

# RECORD OF PROCEEDINGS

Minutes of

Ema Township Trustees Regular Meeting

Meeting

GOVERNMENT FORMS & SUPPLIES 944-224-3338 FORM NO. 10148

January 16,

2024

Held \_\_\_\_\_ 20 \_\_\_\_\_

The Ema Township Board of Trustees met on Tuesday, January 16, 2024, in the Ema Township Administration Building for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by Trustee Burkholder. Rozland McKee led the invocation and The Pledge of Allegiance. Roll call showed Trustees Mark Evans, Gary Burkholder, Rozland McKee-Flax, and Fiscal Officer Julie Varian present.

Trustee Evans moved to adopt the agenda as presented. The motion was seconded by Trustee McKee. Discussion: Trustee Burkholder is going to work with the Township Administrator and Secretary on a pending agenda list. The motion passed by unanimous affirmative vote.

Trustee Evans moved to adopt the December 19, 2023, Minutes as presented. The motion was seconded by Trustee McKee. Discussion: The trustees discussed Rozland McKee signing these minutes as president of the board. Trustee McKee will the sign the minutes as President of the Board. The roll call was as follows: Evans, yes; Burkholder, abstain; and McKee, yes; motion passed.

Trustee Evans moved to adopt the December 26, 2023, Minutes as presented. The motion was seconded by Trustee McKee. Discussion: Trustee Evans has the same objection with Rozland McKee signing the minutes as President of the Board. Trustee McKee will the sign the minutes as President of the Board. The roll call was as follows: Evans, yes; Burkholder, abstain; and McKee, yes; motion passed.

#### Public Comments -

Judy Cafmeyer of 29 Roma Court spoke in support of the Solar Exclusionary zone resolution and explained the process with the Licking County Commissioners office.

Matt Rausenburg of 46 Cedar Park Blvd discussed concerns with password sharing and IT accountability concerns. He is in support of local farmers in their use of their land for solar projects.

Steve Perkins of 7352 Palmer Road is in favor of local farmers using their land for solar projects. Feels if there is a restriction it can cause local farmers to sell to developers and it also does not take away the tax burden for the landowner. He feels it leaves local farmers few choices.

Jake Heffron of 476 E 5<sup>th</sup> Ave representing Rumpke Waste and Recycling Services seeking consideration to be the trash service for Ema Township. There are plans to add more to the acceptable items list. Also, they are nearing the completion of a 220,000 square foot facility due to open in July. Believes their pricing is competitive. Trustee McKee asked if the location was at Joyce and 5<sup>th</sup> Ave. Jake did confirm the location.

#### Bricker Graydon Presentation –

Brodi Conover of Bricker Graydon along with colleague Carlie Sherman of 100 S. 3<sup>rd</sup> St Columbus provided an overview of their companies' credentials and what they handle. In the past Caleb Bell with this firm has worked with F/O Julie Varian. The township utilizes the Licking County Prosecutor's office and uses other firms for outside legal opinions. Bricker Graydon can help with the training of new boards and with record keeping.

#### Reports:

##### Trustee Burkholder

Trustee Burkholder was able to locate the NVR and lockbox which are locked up in a secure location within the building. The Township Administrator and State Security will get together on the details of the camera contract. Trustee Evans asked for the lockbox location and Trustee Burkholder said it is locked up in a fireproof cabinet. Trustee Burkholder did make the recommendation to revisit getting with Risk Management on the best practice measurements for password and security management.

##### Township Administrator

Township Administrator Nita Hanson provided a written administrators report dated January 12, 2024.

This is my first written report as required by the Board. The information provided is accurate as of the date of this writing.

**Loop Road** – I have not yet received the Engineer's estimate for road improvements on Loop Road. I have followed up and have calendared for further follow-up. In the meantime, the utility pole has been moved, and Mr. Copley has worked on the berm. I have been in communication

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Enna Township Trustees Regular Meeting

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Held \_\_\_\_\_

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with the logistics director at Southwest Licking Schools. Hopefully, bus service to the affected family will begin soon.

**WIN-Waste** - There has been some confusion with residents' accounts. Everyone with an active account was included in our payment, but each residence will receive an invoice. For instance, I received my electronic bill. I tested the process. When I tried to pay the bill, it showed that I had a zero balance. If someone mails their payment to WIN-Waste, the amount paid will credit their account toward the second quarter.

There were a small number of accounts that were not active due to non-payment. If the arrearage on those accounts is paid, the now-active account will have a first quarter balance. Similarly, if a new account is activated, the new account will have a first quarter balance. Our initial appropriation for payment of the 1<sup>st</sup> quarter fees was \$150,000. To date, we have been billed about \$136,000. Even if all of the 75 suspended customers cured their deficits, and were reactivated, the cost of paying their 1<sup>st</sup> quarter fees would be about \$3,675 – still within the appropriated amount. But that opens another can of worms. What about people who establish new service within the 1<sup>st</sup> quarter? What about snowbirds who suspend their service while they are gone. Should we pay their 2nd quarter bill? The only real way to have a sum certain is to pay the 1<sup>st</sup> quarter invoice for those accounts that were active at the time the Township was billed. That will, by necessity, mean that a small portion of our residents will not receive this benefit along with those who do not use WIN-Waste for their waste disposal. We have still served a wide majority (95%) of our residents.

Irene Parker, a resident of Enna Township since 1967, called to thank us for making the recurring trash payment for the first quarter of 2024.

**Passwords** - As directed by the Board, I have provided my passwords (and those for Zoning) to Mrs. Varian even though I believe that use of those passwords by anyone other than me is contrary to Ohio law. In addition, as of January 3, 2024 (the date on which I provided my passwords), I am no longer responsible for activity on any of those accounts.

**1009 Pike Street (the Ice House)** - I had an extended call today with Ryan Nutter, the son of the property owner, Elizabeth Dawson. Mrs. Dawson is in her 90s. Mr. Nutter will ensure that the property is resecured on "the first nice day; hopefully, by this weekend." He went to the property and verified that there were no occupants. I also spoke to Mrs. Dawson's attorney. He will reach out to Mrs. Dawson to avoid a zoning violation. He was grateful for the call.

**Lynn's Road Mailbox** – Mr. Fordyce claims that his mailbox was broken "with the plowing of the roads." Mr. Copley was driving the truck that day. Nathan Paek was a passenger. Neither heard any kind of noise, or other indication that a mailbox was hit. Mr. Copley provided pictures of his truck sitting next to the mailbox. It is unlikely that the mailbox was hit.

In 2022, the Board passed a resolution that if a plow hits and breaks a mailbox, the Township will reimburse up to \$75 for replacement. If there is no contact, we decline to make any payment.

**Inventory** – Mrs. Varian updated the inventory to remove the computer equipment that is no longer in service, and to add the new computer equipment that she uses. With those changes, the inventory is complete and is on file with Mrs. Varian.

**PARKS** – We have received two applications to serve on the Park Committee which have been forwarded to each of you. In addition, we received one call from a gentleman who said he was going to submit an inquiry. The surveys continue to straggle in. We put them into the Survey Monkey when received.

**ROADS** - Mr. Copley and I would like to work on an MS4 grant submission. The H2Ohio Chloride Reduction Grant Program will award a total of approximately \$1 million in funding to local municipalities for equipment upgrades that will prevent the over application of salt on Ohio roads and reduce the amount of salt running off into Ohio's streams, rivers, and lakes.

In announcing the program a couple of weeks ago, the Governor stated, "Road salt plays an incredibly important role in road safety, but we must also consider the impact of this salt on the quality of Ohio's water." He further stated, "This program will help local communities apply salt in a way that effectively treats slippery roads while also reducing the amount of salt that runs off the roads and into the water."

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Municipalities, townships, counties, and other governmental agencies can apply for single grants of up to \$75,000. We would like your authority to move forward with the grant application, authorizing the President to sign the grant agreement, if awarded. We will be working with Licking Soil & Water in the application process.

We will have to work fast as the application is due by January 31. Mr. Copley would like to apply for payment for upgrades to the wash bay including an overhead trolley system for our existing power washer which will make its us more efficient, and a drive over undercarriage salt neutralizer system (\$11,945); for cutting edges to more effectively clean the roadways (\$14,150); and two mini weather cameras for snow and ice management (\$6,000). The cutting edges should last 8-10 years. Pataskala and Harrison Twp have some that have lasted over 10 years. The cameras will assist Bubba in knowing whether salt spreading is necessary, reducing the amount of salt used. These are items specifically listed as eligible (Live Edge/Articulated Blades; Equipment Rinse and Rinse Collection for Recycling; Calibration/Salt Spreader Control Systems/ GPS Tracking/Monitoring Systems/Road Temperature Sensor) for the grant.

**ZONING** – The Zoning Commission met on January 9<sup>th</sup> to discuss the process for final consideration and recommendations related to the Comprehensive Plan. The Zoning Commission will hold a public meeting on January 23<sup>rd</sup> to discuss the Comp Plan. The Commission may determine at that meeting to make a recommendation to this Board to approve the Plan, or it may wait to further consider the Plan at the next meeting in February.

Nita Hanson presented information regarding the MS4 grant submission, the H2Oho Chloride Reduction Grant Program will award a total of approximately \$1 million in funding to local municipalities for equipment upgrades that will prevent the over application of salt on Ohio roads and reduce the amount of salt running off into Ohio’s streams, rivers, and lakes. Trustee McKee moved to apply for the MS4 grant and it was seconded by Trustee Evans. Discussion: The Trustees discussed applying for the MS4 grant. The motion passed by unanimous affirmative vote.

**TRUSTEE EVANS – WEST LICKING FIRE DISTRICT**

Trustee Evans provided a written West Licking Joint Fire District Report – January 2024.

**Old Business –**

**Change Board Resolution numbering format.**

Trustee Evans moved to remove this from the table.

The motion was seconded by Trustee McKee. Discussion: Trustee Evans would like to change the formatting sequence for the resolutions. Trustee Evans feels it is logical and it would simplify the process. The motion passed by unanimous affirmative vote. Trustee McKee motioned to vote on changing the resolution numbering format. Trustee Evans: Yes Trustee Burkholder: Yes Trustee McKee: No Discussion: Trustee Burkholder would have preferred for it to stay on the table, but motion was voted on by the board to implement the numbering format for the resolutions.

**Trash Contract**

Trustee Evans presented details of extending the contract or to place it out for bid with other trash companies. The current trash contract with Win-Waste is up on March 31, 2024. Per the current contract the Township has 90 days prior to the end of the contract to contract Win-Waste for a contract extension or to place it out for bid. The provision states the contract can be extended for another 3 years with up to a 10% increase. Win-Waste offered a contract extension of three years with a 10% increase. Trustee Evans provided research from neighboring townships in regard to their trash contract and even with the 10% increase Win-Waste was lower. One township had a bid proposal from Rumpke that mirrored the bid for the township however with a 5-year contract not 3 years. Per quarter there would be 6.3% savings going with Win-Waste. Trustee Evans did ask if the board wanted to accept the 3-year extension or put it out to bid, but then you don’t know what you are going to get in the bid return. Per Ms. Hanson, based on the information that we currently have it’s a matter for the board to determine whether the township extends the contract with Win-Waste or send it out for bid. Trustee Burkholder made a motion to either extend the contract or place it out for bid. Trustee Evans moved to extend the contract with Win-Waste. It was seconded by Trustee McKee. The motion passed by unanimous affirmative vote.

**Amend Resolution 24-01-08-02 Compensating the Current Full-Time Zoning Inspector**

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Trustee McKee motioned to discuss resolution. Trustee Evans seconded. Discussion: Some of the board members went outside to seek counsel and this was not brought before the board. Trustee McKee mentioned that if the board is to spend money, this must be brought before the board, which it was not. Trustee Burkholder concurred. Trustee Burkholder explained that the current inspector resigned suddenly. Trustee Burkholder felt there was some confusion regarding the manual and whether or not the inspector would get compensated for the holidays. Trustee Burkholder stated that due to time constraints with getting payroll turned in this action was necessary. The resolution needed to be amended because the Martin Luther King holiday compensation was missed, and Mr. Singleton needed to be treated fairly per Trustee Burkholder. Trustee McKee reiterated that the prosecutor was at the meeting and the services are free. Trustee McKee feels the board should have used the services of the prosecutor before seeking outside counsel. Trustee Evans said at the January 2<sup>nd</sup> meeting that the board approved the special outside counsel. Roll call Trustee Burkholder: Yes Trustee Evans: Yes Trustee McKee: Yes. The motion passed by unanimous affirmative vote.

### New Business –

#### Resolution to retain Bricker Graydon as Outside Special Counsel

**Resolution 24-01-16-01:** Trustee Evans moved Resolution to retain Bricker Graydon as Outside Special Counsel. The motion was seconded by Trustee Burkholder. Discussion: Trustee Evans feels it is important to move forward with expert advice with everything that is needed. Trustee Evans explained Bricker Graydon should handle the more specialized issues. The roll call on the motion was as follows: Trustee Burkholder, yes; Trustee Evans, yes; and Trustee McKee no; resolution passed 2-1.

#### Southwest Licking Community Water & Sewer District Zoning Permit Exemption Request

Southwest Licking Community Water & Sewer District would like exemptions from any township zoning. Discussion: Trustee Evans would like to hold SWLCW&S to apply to any required permits or zoning requirements. Trustee McKee had no comments. Trustee Evans moved to require them to follow the township zoning requirements. Trustee McKee seconded with discussion. Trustee Burkholder seconded the motion. Ms. Hanson was given a road map on how the exemption is to be determined. There are three steps that can determine exemption, 1.) According to Ohio Rev. Code 6119.06Z. 2.) If they will provide a letter of authorization stating they have made reasonable efforts to comply with zoning regulations. 3.) Insist they obtain a formal permit and pay the permitting fees. If the board does not feel they have met these requirements the board will need to relay this information to the water district so they can proceed how they see fit. Trustee Burkholder does not feel they are in compliance. Trustee Evans moved to withdraw his original motion. Trustee Evans moved to state that the Water and Sewer District is not exempt from our zoning requirements. Trustee Burkholder seconded the motion. This will remain on the pending agenda. Roll call Trustee McKee, no; Trustee Evans, yes; Trustee Burkholder, yes; motion passes 2-1.

#### Capital Appropriation Budget Submissions

Trustee Evans inquired if the township is submitting applications for the Capital Appropriation Budget. Trustee Evans feels it is important to apply, there may be missed opportunities for funds for the township. Trustee Burkholder motioned to research requirements. Trustee McKee seconded for discussion. Discussion: Trustee McKee mentioned that most Capital Appropriation Budget submissions are shovel ready projects. Need to research the requirements and Trustee McKee is not sure if Etna has any shovel ready projects. The board asked Ms. Hanson to research the requirements. Trustee Evans said this is an every two-year cycle so if the township is not approved this cycle we should do thorough research so that township will be ready on the next one. No further discussion. Roll call was as follows Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passed.

#### Resolution to contract with Pavement Management

**Resolution 24-01-16-02:** Trustee Evans moved to resolution to contract with Pavement Management. Trustee McKee seconded. Discussion: This contract will reinstitute the valuation of the road conditions and planning. Trustee Evans and Trustee Burkholder along with some of the road crew attended a presentation showing the importance of preservation and the importance to

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properly analyze the roads and to have a plan for maintenance and improvements. The amount of the contract is \$15,000. In 2022 Etna Township had previously contracted with Pavement Management. Trustee McKee asked for input from Bubba with the road department, Bubba stated that he believes this would be a benefit to the township. Trustee Evans agreed stating that it would be a good management tool. Roll call was as follows Trustee Burkholder, yes; Trustee Evans, yes; Trustee McKee, no; motion passed 2-1.

**Resolution on Solar Exclusionary Zone**

**Resolution 24-01-16-03:** Trustee Evans motioned to send a request to the Licking County Commissioners office to declare the unincorporated area of Etna Township, Licking County, Ohio to be restricted areas prohibiting construction of large solar facilities. Trustee Burkholder seconded the motion to adopt the resolution. Discussion: Trustee Evans feels this is good for the community. This board has already prohibited the community solar which is anything under 50 megawatts and above 5 megawatts. Trustee Evans believes it makes no sense to ban the middle part and do the extensive part. This is just requesting the Licking County Commissioners hold a public hearing. There will be more opportunity for the public to comment after this. Trustee Burkholder mentioned Liberty Township was the first township in Licking County to adopt this resolution and it was approved by the Commissioners Office. Trustee McKee wants everyone to realize that Etna and Liberty townships are two different townships and Etna township is unique. Trustee Evans asked Trustee McKee why is she against the exclusion of large solar facilities, but for the exclusion of the middle solar facilities. Trustee McKee refused to answer. Roll call was as follows: Trustee McKee, no; Trustee Burkholder, yes; Trustee Evans, yes; motion passed 2-1

**Motion to approve the proposal from Julian & Grube to file the Hinkle Reports for 2023**

Trustee Evans moved to approve the proposal from Julian & Grube to file the Hinkle Reports for 2023. Trustee Burkholder seconded the motion. Roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes; motion passed.

**Motion to approve Julian & Grube Contract for 2024 Accounting Services**

Trustee McKee moved to approve the Julian & Grube Contract for the Accounting Services. Trustee Evans seconded the motion. Discussion: Trustee McKee did want to make the public aware that the report is out there, and it is certified through the state. Roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes; motion passed.

**Fiscal Officer Report & Motions**

For the month of December there were \$1.4 million in revenue accounts. \$1.3 million in expense accounts. \$7.5 million cash balance between all accounts.

**Transfer**

No transfers

**Resolution to approve purchase orders.**

**Resolution 24-01-16-04:** Trustee Evans moved to approve Resolution 24-01-16-04 to approve purchase orders as presented. Motion was seconded by Trustee McKee. Discussion: There was no discussion. Roll call was as follows: Trustee Burkholder, yes; Trustee McKee, yes; Trustee Evans, yes; motion passed.

**Motion to ratify the payment of bills as shown on the payment listing.**

Trustee Evans moved to ratify the payment of bills as shown on the payment listing. Trustee McKee seconded the motion. Discussion: There was no discussion. Roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes; motion passed.

**Announcement and Trustee Comments –**

Trustee Burkholder thanked and welcomed the new faces at the meeting. Burkholder would also like to say that he appreciated the patience of the people who came to the last meeting, stating it was long. Burkholder also asked for patience from the board as there is lots of change and

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transitioning happening. Trustee Burkholder is working with Licking County on infrastructure projects. Also, had a meeting with Soil and Water.

Trustee Evans wanted to reiterate there has been no change to the password policy. It is the existing policy. He just wanted to ensure the passwords were kept somewhere. It is hard to keep continuing operation if we don't have the passwords in the case of a sudden resignation. Also, regarding the zoning position any movement on how to approach filling the position. The Trustee Burkholder will be doing more research between now and the February 6<sup>th</sup> meeting. Trustee Burkholder wants to make sure to get the proper job description, so that we can get the proper applicant.

Trustee Evans reviewed the latest trash invoice and noticed a commercial account that wasn't spotted. The township should be due a \$258 credit. Also, the zoning commission will be taking up the comprehensive plan at the next meeting on Tues February 23<sup>rd</sup> at 6pm.

Trustee McKee had no comments.

**Motion for Adjournment**

Trustee Evans moved to adjourn at 7:44 p.m. The motion was seconded by Trustee McKee and passed by unanimous vote.



Gary Burkholder, President



Julie Varian, Fiscal Officer

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