

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: July 19, 2021

Council called to order in regular session at 7:00 p.m. with President of Council Mark Smith presiding. Opening ceremony: Pledge of Allegiance to the Flag, led by Council President Smith. 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, Village Solicitor Paul Skaff, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the July 5<sup>th</sup> regular meeting and minutes from the July 14<sup>th</sup> special meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilman Bergfeld made a motion that these bills be allowed and orders drawn for same. Councilwoman Mehring seconded this motion. All were in favor; motion carried.

Council President Smith did a second reading, by title only, of Ordinance #936-21, AN ORDINANCE TO PROVIDE FOR THE COST AND EXPENSE OF PROVIDING FOR THE REMOVAL AND SPECIAL TREATMENT OF SHADE TREES FOR THE PURPOSE OF CONTROLLING THE BLIGHT AND DISEASE OF SAME; AND FOR PLANTING, MAINTAINING, TRIMMING AND REMOVING SHADE TREES IN AND ALONG THE STREETS AND WITHIN THE PUBLIC RIGHT OF WAY OF THE VILLAGE. Mr. Smith commented that this is the special assessment tax that we use each year to pay for tree maintenance. Fiscal Officer Harnishfeger asked if everyone was still good with the proposed \$10,000 tree assessment for 2022 for this ordinance. After a brief discussion, members agreed that \$10,000 would be good for 2022, but the amount might need to be altered in future years, depending on how much tree work is needed for sidewalk projects and keeping power lines cleared of branches throughout the village. Councilwoman Mackey asked the fiscal officer if we still have some tree money in the budget for this year. Mr. Harnishfeger replied that there is \$10,000 appropriated for spending in 2021, none of which has been spent yet.

Council President Smith did a first reading, by title only, of Ordinance #935-21, AN ORDINANCE PROHIBITING THE PAINTING OR OTHER TAMPERING WITH FIRE HYDRANTS, AND DECLARING AN EMERGENCY. Mr. Smith commented that this is intended to address the recent incident of a fire hydrant being painted the wrong color by a resident, without authorization, and any other tampering with fire hydrants. Councilwoman Mackey made a motion to suspend the rules and declare an emergency for Ordinance #935-21. Councilman Bergfeld seconded this motion. All were in favor; motion carried. Councilwoman Mehring made a motion to adopt Ordinance #935-21. Councilman Lee seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reported that he submitted Tontogany's registration with the Ohio Office of Budget & Management (OBM) to apply for American Rescue Plan Act (ARPA) – Coronavirus Local Fiscal Recovery Funds for Non-Entitlement Units of Local Government. Once the registration has been approved and OBM has made a final decision on the amount of Tontogany's award, they will send us a payment for the first half of our allocation within about ten business days. If nothing has changed since the latest update, our first payment should be \$20,007.45, followed by another payment of the same amount one year later.

**ZONING:** Fiscal Officer Harnishfeger reported that Zoning Inspector Owens stopped in at the office today with an official letter notifying the owner of the property at 18535 Wall Street that they are in violation of Ordinance #817-11 regarding noxious weeds, vegetation, and grass. The letter stated that the ordinance gives the property owner five days from receipt of the written complaint to have the property mowed. Failure to comply will result in the Village hiring the lot mowed and expenses will be charged to the owner, at a minimum rate starting at \$150 per hour. Mr. Harnishfeger said he mailed the letter for Mr. Owens by certified mail today. Administrator Johnson asked if the owner had previously called the office about this. Mr. Harnishfeger answered that he had received a call message from them, in

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response to his original letter asking them to mow the property, thanking us for letting them know and promising to take care of it, which they never did. Now they have been sent a second warning. Councilwoman Mackey pointed out that that was two council meetings ago and nothing has been done yet, so they have had plenty of time to get it resolved.

**UTILITIES:** Utilities Superintendent Johnson reported that today Palmer was trying to tap the water line on Tontogany Road at Bobel Road, but the owner across the road wouldn't allow him to dig. Palmer tried to explain to him what was going on. Mr. Johnson said he will go talk to the man and try to smooth things out; he just needs to understand that there are times that excavation has to happen. Councilman Smith pointed out that Palmer wouldn't just dig a hole and leave it, but would be filling it in afterwards. Solicitor Skaff asked if it was in the right of way. Mr. Johnson answered that it was.

Mr. Johnson reported that he spoke to Palmer today regarding the federal ARPA funding being reduced, which the Village intended to use for the water line project on Broad Street. It turns out the water line project would be more like around \$120,000. Mr. Johnson said he spoke with the mayor, who said we would need to consider a plan B. Fiscal Officer Harnishfeger added that he had also spoken with the mayor today about the same topic and they thought one option might be to have Mr. Johnson ask Palmer if they could do a smaller section of the Broad Street water line that would fit within the new total of about \$40,000 in ARPA funding (\$20,000 in 2021 and \$20,000 in 2022). Also, instead of paying for replacing water line and repaving over the excavation, the ARPA money could pay for just the water line and the Village could pay for the repaving. Mr. Johnson replied that Palmer had suggested possibly having the Village buy materials for the project out of ARPA funding and pay for the asphalt out of the general fund. Councilman Smith commented that that might be a possibility, since we are already planning on doing sidewalk work this year and then street paving next year. Mr. Harnishfeger commented that, if we needed to find extra money for street paving this year, there is enough money in the general fund to allow for a supplemental appropriation to pay for it. Councilman Roe suggested looking into the possibility of using the first \$20,000 of ARPA funding to just purchase part of the pipe and materials this year and store it, to be ready to purchase any more materials needed and complete the water line project when we receive the second \$20,000 next year. Mr. Johnson said that Palmer was suggesting the same kind of thing, with extra expenses paid out of the general fund. Mr. Johnson also said he thought another water infrastructure project that the ARPA money could be used for would be to upgrade one of the master meter pits for backflow prevention, the costs of which would be more in line with the amount of the ARPA funding. He said he has asked Dave Kuhn of Feller, Finch to come to the next meeting; he will ask him to give us a rough estimate of how much it would cost to do the backflow upgrade to one of our master meter pits. Maybe we could do one pit this year and one next year. Hopefully, the water fund will continue to improve so we could deal with the water line issues in the future. Mr. Smith and Mr. Roe agreed that the backflow project would be another good use of the ARPA funding, falling into the water infrastructure category, and the EPA and Bowling Green would be pleased to hear that we are taking care of it. Mr. Harnishfeger commented that the backflow preventers would definitely be his plan B for use of the ARPA funding.

Mr. Johnson reported that the fire hydrants need to be repainted. He intends to start with the one that was wrongly painted by a resident and then do as many as he can along the transmission line this year. He intends to buy the paint from the Sherwin-Williams Paint Store. Councilman Roe asked if Mr. Johnson would like for Council to find someone in town that could help him with painting the hydrants. Mr. Johnson replied that he would welcome that, if someone can be found. Mr. Harnishfeger said that we used to have the scouts do it as a project; we bought the paint for them. Members made some other suggestions of possible people to ask. Councilman Lee said he would be willing to help, if he is just shown how we want it done. Councilman Smith asked Mr. Johnson if he wants to have the Village hire someone else to do it. Mr. Johnson replied that he doesn't care.

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**STREETS and ALLEYS:** Councilman Smith asked if the mayor had mentioned anything about getting together with the township on striping Tontogany Creek Road. Fiscal Officer Harnishfeger responded that he had not.

Councilman Roe reported that he has noticed a runoff of mud when it rains at the new properties on Tontogany Creek Road by Scott Road. It actually goes across the street and into a neighbor's driveway and yard. He asked if we should maybe get the township involved in fixing the problem, since it affects a resident on their side of the road. He said we would probably have to address the problem on our side of the road. Once grass is filled in, the problem may go away. Administrator Johnson commented that storm water is not a good thing for zoning; it is generally a civil matter between property owners; it is hard to get someone to install a catch basin in their front yard.

**SIDEWALKS and TREES:** Fiscal Officer Harnishfeger reported that Erik Kern, who resides at 18715 Washington Street, stopped in at the office today and said he is concerned about tree branches in the electric wires near his home. Councilman Smith reported that he had sent a text to Abe Rowe, asking for a quote for tree work, but he hasn't heard back from him yet. He will try again, but, if he gets no response, he may have to seek a quote from someone else for tree work. Mr. Smith said he would take a look at Mr. Kern's tree problem and see about getting it taken care of.

Councilman Smith reported that we were able to secure only one estimate for the sidewalk replacement project, from Powell Creek Tree Service. It was bid at \$38 per linear foot, as requested. Curb ramps were priced separately at \$1,575 each. Mr. Smith asked Solicitor Skaff if it would be allowable to open it up for another two weeks to let other contractors bid. Mr. Skaff asked if a deadline was advertised. Mr. Smith answered that the 19<sup>th</sup> of July was set as the deadline to submit bids. Mr. Skaff responded that the Village must go with what was submitted by that deadline. Councilman Roe commented that we worded it so that it was not a bid for the entire cost of the project but a bid for how much per linear foot. He asked Mr. Skaff if that would make a difference, since it was not a bid for the entire cost of the project. Mr. Skaff responded that it wouldn't make a difference; the deadline for bids must be honored. Mr. Smith commented that the bidder added enough in the bid to cover any unknown costs that might occur, so everything will be covered without the need to ask for more money to pay for surprise costs; the price per linear foot could come down if everything goes smoothly and quickly. Mr. Roe observed that the quote is a little higher than we estimated to residents, but we were basing our estimate on past prices. Mr. Smith noted that \$38 per linear foot of sidewalk calculates to \$9.50 per square foot. Mr. Smith said the bidder had originally wanted to bid by square foot, but we asked for it to be by linear foot. Councilwoman Mackey asked if the price includes removal of the old concrete. Mr. Roe answered that it includes everything, as the bid states, "removal of old concrete, base aggregate, reinforcing steel (if required), concrete, backfill dirt and seed." Mr. Smith added that curb ramps will include proper ADA pads incorporated in the concrete. Mr. Roe commented that the bidder needs to understand that we now have to go to the home owners on the list, let them know the bid price, and get a final decision if they are still willing to participate this year. Some may say no, which will change our final order for the project this year. However, if we have some extra money, we could have the contractor do some more sidewalk work for us. Ms. Mackey asked if the bidder indicated any timeline that he could work within. Mr. Smith answered that he did not say what his schedule was. He said he will talk with the bidder, let him know we accepted his bid, and that we will be letting him know in the next couple of weeks or so the exact addresses we want done, so he can set his schedule based on that. Councilman Roe made a motion to accept the bid for sidewalk work from Powell Creek Tree Service at \$38 per linear foot and \$1,575 per curb ramp. Councilman Lee seconded this motion. All were in favor; motion carried. Mr. Roe said we now need to go and measure each property on our list and let each owner know what the cost will be for sidewalks. Administrator Johnson volunteered to help with determining the length of the lots, since he has a lot of experience in that area.

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

**CITY HALL and PARKS:** Administrator Johnson reported that, per the mayor's request, he looked into getting cameras for the parks. His experience is that camera systems can tend to be somewhat unreliable; if you get one, you want it to be a good, dependable system. He did some research on the internet. He called the Wood County Park District, who had nothing but good things to say about InTech IT Solutions. Their system makes it possible for owners to view the monitored areas right on their cell phones. Mr. Johnson contacted them and let them know we might be interested in cameras to view the parks, the recycle bins, and maybe even the bar downtown. He invited a representative of the company to come to tonight's meeting, but he couldn't come to this meeting, so he emailed information about proposed equipment and labor and costs, a copy of which was forwarded by Fiscal Officer Harnishfeger to the mayor and members. He will meet us at Centennial Park at 6:30 p.m. on August 2<sup>nd</sup>, and then come to the meeting at 7:00 p.m. to answer questions. Councilman Smith asked how we would work the utility pole mentioned in the email as needed to be installed, and what it would cost. Mr. Johnson said he didn't think it would cost too much, but he wasn't sure if that was really needed or not. Members discussed various possibilities and how the installer was trying to establish a line-of-sight environment for wireless transmission, with the command center in the village hall. Councilwoman Mackey asked if this would be something we would consider including in our park grant application. Mr. Johnson said he supposed it could be a grant request, since the town will own the equipment once installed. Members expressed approval of the idea of making it a grant request. Ms. Mackey said the only other thing we had down for a grant application was a small stretch of sidewalk at Centennial Park. Mr. Johnson asked how long the camera project would be delayed, if put into a park grant request. Ms. Mackey answered that it would be next spring; as soon as the grant is approved, we could get going on it, which would be about March. The deadline for the grant application is about the first or second week in October. Mr. Roe asked if we could pay for it out of our own money and then get reimbursed when the grant is received. Mr. Smith answered that the grant for 2022 can't be for something we already paid for this year. Councilman Lee pointed out that we really didn't have trouble at the park until the summer, so getting a camera system installed by next spring would be right on time to be prepared for the summer of 2022. Mr. Roe pointed out that we might get denied the grant, which would mean we would still have to pay for it out of pocket. Members agreed, but said it was worth a shot to try for the grant. Mr. Roe estimated that with materials and labor it might cost about \$10,000. Mr. Johnson commented that the former village administrator's opinion was that it was a waste of money, because any vandalism that happens is covered by the village's insurance company anyway. However, Mr. Johnson said that, from a public health and safety standpoint, if a child were to be kidnapped from a park or some other bad thing happened, you would have the camera evidence to help solve the crime. Mr. Roe asked if the public would be given the ability to access the security camera images on their phones, such as for watching their kids play at the park. Council President Smith said he didn't think that would be a good idea.

Councilman Smith reported that he has been working on the horseshoe pits when it is not raining. They will be finished shortly. Mr. Roe asked if the drainage is working at the park. Mr. Smith responded that it is working pretty well, considering all of the rain we have gotten.


Administrator Johnson suggested asking the sidewalk contractor about the small stretch of sidewalk we want at Centennial Park. Mr. Smith said he would ask him about that.

Councilwoman Mackey reported that Mayor Shanahan told her that there are four council members that need to run for reelection for 2022. Now is the time to get into the court house to the Board of Elections to get petitions. Councilman Smith said that all of the information is on the Board of Elections website. People at the desk are really nice and ready to answer any questions. Councilman Roe told members that he had a conversation with his wife and they decided that this will be his last term and he won't be running for reelection. Council President Smith thanked Mr. Roe for his service and he asked

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other members to be thinking about who we might want to talk to about filling the seat that will be vacated by Councilman Roe.

With nothing further to discuss, Council President Smith declared the meeting adjourned at 7:47 p.m.

  
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Matthew Shanahan, Mayor

  
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Ryan Harnishfeger, Fiscal Officer