

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: November 1, 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, absent; Connie Mehring, absent at roll call, but arrived at 7:01 p.m.; Jamin Roe, here; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here. Also present was Village Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, Village Solicitor Paul Skaff, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Cody Donaldson from Powell Creek Tree Service; Sergeant Trey Farabee from the Wood County Sheriff's Office. Minutes from the October 18<sup>th</sup> meeting were approved as submitted.

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilman Smith requested that an invoice just received, for \$27,108 from Powell Creek Tree Service for work done so far on the 2021 sidewalk program, be added to the current invoices. Mr. Smith explained that this invoice is for initial tree work that had to be done and some progress on sidewalk replacements. He asked if members were okay with paying this invoice for part of the project, rather than waiting for completion before making a payment. Mayor Shanahan asked how much we had received in down payments from residents. Mr. Smith added up \$6,500 total down payments received from residents. He also pointed out that \$3,500 of the initial invoice from Powell Creek is for tree work, which will be totally the village's responsibility and will come out of the tree maintenance fund. Also, a lot of the north-south sidewalk will be totally the village's responsibility. We will later be billing the residents for the 50-50 portion of sidewalks at each of their properties. Mayor Shanahan asked Cody Donaldson if we were replacing the sidewalk on the list that was taken out at Broad and North Street. Mr. Donaldson answered that it will be filled in with dirt. Fiscal Officer Harnishfeger said that, in order to know how to pay the invoice, he would need to get exact information from Councilman Smith as to what amounts on the invoice are to come out of the tree or street maintenance accounts, how much is the responsibility of the village and how much is the responsibility of each resident where work was done. Mr. Smith said he would get him that information. Mr. Donaldson added that he will also provide a breakdown of how much footage pertains to residents and how much pertains to the village. Councilman Roe asked if Powell Creek intended to bill the resident directly for any extra work they asked to be done, or if he intended to bill the village and have the village collect payment from the residents. After a little discussion, it was confirmed that the village would be billed for all of the work and the village would settle up with residents when all was complete. Councilman Lee asked about the pricing estimate. Mr. Smith answered that we got an estimate to help the residents have an idea what the full price would be. The current invoice is based on the agreed-upon estimate of \$38 per linear foot. Councilman Roe made a motion to add the Powell Creek Tree Service invoice #1043 for \$27,108 to the current November 1<sup>st</sup> list of invoices to be paid. Councilwoman Mehring seconded this motion. Roll-call vote: Mehring-yea; Roe-yea; Smith-yea; Bergfeld-yea; Lee-yea. Motion carried. Councilman Bergfeld made a motion that the complete list of bills be allowed and orders drawn for same. Councilman Lee seconded this motion. All were in favor; motion carried. Copies of the October Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status Reports were given to the mayor and the Finance Committee to review.

Copies of the October incident report were provided for members to review. Mayor Shanahan asked if members had any questions or comments for Sergeant Farabee. Members did not. The mayor reported that he saw that our Ohio State Representative Haraz Ghanbari challenged all elected officials to do a ride-along with local law enforcement, to increase awareness of the daily life of law enforcement and other types of first responders. The mayor asked Sergeant Farabee how a person interested in doing a ride-along would set that up. He answered that all you need to do is call the Sheriff's Office during normal business hours and let them know you are interested in a ride-along. They do a little check for

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things like a history of arrests. Then you have to sign a waiver form and they will schedule a ride-along date and time that works for you.

Mayor Shanahan asked Mr. Donaldson when he intends to move the staging location for Powell Creek's sidewalk construction workers and equipment. Mr. Donaldson answered that it would probably be next week. The mayor told members he had suggested using the back of the lot by the fire station for their next staging area. Councilman Roe suggested that they might be able to park their equipment at the elevator when their work takes them to Wall Street. Mr. Donaldson commented that it would be good to get off of North Street, due to heavy school traffic there. The mayor said he would talk to Scott to see if the township parking lot could be used, which may provide more room. He also said that we are leaving the porta johns up at the parks until the sidewalk project is completed. Mr. Donaldson commented that the porta john at Centennial Park gets very mucky when wet with rainfall. He asked if Council would be against him scraping some of that off and putting in some stone there at no cost to the village. The mayor and members voiced their approval of him doing that, with no objections voiced. Administrator Johnson asked if a previously proposed sidewalk to the shelter house at Centennial Park had been mentioned to Mr. Donaldson. Councilman Smith answered that we did talk to him about it, but we are concentrating on getting the residents' sidewalks done first. With nothing more to discuss pertaining to the Sheriff's Department, Mayor Shanahan thanked Sergeant Farabee and he left the meeting. Mayor Shanahan mentioned to Administrator Johnson that we had also talked to Cody Donaldson about cutting the sidewalk out for installing the stop sign downtown, while they are in town. Councilman Smith commented that we need to find out the exact position where the stop sign should be placed. Mr. Johnson also informed the mayor and members that the township building is metered. So, if Powell Creek decides to use electricity from there, we should talk to the township about it and he can get a meter reading to determine usage. We could pay the difference. The mayor asked Mr. Johnson to talk to the trustees about it and follow up with Councilman Smith, who is coordinating everything with Powell Creek. With nothing more to discuss on sidewalks, Cody Donaldson left the meeting.

Mayor Shanahan did a second reading, by title only, of Ordinance #942-21, an ORDINANCE INCREASING THE SALARY OF THE VILLAGE UTILITIES SUPERINTENDENT.

Mayor Shanahan pointed out that everyone had a copy of an ordinance prepared by Solicitor Skaff to amend the village's net metering and billing policies for behind the meter renewable generators. The mayor asked everyone to review it and send any suggested changes to Fiscal Officer Harnishfeger before the next meeting. Then we will get with Solicitor Skaff for a final version, which will be discussed with School Superintendent Adam Koch. Councilman Roe said he thought we should verify that Mr. Koch does not have any major objections to the amendment before we pass it. Mr. Skaff commented that he wrote this as emergency legislation, so the village will only need one meeting to pass it. Mr. Harnishfeger reported that he had contacted Bowling Green and received from them the wholesale rate that we are currently charged for electricity from them, and he entered that amount into the space provided in the ordinance for our "Avoided Cost" rate per kilowatt-hour to be credited to the customer for power put back onto our grid. The wholesale rate from Bowling Green is only twenty percent lower than our retail rate for Commercial Customers, such as the school. The wholesale rate from Bowling Green will not change again until 2023. Solicitor Skaff commented that he recommends one change that he will add to the ordinance, stating clearly that the Avoided Cost can be changed from time to time.

Fiscal Officer Harnishfeger reported that he put together a first draft of the 2022 permanent appropriations budget, with his notations on each line item, and supplied everyone with a copy of it. He continued to briefly go over the proposed budget, making comments on highlighted items of special note in various funds. Then he asked members to take their copy with them and see if they wish to make any changes or additions to the budget, which they can let him know about by the second meeting in November. He praised Council for dealing with the payroll wages issue ahead of time, so it won't be a problem when it is time to adopt the next year's appropriations. He said his intention is to have the permanent appropriations budget ordinance ready for passing as an emergency measure at the first

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meeting in December. Councilman Roe asked who else is on the Finance Committee besides Councilwoman Mackey and himself. Mr. Harnishfeger answered that it is just those two on the committee right now.

**ZONING:** Zoning Inspector Owens reported that Chad Johnson will be putting up a fence at his daughter's residence at 18392 Broad Street.

Meter Reader Johnson reported that a deck was installed at Jerry Asmus's apartment closest to Tontogany Road about two or three months ago. The deck is a foot and a half off of the property line, making it hard for him to squeeze through there to get meter readings. It is illegal. If they ever have a fire there, they won't be able to evacuate easily. Mayor Shanahan asked for Mr. Asmus to be contacted about this.

Councilman Roe made a complaint about grass in the road from mowings, although he admitted there may be nothing we can do about it. Mayor Shanahan commented that we do not currently have an ordinance that says you have to blow your lawn clippings off of the road. Solicitor Skaff commented that the problem with an ordinance against grass clippings is how to enforce it; the sheriff is not going to come out to write tickets for grass clippings.

**UTILITIES:** Utilities Superintendent Johnson reported that Powell Creek's team destroyed the meter pit at Lambert's, while working on the sidewalk. Palmer happened to be there and saw that it was caved in and the dirt was falling down into the meter pit; he came and got a meter pit lid and took it down there as a temporary fix. It will need a new meter and lid. Mayor Shanahan said that, if Cody's team damaged it, then we should be able to charge them for it. Mr. Johnson said he spoke with one of Cody's team and told them they can't put concrete around it or he won't be able to get down into it to fix it. The mayor advised talking directly to Cody and to warn him to be careful not to break any more meter pits. Mr. Johnson asked to know what other sidewalks are coming up in the project, so he can go and mark the meter pits.

Mr. Johnson reported that he is trying to wrap up the required valve maintenance over the next couple of weeks. There is about 25 percent of them left to do. He is a little worried about doing the ones on Tontogany Road and Opperman Road, for fear of setting the school fire alarm off. Councilman Smith asked if this was going to end up costing the village a bunch of money to replace valves. Mr. Johnson answered that most of them in town are in pretty good shape. There are just a couple of them that he is concerned about.

**STREETS and ALLEYS:** Nothing to report.

**SIDEWALKS and TREES:** Councilman Smith reported that he spoke with Cody Donaldson today when he picked up the invoice for sidewalk work, and he said they plan on being done before winter. He has blankets to put over the concrete so it cures properly, in case he has to pour in colder weather. Mayor Shanahan said he received a lot of positive comments about the sidewalks, as he took his son around trick-or-treating. The mayor thanked the Sidewalk Committee members for all of their work on the program. Administrator Johnson asked if Orville Buehrer is wanting sidewalks, because he had spoken to Mr. Johnson about it. The mayor responded that Orville wants sidewalks down the entire Lincoln Street, but he had told him that Council is currently focused on fixing broken sidewalks before discussing new sidewalks at locations that don't have any. The mayor told members that, ultimately, there will end up being sidewalks throughout the village; with new families and children moving in, they will need a safe way to walk to school.

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

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**CITY HALL and PARKS:** Mayor Shanahan reported that we should be all set for the Tree Lighting on Saturday, December 4<sup>th</sup>. Councilwoman Mehring got Tim Smith to be our honoree. The mayor said he spoke with Bill Gase and Santa is scheduled to go up and down the streets on the fire truck again this year like last year. There will be a holiday light competition, which was started last year. Councilman Smith added that it is not a village-sanctioned event, but there will be a holiday lighting contest. The mayor said he also suggested to someone that maybe we could get together in front of Councilman Lee's green screen and do a little promotional to get people excited. Mr. Lee responded that he would love to help them out with that. The mayor said he will reach out to the business owners and ask them to put lights or other decorations on their buildings. The mayor reported that the veteran banners have been taken down for the winter. In a couple of weeks or so, we will take down the flags for the winter as well. We would like to put some holiday decorations downtown, but Councilwoman Mehring found that they were very expensive, like \$400 for a snowflake decoration. So, he suggested that maybe we could go to a place like Hobby Lobby for less expensive lighting and decorations. Ms. Mehring asked if the firemen would decorate their tree. The mayor said that Councilwoman Mackey had that conversation with Steve Powell last year; he will ask her to follow up. The mayor asked members to think about whether, at this point, we want to bring back cookies and hot chocolate or continue to hold off on that for another year.

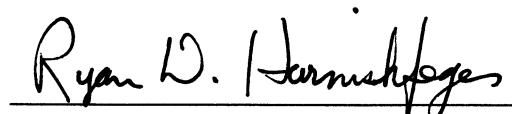
Administrator Johnson asked what would be done about snow on the sidewalks this year. The mayor responded that every year the school contacts him to complain about the people on Tontogany Creek Road not shoveling their sidewalks. Some bigger municipalities have ordinances that say residents have to shovel sidewalks within 24 hours of a heavy snowfall. Councilman Roe commented that his big issue last year was the downtown area; Doc's did theirs, but from the edge of Doc's to Moser's was not kept cleared. The mayor suggested we could pass an ordinance and then deliver copies of the ordinance to the businesses. If we have to clear the snow, we would bill them for it. Solicitor Skaff told members that Haskins addressed their snow removal issue with their police force and mayor's court; they just bring offenders into the mayor's court and fine them. But Tontogany does not have either of those. Members commented that we don't need or want a mayor's court. Mayor Shanahan said he had an extensive conversation with Scott about how snow piles were blocking the sidewalks and the crosswalks were covered. Mr. Roe agreed that blocking the intersections with snow piles was a problem he had noticed too. The mayor asked Solicitor Skaff if we might do something like bigger municipalities. Mr. Skaff asked how we would intend to enforce it. Mr. Roe asked if it would be something that the Sheriff's Department or Building Inspectors would enforce. Mr. Skaff answered that it would be a zoning matter. Mr. Smith commented that he thinks a lot of the problem could be alleviated by choosing a better place to put the plowed snow. He suggested that large piles on Tontogany Creek Road could be pushed across the road into the ditch. The mayor asked Administrator Johnson to follow up with Scott and let him know some of the village's concerns. The mayor suggested that in the next couple of weeks we send a postcard to residents, reminding them of the upcoming snow season, and asking them to make sure sidewalks are shoveled within a 24-hour period after a snowfall. Maybe we could do another video and put it on social media as well. Solicitor Skaff suggested adding a comment that snow-covered sidewalks make it dangerous for children walking to school; even the grass clippings problem could be mentioned as a danger to traffic and bad for the storm sewer. Mr. Johnson asked who is liable, if a person walking down the sidewalk slips and falls and breaks an arm. Mr. Skaff answered that it would probably be the homeowner. There is a rule for sidewalks that it has to be a three-inch differential in the concrete to be liable for a fall, or an unnatural accumulation of snow or ice to be liable. With a natural accumulation of snow and ice there is no liability. Councilman Roe pointed out that there are quite a few kids in town, and shoveling snow for residents could be a good way for them to earn some money. Perhaps we could get a list of kids interested in shoveling snow and put it on the postcard. The mayor said he would rather not put kids' names on the postcard, but post a message on our website that lets people know they can contact us for the name of someone interested in shoveling snow. He also said he would take care of

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creating a postcard message and send copies to everyone for final approval. When everyone is agreed, we will get to Mr. Harnishfeger, so he can have it printed and mail it to the residents. Councilman Lee asked if we have a question and comment section on our website, where people could ask questions or make comments about things like snow removal. Councilman Smith agreed that it would be a good idea to have something like that on our website, especially for newcomers to town, who don't know who to ask for answers to questions they may have about the town. Mayor Shanahan said he would reach out to Haley and ask her what it would take to have that on our website.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:14 p.m.

  
Matthew Shanahan, Mayor

  
Ryan Harnishfeger, Fiscal Officer