

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: June 15, 2020

Council called to order in regular session at 7:00 p.m. with Mayor Matthew Shanahan presiding. Opening ceremony: Pledge of Allegiance to the Flag, led by Mayor Shanahan. Roll call of members: Brenda Mackey, here; Connie Mehring, here; Jamin Roe, here; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Nicholas Wainwright from Solicitor Skaff's office. Minutes from the June 1 meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Mayor Shanahan noted that the first bill on the list was for soccer and volleyball nets, which is on our grant and we will reimburse ourselves for this when we get our grant check. Councilwoman Mehring made a motion that these bills be allowed and orders drawn for same. Councilman Bergfeld seconded this motion. All were in favor; motion carried.

Mayor Shanahan acknowledged that Nicholas Wainwright was here from Solicitor Paul Skaff's office to observe, and to answer any questions we may have regarding a lot of information Paul had sent to the mayor and the fiscal officer regarding COVID-19 matters.

Fiscal Officer Harnishfeger reported that the village's CDARS investment is due to mature on June 18. To roll it over into a new CDARS plan, we need to choose from current rates and submit the rollover order by the morning of June 16. Mr. Harnishfeger provided each member with a list of the current available rates, which, he noted, are much lower than a year ago, since the economy has had a severe downturn. Available CDARS rates are: 4 weeks at 0.08%, 13 weeks at 0.10%, 26 weeks at 0.12%, 52 weeks at 0.18%, 2 years at 0.25%, 3 years at 0.30%, and 5 years at 0.35%. Mr. Harnishfeger pointed out that last year we received a rate of 2.05% on a 52-week plan, bringing in over \$3,700 in interest, but this year the rates were more like we were seeing in 2014 and the 52-week plan will only produce \$324 in interest. Members decided to go with the 52-week plan at 0.18% and see if the economy improves by next June for reinvesting then at a better rate. Newly appointed Councilman Lee asked for an explanation of what this investment was all about. Fiscal Officer Harnishfeger explained that the village keeps some extra money in reserve, in case of an emergency. The amount has been \$180,000 since before Mr. Harnishfeger became fiscal officer in 2012. Instead of letting the money just sit in the bank, it is kept invested, in order to produce some interest income. In the past it was put into a money market account or a CD. The bank recommended that we invest in a CDARS plan, which allows you to spread your money around various banks in combined CDs that stay below the FDIC insurance limits at any given bank. Administrator Johnson asked what would happen if you needed to use some of that money. Mr. Harnishfeger replied that it is possible to get it, but there would be a small penalty for early withdrawal before the CDARS matures. Mr. Harnishfeger commented that he hoped there wouldn't be a need for an early withdrawal; in fact, he would like to see the village increase that backup reserve from \$180,000 to \$200,000 or \$225,000 for better interest income and for a bigger cushion in case of a real emergency, such as with our utilities.

Mayor Shanahan reported that we received a notification from Toledo Edison that between June 16 and June 26 they will be inspecting all Toledo Edison transmission lines by helicopter.

Fiscal Officer Harnishfeger reported that we received from Jeff Klein, Director of the Wood County Emergency Management Agency (EMA), the 2020 Proportionate Share Invoice and a new 2020-2021 Contract to Furnish Emergency Management Services for Tontogany. The contract needs to be signed by council members and returned to the EMA office as soon as possible. There is no rate increase for 2020 and 2021. It is still based on the 2010 census of 367 people in Tontogany at \$0.55 per capita, or \$201.85 proportionate share each year. Mayor Shanahan passed the contract around to all council members for their dated signatures. Then it was given to Mr. Harnishfeger to send to the EMA.

TONTOGANY VILLAGE COUNCIL

Mayor Shanahan reported that some of the information Solicitor Skaff sent to us was about potential funding through the state for expenses related to COVID-19. A resolution must be passed if we want to apply for any of that money. The mayor said that he discussed this with the fiscal officer and they couldn't come up with any COVID-related expenditures so far. If we apply for money and get it, but don't use it, we have to return it. Councilman Lee asked if we have to spend anything to help Doc's with their COVID-related problems. The mayor replied that that is all Doc's' responsibility. Anything in the street or on our property we would be responsible for. Councilman Roe asked about the cost of having Solicitor Skaff write a special resolution to allow Doc's to open an outdoor dining area. Mayor Shanahan asked Mr. Wainwright if that would be considered a COVID-related expense we could reimburse ourselves for with the COVID-relief grant money. Mr. Wainwright answered that he thought it would fit the allowed expenses, but he could double check with Solicitor Skaff. Members asked about lost tax and other revenues. Mr. Harnishfeger answered that his understanding was that lost revenues are not an allowable use of the grant money. Mayor Shanahan read from the proposed resolution that the monies are only to cover expenses that are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19). So, members concluded that it is for out-of-pocket expenses due to COVID-19, such as buying hand sanitizer and cleaning products and hiring someone to do special cleaning due to the virus. Mr. Wainwright added that he and Solicitor Skaff had discussed this and thought you would be safe listing any reasonable COVID-related expense. However, you never know if they might later clarify their meaning on some point. The worst-case scenario seems to be that you have to refund the unspent portion of the funds you receive. Members agreed that they wanted to pass the resolution that allows the village to apply for the COVID-relief grant money. Mayor Shanahan did a first reading of Resolution #915-20, by title only, a RESOLUTION AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, FEDERAL AND/OR STATE FUNDS AND AGREEING TO THE TERMS AND CONDITIONS OF SUCH RECEIPT, AND DECLARING AN EMERGENCY. Councilman Roe made a motion to suspend the rules and declare an emergency for Resolution #915-20. Councilman Smith seconded this motion. All were in favor; motion carried. Councilwoman Mackey made a motion to adopt Resolution #915-20. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Mayor Shanahan reported that he was contacted by the committee for the 200th Wood County Anniversary. They are putting together a booklet and wanted to know if Tontogany would like to submit an ad. A full-page ad is \$500. A half-page ad is \$250. A quarter-page ad is \$125. The mayor said he checked with the fiscal officer and we have money to buy any size ad they are offering. The mayor observed that it looks like a lot of the towns and villages and cities in the county are participating. Councilman Roe asked what kind of information would be in the ad. Mayor Shanahan gave a couple of examples of simple messages from Middleton Township and the City of Perrysburg, wishing a happy 200th birthday to Wood County and having a little blurb about each entity's place in the county's history. The mayor said they already have pulled pictures of Tontogany from the Internet and they will help us design an ad with whatever wording we want to put on it for no extra fee. After a brief discussion, members settled on doing a half-page ad, worded as from the village. The mayor said he would work with Beth to get a design and he will show it to members for input and approval before finalizing it.

ZONING: Mayor Shanahan reported that Zoning Inspector Owens could not be here tonight, but he did turn in a zoning permit for a pool for Tim Hendricks.

UTILITIES: Mayor Shanahan reported that Friday morning a brand-new LED street light that was installed across the street from his house was backed into by the resident there. The man who hit it was seen getting out of his vehicle, picking up the damaged LED light, and then laying it back on the ground. The mayor said he went to the house on Saturday and knocked on the door and talked to a lady there who said she hit the light. The mayor said he informed her that the village intended to contact our attorney about it and the person who hit the pole will be expected to pay for a new light as well as a replacement

TONTOGANY VILLAGE COUNCIL

pole, if the pole needs replaced. The woman agreed and said to just send her a bill. The mayor informed her that it could be \$400 or more. The man happened to pull in, so the mayor went and spoke with him. He claimed that the damage on his vehicle wasn't from hitting the pole. The mayor told him that he picked up fragments at the pole that match the man's tail light and there were witnesses that saw him hit the pole. Then the man confessed to hitting the pole. The mayor told him the woman said she hit it. He replied that, no, he actually hit it. The mayor told him the woman said she hit it and filed a claim with her insurance, but did not notify the village about it. So, the mayor told the man that the person who did it will have to pay for the replacement light and any damage to the pole. The man said he didn't hit it that hard, but the mayor took him to the pole and showed him red reflective glass shards in the wood of the pole. He also showed him that there was a one-inch gap in the dirt at the ground level of the pole, showing it had been hit hard enough to move it that far. Mayor Shanahan told members that he emailed Solicitor Skaff about it this morning. Our insurance company needs to get a copy of the claim they made with their insurance company. The mayor said he will go to the people and ask for the claim information and then give it to the fiscal officer to pass on to the village's insurance company. Then we will let the insurance companies work it out. The mayor also commented that he took pictures of everything at the scene. He also told Utilities Superintendent Johnson about it, so he could call Bowling Green and have them come to repair the damaged street light. Councilman Smith recommended that, if it turns out we have to get the pole replaced, it would be a good idea to move it about five feet over from where it is, so it is not at the edge of the driveway and easy to hit.

Utilities Superintendent Johnson reported, concerning the Asset Management Plan, the EPA came back and said they want an evaluation of every water line in town, what their condition is, and approximately what year they were put in. They also want a job description for the utilities superintendent and the meter reader. He said he asked Craig Spoores, who said there were job descriptions about 30 years ago, but it is hard telling what they said. Fiscal Officer Harnishfeger said he hadn't seen any such job descriptions, but he himself did write a job description for his utilities billing clerk job and gave that to Dave Kuhn to put in the Asset Management Plan. He also told Mr. Kuhn to see Chad about descriptions for his jobs.

Mr. Johnson reported that he called his contact at the company from which we ordered new meters and was told that the meters are coming this week. They weren't certain about the wand that is being repaired.

Mr. Johnson reported that, when he read the demand meter for Northwestern Water & Sewer for June billing for their wastewater plant, he wrote down a reading of 098. Northwestern called to dispute the bill, because they have never used that much electricity before. After talking to Mr. Harnishfeger and having him look at the meter, Mr. Johnson said he went and looked at the meter again that evening. It was reading higher than 098, something like 520. Monday, he called the assistant superintendent of Northwestern Water & Sewer and left him a message that something is going on that is making their demand readings way above normal and he asked him to call him back. He didn't call back. Since then, Mr. Johnson said he went back and reset the meter. When he checked it again it was at 429. So, something is going on out there that is raising the demand reading. He said he texted a meter technician and asked if it is possible to have a demand reading of 429. The meter technician answered that it was possible. Utilities Clerk Harnishfeger added that he had noticed the demand go way up on Northwestern's June bill. His biggest concern was the way demand is calculated. Every time there is a new high, it is calculated at the full price for that reading, and then the billing is 60% of the new high for the next eleven months, or until another new high. So, Northwestern's bill went from about \$111 to \$588 and then would move to \$352 for the next eleven months. Even if they got the problem fixed that caused high demand the one time, their bill would remain at \$352 per month for the next eleven months, instead of \$111 per month. When both the accounts payable department and their supervisor called him to contest the reading, he gave them the benefit of the doubt for this time and adjusted their bill back down, figuring it must be a misplacement of the decimal point in the reading. He said he figured

TONTOGANY VILLAGE COUNCIL

that, if it reads high again the next month, then we will know they have a usage problem, but if not, they won't be way overcharged for this month and the next eleven months. However, if Mr. Johnson is sure the high reading is correct, Mr. Harnishfeger said he can adjust their demand billing back up and inform them that he has done so and why. Mr. Johnson replied that it is an old demand meter, so he will have the meter technician take a look at it and see what is going on and if it is a problem with the meter or not. Councilman Roe asked if the method of calculating demand billing is something the village devised a long time ago or just a standard practice. Mr. Harnishfeger replied that it has been figured that way since he took over the utilities clerk job in 2010. It is a common way to calculate demand. He spoke to a gentleman at Bowling Green Electric one time, who told him that is the way they used to calculate it too. Former Utilities Superintendent Craig Spooes helped set up our demand calculations that way.

Meter Reader Johnson informed Mayor Shanahan that he intends to be reading meters on the weekend of June 27 and June 28, if he still wishes to go along.

STREETS and ALLEYS: Councilman Smith reported that there were two bids received for the Crom Street Paving Project and he distributed copies to everyone. Morlock wanted to bid it two ways: as pavement repairs and an overlay, or a mill and fill job, milling down 1-1/2 inches, doing pavement repairs, and then filling it back up, because the street will last longer, making this the better option. We put the same option out to everyone else to bid it both ways as well. We were talking with three people; two came back with bids: Morlock Asphalt and Ebony Construction. We have two bids from each company, one for mill and fill and one for repairs and pavement overlay. Morlock's quotes were within our budget. Ebony's quotes were close, but a little higher than our budget. Councilwoman Mackey commented that, since Crom Street gets more traffic now, due to the school, she thinks the mill and fill option might be a wise idea. Councilman Smith agreed. Members commented that we have been happy with Morlock's work done for us in the past, both with price and quality. Mr. Smith told members that, whoever we choose, he will contact them tomorrow and tell them they can start as soon as possible, and he will ask them to let us know when it will be, so we can let residents know. Other bidders had lots of chances to provide bids or come to our meetings, but only the two companies actually did submit bids. Mayor Shanahan added that our purpose was to seek three or four bids, which we did, but they just didn't all respond with bids. He also commented that we had talked about getting a quote for crack sealing on Harley Woods Drive, which Councilman Roe requested and received from Morlock. That bid from Morlock was \$1,890. If we choose to have Morlock do both the Crom Street job of mill and fill, and the crack sealing job in Harley Woods, the total would be \$29,990 of the \$30,000 appropriated for street repair. Councilwoman Mehring made a motion to accept the bids from Morlock Asphalt for the mill and fill job on Crom Street at \$28,100, and the bid from Morlock Asphalt for the crack sealing job on Harley Woods Drive at \$1,890, for a total of \$29,990. Councilman Smith seconded this motion. All were in favor; motion carried. Mayor Shanahan and Councilwoman Mackey thanked the Streets and Alleys Committee members for their excellent work on these projects.

SIDEWALKS and TREES: Councilman Smith passed out copies of a bid from Rowe's Tree Service. He reported that he contacted Abe Rowe, who came last Friday to look at problem trees. He did not think the 2 trees in front of Mr. Smith's home at 18545 Wall Street needed to come down, but they just needed trimmed and cleaned up to make them healthy. He bid \$325 to trim the elm tree and \$115 to trim the maple tree there. Mr. Rowe decided that the problem maple tree at Lambert's 18655 Crom Street address needed to come down. He bid a total of \$590 to take down the whole tree, leave wood for firewood in 3- to 4-foot chunks, grind the stump out, and take the grindings to make it flush. Once it is out, we can decide if we want to maybe have Scott put some stone in there. The entire quote from Rowe is \$1,030. There was no specific timeline given, but Mr. Rowe said he would make it a priority, since the village regularly chooses him for tree services. He will grind up to the sidewalk for now. Later, when we decide what to do about the sidewalk, we will deal with what is under it. Councilwoman

TONTOGANY VILLAGE COUNCIL

Mackey noted that that sidewalk and the one across the street have been brought up as problems in the past, due to trees causing heaving. Mayor Shanahan suggested that the sidewalk committee could start working on proposals for fixing these problems next year. Councilman Roe asked the fiscal officer if the tree fund had enough in it to cover Abe Rowe's \$1,030 bid. Mr. Harnishfeger responded that there is \$8,000 or \$10,000 available in the tree fund. Mayor Shanahan reported that Doc's has a tree right in front of the door. They would like the sidewalk side of it trimmed up a little bit, and Ms. Mackey had suggested we just have Jim Head take care of that. Members agreed that that would be a good idea. Councilman Smith asked if everyone approved of Abe Rowe's bid of \$1,030 for tree work. Everyone was in agreement to accept the bid, with no objections voiced.

DRAINS and SEWERS: Utilities Superintendent Johnson reported that he spoke with Craig Spoores about the Lamberts wanting to lay drainage pipe in front of their property. He asked Mr. Spoores if they should have some kind of material requirement of what to put in the ground. It was also brought up in their discussion that there are water lines under there. Mr. Johnson said he didn't think we should be letting people put in drainage wherever they wish, considering that we might need to get to the water line underneath to do repairs. Mr. Johnson suggested that members keep these things in mind when dealing with requests like this. Perhaps there should be a policy that requires an engineer to look at it before people are allowed to do something like laying drainage pipe. Councilman Lee asked if the Lamberts were intending to do the work themselves or get a professional to do it. Councilman Smith responded that we didn't get that far. Mr. Johnson suggested that we have stone put in there to raise it up some and help with the drainage problem first, before authorizing drainage tile to be installed. Councilman Smith pointed out that Abe Rowe intends to contact OUPS before taking down the tree there, so it will get marked and we will have a better idea of what utilities are there.

CITY HALL and PARKS: Mayor Shanahan reported that he gave Councilwoman Mackey the park grant information. The only thing we will need for the current grant will be the final report, once everything is done. The final report gets turned in with or before the new application for next year's grant.

Councilwoman Mackey reported that she has the new volleyball net, which was delivered with the soccer nets. She will have Jim Head spray the old sand with Roundup weed killer and then she will call Sandman to deliver the new sand for the volleyball court. Then we will put up the new net. Ms. Mackey also reported that Jim picked up the benches and he is working on them. Councilwoman Mehring added that Jim will do the spraying tomorrow, but he wants to get the benches done first before doing other odd jobs for the village.

Mayor Shanahan reported that the park is open and he took the signs down. Administrator Johnson reported that he saw quite a few beer cans in the trash at the park. The mayor commented that, as long as it is cans, it is okay.

Mayor Shanahan reported that we are now at 52.8% on the census. So, we jumped about 20% over the last couple of weeks. The highest population we have had in the past was 395. He is hopeful that we are moving toward 400 or more as people are moving closer to the school.

Mayor Shanahan reported that CSX sent their risk management person to look at Hefflinger's lot with all of the trailers in it. The railroad did find a lease between Hefflinger and the railroad. The railroad risk management person wrote a report and took pictures and sent them to the real estate division of CSX, and they both deemed that he is not in compliance. Mr. Hefflinger should have received a letter about two weeks ago, saying he needed to clean up the lot. Since the letter went out, the RV is gone and one trailer is gone, but now there are two other rigs there. The tanker there was dripping some kind of fluid. The mayor said he called Councilman Smith to look at it with him. There are no hazardous material placards on it and the dripping fluid seemed to be water. The mayor said he emailed CSX today. They did not tell him the timeline of when the lot was supposed to be cleaned up. It is in the hands of the railroad at this point, since it is railroad property. The railroad asked Mayor Shanahan why we weren't pushing

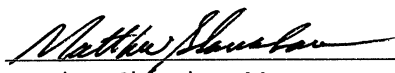
TONTOGANY VILLAGE COUNCIL

the issue. He responded to them that Solicitor Skaff had advised him that, if we pushed the issue, the village would have to name the railroad in a nuisance lawsuit, which we do not want to do. We would like to maintain a good relationship with the railroad. Councilman Bergfeld asked about Hefflinger's lot across the street from the truck trailer lot. Mayor Shanahan responded that that property is in the village, so we will have to deal with Mr. Hefflinger about any issues there.

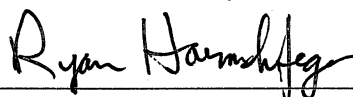
Mayor Shanahan reported that people may have been hearing a lot of gunshots near the village lately. Last week the mayor was sitting on his porch, heard a loud shotgun blast, and went to investigate it. It was the man who lives directly across from Rick Crozier on Tontogany Road. The mayor saw the man walking around with a shotgun and called the Sheriff's Department. He met with two deputies, who informed him that it is not in the village but the township, and, as long as he is shooting safely, there is nothing the village can do about it. The mayor then spoke at length with Township Trustee Steve Powell, and he will also be attending the next township meeting on Wednesday to speak about this issue. The township intends to talk with their attorney about getting something written up. The mayor said that his concern is Centennial Park, which is right near where the shooting is taking place, where lots of kids play, as well as neighbors nearby like Rick Crozier. Bullets can ricochet. Parents have texted the mayor saying they are no longer going to the park, which is not good. The proposal Steve intends to make to the other trustees on Wednesday is for no shooting to be allowed in the township 1,000 feet from a park, daycare, church, or school. The next day, the man raised his Confederate flag and put up a tent in his yard. Councilwoman Mackey asked if this is a new resident. Administrator Johnson answered that he has been there for a while, about eight years. Later, the mayor heard gun shots again, distinctly from three types of weapons—a shotgun, an automatic rifle, and a pistol. He texted Steve Powell and told him it sounded like a war zone down there. Today, a township resident called the mayor and reported seeing a badly charred dead cat on the front of the property there, while walking her dog. It appeared to have been set on fire. The mayor said he called Steve to let him know, since it was a township resident. They both agreed that he should call the resident back and ask her to call the deputies again, so they can start putting together a pattern of behavior. The deputies told the lady that there wasn't anything they could do if no one saw anything. They need to see him in the act. Councilman Smith pointed out that there is not much of anywhere on that property where you could shoot a gun safely. It has the park and neighbors nearby and the railroad behind.

Mayor Shanahan reported that he went and looked at the loose bricks on the back of the old Moser's Carryout. It is in really bad condition as Mr. Johnson had reported at the last meeting.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:19 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer