township's network. It was verified with Rob Blevins that Trustee Mark Evans is the only one that numerous times requested a password and was given one around October 25, 2022. Mr. Wolfe was provided text messages between Mark Evans and Rob Blevins regarding access to the security cameras. Mr. Evans came to the building and scanned the QR Code giving him access to the system along with remote access the system. These cameras are designed to have the audio on or off and it is Mr. Wolfe's belief that the audio was turned off, but the cameras do have the ability to have the audio turned on. Mr. Wolfe stated "In the State of Ohio it is a one party consent where I can record you or you can record me but people can not record a group setting without being notified." Mr. Wolfe is not able to conclude if the audio was off on all twelve cameras but can confirm it was off for the camera labeled eleven. Mr. Wolfe pulled the Log Activity Summary which is basically who was in the system. There were a total of five hundred and fifty-three entries from the time the system went live to the time the system went down. Of those entries four hundred and forty-six of the entries are specific to Mark Evans, thirty-six of the entries are specific to Rob Blevins, and seventy-seven of the entries are WhereWolfe Intelligence. A term search using "logged in" and "logged out" showed there was one hundred and forty times for Mr. Evans, four times for Rob Blevins, and twelve times for WhereWolfe Intelligence. Mr. Wolfe stated "This is a security system not a surveillance system for addressing issues such as slip and falls, issues within the building itself, but it is not designed nor is any system designed for surveillance, it's for recall. There were four cameras that were being viewed: number seven - the outdoor entrance camera, ten - the hallway, and eleven and twelve - in the meeting room. The Log Activity Breakdown showed Mr. Evans on October 19th activity totaled eighty-three minutes of surveillance in most cases "play forward or playback" functions with seldom recall for playback purposes. It showed Rob Blevins activity of 2.4 hours and Wherewolfe Intelligence for about 6.5 hours." Mr. Wolfe recommends placing it behind the network firewall, with audio disabled, and evaluate what they currently want the system to do and who has access to the system.

Trustee Evans inquired on the forty to fifty page report. Mr. Wolfe stated that is the log that he was referencing throughout his report which was forwarded to Trustee McKee. Trustee Evans stated that Mr. Wolfe said he was given the password on October 25th when the system was blocked on October 19th. Mr. Wolfe met with Mrs. McKee on October 26th and the Trustees did not authorize it until November 1st. Trustee Evans activity was approximately two hours which he named cameras, setup the system, and the capability of the system. Mr. Wolfe stated that is the vendor's responsibility.

Trustee Johnson inquired on the possession of the box currently. Mr. Wolfe stated the property receipt for the NVR was given to Mrs. McKee. Mrs. McKee explained that she spoke with legal counsel and was advised to remove the NVR immediately.

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Trustee McKee moved to forward this report to the Licking County Prosecutor's office. The motion was seconded by Trustee Evans. Discussion: Trustee Evans feels this should have gone to the Prosecutor's office in the first place. Trustee Evans inquired where is the NVR. Trustee Johnson stated it is secured. Trustee Evans stated there is no audio and discussed the SD cards in each of the cameras. The motion passed by unanimous affirmative vote.

Public Comments –

Ryan Davis of 8807 Watkins Road provided report number 22-38513 from the Licking County Sheriff Department. Lieutenant Carson was aware that Trustee McKee had the server and does not understand why the public was not told. Mr. Davis discussed the NCA and the arbitrary deadline in Mr. Vance's email of November 15th for the Scannell/FedEx property to collect tax money for the park and is not aware of anything being done. Mr. Davis is frustrated because there is no discussion on the items on the agenda.

Judy Cafemyer of 29 Roma Court discussed the old business items not being done and a number of topics not being brought back up along with the reports on the agenda for updates in public.

Steve Perkins of 7352 Palmer Road discussed the Trustees and following Robert's Rules of Order and referenced section 43 items 20-34, section 61 discipline of member, and 62 abuse of the chair.

Liz Eschenbrenner of 22 Spike Rush Court discussed the upcoming Fiscal Officer Assistant and the qualifications and salary for the position.

Katie Moerch of 37 1st Avenue reviewed previous minutes from the past and found that Trustee Johnson has been a Trustees for some time and inquired on why he is not providing leadership and found that Laura Brown has also worked for the township for many years. She requested the agreement with Bill Vance be terminated and feels a consultant provides expert advice, but an administrator needs to be hired. She urged them all to go back and read the minutes and learn the history.

Aleshia Zacher of 79 Trail East discussed false information during the November meeting regarding the Deputy and an incident after the meeting in the parking lot.

Judy Newman of 9630 Lynns Road regarding Scannell and the violations filed by Licking County Planning Commission and requested Trustee Evans take this over.

Mathew Rausenberg of 46 Cedar Park Blvd is new to the township and moved here the beginning of the year from Pataskala and does not find the distastefulness of this board nice and they are to represent us.

John Kennard of 10785 Palmer Road discussed credit cards for the Trustees. The limit for the Fiscal Officer is higher than the Trustees and this was explained. Mr. Kennard discussed an issue when the road department cleans the ditch and cutting the phone line.

Ashley King of 75 Trail East discussed handling issues with employees directly and not in the public, the divided community, and how volatile it is on Facebook.

Gary Burkholder of 254 Trail East discussed Scannell and the violations issued by the Licking County Planning Commission and the township Zoning Violations.

Doris Caceres Schumick of 9136 Mink Street discussed the development on Mink Street construction entrance and the buffering and landscaping requirements.

New Business

All American Cleaning Company

Trustee McKee moved to notify All American Cleaning Company that Etna Township wishes to terminate the cleaning contract and authorize Trustee Rozland McKee to provided them with the thirty day written notice of termination. The motion was seconded by Trustee Johnson. Discussion: The cleaning has not been good for some time. Discussion on replacing the company and possible replacing with a township resident. The company was sent a letter regarding the quality of work. This was reviewed by the Prosecutor's office. Having the company bonded and insured was mentioned. The motion passed by unanimous affirmative vote.

Julie Donnan with Brosius, Johnson, and Griggs was present via telephone.

Trustee McKee moved to authorize Laura Brown to work with Dynamic Networks along with President Rozland McKee as the Board of Trustees' liaison to Dynamic Networks, in regard to their services and the review and fulfillment of public records requests. The motion was seconded by Trustee Johnson. Discussion: Julie Donnan explained that the Trustees currently have a policy in place that President McKee is the point person for Dynamic Networks. The purpose of this motion is to further clarify and authorize Laura to provide essentially the initial sweep with respect

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to public records. From a legal perspective there is no legal issue with this practice and is not uncommon for different townships to have different point people and policies for the initial phase of reviewing public records. There would not be a legal issue with including the Fiscal Officer in this motion. This is just a policy and procedure for email review which could contain sensitive information, some things that are public record and some things that are not public record and it is not uncommon to limiting access to protect sensitive information. Trustee Evans stated the Fiscal Officer is in charge of Payroll and confidential stuff and is bonded and is the one putting together the public records request more so than the township secretary. This is a board decision with how these policies work. F/O Varian verified with Julie Donnan that she is still charged with the keeping of the records so she will maintain the oversight of the public records once the are requested and going out for redaction and review. Julie Donnan stated there is nothing in Ohio Law that requires the Fiscal Officer to have full access to all documents and records of the township at all times, the township has the ability to restrict access in order to limit point persons and that type of thing as one step in the process of filling the public records request. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Resolution 22-12-06-01: Trustee McKee moved to authorize reimbursements consistent with the agreements for reimbursements entered into by and between Etna Township and the various Joint Economic Development District Boards as presented. The motion was seconded by Trustee Johnson. Discussion: Julie Donnan explained that the various JEDD and JEDZ Boards met a few weeks ago and the topic of discussion was reimbursement issue from earlier this year. The JEDD Board and municipal partners have requested that the township honor the obligation that the prior board entered into with respect to the Reimbursement Agreements with several of the JEDD Boards. This is for the township to acknowledge, in the spirit of moving forward and transparency and correct accounting, that they are aware of the agreements and will work with them that reimbursements are made in an accurate manner. Trustee Evans discussed the agreements were for the township to pay until the JEDD boards started to make money and generate revenue. Julie Donnan agreed and explained that the JEDZ Boards are operating and bringing in enough money but the JEDD Boards are coming on-line at different phases and do not have the funding to stand on their own at this time. The Trustees decided earlier this year to halt all payments until the township could further look into this issue. This resolution is a showing of good faith to the partners to honor the agreements that are in place for all the partners obligations. Regarding JEDD7 the Reimbursement Agreement was not presented to their office and if there is one for JEDD7 this resolution can be modified to include it at a later time. The motion passed by unanimous affirmative vote.

Resolution 22-12-06-02: Trustee McKee moved Adopting the security camera policy and procedures as presented. The motion was seconded by Trustee Johnson. Discussion: The Trustees reviewed the policy and discussed giving the President of the Board, currently Trustee McKee, to act as the liaison between the township and vendor. Peter Griggs of Brosius, Johnson, and Griggs will hold any passwords if required. Trustee Evans stated all the Trustees are equal and should not be blocked and feels this is illegal and could result in damages and attorney fees. Julie Donnan explained the purpose and intent in the procedure for this policy which was put together at the advice from their office because the township did not have a policy. When there were questions the township did not have a policy to provide an answer from. The policy outlines that the purpose of the cameras is to be used to record images for future identification if an incident happened the township could go back and check for security purposes. This policy is to outline the function of the cameras and that type of thing. In respect to cost because security camera footage can be considered a public record, the township is entitled under the public records law to place cost for pulling footage, the cost does not include legal fees, however their office can be the keeper of the password and the residents would not be charged from their office for production of that public record. This policy does not prevent a Trustee or Fiscal Officer from performing their duties and it is an operational document. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Resolution 22-12-06-03: Trustee McKee moved authorizing acceptance of Ohio Department of Transportation State Infrastructure Bank Financing Term Sheet for Refugee Road Improvements Project as presented. The motion was seconded by Trustee Evans. Discussion: It was discussed which Trustee is over the Refugee Road Project. The interest rate is 3% to finance 3.5 million dollars and the payments total two hundred and ten thousand dollars. The Trustees discussed the option of the SIB versus paying with the money the township has and whether the township is locked into the loan. Trustee Johnson explained why he feels the township should pay the project out of township funds instead of strapping the residents with a twenty-year bond when the township has the money now and not getting into long term debts because when the abatements end the companies can leave. The three percent is a great rate but the concern is will the township have the money in the future. The Trustees discussed the revenues from the JEDD's paying for this loan and the abatements. The township should be planning for the payment in the future along with other future projects. It was discussed whether the township could pay their portion along the

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way instead of financing it. If the township goes with cash instead of loan how does this decision effect the other parties in the project. This commitment needs to be voted on this evening. The City of Pataskala adopted this on December 5, 2022. The township will have zero percent interest the first year with the first payment due in 2025. Bill Lozier with the TID provided input via telephone regarding the SIB loan and whether the township can pay cash and how this would affect the other partners and his understanding is the amount taken for the loan depends on the drawdown so they will be receiving invoices from the contractor and once they run out of cash they will start sending the invoices to the SIB, the SIB will pay them and keep track of it and however much is drawn down when the project closes out will be the amount of the loan. The City of Pataskala had a similar question wanting to ensure if they paid down the loan early that their payment is separate from Etna Township. Mr. Lozier stated the amount of the loan is only subject to how much they draw down. If there is a decision to not draw down any amount of the loan by Etna Township during the course of things, then you would have no loan. Mr. Lozier would like for the term sheet to be signed because it could jeopardize things and it would have to start over. If the term sheet is signed, the Township will still have the option to use the loan, but do not have the obligation to take the loan. The paperwork indicates that this is a two-party loan and that is why this could affect the project. Mr. Lozier confirmed that it has always been the case that the loan could be paid down early. The amount of the loan is all subject on how much is needed during construction which begins next spring. Mr. Lozier confirmed that the township could pay part of the 3.5 million and take the loan for part of it. The township can pay the invoice to the contractor instead of going to the SIB loan. If the Township goes to the SIB and takes the full amount of the 3.5 million dollars, the Township can decide later to pay the loan down in cash. The only question needing to be verified is will the payment change or the term get shorter. This question should be spelled out in the closing documents. F/O Varian thought because it was a zero percent loan that it could not be prepaid. Mr. Lozier will get answers for the township. The motion passed by unanimous affirmative vote.

Trustee McKee moved to approve nine hundred and twenty dollars to State Security to complete the investigation of the camera system here in the township. The motion was seconded by Trustee Johnson. Discussion: The Trustees discussed what they would be reviewing and verified it is the items that were not able to be completed by Wherewolfe Intelligence. The report will be referred to the Prosecutor's office and the second part will be completed by State Security. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Trustee McKee moved to authorize Brosius, Johnson, and Griggs to refer the Attorney Client Privilege violation to the Ohio Ethics Commission. The motion was seconded by Trustee Johnson. Discussion: Julie Donnan explained that it was brought to their offices attention that information provided by them was released that was Attorney Client Privileged without the board approving the release of that information. The Trustees discussed the firm representing the Board of Trustees and the direction of the chair. Julie Donnan stated the firm is not going to do anything that is in violation of the law and have their own code of ethics and there are potential consequences for failure to follow that. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Fiscal Officer Report

Resolution 22-12-06-04: Trustee McKee moved to approve the purchase orders as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee McKee moved to ratify the payment of the above listed bills for December as shown on the Payment Listing. The motion was seconded by Trustee Johnson. The motion passed by unanimous affirmative vote.

F/O Varian discussed the 2023 budget and suggested a special meeting be scheduled to review. F/O Varian provided several questions and items needing direction on to help finalize the budget.

Announcement and Trustee Comments –

Trustee Evans discussed the proposed special meeting with SWLCW&S for January 5, 2023. Trustee McKee explained the meeting has not been confirmed with the water board at this time.

Trustee Johnson moved to adjourn at 8:30 p.m. The motion was seconded by Trustee McKee 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.