

Minutes of the Board of Licking Township Trustees, Regular Meeting held at the Fire Co., Station 3, Jacksontown, OH at 7:30pm on October 15, 2012.

Mr. Hart called the meeting to order with the following members present: Joseph Hart, David Miller, Ron Acord, and Andrea Lynch.

Others Present: Richard Cash; John Holman; Jerry Dixon; Bill Ours; Mike Wilson; Charlie Prince.

The Pledge of Allegiance was recited.

Minutes of the previous 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 \$29,003.11. Mr. Acord seconded the motion.
Roll call: Acord, yes; Hart, yes; Miller, yes;

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

CORRESPONDENCE:

1. Resume from Mark Shoenfelt
2. OTA Scholarship Application
3. Resignation letter from Ed Rickels
4. Letter from Licking County Planning Commission regarding text ammendments
5. Letter from Licking County Planning Commission w/map
6. Letter from Time Warner Cable regarding restructuring
7. Letter from Shelly Company regarding 2013 rate increases
8. Two emails from Prosecutor's Office: 1)regarding Mark Zanghi out of office 2)regarding legal representation for Mr. Michael Heckmann
9. Email response from Brian Weaver regarding light pollution

Mr. Miller made a motion to authorize the fiscal officer to advance up to \$200.00 to the Zoning Clerk as use for petty cash. Mr. Acord seconded the motion.
Roll call: Miller, yes; Acord, yes; Hart, yes.

Mr. Acord presented the fire company report. There were 62 runs (52 EMS; 10 Fire) for the month of September with a total year to date of 691.

Zoning Inspector John Holman reported issuing 1 permit and collected fees in the amount of \$100.00 for a pole barn for Parkinson on Edgewater Beach Blvd. Mr. Holman advised the board that the letter from Troy Warnock mentioned at the last meeting, has been routed to the town hall for the trustees records. Additionally, Mr. Holman indicated that no decision was reached at the zoning hearing held on 10/08/12.

A brief discussion took place regarding the resignation letter received from Ed Rickels. Mr. Hart requested that the fiscal officer advertise for 1 permanent & 1 alternate position for the Zoning Commission. Additionally, Mr. Hart requested that the fiscal officer contact Doug Price to see if the Zoning Board of Appeals would like to also advertise for the 1 vacant permanent position on the board of appeals. Mr. Hart and Mrs. Lynch will review the term expirations and work towards placing an ad.

Mr. Miller presented the board with an estimate from Ed Schmidt Auto, Inc. for a new truck.

A brief discussion took place regarding the Ohio Public Works collaboration with Franklin Township. Mr. Miller also mentioned that the John Deere was going to need new front tires.

Mr. Hart made the motion to adopt the following agreement:

AGREEMENT BETWEEN LICKING TOWNSHIP, BOARD OF LICKING COUNTY COMMISSIONERS, AND THE LICKING COUNTY ENGINEER TO ADMINISTER THE EXCAVATION PERMIT SYSTEM FOR THE ATEX PIPELINE. This Agreement, dated as of the date last signed by the parties hereto, is entered into by and between the Board of Township Trustees of Licking Township, the Board of Licking County Commissioners, and the Licking County Engineer to authorize the Licking County Engineer to administer the excavation permit system for the excavation and installation of the ATEX Pipeline in the rights-of-way in Licking Township.

WHEREAS, the ATEX Pipeline is proposed to be installed, in part, in Licking Township; and,

WHEREAS, the Licking County Engineer has offered his expertise in overseeing the excavation of the public rights-of-way for the installation of the ATEX Pipeline; and,

WHEREAS, Ohio Revised Code Section 9.482(B) authorizes political subdivisions to enter into agreements with other political subdivision in which a political subdivision agrees to exercise any power, perform any function, or render any service for another political subdivision that such a political subdivision is otherwise legally authorized to exercise, perform, or render; and,

WHEREAS, the Board of Township Trustees of Licking Township has adopted a Resolution, a copy of which is attached hereto as "Exhibit A", which authorizes the Licking County Engineer to oversee and administer the permit and excavation work in Licking Township rights-of-way for the ATEX Pipeline.

NOW, THEREFORE, the parties hereto agree as follows:

- 1. The Licking County Engineer shall administer the permit excavation system for the excavations of rights-of-way in Licking Township for the installation of pipeline for the ATEX Pipeline; and,*
- 2. The Licking County Engineer shall use the Licking County Engineer's Pipeline Crossings permit for the administration of such excavations and installations.*

IN WITNESS WHEREOF, the parties hereto have provided their approvals and affixed their signatures.

*Board of Township Trustees of Licking Township
Dated: October 15, 2012*

Mr. Miller seconded the motion. Roll call: Acord, yes; Miller, yes; Hart, yes.

Mr. Miller made the motion to adopt the following resolution:

RESOLUTION ATEX 2-2012: RESOLUTION TO ENTER INTO AN AGREEMENT WITH THE LICKING COUNTY ENGINEER AND THE BOARD OF COUNTY COMMISSIONERS TO ADMINISTER THE EXCAVATION PERMIT SYSTEM FOR THE ATEX PIPELINE

The Board of Township Trustees of Licking Township met in regular session on the 15th day of October, 2012, with the following members present: Mr. Acord, Mr. Hart, Mr. Miller.

WHEREAS, the ATEX Pipeline is proposed to be installed, in part, in Licking Township; and,

WHEREAS, the Licking County Engineer has offered his expertise in overseeing the excavation of public rights-of-way for the installation of the ATEX Pipeline; and,

WHEREAS, Ohio Revised Code Section 9.482(B) authorizes political subdivisions to enter into agreements with other political subdivisions in which a political subdivision agrees to exercise any power, perform any function, or render any service for another political subdivision that such a political subdivision is otherwise legally authorized to exercise, perform, or render; and,

WHEREAS, the Board of Township Trustees of Licking Township has adopted a Resolution, a copy of which is attached hereto as "Exhibit A", which authorizes the Licking County Engineer to oversee and administer the permit system and excavation work in Licking Township rights-of-way for the ATEX Pipeline.

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Licking Township, that we do hereby enter into an Agreement with the Licking County Engineer and the Board of County Commissioners of Licking County, Ohio, a copy of which is attached hereto as "Exhibit B", for the administration of an excavation permit system for the ATEX Pipeline.

Mr. Hart seconded the motion. Roll call: Miller, yes; Hart, yes; Acord, yes.

Mr. Hart made the motion to adopt the following resolution.

RESOLUTION: ATEX 3-2012: IN THE MATTER OF ADOPTING AN EXCAVATION PERMIT SYSTEM FOR PROPOSED EXCAVATIONS ON LICKING TOWNSHIP ROAD OR HIGHWAY RIGHTS-OF-WAY (R.C. 5571.16)

The Board of Township Trustees of Licking Township, Licking County, Ohio, met in regular session on the 15th day of October, 2012, with the following members present: Mr. Acord, Mr. Hart, Mr. Miller. Mr. Hart moved the adoption of the following:

WHEREAS, the Board of Trustees of Licking Township, pursuant to R.C. 5571.16, is empowered to require any person to obtain a permit before making any excavation in a township highway or highway right-of-way within its jurisdiction, except an excavation to repair, rehabilitate, or replace a pole already installed for the purpose of providing electric or telecommunication service; and,

WHEREAS, the Board of Trustees of Licking Township, pursuant to R.C. 5571.16, is empowered to condition the granting of such a permit on the following:

- (A) Require the applicant to submit plans indicating the locations, size, type, and duration of the excavation contemplated;*
- (B) Specify methods of excavation, refilling, and resurfacing to be followed;*
- (C) Require the use of warning devices it considers necessary to protect travelers on the highway;*
- (D) Require the applicant to indemnify the township against liability or damage as the result of the excavation; and,*
- (E) Require the applicant to post a deposit or bond, with sureties to the satisfaction of the board, conditioned upon the performance of all conditions in the permit; and,*

WHEREAS, the Board of Township Trustees of Licking Township, pursuant to R.C. 5571.16, shall charge a _____

dollar (\$____.____) application fee for each permit application, which fee shall be returned to the applicant if the application is denied; and,

WHEREAS, the Board of Township Trustees of Licking Township, pursuant to R.C. 5571.16, shall not require an application or charge a fee for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service, but the person making that excavation shall provide verifiable notice of the excavation to the Licking Township Fiscal Officer at least three business days prior to the date of the excavation; and,

WHEREAS, no person shall make an excavation in any township highway or highway right-of-way in violation of the resolution adopted herein, except that, in the case of an emergency requiring immediate action to protect the public health, safety, and welfare, an excavation may be made without first obtaining a permit, if an application is made at the earliest possible opportunity; and,

WHEREAS, the Licking County Engineer has expressed an interest in overseeing the excavation of county and township roads in Licking County to install the ATEX Pipeline; and,

WHEREAS, as the Licking County Engineer has adopted a Pipeline Crossings permit for the excavation of rights-of-way in Licking County in order to install the pipeline for the ATEX Pipeline; and,

WHEREAS, pursuant to Ohio Revised Code Section 9.482, Licking Township and Licking County may enter into an agreement for Licking County to perform Licking Township's authority and functions pursuant to Ohio Revised Code Section 5571.16.

NOW THEREFORE, be it resolved by the Board of Township Trustees of Licking Township that, pursuant to Ohio Revised Code Sections 5571.16 and 9.482, the Licking County Engineer's Pipeline Crossings permit for the excavation of rights-of-way in Licking County for the installation of pipeline for the ATEX pipeline is adopted by the Board of Township Trustees of Licking Township for such excavation and installation in the roads/rights-of-way in Licking Township; and,

BE IT FURTHER RESOLVED that the excavation permit system shall be administered through the permit form attached hereto as "Exhibit A"; and,

BE IT FURTHER RESOLVED that the Licking County Engineer shall administer the permit system.

Mr. Miller seconded the motion. Roll call: Acord, yes; Miller, yes; Hart, yes.

Mr. Hart indicated that Amanda Penick Griffith from Eagle Wings Academy was originally scheduled to attend tonight's meeting to address the board however due to family illness she was unable to attend.

Mr. Acord made a motion to adjourn the meeting at 8:29 p.m. Mr. Miller seconded the motion. All in favor: Miller, aye; Hart, aye; Acord, aye.

The meeting was adjourned at 8:29 p.m.

Attest

October 15, 2012 minutes