

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: May 3, 2021

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, absent at roll call, but arrived at 7:06 p.m.; Jamin Roe, here; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here. Also present were Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, Fiscal Officer/Utilities Clerk Ryan Harnishfeger, and Village Solicitor's Associate Attorney Nicholas Wainwright. Visitors present: a deputy from the Wood County Sheriff's Office. Minutes from the April 19 meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilman Roe made a motion that these bills be allowed and orders drawn for same. Councilman Lee seconded this motion. All were in favor; motion carried. Copies of the April Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status Reports were given to the mayor and the Finance Committee to review.

Copies of the April Incident Report were given to everyone to review. Mayor Shanahan asked if members had any questions or concerns for the deputy. The mayor reported to the deputy that we still have a problem with the white van parked on Broad Street. We installed "No Parking 3 a.m. to 6 a.m." signs there. The van is legally registered, but has not moved in about two months. The mayor asked the deputy to help get rid of the van and said we are hoping to repaint all of those parking spots this month. The mayor said he does not know who it is or he would try to talk to them himself. The deputy acknowledged that the van has been there for a long time. The mayor said that we added no parking signs to match our no parking signs on Main Street, however we do allow tenants of the buildings there to park there overnight, but we don't think the owner of the van is a tenant. The deputy responded that when another deputy had been asked to make contact with the owner about a year ago, they found that it was a female and she did live in an apartment there. He said he would double check on it. The deputy said he had also talked with them in the past about moving the van and they had said they were going to move it. He didn't see it for a little bit and then he forgot about it. With nothing else to discuss, the mayor thanked the deputy and he left the meeting.

Mayor Shanahan read an email received from a person named Tracy Wilson, expressing concern about hearing that the local fire department is raffling off an AR-15 rifle. Tracy expressed a "community concern" that it "seems irresponsible for our fire department that is within walking distance of our schools to be promoting this. A community funded organization that is there to protect and serve us." Tracy went on to say that this type of weapon has been used in mass shootings. Fiscal Officer Harnishfeger commented that he had responded to the email, saying he would give it to the mayor to share with Council, but that the fire department is not under the administration of the Village, but under the Washington Township Trustees. Mayor Shanahan commented that the Sons of the American Legion have been raffling off a 9mm handgun as well as maybe an AR rifle. He said he is not saying it is a good or bad idea, but he understands that Legions across the county are hurting for funds they lost during the pandemic, and they are trying to get creative on how to make up for some of that loss. He also said that he has not heard that our fire department was doing this, so he is not sure if Tracy is confusing the fire department with the Sons of the American Legion. Councilman Smith commented that the township is free to raise money however they may choose. Councilwoman Mackey commented that she wondered if Tracy contacted the fire department directly, since that seems like it would be the first thing to do. The mayor said he was not familiar with Tracy Wilson. Mr. Harnishfeger said he looked the name up in the utility customer database and did not find it. Members concluded that they have no authority over the fire department in this matter. Mayor Shanahan said he would talk to Fire Chief Bill Gase about it, and then follow up with Tracy Wilson by email.

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Mayor Shanahan reported that he was not able to attend the webinar about American Rescue Plan Act (ARPA) relief money, put on by the Ohio Office of Budget and Management (OBM) on April 29. He asked Fiscal Officer Harnishfeger, who did attend the webinar, to give members an update. Mr. Harnishfeger reported that OBM did not have much of any new information to share about ARPA. They are waiting for details from the federal government, which they will share with local entities when they receive it. The Local Fiscal Recovery Funds will be distributed from the U.S. Treasury on about May 10, 2021. They will be distributed directly to metropolitan cities and most counties. For “non-entitlement units of government” like Tontogany (with populations of less than 50,000) the funds will be distributed to the states, who will then distribute allocated amounts to municipalities within 30 days of receipt from the U.S. Treasury, although a state may request a 30-day extension—and in certain cases additional extensions—due to administrative burden. For instance, the webinar speaker said the money has to be officially appropriated into the Ohio budget before they can legally forward it to municipalities, which could take more than the first 30-day deadline for distribution. It is anticipated that OBM will require budget documents from municipalities to ensure their allocation is within the requirements of the U.S. Treasury. No more details were given about what specific things the money can be used for. So far it is just four major categories, including: responding to the public health emergency or its negative economic impacts; providing premium pay to essential employees; providing government services affected by a revenue reduction due to the public health emergency; and to make necessary investments in water, sewer or broadband infrastructure. OBM will have another webinar on May 18 to give more updates. Mayor Shanahan commented that he received an email of the PowerPoint informational slides presented during the webinar, which he would forward to members to look at if they wish.

Mayor Shanahan asked Attorney Wainwright if there was anything different from their office to share with members. Mr. Wainwright asked if the law office had sent a memo yet to the village about ARPA. The mayor acknowledged that Solicitor Skaff had sent that memo, which was shared by himself and the fiscal officer with members. Mr. Wainwright briefed members on the memo contents: The first payment should arrive around mid-June, barring any extensions. The law office expects the restrictions on uses to be very lenient. Public employee wages can be increased by up to \$13.00 per hour, with some restrictions. The goal is preventing layoffs and dealing with decreased revenue. Councilman Smith asked if there is a timeline on when we have to finish appropriating and spending the money. Mr. Wainwright responded that you must have it spent or invoiced by December 31, 2024. If you don't spend it, you lose it. Mr. Wainwright said he recommended that committees figure out spending uses that fit within the four allowable criteria, create a hierarchy of importance, submit recommendations to the mayor to present an overall hierarchy of needs, from which Council can make a final determination of what to spend the money on. He also warned that, although the end of 2024 is the deadline for spending the money, a lot of other entities are also going to be reaching out to contractors to do jobs, so you do not want to wait until their schedules are completely booked up by others. Fiscal Officer Harnishfeger asked members to consider choosing one large project to focus the ARPA funding on, to avoid serious accounting and documenting complications due to strict federal and state stipulations. He recommended a water infrastructure project as a good and needed use of the money. Mr. Wainwright reminded members that Tontogany's total distribution will be a little less than \$75,000, split into two payments. Councilman Roe asked if we would just put the money into the water fund, if we decided to use it for water purposes. Mr. Harnishfeger replied that it has to first go into a special fund of its own, and then it may need to be transferred to the water fund to be used for that. He said he will have to find out from OBM or Local Government Services exactly how the money is to be handled. Mr. Roe said he thought the waterline replacement on Broad Street would be a top priority, but he doubted that \$75,000 would cover the cost to do that. Utilities Superintendent Johnson commented that Palmer might be able to do a portion of the waterline replacement on Broad Street that \$75,000 would cover. He also agreed that the best use of the ARPA funding for water, from a health and safety perspective,

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would be getting as much as possible of the Broad Street waterline fixed. Then we would be able to repave that section of Broad Street, which is getting rough. Mayor Shanahan suggested that Palmer might agree to work with us on this and stay within the \$75,000 amount, knowing that it is ARPA relief money. Councilman Smith asked Mr. Johnson for a rough ballpark estimate of what it would cost to fix all of the Broad Street waterline problems. Mr. Johnson said he knew \$75,000 would certainly not cover it and he did not venture a guess as to the amount to do all of the Broad Street waterline, but he offered to ask Palmer for a rough idea on the whole amount and what he could do within the \$75,000. The mayor commented that we might as well start collecting data, so, if we discover that we don't have enough money to start on this project, we can switch gears and focus on something else instead; and Palmer is likely to be getting similar calls from other entities that they routinely service as well. Mr. Roe added that, if we have a job that is over \$50,000, we have to get three bids. The mayor pointed out that we will only get half of the money in the first year, so it could be split into two projects under \$50,000. Mr. Roe replied that we might not get as much done for the \$75,000, if the contractor has to stop part way through and then start all over again later. Mr. Smith suggested that we could just get three bids and we might get a better price. Members discussed it and decided to ask Palmer, since we work with them a lot. If they can do it in two projects without significant extra cost, we could go with them. The mayor agreed that we should start by asking Palmer, and we may find that they have a bigger project that takes priority over ours. Mr. Harnishfeger commented that, once we decide on a use of the ARPA money, the Auditor of State recommends that it should be put into the form of an ordinance, with wording that spells out how and why the money is to be used and how it complies with the U.S. Treasury stipulations for use of ARPA funds. Mr. Roe asked Attorney Wainwright if the \$50,000 ceiling, above which bidding is necessary, applies for the ARPA relief money. Mr. Wainwright answered that the \$50,000 ceiling still applies. He also cautioned that, since it is federal grant money, it is going to be scrutinized. Therefore, you need to be careful not to have any appearance of unethical actions in how you choose to contract for the spending of the money. Mr. Harnishfeger agreed and added that, if they find a violation, you have to pay the whole amount back to the U.S. Treasury.

Fiscal Officer Harnishfeger reported that he received a notice from the Department of Commerce, Division of Liquor Control, stating that, "all permits to sell alcoholic beverages in your political subdivision will expire on July 1, 2021. In order to maintain permit privileges, every permit holder must file a renewal application. Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. If you determine that there are no permit premises within your jurisdiction that you wish to object to, you do not need to take any action." After a brief discussion, members decided there are no alcohol permits in Tontogany that they wish to object to; no one voiced opposition to this decision.

Fiscal Officer Harnishfeger reported that the Regional Income Tax Agency (RITA) sent us their annual notification of their Non-Filing Delinquency Program. They offer a letter campaign and administrative subpoenas to non-filing taxpayers. The letter campaign, as usual, is free of charge. If you want them to also send subpoenas to taxpayers who fail to respond to the non-filing letter, ordering them to produce their tax records by a date on the subpoena, the cost is \$1 per subpoena issued. In the past, the subpoena program was \$8 per subpoena because taxpayers were required to appear in person and RITA had to send staff members to meet with them. This year there is no personal appearance required and RITA will not need to send staff, so the price was lowered to \$1 per subpoena. After a brief discussion, members decided that they would like to participate in both the letter campaign and the follow-up administrative subpoena. Mr. Harnishfeger asked for approval to sign and send in the authorization form to RITA, including the authorization for RITA to deduct the cost of subpoenas from our monthly tax distribution. Members agreed, with no objections voiced.

ZONING: Nothing to report.

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UTILITIES: Utilities Superintendent Johnson reported that Bowling Green was in town with a list, working on street lights; he asked members to keep their eyes open for any that might have been missed. Mayor Shanahan said he noticed that they worked on the light in the alley by Allan Current's, but they did not switch it over to LED. Mr. Johnson and members weren't sure what was the deciding factor for when Bowling Green switches out a bad light to LED.

Mr. Johnson reported he contacted various places about the leaning pole between the two houses on Broad Street, across from the Post Office. It was not claimed by Bowling Green, Spectrum, or Frontier and nobody has done anything about it, so he told Bowling Green to just cut it down, to eliminate the safety hazard. The mayor and members discussed what to do if it leaves some cables hanging. They decided it was better to take the pole down before it falls and does damage; it will be the cable company's responsibility to install a new pole, if they want a pole to support their cables. Councilman Roe asked about an item on the April Incident Report from the Wood County Sheriff's Office, describing a "wire-pole down/electrical" on 4/19/21 at 18052 Broad Street. Mr. Johnson and Mayor Shanahan said they were not aware of it and didn't receive any calls about it. Councilman Smith commented that people call about that kind of thing and they can't always verify it. The mayor asked Mr. Johnson if the railroad called him the other day about a squirrel getting into an electrical box. The mayor said he had received a call while out of town and had referred them to Mr. Johnson. Mr. Johnson said he did not recall getting a call from them about that.

STREETS and ALLEYS: Mayor Shanahan reported that a resident spoke to him before the meeting, saying that a neighbor of Councilwoman Mackey would like to see the village put in speed bumps, due to people constantly blowing through the stop sign at Broad Street. Arla Mae Crawford asked the mayor to share this concern with Council. Councilwoman Mehring commented that we had speed bumps before, but they kept getting taken out by snow plows. The mayor responded that rubber ones would be able to be removed during the snow-plowing season. Attorney Wainwright asked how clear the stop bar is at that intersection. The mayor answered that the stop sign is very clear there, with nothing blocking the view. Councilman Smith clarified that Mr. Wainwright was asking about the stop bar, which is a thick white line painted on the road, indicating where vehicles are to stop before entering the intersection. The mayor said he didn't think there is a stop bar. Mr. Wainwright commented that Bowling Green had a problem with stop violations at a certain intersection; they repainted the stop bar, which helped significantly decrease the number of violations. The mayor and members discussed this and decided it might be a good idea to paint stop bars at the intersections, along with the other street painting that is planned. Councilman Roe warned that there may be some legal issues that go along with putting down speed bumps. Mayor Shanahan thanked Mr. Wainwright for the suggestion and said we will add it to our paint list. Mr. Smith commented that, if we are going to paint a stop bar at one intersection, we should do them all. The mayor and members agreed.

SIDEWALKS and TREES: Councilman Roe passed out a 2021 Sidewalk List of contact information for people who had shown interest in participating in the sidewalk program. He explained that, at the first meeting after the letter went out, we had two people show up with an interest in participating, one of which was Dawn Kinder. There are asterisks by Dawn Kinder's and John Wagener's names on the list. Mr. Roe said he looked at Dawn's sidewalk and it is in good shape, all but the spot where the village tree caused damage, so we need to take care of that. Other members agreed. Mayor Shanahan reported that Barb Heiman asked him to speak to members about a tree near her place that is starting to cause damage. Mr. Roe asked the mayor to give him her address to check into it. He said we will keep adding known places to the list and rate them as to whether we want to do them this year or later. Mr. Roe pointed out that he did not get email addresses for all of the people on the list, but it would be helpful to have them. He asked Councilwoman Mackey to contact some of the people that she knows and see if she can get email addresses from any of them. Mr. Roe reported that Peinert called us and expressed

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that they were very happy about the program, since they have invested a lot of money in their property over the years; they want to participate in the sidewalk program. Mr. Roe reported that John Wagener, at 18467 Broad Street, contacted him and wanted to meet in person. Mr. Wagener said he understood that the village will be paying 100% on his stretch of sidewalk, but he wanted to offer a suggestion. The stretch of sidewalk on Broad Street is in good shape, but the stretch on North Street is the only stretch on North Street and it is junk. Mr. Wagener said he would be completely fine if the village were to tear out that bad strip of sidewalk completely and just plant grass there. Members discussed the matter and agreed that, even though the property owner is not allowed to remove sidewalk, yet the village could remove it, since it is bad, it is the only stretch of sidewalk on North Street, and it doesn't make sense that it should be there. Mayor Shanahan said he just doesn't want to set a precedent where other people who don't like their sidewalk expect the village to just remove it. Mr. Roe suggested that it should be on a case-by-case basis. The mayor also commented that he was questioned on whether North Street was getting sidewalks and he had answered that it is not at this time; we are just working on fixing bad sidewalks. Perhaps sometime in the future North Street may get sidewalks. Currently we are just trying to work with residents to get hazardous sidewalks fixed throughout the town, rather than pass legislation demanding that they do it on their own by a certain deadline. Mr. Roe commented that one thing he had not thought about, when sending out our sidewalk letter, was that landlords who don't live in town would not receive the letter. He asked Utilities Clerk Harnishfeger if we have addresses for the landlords. Mr. Harnishfeger replied that we do have landlord addresses on each rental account, but those addresses would have to be manually pulled, because only the customer address is printed on utility customer mailing labels. Mr. Roe said he would like to get with committee members before the next meeting and come up with a recommendation for which sidewalks to start on this year, and then decide at the next meeting to send it out for bids. The mayor agreed and said he likes the clusters of properties on the same streets on the list so far.

Councilman Smith reported that he spoke with Abe Rowe about trimming our trees, especially around wires. Mr. Rowe does not do trimming around primary wires; he recommended several other possible contractors to do that. Mr. Smith suggested that we may want to find out who Bowling Green uses for that and have them come and trim what is needed around primary wires. Anything after that, Mr. Rowe will be happy to trim for us. So, we need to start with the primary wires and see what they get done, before calling Mr. Rowe to work on the rest. Mr. Smith asked Attorney Wainwright who is responsible for trimming trees in homeowner's yards that are interfering with utility wires; and, if it is the village, if we are allowed to just have someone go into a property owner's yard and start trimming branches away from power lines. Mr. Wainwright answered that it is generally the property owner's responsibility. However, he explained that sometimes municipalities weigh the cost-benefit of having to go after the property owner to recover costs of lines damaged by their trees and utility interruptions, as opposed to talking with the property owner to go onto their property to do preventative trimming and mitigate losses that way. Members discussed whether or not the village should charge residents for the cost of trimming their trees back from power lines and generally concluded that we would probably not charge them, even though the village would legally have the right to. Administrator Johnson commented that Bowling Green has an arborist and they have their own tree crew. Mr. Smith and Mr. Roe asked Mr. Johnson to talk to Bowling Green about possibly trimming around our primary wires. Mr. Johnson said he wasn't sure what their arborist and his crew do, but he will find out. Mr. Johnson reported that he looked at the huge tree Scott Coon had talked to him about. It is in the ditch, so he will call the county about it; maybe they will take it out. Councilwoman Mackey expressed approval of that solution.

DRAINS and SEWERS: Mayor Shanahan reported that the new drains on Broad Street are working nicely. Mr. Johnson commented that it looks like they went all the way across. Councilwoman Mackey asked if it had anything to do with the other side of the street that they worked on last year. Mr. Johnson said he wasn't sure, but he would ask Palmer. Fiscal Officer Harnishfeger asked if they were done, because he

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had not received a bill yet. The mayor and Mr. Johnson said they still have to come and repave it. Mr. Harnishfeger commented that Mr. Johnson had told him it was mostly a storm sewer job, rather than a street job. He asked members if, therefore, we could pay for it out of the approximately \$14,000 that was appropriated in the general fund for storm sewers, rather than pay for it out of the street maintenance fund, as originally thought. Members agreed that it was basically a sewer project, so the money could come from there. Councilman Roe said we need to check the quote, because he thought the paving was not covered under the quote. Mayor Shanahan added that it was about \$1,800 extra for paving and we approved both quotes.

CITY HALL and PARKS: Councilwoman Mehring reported that her kids told her there was going to be a fight at the park. She went to look at the park, but didn't see anyone. Mayor Shanahan pointed out that the police incident report mentions a physical fight at Mehring Park on 4/30/21. Ms. Mehring also reported that she saw some kids kicking the doors on the porta potty at the park. They also mess with the recycle bins. She talked to them about it, told them they have to play nice or they won't be able to come to the park, and she told them it was their last warning. Mayor Shanahan told Ms. Mehring that, if it happens again and she needs to talk to the parents, to tell them they will be billed for any damages.


Councilwoman Mehring reminded everyone that we still need to get the volleyball court tilled. The mayor asked Councilwoman Mackey who we get to do that. Ms. Mackey answered that Bernard has done it in the past. Councilman Roe said he thought Craig Spoores did it one year. The mayor asked Ms. Mackey to reach out and try to find someone to do it for us.

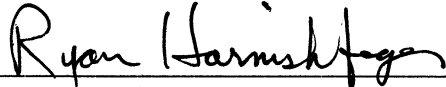
Councilwoman Mackey reported that the Tontogany Park sign on Tontogany Road has one post disintegrated. She asked if someone could at least temporarily fix it; it was an Eagle Scout project and she would like to see it saved. After a little discussion, Councilman Smith said he would fix it; he will go over on a nice day and put a couple new posts in.

Mayor Shanahan reported that someone asked about the nets at Centennial Park and he assured them that Councilwoman Mackey will see that they get put up in time for their event. Ms. Mackey commented that we also need to get the park fountain in working order. Utilities Superintendent Johnson responded that he had found an internal leak in it and called in Kellermeier to fix it. He also found the piece that was missing from the top and went and put it on, but it still was not working right. He said he could call Kellermeier in again to look at it, or order a new part, or he can just take it off and cap it. The cheapest thing would be to just cap it; you just wouldn't be able to fill water bottles. Councilwoman Mackey reminded everyone that they had discussed switching the fountain out with the old one from downtown. Mr. Johnson said he didn't see any need to do that now. Members agreed that he could just solve the problem for now by capping it, as he had described.

Administrator Johnson asked if we are going to enforce the new no parking signs on Broad Street. Mayor Shanahan replied that we are enforcing them for non-residents, but we are not going to make residents who live there move their vehicles at night. The signs are to prevent people from ditching their vehicles over there. Mr. Johnson commented that Glen Hefflinger has enough room that we could require him, under zoning, to put off-street parking behind his place. There are four families living in those apartments now. The mayor and members discussed again the problems with the large white van there. Mayor Shanahan said he would like to talk to the owner and tell them all the problems it causes. If it doesn't get resolved, we may have to make it a legal matter and turn it over to Solicitor Skaff.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:15 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer