

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: June 4, 2018

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, absent; Jason Benedict, here; Matthew Shanahan, here. Also present were Village Administrator/Utilities Superintendent/Zoning Inspector/Meter Reader Chad Johnson and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Wood County Sheriff's Deputy Andrew Taylor. Minutes from the May 7 meeting were approved as submitted (the regular meeting on May 21 was cancelled due to lack of quorum).

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Mayor Buehrer pointed out that some bills on the list were from last month and had to be paid ahead of this meeting. Fiscal Officer Harnishfeger mentioned that the semi-annual OWDA and OPWC loan payments were on the invoice list. Councilman Shanahan made a motion that these bills be allowed and orders drawn for same. Councilman Benedict seconded this motion. All were in favor, except that Councilman Heckerman abstained from voting on Josh Heckerman's \$945.00 mowing invoice; motion carried. Copies of the May Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status reports were given to Mayor Buehrer and the Finance Committee to review. A copy of the April RITA report was given to the Finance Committee to review.

Copies of the May incident report were provided for members to review. Mayor Buehrer invited members to direct any questions or concerns they may have to Deputy Taylor. Councilwoman Mackey reminded the deputy that in the summer we ask, if a patrol officer sees a group of kids in the shelter house at Centennial Park, that they stop and say "hi" to them, just to let the kids know of their presence. In the past we have had problems with kids doing damage like graffiti, carving on the tables, and removing covers from outlets. While members were conversing with Deputy Taylor, Sheriff Mark Wasylyshyn called Mayor Buehrer, asked him to give him a call, and invited him to go along on a foot patrol walk through the village with the sheriff on June 6, from 5 pm to 8 pm. It is a chance to chat with residents and see if they have any issues they would like to discuss. With nothing else for Deputy Taylor, Mayor Buehrer thanked him and he left the meeting.

Mayor Buehrer did a first reading of Ordinance #887-18, AN ORDINANCE ESTABLISHING RATES FOR RESIDENTIAL AND AGRICULTURAL/INDUSTRIAL USERS OF THE VILLAGE OF TONTOGANY'S WATER SYSTEM, REPEALING PRIOR ORDINANCE(S), AND DECLARING AN EMERGENCY. This ordinance raises rates by ten percent over the previous rates, to offset increased expenses caused by increased rates from Bowling Green and other expenses related to the maintenance of the water system. The new rates will be effective from and after July 1, 2018. After a short discussion, Councilwoman Mackey made a motion to suspend the rules and declare an emergency for Ordinance #887-18. Councilman Heckerman seconded this motion. All were in favor; motion carried. Councilman Heckerman made a motion to adopt Ordinance #887-18. Councilman Benedict seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger made a request of members to reconsider the decision to write a letter to each utility customer to let them know about the water rate increase. He reminded members that a note on the utility bills, pointing customers to the website where the new rates and the ordinance are posted has been sufficient in the past. A letter campaign, unless absolutely necessary, is costly and labor-intensive without automation, and Mr. Harnishfeger pointed out that he is the only person in the office now, whereas there were three people when he started. Councilman Shanahan responded that he would still like to have a letter go out, and he said he would be willing to help with the work. He reasoned that one of the biggest complaints he gets is that the Village does not communicate enough with the residents; there seems to be a tone that they don't feel welcome. Mayor Buehrer answered that we are transparent. We have regular meetings, open to the public, and residents can come and see what is going on anytime they like. We also list the minutes, ordinances, events, and other information

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on our website, available to everyone. It doesn't seem a good use of taxpayers' money to spend a thousand dollars a year writing letters to people about various things we do, when they can easily find out by coming to a meeting once in a while or checking out information on the website. Councilwoman Mackey suggested maybe putting out a flyer that could be posted to doors or distributed some way, like putting a stack of them at the post office. After more discussion of possible methods to communicate the water rates increase, Councilwoman Mehring made a motion to save the cost of a mailing by creating a flyer to post at the post office and the normal posting places in town, instead of sending out letters. Councilman Benedict seconded this motion. All members except Councilman Shanahan voted in favor; Councilman Shanahan voted against; the motion carried.

Mayor Buehrer did a first reading of Ordinance #888-18, AN ORDINANCE MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY. This ordinance was needed due to Village Council giving a pay increase of \$200.00 per month to the fiscal officer, after the 2018 Permanent Appropriations Ordinance #884-17 was adopted. Ordinance #888-18 increases the 2018 General Fund appropriations by a total of \$2,770.00, to cover the salary increase for the fiscal officer plus OPERS and Medicare contributions from the Village for the increased wages. Mr. Harnishfeger commented that, if this ordinance is passed, he will still need to inform the County Auditor to get official approval to enter the increased appropriations in the UAN software and use the money. Councilman Heckerman made a motion to suspend the rules and declare an emergency for Ordinance #888-18. Councilwoman Mackey seconded this motion. All were in favor; motion carried. Councilwoman Mackey made a motion to adopt Ordinance #888-18. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger updated members on the status of the claim with Hylant Administrative Services, regarding the pole that fell on Mark Yeary's fence during a storm in the recent past. Mr. Harnishfeger reported that Hylant had written to Mr. Yeary that they couldn't honor the claim because the pole fell on his fence due to an act of nature. Mr. Yeary wrote back to Hylant and told them he had reported the bad pole to former Village Administrator Craig Spoores, making it an act of negligence that caused the pole to fall over. Hylant contacted Fiscal Officer Harnishfeger and asked him to get the Village's response to Mr. Yeary's assertion. They also advised the Village to be careful not to set a precedent of paying claims that are not proven to be owed. Mr. Harnishfeger said he spoke with Craig Spoores, who said he did not remember Mr. Yeary telling him about a bad pole and that he would have had it fixed right away if so. Mr. Harnishfeger then read a letter from Hylant to Mr. Yeary, dated May 22, 2018, advising Mr. Yeary that, "Section 2744.05 of the Ohio Revised Code addresses claims against political subdivisions. The Code states that if a person has a claim against a political subdivision and that person has insurance that will cover their loss, their insurance carrier is responsible for the loss and the political subdivision, if liable, is responsible for amounts not covered by the insurance carrier, such as the deductible." They told him he would need to file a claim with his homeowners/property insurance carrier, regardless of liability, and they would contact Mr. Yeary again once the Village responds to them about Mr. Yeary's allegations. Mayor Buehrer responded that the pole broke because it was rotted. The poles had not been inspected since about 2014, so we have some responsibility for it falling over. We need to get back into a system of routinely checking the poles. After more discussion, it was agreed that Mr. Harnishfeger could tell Hylant that the Village accepts responsibility for the pole being neglected until it fell over. However, the mayor and members decided to have Mayor Buehrer speak to Mr. Yeary about letting the Village check into the matter and see if his fence could be repaired or replaced for less cost than his deductible. Mayor Buehrer reasoned that, since we are taking responsibility, we should be able to get a contractor in there working on our behalf to find out what is needed and what it would cost. Mayor Buehrer said he would talk to Mark and see how we might be able to work out the lowest price. Also, Mayor Buehrer gave contact information to Administrator Johnson so he could contact Epic Utilities Services about setting up a schedule to routinely check the condition of our poles, as we did in the past.

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Mayor Buehrer read an email received from resident Beth Hayes, asking when new sidewalks might be put in at the corner of Broad Street and Washington Street. She expressed concern about elderly Thelma Wires hurting herself on the bad sidewalk there. Ms. Hayes also asked why it takes longer than two weeks to get town council minutes posted on the website. Mayor Buehrer explained that minutes aren't put on the website until they are approved by the council at the following meeting, so they normally get posted about every two weeks. In situations where a meeting gets cancelled, like the May 21 meeting, they don't get posted for a month. Fiscal Officer Harnishfeger added that he was having problems in the past, when he would send minutes to the former website maintenance person and they did not post them sometimes for weeks. Our new website maintenance person gets things posted within a day or so.

**ZONING:** Zoning Inspector Johnson reported that he was contacted by the company putting in a new home on Wall Street. He suggested getting a survey, so they are waiting on a survey. Frank Farley is adding onto his building behind his house at 18555 Wall Street. Mr. Johnson said he spoke with him and they will do his zoning permit next Monday night.

**UTILITIES:** Utilities Superintendent Johnson reported that he finished the 2017 Consumer Confidence Report (CCR), a required report every year on the quality of our drinking water, and Fiscal Officer Harnishfeger made arrangements to have it posted on the village website. Mr. Johnson reported that he read the meters today.

Fiscal Officer Harnishfeger reminded members that last year, at the July 17, 2017 meeting, there was a discussion about what to do about the tops of meters being damaged by people with their mowers. Council asked Utilities Superintendent Brandon Johnson and Mr. Harnishfeger to come up with a policy statement to post on the website, informing people that, if they damaged a meter top once, they would get a warning, and, if they damaged one again, they would be billed for replacement costs. Mr. Harnishfeger reported that Brandon left before a statement was put together, so he wrote one recently and showed it to the current Utilities Superintendent Chad Johnson, who said it sounded good. Mr. Harnishfeger read the statement to members: "Please be careful not to mow over or drive over water meter pits located in the ground at your address, as this can damage the antenna unit on the meter lid, making the meter unreadable with our equipment. It is very expensive to replace these meter tops. Therefore, the Village has adopted a policy of giving the customer a warning the first time a meter top is damaged. After that, the customer will be charged for replacement costs for damaged meter tops." Mr. Harnishfeger asked if the wording was acceptable to members. He also asked how we would go about billing people for damaged meter tops, how to determine the cost, and how to collect if they do not pay. Mayor Buehrer commented that it doesn't hurt the meter top to drive over it. It is basically just mowers that do the damage. Members discussed various ideas about billing and determining pricing. It was finally decided that we would probably need to contact Solicitor Paul Skaff about what method we could use and if we would need to pass legislation on the matter, such as to be able to add the charge to the customer's utility bill. Councilwoman Mackey suggested that a warning letter should include an estimate of the cost.

Utilities Superintendent Johnson reported that he spoke with Palmer, who will be putting in the fire hydrant by the fire station. He also looked into a water leak problem for Ms. Bader but was not able to find the water shutoff. He asked Craig Spoores about it, who said sometimes they are tapped into the main without a shutoff. Mr. Johnson said he will go search for a shutoff again, but, if there isn't one, it might require having the main shut off or a curb stop installed, because the leak is somewhere between the main and the meter.

**STREETS and ALLEYS:** Councilwoman Mehring asked for a decision to be made on the matter of Donald Buehrer's request to pave his driveway over the village alley there, which he presented to members at

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the May 7, 2018 meeting, so she could inform him. Mayor Buehrer commented that Donald's biggest question was who would be responsible if the driveway had to be torn up to fix a water line or sewer line break. If we had to tear it up, it would be our responsibility to repair it, just like anyone else's paved driveway over a water line. After a little more discussion, Councilman Shanahan voiced his approval for Donald Buehrer to pave his driveway over the alley. Other members voiced agreement, with no members voicing opposition.

**SIDEWALKS and TREES:** Councilman Heckerman reported that some trees by the elevator need trimmed.

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


**CITY HALL and PARKS:** Mayor Buehrer reported that he let the Park Committee know today that one of the chains broke on the bench swing at the park. We will have to put new s-hooks and chains on it. Councilwoman Mackey volunteered that Ron and she would take care of it. She said they are putting the nets on the soccer goals too. Councilman Shanahan asked where we are on getting the old hoop removed. Mayor Buehrer responded that the rain has kept them from getting in there to do it without making ruts. He hopes to get in there and get it out soon. He can get rid of the concrete chunk okay, but there is a question as to where to put the old basketball pole; he will probably put it behind the village hall for now. Councilman Heckerman offered to take the pole and scrap it.

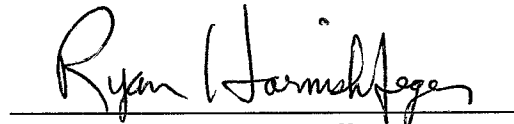
Councilwoman Mackey asked where we stand on the park water fountain. Utilities Superintendent Johnson answered that he couldn't figure out how to fix it to stop it from running. He asked if we should get a plumbing company to come and look at it. Councilwoman Mackey said she thought the old fountain had been put in by Kellermeier. Mr. Johnson said he would contact Kellermeier to come and check out the fountain and see what is needed to fix it.

Mayor Buehrer reported that, starting June 25, 2018, our permanent mixed recycling container will be put in place. The Boy Scouts will be putting flyers on doors. The Boy Scouts will be the ones maintaining it. They had to sign a contract and go through some training. The mayor said his only concern was that Republic Services of Toledo, who will be the service provider for collection and hauling, has heavy trucks that could cause damage to asphalt after a while. If so, we may have to change locations for the container later. We will try it at the village hall first and see what happens. Pick up will be once a week.

Fiscal Officer Harnishfeger reported that Liz Heckerman came into the office today and reported a tree down at Centennial Park. It was broken off and the stump was still in the ground. She dragged the tree aside.

With nothing further to discuss, Mayor Buehrer declared the meeting adjourned at 8:52 p.m.

  
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Todd Buehrer, Mayor

  
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Ryan Harnishfeger, Fiscal Officer