

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: August 21, 2017

Council called to order in regular session at 7:03 p.m. with Mayor Todd Buehrer presiding. Roll call of members: Brenda Mackey, here; John Heckerman, here; Connie Mehring, here; Jamin Roe, here; Jason Benedict, here; James Head, here. Also present was Utilities Superintendent Brandon Johnson and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the August 7 meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilwoman Mehring made a motion that these bills be allowed and orders drawn for same. Councilman Roe seconded this motion. All were in favor; motion carried. A copy of the July RITA report was given to the Finance Committee to review.

Mayor Buehrer reported that the Village of Tontogany was selected by the Solid Waste Management District (SWMD) as one of four proposed locations (along with the Village of Pemberville, Portage Township and the Village of Custar/Milton Township) to be a part of a pilot study for permanent recycling locations, beginning sometime in 2018. The Sentinel-Tribune published information about this pilot study before the SWMD had a chance to talk with the proposed villages/townships to see if they would like to participate in the study. The SWMD contacted Mayor Buehrer the same day the article was published in the paper and he told them he would bring it up at the next council meeting on August 21. What they want to do is put a container in a location we choose in Tontogany, so people can drop off their recycling at any time, 24/7, instead of having the recycling trailer here only on the fourth Saturday of each month. About once a week a company will come and pick up the collected recycling from the container. It will not be a huge container and it may or may not have dividers for different kinds of materials. Councilman Benedict asked if this would replace the boy scouts, who now operate the recycling trailer. Mayor Buehrer replied that it would. The village pays the boy scouts, but this would be free; the commissioners will be paying for everything. The pilot study is expected to last six to twelve months. The Village or the SWMD can decide to discontinue the program if it doesn't work out well for any reason. The remaining satellite locations and times will remain the same during the pilot study (i.e., other towns operating programs like Tontogany's trailer recycling drop-off). The SWMD will update the communities with the progress and results of the pilot study through their quarterly electronic newsletter. Members discussed possible locations for the container to be placed and possible problems that could occur. Councilman Roe voiced his opinion that we should try the pilot program, with the understanding that we are under no contract and can discontinue it if people begin to complain that it is an eyesore or if people begin to misuse the container for improper items. He also suggested sending a letter to residents when the pilot study is about to begin, informing them that this is a merely a pilot program and it will be discontinued if it is abused. Councilwoman Mackey said she was also for trying it. Other members voiced no objections, so Mayor Buehrer said he would contact the SWMD, tell them we are interested, and ask them to continue to give us updates of information on the program.

Mayor Buehrer read a letter to him from the Ohio Municipal League (OML), introducing the National League of Cities Service Line Warranty Program, administered by Utility Service Partners, Inc. They encouraged the Village to consider adopting the program, which makes homeowners of participating cities and villages eligible to purchase insurance protection for broken or leaking outside water and sewer lines, up to \$8,500 for each occurrence. Mayor Buehrer said he wasn't sure that it would prove to be cost effective for homeowners more than other insurance policies they might purchase, or just paying for repairs themselves if a break should occur. He advised any members interested in getting more information to contact the representative at Utility Service Partners, Inc. listed in the letter from OML.

Mayor Buehrer reported that the village received a copy of a certification by the Wood County Prosecuting Attorney, through the Assistant Prosecuting Attorney, to the Wood County Court of

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Common Pleas that, after two unsuccessful Sheriff's sales, the property at 18633 Main Street, Tontogany Ohio shall be forfeited as set forth in R.C. 5723.01(A). The Prosecuting Attorney, therefore, has asked the Court to offer to forfeit the property to various named entities, including the Village of Tontogany, with a ten-day deadline to petition the Court in order to receive the property by forfeiture. If no petition is filed within ten days of receiving notification from the Court, the property shall be forfeited to the State of Ohio, and a warning is included: "The political subdivision may be required to pay taxes and assessments that have accrued and are due as of the date the property is forfeited." Fiscal Officer Harnishfeger provided copies of the Prosecutor's certification to each member and he reported that he had called Mayor Buehrer about it as soon as he received it, and then emailed Village Solicitor Paul Skaff for advice on the best course of action for the village. Solicitor Skaff replied that, the best he can tell, the current tax bill on the property is \$57,000, not including 2017. Mr. Skaff said that he generally recommends that villages not become real estate investors or landlords. If, however, the village council decides the investment is important, he is happy to help with the process. Mayor Buehrer described to members how the township handled a similar thing that happened to them. There was a property where the home was destroyed by fire and the homeowner walked away from it. The property was eventually forfeited and offered to the township trustees and other entities. The trustees managed to get the taxes on the property wiped out. Then they put it up for auction and sold it for about \$10,000 or so. However, in the village's case, since this property didn't sell at two Sheriff's sales, there would be a requirement to get two-thirds of the property value, plus deal with paying or trying to get forgiveness for about \$57,000 worth of taxes and assessments, close to \$30,000 of which is owed to the village. If it goes to the State of Ohio, it may set for many years with nothing done about it. The biggest problem for the village is the taxes on the property. If another entity takes the forfeiture, they would want the village to forgive all of the taxes owed to us. If the village takes the forfeiture, we would have to forgive ourselves the taxes owed to us, plus try to get all of the other entities to forgive the taxes owed them. Neither the village nor the other entities are likely to want to give up the money owed to us, and the building wouldn't sell for nearly enough to cover the taxes, so none of the entities offered the forfeiture are likely to take the property. If the State of Ohio takes it and we begin to have deterioration problems, perhaps the State, being the owner, would have to do something about it. Councilman Benedict asked if the electric and water utilities have been shut off. Utilities Superintendent Johnson answered that they have been shut off. Mr. Benedict said he was just wondering what the effect would be of having no heat in the building in the wintertime. In conclusion, Mayor Buehrer said he is not interested in pursuing the forfeited building and getting into the carryout business, or worrying about taking care of the upkeep of the building, or worrying about trying to negotiate to get rid of the taxes on it. Councilmembers voiced their agreement with the mayor.

Mayor Buehrer pointed out that everyone received a copy of the Ohio Revised Code that answers our question about whether or not multiple readings of legislation can be done at one meeting. R.C. 731.17(2) states: "Each ordinance or resolution shall be read on three different days, provided the legislative authority may dispense with this rule by a vote of at least three-fourths of its members." Mayor Buehrer said that the village will comply with this rule.

**ZONING:** Nothing to report. Councilwoman Mackey asked if Administrator/Zoning Inspector Johnson let anyone know why he didn't attend this meeting. Mayor Buehrer replied that he probably should have let someone know, but he did not. Ms. Mackey added that council members are expected to let someone know if they can't attend, so it seems right that the administrator should do so as well.

**UTILITIES:** Councilman Heckerman reported that L-B Electric was in town fixing street lights today. They were also going to check into a fuse box they installed that had problems during the festival.

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**STREETS and ALLEYS:** Mayor Buehrer reported that the street sweeper came and did all of the streets and alleys. They did a good job.

**SIDEWALKS and TREES:** Mayor Buehrer reported that Abe Rowe has not come to do trimming yet of limbs hanging down in the village, blocking sidewalks, roads, and visibility. There is a lot of trimming that needs done on Washington Street, Main Street, Broad Street and other places.

Councilman Benedict reported that Dawn Kinder had asked him if we were going to do any sidewalk repairs of bad spots in town this year. Mayor Buehrer asked Fiscal Officer Harnishfeger if we had put aside money for sidewalk repair this year. Mr. Harnishfeger replied that \$10,000 was appropriated for fixing bad spots in the sidewalks around town. Mayor Buehrer recommended going through the village and marking the spots we want to have fixed this year, such as places where village trees have caused sidewalks to heave, and then get in touch with a contractor to come and do the job. Councilman Roe asked the mayor to give him a list of people with bad sidewalk spots, so he could measure how many linear feet of sidewalks would be needed, for the purpose of advertising to get quotes. Fiscal Officer Harnishfeger offered to look up addresses for the list of names.

**DRAINS and SEWERS:** Nothing to report.

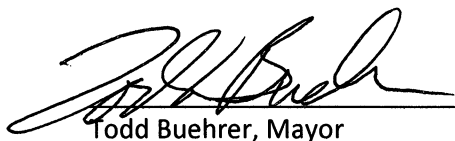
**CITY HALL and PARKS:** Councilwoman Mehring reported a suspicious occurrence at Centennial Park on Wednesday, August 16<sup>th</sup>. She and another woman were there watching grandchildren at play, when a young man, about twenty years old, walked over to the fence and then walked away. About ten or fifteen minutes later, a girl came to the park in a dark car, walked over to the spot where the young man had been at the fence, and picked up an envelope. She took it back to her car, sat there for about ten minutes, and then left. Ms. Mehring said she did not recognize the people or the car, but she did report it to Matt Dickson, who instructed her, if it happens again, not to touch the envelope, but just call the police.

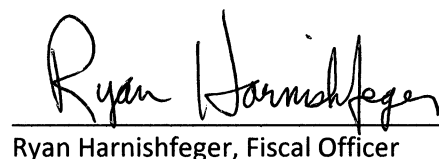
Councilwoman Mehring suggested that members begin thinking about who we would like to do the tree lighting this year. Mayor Buehrer added that we need to decide on a date for Halloween too. Fiscal Officer Harnishfeger reminded everyone that the Halloween dates had been decided earlier this year and have already been posted on the village website. The village will celebrate Halloween on Tuesday, October 31<sup>st</sup>, with trick or treat from 5 to 6:30 p.m. and the parade at 7 p.m.

Councilman Roe reported that people playing horseshoes and other activities at Centennial Park were having a problem with a large type of wasp very thick there. Fiscal Officer Harnishfeger added that Liz Heckerman came in to the office today and reported the same thing. She couldn't mow the area where the wasps were because they were so thick and aggressive. She asked if the village could get a professional exterminator to deal with them. Councilman Heckerman offered to call the company that does extermination for the elevator. Members agreed that it would be a good idea for him to do so.

Fiscal Officer Harnishfeger reported that the coin box for the lights at Centennial Park still needs to be emptied. He offered to make the keys available to Ron Mackey, who usually empties it. Councilwoman Mackey said she would tell Ron.

With nothing further to discuss, Mayor Buehrer declared the meeting adjourned at 8:16 p.m.

  
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Todd Buehrer, Mayor

  
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Ryan Harnishfeger, Fiscal Officer