

# RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees Regular Meeting

Meeting

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

February 20,

2024

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

The Etna Township Board of Trustees met on Tuesday, February 20, 2024, in the Etna Township Administration Building for the purpose of conducting the 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 by Trustee Burkholder. 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 Evans asked for Health Insurance under old business F be moved to the start of old business. Trustee Evans mentioned there were individuals at the meeting and he wanted to be conscious of everyone's time. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

Trustee McKee moved to adopt the minutes from the January 2, 2024 regular meeting and January 8, 2024 special meeting. Trustee Evans seconded the motion. No discussion. Trustee Burkholder did mention that he is working with the township secretary to get the minutes caught up. The roll call was as follows: Trustee Burkholder, yes; Trustee McKee, yes; Trustee Evans, yes. Minutes were approved.

### Public Comments -

Chuck Bunde of 10254 Tollgate Road would like the township to consider moving to a home rule township. Mr. Bunde believes there is a lot to be gained by doing so.

Connie Hine of 10293 Smoke Road would like to someone to take a look at the culverts on her property. She states there is water backing up to the fields and house. Ms. Hine has mentioned this issue before, but nothing has been done. Trustee McKee and Trustee Evans both said they would have Bubba take a look at this and they will get back to her. Also, Ms. Hine invited everyone out to Licking Heights Middle School auditorium for a meeting concerning citizens being approached by China companies to buy their farmland.

### Reports:

Trustee Burkholder

### Roads

Trustee Burkholder met with TID regarding the Pike St development at High Point

### Zoning

### Parks and Recreation

### Fire Department

### Old Business --

#### a. Pike Street Project

The township has a check to pay TID for the extra engineering, but what has not been solidified is who pays for the construction and how much. Trustee Burkholder attended a meeting with the West Licking Community Improvement Corporation. They have a resolution to dissolve that organization with the remaining funds, which are over \$100,000 to pay expenses such as legal fees or anything that needs to come to Etna Township. Whatever remains, a check will be sent to TID. It may be in the \$70,000 and an audit will need to be done. That corporation will have to pay for that. Trustee Burkholder would like for the remaining funds that are to go to the TID to be used on Pike Street.

#### b. Wagram Plant Project

#### c. WIN Waste Contract

Trustee Evans said there needs to be an amendment to the first draft of the Win Waste contract. The contract was drafted by Win Waste when it should have been drafted by the prosecutor's office. Trustee Evans made the motion to deal with Win Waste. This motion was seconded by Trustee Burkholder.

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Discussion: Trustee McKee noticed a discussion in an email before the meeting stating that Trustee Evans would like to be the point of contact which is a no no. Trustee Burkholder clarified that when the agenda is being drafted all trustees have the opportunity to add business to the agenda. There was no discussion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

### d. Security System

Trustee Burkholder has had contact with SOS and has not had the opportunity to retrieve the public records from the computer system but will follow up. Trustee Burkholder has also had conversations with State Security and is hoping to meet with them next week. He did say the server is secure and the key box is secure. Trustee Burkholder said that they do take security seriously. Trustee Evans is requesting the chair to have SOS make a copy of what's on there and simply plug in the system so that we have an active security system. Trustee McKee requested the cameras be removed from the building because they were from China and requested our money back. She sent the request over to the prosecutor's office to no avail. Trustee McKee wanted the money back for the cameras not for his labor.

### New Business –

#### a. Cemetery – Request to waive attorney client privilege – Maintenance.

Trustee Evans moved to waive the attorney client privilege to discuss the legal analysis from the prosecutor's office in an email dated 12/18/23. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee would like to know the reasoning behind needing to waive the attorney client privilege. Trustee Evans said it needs to be waived so that the board can discuss the legal analysis provided by the prosecutor's office. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

#### b. Social Media Account for Township

Trustee Evans would like to create an Etna Township social media page. Trustee Evans feels it is important to reach the residents of the township better. Trustee Evans moved to create a social media page for the township. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee feels we are short-staffed and does not feel it is a good idea to have a Trustee manage the page. She also believes it is not appropriate and would open too many cans of worms. Trustee Evans feels it is necessary to start in order to fully reach and inform the residents sitting there very small attendance at Comprehensive Plan Meeting I. Trustee Burkholder feels that Facebook is a powerful tool but is not a good idea at this time. He did let the residents know that if they are not already on the list serve that is an option to be informed or go to the township website. Trustee Burkholder feels Facebook has been weaponized within the community and at this time he is not in support of it. Trustee Burkholder is willing to revisit this topic at a later date. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, no; Trustee McKee, no. Motion fails.

#### c. Farm Lease

Trustee Burkholder made the motion to discuss the farm lease. Trustee McKee seconded the motion for discussion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes. Discussion: Trustee Evans feels the township needs to send it out for bidding. Trustee Evans said the last bid was below the going rate and feels the township should be fairly compensated. Trustee Burkholder has talked to Charles Haggly who is interested in farming that property but was unable to attend the meeting. Kevin Keller spoke at the meeting who currently has a lease on the property. His lease is a one-year lease then year to year. Mr. Keller is aware that access is not readily available to the property.

#### d. CAUV

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Trustee Evans moved to direct Trustee McKee to file the CAUV reports that are due on March 1, 2024. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**e. T-Mobile Government account**

Trustee Evans motioned to have the T-Mobile account transferred from a business account to a government account. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**f. AHS Etna – Grant Funding Public Road**

Trustee Evans motioned to allow him to work with the prosecutor's office regarding the request for funding from the 629 grant. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee said a decision was already made that the board is not obligated to give the money to the TPA in the amount of \$100,000. The board spent money with Brosius and Griggs to look this over. The firm agreed that there was no contract and if the township were to give the money to TPA there would be an audit. Trustee Evans said since this review there has been a formal request for the reimbursement of said funds. Trustee Evans feels the board should do proper due diligence and look over the request for payment. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**g. Mark Evans – Health Insurance**

Trust Burkholder motioned to make Trustee Evans the contact person for Health Insurance Renewal. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**h. GROW Licking County renewal**

Trustee Burkholder moved to approve the renewal of GROW Licking County. Trustee Evans seconded the motion. Trustee McKee feels Etna Township does not have a seat at the table for what GROW does for the township. There was a 90-day renewal contract that was stopped but has since started back up. Trustee McKee feels GROW Licking County is misleading. GROW Licking County claimed the Uline and Ryder projects, Trustee McKee says that Etna Township did everything. The renewal cost is \$15,000 per year per Trustee Burkholder. The roll call was as follows: Trustee McKee, yes; Trustee Burkholder, yes; Trustee Evans, yes. Motion passes.

**i. Ohio Health Consortium Twp Rep**

Trustee Evans moved to appoint Trustee McKee to be the township representative for the Ohio Health Consortium. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**j. MORPC Planner Pool Program**

Trustee Burkholder introduced MORPC, which is a planner pool program. Trustee Burkholder will likely bring it up in a future meeting since the information was just handed to the other trustees. Trustee Burkholder is waiting for the MORPC representative to get back to him. When the township is in need of a planner or zoning inspector MORPC has a pool of individuals you can choose from. There was no action tonight.

**k. Re-assignment of Trustee Responsibilities**

Trustee Evans recommended Trustee McKee oversee the cemeteries and town hall reservations. Trustee McKee is against this recommendation, stating that she is already in charge of parks, CAUV, and the Ohio Health Consortium. Trustee Burkholder moved to have Trustee McKee deal with parks. The motion was seconded by Trustee McKee. The roll call was as follows: Trustee Evans, no; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes. Trustee Evans moved to appoint Trustee Burkholder over the road department, office, and zoning. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee McKee, yes; Trustee Burkholder, yes. Motion passes. Trustee Burkholder moved to appoint himself over cemeteries. Trustee McKee seconded the motion. The roll call was as

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follows: Trustee Evans, no; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes. Trustee Burkholder will continue to work with the office staff regarding public records.

#### l. Motion Temp Employment

Trustee Burkholder moved to take the lead on working with a temp agency to fill the administrative assistant position. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee needed clarification on a few items. Will this temporary assistant be working with Laura, how many hours per week, will this become a permanent position, and what all tasks will this temporary assistant be doing. Trustee Burkholder would recommend advice from the board on hours and Trustee Evans recommends a 40-hour week. F/O asked would there be a pool of candidates and would there be a special meeting called to discuss the potential hire. Trustee Burkholder said the board would receive recommendations from the agency, then a special meeting would be called for interviewing. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

#### m. Motion Brosius Griggs to Bricker Graydon

Trustee Burkholder moved to direct Brosius and Griggs to transfer all township files to Bricker Graydon LLP and to authorize Bricker Graydon LLP to (a) review and advise on the SWLCWSD's opinion the district is exempt from township zoning. (b) review and advise on all JEDDs and JEDZs. Trustee McKee seconded the motion for discussion. Discussion: Trustee McKee said when the board decided to move to Brosius it was very expensive to move from the old firm. Trustee McKee questioned if Bricker Graydon will be able to handle all the JED and JEDZ projects. Peter Griggs with Bricker Graydon said they have not had very much work with JED and JEDZ when questioned by Trustee Burkholder during a phone call. Trustee Burkholder believes that the firm has a larger staff and more experience. Trustee Evans moved to amend the motion to include see review and revise on potential annexation issues. Trustee Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion to the amendment passes. Trustee Burkholder wants to make sure the board is getting expert advice and that things are done correctly. The roll call was as follows: Trustee Burkholder, yes; Trustee McKee, no; Trustee Evans, yes. Motion passes.

### Fiscal Officer Report & Motions

#### a. Resolution 2024-012 Purchase Orders

Trustee Evans moved to approve Resolution 2024-012 Purchase Orders. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

#### b. Payment of Bills

Trustee Evans motioned to ratify the payment of bills as listed on the payment listing. Trustee McKee seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

#### c. Kevin Keller – Keller Enterprises

### Executive Session –

Trustee Burkholder moved to go into Executive Session per O.R.C. 121.22 (G) (3) A conference with an attorney, for the public body, concerning disputes involving the public body that are the subject of pending or imminent court action. The motion was seconded by Trustee Evans. The motion passed by unanimous affirmative vote. Invited into the executive session were the Board of Trustees and Attorney Patrick Cason. The time was 7:47 p.m.

Trustee Evans moved to come out of executive session and the time was 8:23 p.m. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.

### Announcement and Trustee Comments –

Trustee McKee in the era of transparency, wanted to bring to the board her using the Enna Township logo to advertise in the Lincoln Day to run an advertisement supporting her as trustee. Trustee Burkholder and Evans were not comfortable with it. Trustee Evans moved to approve the Prosecutor Request Approval to be signed by Trustee Burkholder after the meeting. Trustee

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Burkholder seconded the motion. The roll call was as follows: Trustee Evans, yes; Trustee Burkholder, yes; Trustee McKee, yes. Motion passes.

**Motion for Adjournment**

Trustee Evans moved to adjourn at 9:15 p.m. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.

  
Gary Burkholder, President

  
Julie Varian, Fiscal Officer

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