

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: October 4, 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, here; Jamin Roe, here; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here. Also present was Village Solicitor Paul Skaff and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Deputy Bird, from the Wood County Sheriff's Office.

Mayor Shanahan reported that we received an official proclamation of Village status from Secretary of State Frank LaRose, as a result of the 2020 Federal Census showing a population of 387 for Tontogany. Minutes from the September 20th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Mayor Shanahan asked about the bill from Game Time for \$5,371.80 for park slides, if the installation will be billed separately, since the whole quote was around \$8,300.00. Fiscal Officer Harnishfeger answered that he expected a separate bill for installation. Councilman Roe inquired about another bill from Palmer for \$5,764.05, since we had similar billing from them at the last meeting. Fiscal Officer Harnishfeger explained that this was for different jobs that had to be done, installing meter pits at 18176 Tontogany Road and 17404 Harley Woods Drive, plus necessary boring. Councilman Roe made a motion that these bills be allowed and orders drawn for same. Councilwoman Mehring seconded this motion. All were in favor; motion carried. Copies of the September Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status Reports were given to the mayor and the Finance Committee to review.

Copies of the September incident report were provided for members to review. Mayor Shanahan asked if members had any questions or comments for Deputy Bird. Members did not. The mayor asked the deputy if she had anything to report to Council. She said she did not. With nothing further to discuss, the mayor thanked Deputy Bird and she left the meeting.

Mayor Shanahan did a first reading, by title only, of Ordinance #939-21, an ORDINANCE ESTABLISHING INCREASED ELECTRICITY RATES AND TAP FEES, AND DECLARING AN EMERGENCY. Councilman Smith made a motion to suspend the rules and declare an emergency for Ordinance #939-21. Councilman Roe seconded this motion. All were in favor; motion carried. Councilwoman Mehring made a motion to adopt Ordinance #939-21. Councilman Bergfeld seconded this motion. All were in favor; motion carried.

Mayor Shanahan did a reading of non-legislative Resolution #940-21, a RESOLUTION HONORING THE SERVICE OF KIRK SHANK. The Village of Tontogany and its residents owe an unmeasurable debt to Kirk Shank, who has served the Village and its residents as a Washington Township Volunteer Firefighter for fifty years. Roll call vote to adopt Resolution #940-21: Mackey-Aye, Mehring-Aye, Roe-Aye, Smith-Aye, Bergfeld-Aye, Lee-Aye.

Mayor Shanahan did a reading of non-legislative Resolution #941-21, a RESOLUTION HONORING THE SERVICE OF ORVILLE BUEHRER. The Village of Tontogany and its residents owe an unmeasurable debt to Orville Buehrer, who has served the Village and its residents as a Washington Township Volunteer Firefighter for seventy years. Roll call vote to adopt Resolution #941-21: Mackey-Aye, Mehring-Aye, Roe-Aye, Smith-Aye, Bergfeld-Aye, Lee-Aye. The mayor told members that the plan was that he and Bill Gase would deliver these two resolutions, framed, to Kirk and Orville at halftime at the football game on Friday.

Fiscal Officer Harnishfeger told members that there has been an extraordinary amount of billing from Palmer this year for water service work that needed to be performed, which has used up almost all of the money in the water fund appropriated for this purpose. There is not enough appropriated to cover the current bill from Palmer on the invoice list, and possibly other expenses yet to arise this year. While trying to figure out how to pay the Palmer bill, he noticed that Council appropriated \$20,000 in

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the water fund for engineering fees for redesign work on the master meter pits for backflow prevention, which has not happened this year and probably will not happen this year. He reminded members that we have Resolution #740-05, A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER MONEY FROM ONE LINE ACCOUNT TO ANOTHER, WITHIN THE SAME FUND, AS NECESSARY. He asked members for approval to move part of the money from the engineering account line item to an account line item that could be used for paying Palmer and other water service work that may be needed yet this year, in lieu of doing a supplemental appropriation ordinance. Councilman Roe made a motion to approve the fiscal officer moving money from the engineering appropriation line item in the water fund to another appropriation line item in the water fund for paying the Palmer bill and other similar water expenses. Councilwoman Mackey seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reminded members that, if they wished to change the wages for any job for the Village in the coming year, it needed to be done by ordinance. Therefore, a decision would need to be made and an ordinance drafted by the first meeting in November, in order to give it three readings and pass it by December, so it could be included in the permanent appropriations for 2022. Mr. Harnishfeger said he thought the job most needful of a wage increase was the utilities superintendent position, which has been paid the same wage since 1995, for over 25 years, without a cost-of-living increase. It currently receives \$500 per month, split \$400 from the water fund and \$100 from the electric fund, plus \$20 per hour for extra work. Mayor Shanahan added that he and Mr. Johnson had a number of conversations over the last month or so. Mr. Johnson is intending to voluntarily step down as village administrator as of January 1, 2022. He will stay on as utilities superintendent and he asked the mayor if he thought there could be an increase of \$300 to his salary for that job, to which the mayor had said that he would speak to Council about it. The mayor said that Mr. Johnson also recommended Brian Owens to take over the village administrator position. The mayor said he posed that to Mr. Owens, but has not received an answer back about whether he would be interested in the administrator position or not. The mayor commented that he sees no problem in raising the utility superintendent wages by \$300. Councilman Roe suggested that, since the wages are now \$400 from water and \$100 from electric, it could just be increased by raising the electric portion to \$400 also, so they were both the same, for a total of \$800. Mr. Harnishfeger explained that the reason for the wages being set up with a much larger portion paid from the water fund was because there is a lot more work involved for water utilities than for electric utilities, partly because of EPA requirements that must be met, so a raise should be proportionally applied. Mayor Shanahan told members they could use the remainder of October to think about it and consider another amount if they wished.

Councilwoman Mackey stated that she thinks we need to have a clear-cut job description before we consider anyone for filling the village administrator position. She said she saw a lot of things over the past year that should have been done by the village administrator and was done by past administrators, but has not been done by our administrator. For example, a lot of the work Councilman Smith has done on the sidewalk project should have been taken care of by the village administrator. Likewise, a lot of other administrative work that council members have been doing should be done by the administrator. Mayor Shanahan agreed and commented that we have in the past sought to put together a job description for the village administrator. Ms. Mackey added that we need one for the zoning inspector as well. Village Solicitor Skaff informed members that the Ohio Revised Code (ORC) 735.273 gives a description of the village administrator's duties. The mayor asked Mr. Harnishfeger to print off copies of ORC 735.273 for members; he also commented that we can give a copy to Brian Owens to help him decide if he wishes to take on the position or not. The mayor asked Mr. Skaff if the zoning position also has an ORC description of duties. Mr. Skaff answered that he doesn't think there is a zoning inspector description in ORC; it would be up to the Village to create a job description for zoning inspector. The mayor asked Mr. Skaff if he had another municipality that he works with that has a zoning inspector job description that we could use as a guide. Mr. Skaff said he did. Councilwoman Mackey asked what the current wage is for village administrator. Mr. Harnishfeger answered that it is \$300 per month; it was

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raised from \$200 to \$300 when Chad Johnson took the position. Solicitor Skaff informed members that in Section 15 of Tontogany's zoning code, Ordinance #529-91, there is a description of the zoning inspector's duties. Mayor Shanahan asked Mr. Harnishfeger to provide a copy of Section 15 of our zoning code for members at the next meeting, as well as copies of ORC 735.273, so the discussion can be continued about the village administrator and zoning inspector positions. Councilman Lee commented that whoever fills these positions will not be there forever, so we need set amounts and duties for whoever fills the positions. The mayor added that we did increase the zoning inspector salary to \$125 per month last year. Councilwoman Mackey voiced her concern that Brian Owens is currently the zoning inspector and he holds a full-time job as well. She said this presents the same problem we had with Mr. Johnson not having enough time to put into the responsibilities of a village administrator. She said that the person who takes on the village administrator position needs to be able to avail themselves for many extra hours for various administrative tasks. The mayor responded that that is a valid point; and Mr. Owens is on call different weekends for his work at the City of Perrysburg. Councilman Bergfeld asked if we had anyone else in mind besides Mr. Owens to fill the administrator position. The mayor answered that we do not at this time. Ms. Mackey asked how desperate we were to have a village administrator, and if we are legally bound to have one. Solicitor Skaff responded that you have to have a village administrator or a board of public affairs. Mr. Harnishfeger commented that he agrees with Ms. Mackey that we need an administrator with more time to take care of things. He said he has had to pick up some of the work that used to be done by the previous administrator. Councilman Roe asked if it has to be someone who lives in the village. Solicitor Skaff answered that you can waive that requirement. Ms. Mackey asked if the administrator is under OPERS or Social Security. Mr. Harnishfeger answered that it is OPERS.

After a little more discussion on the utilities superintendent wages, members decided to go with the requested \$300 increase by adding a \$200 raise from the water fund and a \$100 raise from the electric fund, making the new wages \$800 total per month, split \$600 from water and \$200 from electric, effective January 1, 2022. Members agreed, with no opposition voiced, and asked Solicitor Skaff to draft an ordinance with this wage increase for the utilities superintendent position.

ZONING: Nothing to report.

UTILITIES: Mayor Shanahan reported that the pole is still leaning in the alley off of Broad Street across from the Post Office. He intends to follow up with Mr. Johnson about that matter.

STREETS and ALLEYS: Councilwoman Mehring asked if people can permanently park in a service alley. Someone had asked her about a vehicle parked the alley off of Crom Street. Mayor Shanahan answered that they should not do so. It should be left open and not become a permanent parking spot. He asked how long it had been sitting there and if we needed to address it. Ms. Mehring said she didn't know how long it had been there; it was just brought to her attention; perhaps we could wait a couple of weeks to see if it is moved; it is supposed to be purchased by someone when they turn eighteen. Councilman Bergfeld said he had seen the vehicle too. The mayor and members decided to wait a little while and see what happens before taking any action on the matter.

SIDEWALKS and TREES: Councilman Smith reported that they went around last week and secured contracts for interested parties for the 2021 sidewalk project. Then they did another walk-around with the contractor and looked at everything. The contractor will start work on the 11th of October or earlier. He intends to pour about 200 feet of sidewalk per day. He doesn't intend to dig up a sidewalk and leave it for a week, but tear out the old one and pour the new one right away. They looked at trees that need to be taken out and received an estimate; he bid \$3,500 to take out four trees, which would be billed separately from the sidewalks. It would include cutting down the trees, grinding down the stumps, and

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everything that needs to be done, so he can go in and do the sidewalks. Mr. Smith asked if Council was okay with that price, so he could tell him to go ahead on the trees. Councilman Roe asked how the tree fund was doing. Fiscal Officer Harnishfeger replied that there was plenty to cover the \$3,500 quoted. Members agreed that it was a fair price, with no objections voiced. Mayor Shanahan asked if he is still going to be done with the sidewalks by Halloween. Mr. Smith answered that that is the plan, if all goes well. Councilwoman Mackey commented that the contractor impressed her as being extremely professional with the people they met up with. The mayor asked if the contractor gave a price for the park sidewalk that we had talked about. Mr. Smith replied that he did not, but the maximum cost of \$38 per linear foot was decided for whatever we do. He will itemize every property individually, so we will know how much we paid for each property, for the park, or whatever. Mr. Roe asked if he had indicated that he would be able to cut the price a little. Mr. Smith answered that he didn't ask him. Mr. Roe asked if we got information to him about where he can take the concrete. Mr. Smith said he would pass that along. Ms. Mackey said she had a place to call about possibly taking wood chips; she said she would get back with Mr. Smith when she finds out. Mr. Smith commented that we do have a local place to dispose of the concrete for free; originally, disposal of the concrete was added into the overall price, so that should help the contractor's bottom line, which should also help our bottom line on the project. Mr. Roe cautioned that it depends on how much concrete we have; the gentleman said he would take some of it, but he might not take it all. The mayor asked if the sidewalk contractor could do the hole we need to put a stop sign in concrete. Mr. Smith replied that he hadn't asked him about that yet, but he will ask him. Councilman Bergman asked if we were going to replace any trees this fall. Mr. Roe asked how much money we have in the tree fund. Mr. Harnishfeger said that \$10,000 was appropriated for tree maintenance, of which we have spent nothing so far. Out of that, we will need \$3,500 for removing trees for the sidewalk project. Mr. Bergfeld reminded everyone that we had also accepted a quote of \$660 from Gary Stump Removal & Tree Service for some other tree maintenance in town that we have not received the bill for yet. Mr. Roe offered to make some phone calls about new trees to plant. Mayor Shanahan agreed that it would be a good idea for him to get some information for Council to consider. Members discussed that some people may or may not want tree replacements, and we want to be sure that whatever we get does not cause a future problem of damaged sidewalks again. Mayor Shanahan thanked the three members of the Sidewalk Committee, Councilmembers Smith, Mackey, and Roe for the substantial amount of time and work they had put into the sidewalk project; he commented that he believes it will pay dividends.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Councilman Smith reported that he fixed the broken baby swing at the park; it operates as it was designed to now.

Mayor Shanahan reported that the new replacement slides for Centennial Park are in the village. He said he emailed Donna Essick, the sales representative, again today and asked for an installation date. He has not received an answer yet. We are now five weeks past what they originally told us. As soon as he gets an answer, he will let everyone know so we can watch for them.

Councilwoman Mackey reported that she has been in contact with DWA regarding our Wood County Park Grant. It looks like it will be another week before she gets a quote for new swings and replacements. The lady she is dealing with said their turnaround time used to be four weeks, but it is currently fourteen weeks. Councilwoman Mehring added that she has called a company about swings numerous times and has not received a response. We are having problems in trying to get comparison quotes from multiple companies. Mayor Shanahan asked what the due date is for the grant application. Ms. Mackey answered that the due date is October 22nd. Councilman Roe asked if we had gotten any further with the idea of security cameras. The mayor responded that we have not proceeded any further on it. The gentleman was supposed to come and talk to us and answer questions, but hasn't shown up

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yet. Also, as Ms. Mackey reported previously, the park grant will only cover cameras for the parks. Ms. Mackey added that, in order to write the grant application, she would have to have an actual quote. Mr. Roe commented that we won't be able to do it this year, but he thinks we should keep on it. The mayor said he agreed.

Councilman Smith asked about plans for fall brush pickup. Mayor Shanahan responded that it is set for October 21st. Councilwoman Mackey has posted flyers. Scott had texted him and reminded him what the requirements are, which is what Ms. Mackey has listed on the flyer.

Mayor Shanahan reported that there is a feral cat issue in the village. People have been complaining about the cats jumping in vehicles, defecating in gardens and lawns, and causing other problems. The mayor said he reached out to Wood County. He stopped at Wood County Humane Society; they want \$45 to trap, neuter and return cats. He let them know we don't want them returned. They don't do it that way, but they gave him eight names of people in Otsego community looking for barn cats. He reached out to all eight people and they all told him the same thing, that that was two years ago when they were wanting a cat. He then reached out by email to Ohio Humane and they do not do a trap and remove program. He put a notice on his mayor's social media, saying that anyone looking for barn cats can feel free to trap at the village hall and take feral cats from the village, with a warning that they are not neutered. We are not getting anywhere. We know the people who started it and they admitted that they got two cats and never had them neutered; so, they mated and are reproducing. There are now maybe as many as twenty-five of these cats getting into things and causing problems for people. The mayor asked Solicitor Skaff if any other of his municipalities have had a problem like this. Solicitor Skaff asked if they return the cats in a cage in the catch-neuter-return program. The mayor said he did not ask that question. He also commented that the original owners of the cats do not care if all of the cats are taken away. He had spoken with them and asked if any of the cats were pets they wanted to keep, and they let him know that they didn't want any as pets. The mayor said he also reached out to the mayors of Grand Rapids, Weston and Haskins and asked if they had any cat issues or solutions. None of them seem to be dealing with that issue right now. Councilwoman Mackey informed the mayor and members that Craig Spoores is a varmint trapper. He charges per varmint and he doesn't return them. The mayor responded that he thinks we are at the point where Council needs to consider paying a fee to get rid of the nuisance cats. Mr. Skaff asked what Mr. Spoores would do with cats he catches and doesn't bring back. Ms. Mackey answered that she doesn't know. Councilman Smith advised that we need to do something about the problem now; if we don't do it now, the problem will continue to grow and become more expensive to deal with later. The mayor commented that it would probably be easier to do it now before the weather turns cold and the cats hide in buildings to get out of the weather. The mayor said he would reach out to Mr. Spoores to find out if he is interested and what his charges would be, which he will report about at the next meeting. If he is not interested, the mayor said he would call other varmint collectors about dealing with the problem for us. Ms. Mackey asked if we had to wait to the next meeting to approve spending money to deal with the cat problem. Solicitor Skaff asked if the Village Council has ever given authority to the mayor to spend up to a certain amount without Council's approval. The mayor responded that we have never had that conversation before. Members did not know of any such authority previously given. Fiscal Officer Harnishfeger said he had never come across such an ordinance. The mayor asked if Council could specify an amount to authorize him to spend now and then have Mr. Skaff write an emergency ordinance to be passed at the next meeting. Mr. Skaff answered that this wouldn't justify an emergency ordinance. Council could do this with a motion. Members asked where the money would come from. Mr. Harnishfeger answered that there is a line item in the general fund that is for miscellaneous purposes that has enough money in it for this. Councilman Roe made a motion to allow the mayor to spend up to \$1,000 for varmint removal. Councilman Lee seconded this motion. All were in favor; motion carried.

Mayor Shanahan said he would like for us to test the tree lights to see how many we need to replace this year, before the holiday season sneaks up on us. Councilwoman Mackey added that we also need to

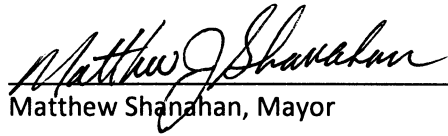
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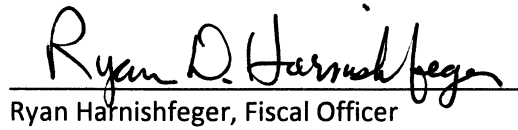
decide when trick-or-treat will take place for Halloween this year. The mayor responded that trick-or-treat will be the same as last year. It will be on Halloween, which is Sunday, October 31st, with trick-or-treat from 5:30 p.m. to 7:00 p.m. As for Christmas lights, when we find out how many we need, we will either order more or maybe go to Hobby Lobby to get some at a cheaper price.

Mayor Shanahan reported that Lincoln Fox stopped him at the Post Office and expressed his interest in filling the council seat that will be open as of January 1, 2022.

Councilman Roe asked if we had heard anything more about the Fox property on North Street. The mayor answered that we haven't heard anything more than what Steve Powell shared with us at the last meeting. The residents on North Street seem to be very excited about the potential for the property.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:13 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer