

Minutes of the Board of Licking Township Trustees, Regular Meeting held at the Fire Co., Station 3, Jacksontown, OH at 7:30pm on September 6, 2011.

Mr. Hart called the meeting to order with the following members present: Joseph Hart, David Miller and Ronald Acord. Jill Linn was absent.

Others Present: Richard Cash, John Holman, Ed Monroe, Andrea Holman Lynch, Joe Walker, Bill Ours, Barbara Maresca, Mike Wilson and Steve Patterson.

The Pledge of Allegiance was recited.

Mr. Hart mentioned that he picked up the new sound system for \$399.99. He thanked Steve Patterson for helping him set it up.

Mr. Hart mentioned that Ed Rickels was unable to attend the meeting tonight but would like to reschedule.

Minutes of the April 18, 2011 meeting were read, approved and signed by the Trustees.

The financial reports were given to the Trustees.

Mr. Miller made a motion to approve the expenditures totaling \$79,880.41. Mr. Acord seconded the motion. Roll call: Hart, yes; Miller, yes; Acord, yes.

There are funds on hand or in the process of collection to pay the attached listed bills. _____, Fiscal Officer.

CORRESPONDENCE:

1. Received information from the Licking County planning Department regarding Richard Cash.
2. Received an email from Kevin Eby.

Kevin Eby, Director of the Locking County Water & Wastewater Department, informed the Trustees that he is reapplying for funding for the Jacksontown Sewer Project.

Mike Wilson gave the Fire Co. report. There were 89 runs in the month of August. He mentioned that Kyle Weekly

passed his medic class, his medic practicals and his national registry medic. Mike Wilson thanked Mike Briggs for helping with the fireworks at Dawes. Mike mentioned that they received their turnout gear with the FEMA money. Mike also mentioned that the roof needs to be repaired.

Mr. Acord went over the two bids that he received regarding the roof at Station 3. Mr. Hart mentioned that the bids need to be apples to apples. Mr. Acord will get a couple more bids. A discussion followed.

Joe Walker gave the Zoning Report. He turned in 1 permit totaling \$50. He has received a few complaints regarding high grass. Mr. Hart asked about the situation regarding Thad Cooperrider. Mr. Walker said that the situation has been taken care of and Thad Cooperrider is able to proceed. Mr. Miller said that there looks like a pool barn being built over in the Fairview Addition and didn't know if Joe issued them a permit. Joe said that he will check it out.

Mr. Acord mentioned that the residents off Logan would like to know if they can put in a dry hydrant. Mike Wilson said that it is not a good area.

Mr. Miller talked with Tim Lollo about adding a section of White Chapel Road east of the railroad to the road resurfacing bid. A discussion took place. Mr. Hart said that we need to check on the funds. Mr. Miller said that he talked to the Fiscal Officer who said that money can be moved from the general fund. Mr. Miller will contact The Shelly Co. to measure and give us an estimate.

Mr. Miller said that the number 2 truck will eventually need the engine and transmission replaced. Mr. Miller gave information to the Trustees regarding a new truck. A discussion followed. Mr. Hart would like to sit and discuss capital investments and plan for them instead of react to them. He doesn't disagree that we need a truck but would like to see it.

Mr. Miller talked to the health department because there were a few people who have had an issue with sewage in their ditch on Kirby. The guy from the health department said that he would like to have it pumped out and Mr. Miller said that it is in the township right of way and that the township will not dig it out because the ditch will be deeper than what it was and what would we do with

the raw sewage. Mr. Millers mentioned to him that if it needs to be pumped out that either the health department or the land owners should foot the bill and not the township. The health department is in contact with the prosecutor to see what can be done.

Mr. Miller received a call from a resident in Harbor Hills who said that if they dig up Amherst he would like some of the concrete to use as sea wall material. Mr. Miller told him to get his permit from ODNR and he will talk with The Shelly Co. to see if they can haul it down the street and dump it. Mr. Miller said that previously The Shelly Co. would give the concrete to the township.

Mr. Acord mentioned that the resident next to Mr. Snedden asked why the township hasn't done anything with the weeds. Mr. Acord told her that the township was not allowed to. Mr. Miller said that we are not allowed to touch them by the deputy until it is determined who owns it. Mr. Hart said it may be best if she gave us a complaint in writing so that it can be turned over to Mark Zanghi along with pictures.

Mr. Hart mentioned that at the last meeting there were there questions about whether or not the single source trash hauling could be placed on the ballot; whether voters could put it on the ballot or whether or not the voters could place a referendum on the ballot if the board did vote to have single source tax district. Mr. Hart went to the prosecutor for answers. Mr. Hart mentioned that no one, including the Trustees can put it on the ballot. If the Trustees decided to go with a single source contract and there are resident who do not agree with who is chose there is no process for them to challenge it. According to the Ohio Attorney General Opinion No. 96-006 there is no authority which requires the board of township trustees to submit to the voters of a township the issue of the designation of an exclusive provider of waste disposal services for the township. Absent an abuse of discretion by the board of township trustees, or an unlawful interest in the contract, there is no legal remedy for the township residents who are unhappy with the designation of the independent contractor as the exclusive provider of waste disposal services. Part of the opinion reads that the General Assembly thus has vested the board of township trustees with the authority to determine whether the township should enter into a contract that makes an

independent contractor the exclusive provider of waste disposal services in the township. There is no statutory authority for anyone to submit to the township electorate the issue whether the township should enter into such a contract. Absent such authority, the issue may not be placed on the ballot. Mr. Acord said that after the two meetings he feels that we should not go to a single source trash hauler. Mr. Miller received a copy of the meeting that Newark had and after reading it that it was not apples to apples. If you are not happy with the amount that you are paying then you need to talk to the company that you are with. Mr. Miller doesn't want someone to tell him who to use. Mr. Hart mentioned that when Ed Monroe brought this to the board a year ago that none of the trustees were interested in pursuing it at that time. In fairness to Ed, since the surrounding townships were doing it that we at least owed it to ourselves and to the individuals requesting it, that we do a thorough analysis and evaluation, at which time the trustees agreed. Mr. Hart mentioned that he cannot support having a single source contract with our township at this time based on the following reasons: 1) during the two meeting that we had we learned that there is a wide variety of pricing and that there is a competitive rate of \$15 a month which seems to be available to everyone based on the information that was given. The ranges were from \$10 to \$30 a month. 2) as they determined based on the information from the prosecutors' office that we have a large portion of our residential homes informed us that they would opt out and that portion is Harbor Hills Homeowners Association 3) the bidding process itself could eliminate the current low cost hauler. Mr. Hart mentioned that at the July 5 meeting, Seth Ellington who is a township resident and also an executive officer at Big O, stood before us and said that as a resident that he prefers that this be determined by an open market. Mr. Hart said to Ed Monroe that this really didn't hit him until he wrote down is final note from Marshall Eubanks who made a comment at the last meeting when he said that he is not qualified because he lives in the Harbor Hills. Mr. Hart mentioned to Ed that the Dogwood Lakes Homeowners Association has options that they can pursue if they choose just like the Harbor Hills Homeowners Association. Based on public input and his own belief, Mr. Hart believes that our board doesn't need to dictate who can pick up trash in Licking Township. He was ready at the last meeting to give an reply to the comments that were

made until after his analysis. All 3 trustees agree and they will not pursue the single source trash hauler.

Mike Briggs mentioned that they should check with the EPA regarding the sewage in the ditch. Mr. Hart would like to solve without the EPA if possible.

Richard Cash mentioned that the cement that the resident wants to dump by the lake would need to go through the Core of Engineers. Richard mentioned that metal roofs last 50 years if they are put on correctly. He also asked if the school is being used and he was told yes.

Mr. Acord made a motion to adjourn the meeting at 8:58pm. Mr. Miller seconded the motion. Roll call: Hart, yes; Miller, yes; Acord, yes.

Attest

September 6, 2011 Minutes