

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Regular Meeting

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

Held _____ November 21, _____ 20____ 2023

The Etna Township Board of Trustees met on Tuesday, November 21, 2023, 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 read the names of those from Tuscarawas Valley who died in the tragedy and a moment of silence was observed. 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 were present.

Trustee McKee moved to approve the flexibility in the agenda to move the Executive Session after the Public Comments. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans discussed the agenda being released yesterday and does not feel that gives enough time to properly prepare for the meeting. Trustee Evans requested the public comments be before the presentations to allow the public to comment. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Trustee McKee moved to adopt the agenda as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans feels everything voted on should be after public comments. 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 3, 2023; October 24, 2023, and November 7, 2023, meeting as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans does not feel these minutes properly reflect the actions of the board.

Trustee Evans moved to amend the motion to separate the November 7, 2023, special meeting from October 3rd and October 24th, and deal with them separately. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans feels the November 7, 2023, minutes are straightforward and there are no issues with them. The roll call was as follows: Evans, yes; Johnson, yes; and McKee, no; passed 2-1.

The roll call on the motion to approve the October 3rd and October 24th minutes was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Trustee McKee moved to approve November 7, 2023, special meeting minutes. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

Presentations

Bill Lozier, Projects Director with the Licking County TID, provided a presentation with an update on the Pike Street project. Etna Township has an agreement with the Licking County TID to reconstruct Pike Street in two phases. Phase One is east of S.R. 310 and Phase Two is west of S.R. 310. The project has been funded 2.6 million dollars by MORPC. These are Federal Funds for Phase One. This program is an eighty percent match with Etna Township committing to twenty percent. The current engineer's estimate is 3.4 million dollars making the township's portion currently six hundred and eighty thousand dollars.

There is approximately a five hundred and fifty foot gap between where the current Pike Street Project ends and the western end of the development on Pike Street. The results of the Traffic Impact Study will require the developer to install a new traffic signal. This area on Pike Street could be abandoned and Pike Street could be connected to the new development. The current project ends at the stream. The project includes parking on both sides of the street with curb and gutter, a pathway on the north side, and a sidewalk on the south side.

The proposal this evening is whether to extend the project and make the two projects match. There will be additional engineering at eighty thousand three hundred and thirty-one dollars and construction cost at eight hundred eighteen thousand one hundred eighty-eight dollars. There will need to be a Memorandum of Understanding with the developer on how the cost will be shared. Bill Lozier stated there was a general agreement that the developer agreed to fund all or a part of the construction if the Trustees funded the engineering. This will need to be reviewed then negotiations with the developer and a revised Intergovernmental Agreement with the TID and the Township will need to be approved to include the additional work. The spirit of the project was beautifying Pike Street. The traffic control for the development is governed by the Licking County Planning Commission's process and not part of this project. The location of the sidewalks was discussed. The public input part of the process was discussed and when a public meeting should be held. There are Federal requirements for a public input meeting.

Ron Sabatino, the Developer for High Point, discussed the gap on Pike Street. There are three parcels east of where the Pike Street Project stops at the creek that they do not own. The developer's improvements on Pike Street go west of the future pond. Mr. Sabatino believes it makes sense to make the connection. Mr. Sabatino discussed Etna Township being a wealthy township and the existing JEDDs. Mr. Sabatino explained there is a TIF on his land and they are willing to participate at some level in the construction of the gap on Pike Street. Mr. Sabatino would like to see co-operation with the new board and the other agencies in Licking County.

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Bill Lozier discussed grants that are available for projects to consider construction of a bridge or tunnel to connect this to the new park in the future.

It was verified that the engineering cost is for both the west and east side of Pike Street. The construction cost is for the east side, Phase One. This is an ODOT, Federally Funded Project, which has different requirements than other projects controlled by Licking County.

Bill Lozier explained that a revised MOU will need to be adopted by the Board of Trustees.

Scannell Development

Nate Green with Montrose Group LLC represents Scannell who own forty-three acres on Tollgate Road and US40. Scannell wants to develop and has entered into a Development and Compensation Agreement between Scannell and Southwest Licking Schools. The Trustees have been provided with a copy of the agreement. This portion of the property would be added into the JEDD and any buildings that are built onto this site would be in the JEDD also. This would be done in a similar matter as the previous ones. These are for speculative buildings. A one hundred percent tax abatement for the site has already been approved by the Southwest Licking School District. Scannell is working with Licking County regarding the issues with the creek on the property. Scannell proposes, in Section F of the agreement, to work with the property owners to provide landscaping on their side of the sound barrier to provide additional mitigation of that sound with trees, bushes, or whatever the case might be. The Trustees will take time to review the agreement. Trustee Evans discussed FedEx and the PILOT for FedEx to pay the JEDD tax for their employees. The Trustees discussed the requirement for the landscaping already along the sound barrier and the challenges for Scannell to do this on the Scannell Property. Trustee McKee recommends this be approved with the new board in January 2024. Trustee Johnson will not be a Trustee in January.

Intergovernmental Agreement for Taylor Road Interchange Impact

Mayor Begeny with the City of Reynoldsburg discussed the project with the Ohio Department of Transportation (O.D.O.T.) looking into an I70 Interchange off Taylor Road SW crossing over into Pickerington as early as 2027 as part of a dual project with the 256 Interchange. The funding has been received for right-of-way acquisition and engineering. Mayor Begeny is being proactive regarding the Taylor and Palmer Roads intersection. The Mayor is proposing a Traffic Study for Taylor Road using EMH&T from I70 to Broad Street. This would be in partnership with Etna Township, Violet Township, Pickerington, Pataskala, ODOT, and MORPC. The funding plan that is being presented for EMH&T to conduct the study not to exceed forty-nine thousand dollars. The City of Reynoldsburg is willing to pay everything up front for all costs and then request a sixteen thousand dollar reimbursement from Etna Township which is 1/3 of the cost. The study would be to determine the best options for traffic in this area. The interchange project is available on the ODOT website for review. Mayor Begeny said transportation is being considered for Licking County because of traffic impacts from Intel and other development. The City of Reynoldsburg is taking up the cost for the study because Taylor Road is controlled and maintained by the City of Reynoldsburg up to Broad Street. Trustee Evans discussed the MS Consultants proposal for forty-three thousand for a Township Wide Transportation Study.

Public Comments

Sarah Ferguson of 483 Ballman Road discussed the Pike Street development and likes the bike paths and sidewalks. Mrs. Ferguson supports being involved in the Taylor Road Study and the impacts on Etna Township.

Executive Session

Trustee McKee moved to go into Executive Session 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 specifically the investigation of charges or complaints against an official and the time was 7:07 p.m. The motion was seconded by Trustee Johnson. Invited into the executive session are the Trustees and Attorney Julie Donnan. The motion passed by unanimous affirmative vote.

Trustee McKee moved to come out of executive session and the time was 8:00 p.m. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote. For the record all three Trustees and Julie Donnan were in the executive session.

The Board of Trustees of Etna Township, Licking County Ohio met in a regular meeting on November 21, 2023 at 81 Liberty Street Etna Ohio with the following members present, Rozland McKee, Jeff Johnson, and Mark Evans.

Resolution 23-11-21-01: Trustee McKee explained on or around August 31, 2023 the Board of Trustees of Etna Township, Licking County, Ohio, received an employee complaint against a Trustee submitted by the Township Administrator, attached hereto as Attachment 1, and

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incorporated herein by reference the "Complaint" and upon receipt of the Complaint the Board authorized the Chair to search for an independent third-party investigator to conduct an investigation into the Complaint to determine if the Trustee engaged in conduct that violates the Township's policies and procedures or violates applicable Ohio law. To put a resolution in place that prevents Trustee Evans to contact Mrs. Hanson but she will work with Trustee Johnson, Trustee Johnson will be a third-party mediator for Mrs. Nita Hanson regarding the complaint.

Trustee McKee moved to adopt Resolution 23-11-21-01 as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Johnson as the mediator for Mrs. Nita Hanson. Trustee Evans has been advised to abstain from voting and discussion. Trustee Evans requested the opportunity to obtain a second opinion. Trustee Evans participated in the discussion during the executive session. The roll call was as follows: Evans, abstain; Johnson, yes; and McKee, yes; passed 2 yes and 1 abstain.

Trustee McKee explained the Board of Trustees acted to protect the township from being sued and to protect the employee. Trustee Evans requested to be on the record that Mrs. McKee stopped the investigator from talking to him and stopped the investigation before it concluded. Trustee McKee responded that she did not stop the investigation. Trustee McKee stated "The investigator, the attorney that was hired by our law firm that represents the township contacted Mr. Evans over fifteen times to reach out to get his opinion on the investigation and he refused, he told her that he would meet with her after January." Trustee Evans stated "The investigator said her schedule was in a trial until mid-December and mentioned January and Mrs. McKee told our attorney to end it at the end of this month."

Reports – Township Administrator

Township Administrator Nita Hanson provided an oral report regarding several township items and events. Mrs. Hanson provided an update on State Issue 2 that was approved in November, effective December 7, 2023, regarding marijuana. The Trustees can adopt a resolution to prohibit and limit the number of adult use cannabis operations within the township.

OTA Conference and Webinar Subscription

This conference is scheduled for February 7-9, 2024. The cost of registration is \$125 per person. Mrs. Hanson recommends that the Trustees, Fiscal Officer, Township Administrator, Don Copley, and John Singleton attend along with Trustee elect Gary Burkholder and F/O elect Jackie Cotugno. Mrs. Hanson requested Trustee approval for registration for all nine of them. Mrs. Hanson also discussed some optional events that are offered at additional cost. The cost for nine attendees with all optional events and parking the total cost would be two thousand eight hundred and thirty-five dollars.

Trustee McKee moved to authorize up to nine attendees to the 2024 Winter Conference including parking for a cost of up to \$315 dollars per person not to exceed a total of \$2,835 dollars. The motion was seconded by Trustee Evans. Discussion: Trustee Evans will register himself. The motion passed by unanimous affirmative vote.

The Ohio Township Association has a program for 2024 that is a Township Webinar Subscription. There is a one-time fee of \$250 dollars for an unlimited subscription.

Trustee Evans moved to approve the subscription for a one-time fee of \$250.00. The motion was seconded by Trustee McKee. Discussion: The Trustees discussed the restrictions of who could use the subscription. The motion passed by unanimous affirmative vote.

Request for Engineering Assistance – Intersection Site Distance on Palmer Road.

The site distance at the intersection of Palmer and Tollgate Roads was discussed. The homeowner has trimmed the bushes and removed one tree but disputes the measurement as to the other trees identified. Mrs. Hanson reached out to the Licking County Engineers office to confirm the measurements.

Mrs. Hanson is requesting approval for the request for Engineering Assistance to determine whether the trees violate the site distance requirements creating a safety concern.

Trustee Evans moved to authorize the request for Engineering Assistance. The Motion was seconded by Trustee McKee. Discussion: Trustee Evans discussed removing the branches on the trees ten foot so the trees could remain. Don Copley explained the trunks of the trees are the concern. The motion passed by unanimous affirmative vote.

Road Crew Employee – Advertising

One of the township employees on the Road Crew has resigned. Nita Hanson is requesting to advertise the opening on the Road Crew using Indeed. There is no charge to post the position.

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Trustee Johnson moved to advertise on Indeed as described for the Road Crew position. The motion was seconded by Trustee McKee. Discussion: The township discussed individuals that might want to return along with others that expressed interest in the past. The motion passed by unanimous affirmative vote.

Employee Evaluations

On November 17, 2023, Nita Hanson conducted employee evaluations with Laura Brown and John Singleton. The narratives from those evaluations were provided to the Trustees.

Nita Hason shared that Laura Brown has been employed by the township since May 24, 2004, for nineteen years. Laura Brown’s current pay is \$23 dollars per hour which is substantially lower than comparable salaries reported in the MORPC 2023 Salary and Fringe Benefits Survey. Mrs. Hanson recommends a 1.3% cost of living increase together with a merit increase of 7.5% which recognizes her many years of service and the many roles that Laura Brown plays at the township for a new rate of pay of \$25.02 per hour beginning with the next pay period.

Trustee McKee moved to approve the pay increase for Laura Brown, Secretary for the township effective on the next pay period. The motion was seconded by Trustee Johnson. Discussion: The next pay period starting November 26, 2023. Trustee Evans had asked for an Executive Session to discuss this, which he believes all employee reviews and evaluations should be done in. Trustee Evans does not feel it is appropriate to silence a Trustee or to force the discussion in public. Trustee Evans has numerous questions. It appears the evaluation report was done in July. Trustee Evans has numerous concerns about this and wanted to table the pay increase until a proper Executive Session is held to discuss this appropriately. Nita Hanson explained that Laura Brown prepared her part in July and at that time Mrs. Hanson was newer to the township and getting involved in what was going on and there was a delay on Mrs. Hanson’s part to complete. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Nita Hanson shared that John Singleton has been employed by the township since March 20, 2017, for nearly seven years. Mr. Singleton’s salary is below the salaries reported in the MORPC 2023 Salary and Fringe Benefits Survey. Nita Hanson recommends a 1.3% cost of living increase together with a merit increase of 7% which recognizes his nearly seven years of service and various roles that John Singelton plays in the township for a new rate of pay of \$58,025 dollars beginning with the next pay period beginning on November 26, 2023.

Trustee McKee moved to approve the pay increase for Mr. John Singleton effective November 26, 2023. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans feels this should be done in Executive Session. Trustee Evans discussed the review being all tens and one nine and does not feel it is proper and the goal for improvement being to survive the next two years. Nita Hason explained that those were not her comments. Trustee Evans has attempted to have numerous executive sessions to discuss employees and does not feel this is appropriate. Nita Hanson explained that what Trustee Evans referenced is what the employee filled out and her evaluation is contained in her narrative report. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Sheriff Cruiser Repair

Nita Hanson presented quotes from Maverick Motors for a repair on one of the Sheriff’s Cruisers. There is an oil leak, exhaust leak, and brakes. The estimate is \$5,915.02. These are repairs recommended by Lt. Carson because it is a newer vehicle. Trustee Johnson requested an estimate for engine replacement that was \$14,178.35. Nita Hanson is requesting authorization of the repair estimate of \$5,915.02.

Trustee Evans moved to authorize the repair estimate of \$5,915.02. The motion was seconded by Trustee McKee. Discussion: Trustee Evans inquired on how many miles were on the cruiser. The motion passed by unanimous affirmative vote.

Community Park Survey

Nita Hanson provided an update on the survey. The township has received one hundred and seventy-four electronic responses and one paper copy currently. All the paper copies will be entered into Survey Monkey so all the responses will be included. WinWaste will be mailing a copy to the residents. Trustee Evans provided a fillable form and distributed it on-line.

JEDD and JEDZ Board

Nita Hanson reported both boards met last Friday. The third quarter of 2023 financial distributions were provided.

The JEDZ distribution to Etna Township from JEDZ-1 ProLogis was \$93,907 and JEDZ-2 Amazon was \$200,970. The JEDD distributions to Etna Township from JEDD1 Uline was

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\$34,145, JEDD2 CORE5 Southgate \$5,841, the Cubes West Kohls was \$2418. Cubes East Ryder and Loves properties \$8,904. JEDD 7 Scannell \$4,288. The combined township together for the JEDDs and JEDZs is \$392,475. The total distribution to Southwest Licking Schools for the third quarter was \$305,942.

Day after Thanksgiving Closure (Friday)

Nita Hanson discussed the day after Thanksgiving and closing the office on Friday. The employees will use vacation time, paid time off, or not be paid for this day. It was confirmed that there are no union concerns with continuing this practice. If approved a notice of the closure will be sent to the listserv along with a notice placed on the website and the doors of the building.

Trustee Johnson moved to that effect. The motion was seconded by Trustee Evans. Discussion: The timesheets will be completed on Wednesday. The motion passed by unanimous affirmative vote.

New Business –

Resolution 23-11-21-02: Trustee McKee moved resolution accepting the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the county auditor as presented. The motion was seconded by Trustee Evans. Discussion: The Trustees discussed the Road and Bridge Levy. The motion passed by unanimous affirmative vote.

Loop Road School Bus Stop

Trustee Evans feels the township should have an Engineering Request to install a T turnaround. Trustee Evans discussed the school bus stop with Ryan Brown, Transportation Director at Southwest Licking Schools. Trustee Evans discussed the site visit Nita Hanson conducted regarding moving a South Central Utility Pole but does not feel this is the most viable solution.

Nita Hason explained during the site visit Mr. Brown was in attendance. Mr. Brown does not believe it would be fiscally responsible for the township to pay the amount of money it would take to make the changes to Loop Road. The homeowner has made improvements to his driveway, but Mr. Brown had concerns with the location of the utility pole. Nita Hanson explained that a representative with South Central Power also attended the site visit, and they are willing to move the utility pole far enough that the bus could turn around. This is at no cost to the township. The Road Department might have to build up the berm a little bit which might solve the problem. Nita Hanson is not advocating that the Trustees do not obtain the Engineering Estimate. The distance that the children walk is a shorter distance than many of the children in the district have to walk and is within the allowable distance by the school.

Trustee Evans discussed the Safe Routes to School initiatives and recommendations. This is a rural road and possible safety concerns and recommends moving forward with the Engineering request.

Eric Rager of 10460 Loop Road tried to avoid getting Etna Township involved. Mr. Rager has been speaking with Ryan Brown. Previously the bus stop was at his neighbor's driveway. Mr. Rager felt that he was not getting anywhere with Mr. Brown with any of his solutions and would like to move forward with the Engineering request. Along with his children there is a Middle School student that has to walk to the bus stop. The bus stop location was fine until the winter when the bus got stuck, now creating the issue. Mr. Rager feels a lot of the utility poles are going to be moved with Spectrum running cable lines.

Nita Hanson explained that the pole could be moved while obtaining the Engineer's request.

Trustee Evans moved to approve the township request for Engineering Assistance and also approve the coordination by the Township Administrator in moving the pole and building that berm. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.

Tuscarawas Valley Memorial

The Trustees discussed the tragic accident on I70 in Etna Township. Trustee McKee received an email from the Tuscarawas Valley School District. There was discussion on when developing the park dedicating a plaque to the victims on a picnic shelter house or amphitheater. The victims were in the band. This will be turned over to Nita Hanson to coordinate.

2024 Budget Timeline

The Trustees discussed the 2024 Budget. The Trustees will get any questions regarding the budget back by December 1, 2023, for discussion at the December 5th, 2023, Trustee meeting. Fiscal Officer Varian has been working with Nita Hanson on projected budget items and needs for 2024.

GROW Licking County Board Seat

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Trustee McKee moved that we finalize the letter from the Board of Trustees to GROW Licking County requesting John Singleton to be considered for the next available board seat. The motion was seconded by Trustee Johnson. Discussion: Nita Hanson explained that the West Licking CIC suggested a draft letter to be sent to GROW Licking County from the Trustees. The Trustees discussed the Zoning Inspector serving on this board and whether there is a conflict of interest. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

First Quarter 2024 Trash and Recycle Fees

Trustee Johnson discussed the township paying for the trash service as a way of giving back to the residents of the township. The estimated cost is one hundred a fifty thousand dollars. This would be for the first quarter of 2024. Trustee Evans is opposed to this and has concerns about increasing township costs and declining revenue. Trustee Evans has concerns about this not reaching all residents. Trustee Evans is not included, the Villas at Cumberland are not included along with other ones. F/O Varian requested a detailed invoice. The payment will be due in 2024 for budget purposes. The exact cost and procedure from WinWaste will be presented at the next Trustee Meeting.

Old Business –

All Traffic Solutions

Trustee McKee moved to authorize the purchase of the radar signs from All Traffic in the amount of \$7,393.59. The motion was seconded by Trustee Johnson. Discussion: The different options from All Traffic Solutions was discussed regarding the Bluetooth options. This does not include cloud base storage. The motion passed by unanimous affirmative vote.

AMH Easement Broyles 2 Project

Randy Robert, Director of Land Development for AMH Development LLC discussed the request for a drainage easement area of .655 acres +/- on township property at 8980 Smoke Road. Trustee Johnson wanted to view the site after it rained to see where the water stood. The Trustees discussed the concerns with using park property for an easement. The Park Committee discussed the easement request during their site visit and did not have any concerns. The design of the park has not been completed. Trustee Johnson and Trustee Evans would like to walk the site to make an informed decision. Mr. Robert projected Refugee Road will be opened before Christmas.

Fiscal Officer Report

Resolution 23-11-21-03: Trustee McKee moved to approve the purchase orders as presented. The motion was seconded by Trustee Johnson. Discussion: There was discussion on the Neighborhood Strategies and Jess Howard purchase orders. The motion passed by unanimous affirmative vote.

Trustee McKee moved to ratify the payment for the bills as shown on the payment listing. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

F/O Varian provided a verbal Fund Summary Report for the end of October the year-to-day revenue was \$6.4 million, the year-to-date expenditures was \$4.3 Million with a current cash balance of \$7.7 million among all of the accounts. Going into 2024 the estimated carry over of unencumbered funds of \$6 million, expenses that were not spent in 2023.

Announcement and Trustee Comments -

Trustee Evans feels the investigation was halted by Trustee McKee and stated the investigator told him (Trustee Evans) they could not meet because they had a trial. Mr. Evans feels there was plenty of information available showing issues with the employee that were not being addressed properly.

Trustee McKee explained that the Attorney Client Privilege has been waived on the report and the report is available. Trustee McKee stated the investigator tried to reach out to Trustee Evans over fifteen times to set up a time and Trustee Evans wanted it to be moved to the first of the year. With a new Trustee starting the first of the year it was determined to complete the report in 2023.

Trustee McKee discussed the sign located in Mrs. Brown's car during the election and it had nothing to do with Trustee McKee and no policies were changed to permit it. Trustee McKee stated that she never took the equipment (server) from the township. The investigator that was hired signed the equipment out and returned the equipment. The equipment is still available, and she never removed it out of the closet. Trustee Evans claimed he has photos otherwise.

Trustee Johnson explained that at that time he spoke with the Licking County Prosecutor's office about what Trustee Evans had done with the cameras and Trustee Johnson was advised to secure the equipment. Trustee Johnson came in on that same day and locked it up in the safe, he had two witnesses, and other then when the investigator took it to check it that is where the server has been. Trustee Johnson took it and secured it.

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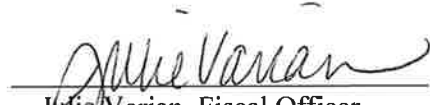
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Trustee McKee moved to adjourn at 9:36 p.m. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.



Rozland McKee President



Julie Varian, Fiscal Officer

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