

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: December 6, 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 Administrator/Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, Village Solicitor's Associate Attorney Nicholas Wainwright, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: village resident Brandt Corral.

Mayor Shanahan reported that we received a postcard from Congressman Bob Latta and family, regarding a family trip to Alaska. The mayor also reported that we received a letter from Tim Smith, thanking the mayor and council members for the honor bestowed upon him at this year's Christmas Tree Lighting, and expressing his appreciation for the remarkably nice citizens of Tontogany. Mr. Smith offered a suggestion that, instead of choosing a senior citizen each year to do the honors of lighting the tree, a young family with small children might be selected, giving the children the joy of lighting the tree and helping the family to feel more welcome and encouraged to be involved in the village. Members commented that they definitely would consider Mr. Smith's suggestion next year. Minutes from the November 15th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Fiscal Officer Harnishfeger pointed out that the sheet included a final bill from Powell Creek Tree Service for \$46,373.00 for sidewalk project work. He said that Cody Donaldson had brought the bill to him today, saying that all sidewalks on our list have been poured, plus the sidewalk at Centennial Park, and he is finishing up on grading, leaving only grass seeding to be done in the spring, since it is now too cold to do that and have it survive; he may also apply a sealer on the sidewalks in the spring; however, there will be no further billing. He also provided us with a breakdown list of what was done for each resident, and what was done solely for the village; Mr. Harnishfeger said he showed that breakdown list to Councilman Smith. Mr. Smith commented that the list was correct for residents and for the village, including a couple of spots where the village agreed to pay for the cost of making the sidewalks line up properly with neighbors. Mr. Smith asked if there were any questions. Councilman Lee noted that the sidewalks were beautiful, but his sidewalk is raised up above his driveway, making a bump to go over when backing out. Councilmen Smith and Roe answered that he isn't finished with the grading yet, which will solve that problem. Councilwoman Mehring asked how much money we had collected for the sidewalk project so far. Mr. Smith answered that we collected \$500.00 up front from each resident involved; now we will calculate and bill them for the remaining amount due on their half of the total cost of their sidewalks. Councilman Roe advised that the village should hold back some of the final payment until the job is actually completed to our satisfaction; in the past we held back 10 percent when Quinn Concrete installed sidewalks, until they came and fixed some things and got the seeding done properly. Mayor Shanahan said he thought we should talk to Mr. Donaldson about this before just giving him a diminished payment on the final bill, since holding back money was not clearly specified in the contract, although it was understood that billing should be for completion of all aspects of laying the sidewalks. Mr. Smith commented that Cody doesn't intend to leave town until everything is graded; he will do the seeding in the spring. After some discussion, members decided to hold back \$2,300.00 (or about 5 percent) of the amount of the final bill, until the seeding is done in the spring of 2022. Councilman Roe made a motion that these bills be allowed and orders drawn for same, except to withhold \$2,300.00 of the amount invoiced by Powell Creek Tree Service until the job is completed satisfactorily. Councilman Lee seconded this motion. All were in favor; motion carried. Copies of the November Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status Reports were given to the mayor and the Finance Committee to review.

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A copy of the November incident report was given to the mayor and members to review. However, no sheriff's deputy attended the meeting to discuss the report.

Mayor Shanahan did a first reading of Ordinance #943-21, AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF TONTOGANY, COUNTY OF WOOD, AND STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. The following sums are appropriated: \$275,825.00 from the General Fund; \$117,902.45 from special revenue funds (including \$54,000.00 from the Street Maintenance Fund, \$12,895.00 from the Motor Vehicle Permissive Tax Fund, \$20,007.45 from the American Rescue Act Fund, \$11,000.00 from the Special Assessment – Street Lights Fund, and \$20,000.00 from the Special Assessment – Trees Fund); \$1,594.48 from the Capital Improvement Fund; \$328,605.00 from the Water Fund; \$637,490.00 from the Electric Fund; and \$120,000.00 from the Other Agency – Sewer Fund. The grand total appropriated from all funds for 2022 is \$1,481,416.93. Councilman Roe made a motion to suspend the rules and declare an emergency for Ordinance #943-21. Councilwoman Mehring seconded this motion. All were in favor; motion carried. Councilwoman Mackey made a motion to adopt Ordinance #943-21. Councilman Smith seconded this motion. All were in favor; motion carried.

Mayor Shanahan did a first reading, by title only, of Ordinance #944-21, an ORDINANCE AMENDING NET METERING AND BILLING POLICIES FOR BEHIND THE METER RENEWABLE GENERATORS – ORDINANCE 896-18 – AND DECLARING AN EMERGENCY. Councilman Smith made a motion to suspend the rules and declare an emergency for Ordinance #944-21. Councilman Bergfeld seconded this motion. All were in favor; motion carried. Councilman Roe made a motion to adopt Ordinance #944-21. Councilman Bergfeld seconded this motion. All were in favor; motion carried. Councilman Roe asked if Otsego Superintendent Adam Koch had a chance to review this ordinance. Mayor Shanahan answered that Mr. Koch did review it and had a chance to talk with Solicitor Skaff today about it. He got his questions answered and he is fine with it.

Mayor Shanahan asked if members had a chance to look over the proposed ordinances and letters drafted by Solicitor Skaff regarding dealing with delinquent water and electric utilities, which the mayor had forwarded to them. He asked if anyone had any questions about those documents. Utilities Clerk Harnishfeger said he would like some clarification on what circumstances would require a shutoff warning to be issued to a customer. He said he gets all kinds of payments from people, including partial payments and late payments. Sending notices every time someone is a little late on a payment or a little under on the payment amount could mean 30 or 40 individualized shutoff letters for water and/or electric each month. He wanted to know if there was a common-sense way to deal with true problem accounts. Also, the proposed shutoff warning letter tells people to contact the village office to discuss payment options on delinquent utilities. Mr. Harnishfeger asked members what would be considered acceptable payment options, since he is the one who will be getting the calls and discussing the issue with customers. Attorney Wainwright explained that the village is allowed to set up payment plans for individual customers. The water and electric notices have been set up individually because the statute is different for handling each. If both water and electric is delinquent, there would need to be a notice for each, since there is a slight difference in the wording. Both notices could be sent together in one envelope. Mr. Harnishfeger asked about the meaning of "authorized payment agents" that electric customers are told they can call and ask for. Mr. Wainwright explained that that refers to agents the village may have authorized to receive utilities payments for Tontogany. Mr. Harnishfeger responded that we have no such authorized agents. Councilwoman Mackey pointed out that the letter to electric customers instructs them to contact the village if disconnection would endanger the health of the persons using the utility, but the procedures in Exhibit A require a medical certification to avoid disconnection for this reason. Mr. Wainwright added that the customer has an extra 7 days to provide that certification. Mayor Shanahan commented that large and long delinquencies are what brought this matter before Council, and that is the main thing we are trying to correct. Mr. Harnishfeger asked about

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the meaning of point 3 of Exhibit A, attached to the electric shutoff ordinance. Mr. Wainwright explained that it means the utility company must perform a disconnection by 12:30 p.m. on a day that they will still be available to reconnect the utilities, if the customer meets requirements to have service restored. That way, disconnection doesn't happen when it cannot be restored on the same day due to lack of personnel. Utilities Superintendent Johnson expressed that it will be a difficulty to pull water meters in the winter. Councilwoman Mehring asked when letters will start to go out to delinquent utility customers. Mayor Shanahan answered that they will begin to be mailed after the shutoff ordinances are read three times at open meetings and adopted. Councilwoman Mackey asked if we would want to require an across-the-board monthly percentage payment on delinquent utilities. Mr. Wainwright cautioned that a one-size-fits-all approach would probably not work well, due to wide differences in delinquent amounts and in individuals' ability to keep up payments, possibly causing them to default on their payment agreement. After some discussion, members agreed that they would authorize the utilities clerk to discuss payment options with individual customers and come to an agreement on an acceptable amount to pay monthly, on top of fully paying their current monthly bill. If there is an especially difficult case, the utilities clerk may contact the members of the Utilities Committee for a recommended course of action. Members asked Mr. Wainwright to have the village solicitor create an agreement form for the customer to sign, in person, agreeing to a payment plan. Then the utilities clerk is to keep track of whether or not the customer keeps up the agreed-upon payments. If not, shutoff measures will be carried out. Councilmen Smith and Bergfeld asked at what point would a delinquent utilities customer receive their first notice. Mayor Shanahan responded that his understanding of our previous discussion on this matter was that we want to begin notifying delinquent customers when they are 30 days past the due date, so they don't start getting further and further behind. Mr. Johnson commented that Cygnet has a policy that, if a renter skips town, leaving unpaid utility bills, it becomes the property owner's responsibility. Mr. Wainwright responded that that would still be part of Tontogany's policy as well. The shutoff policy does not negate the village's ability to certify delinquent utilities to be placed on the property owner's taxes. Although certifications cannot be done on electric, we still have the right to pursue the landlord for unpaid utilities if the tenant skips town with unpaid bills.

Mayor Shanahan did a first reading, by title only, of Ordinance #945-21, an ORDINANCE SETTING FORTH PROCEDURES FOR WATER UTILITIES SHUTOFF.

Mayor Shanahan did a first reading, by title only, of Ordinance #946-21, an ORDINANCE SETTING FORTH PROCEDURES FOR ELECTRIC UTILITIES SHUTOFF.

Mayor Shanahan introduced Brandt Corral and informed members that he came to this meeting seeking more information about the administrator position that will need to be filled after the end of this year. Mr. Corral informed members that he lives on Main Street in Tontogany. He retired from the City of Bowling Green after almost 31 years. The main focus for the last 19 years of his job was traffic signs—manufacturing, putting up, maintaining, and taking down signs. He also ran snow plows, trash trucks, did cemetery work, tree trimming, and he still has a valid CDL. He is trying to find out exactly what the administrator job entails. Mayor Shanahan responded that we have a job description as it is defined by the Ohio Revised Code (ORC), which is what our legal counsel has advised us to use as the basis for the job duties. Councilwoman Mackey provided Mr. Corral with a copy of the ORC description of village administrator powers and duties. Mr. Corral asked how much time the administrator spends on his duties. Administrator Johnson commented that time to give to the job was the problem we had run into, since, often, things that require the administrator's attention happen in the daytime, but Mr. Johnson's work hours elsewhere kept him from being available when needed in the daytime. He added that he thinks it is now a matter of establishing what Council wants out of the administrator in the future, perhaps from things like Councilman Smith was doing in administering a sidewalk project to emptying village trash. The mayor commented that he would still expect committees to be heavily involved in things like sidewalk projects, since that is why the committees were formed. The village

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administrator would oversee the utilities superintendent, communicate with him, and then bring to the table any issues. Councilman Roe said he thinks we need an administrator to stay on top of good ideas proposed at meetings and make sure they get done, which often doesn't happen, because everyone is busy with other things. Fiscal Officer Harnishfeger commented that former Administrator Craig Spoores usually came to the office a couple hours of each day, although he was also the utilities superintendent, so it was not all for administrator duties. He was otherwise available as needed and oversaw things like street or ditch projects that came up, working with engineering firms to coordinate everything. He was on call for emergencies, such as the train derailment. He also dealt with the village's insurance providers. The amount of time spent on administrator duties was dependent on what the village was doing at any given time. Councilwoman Mackey offered a list of duties that Craig Spoores had made for the administrator job, which included things such as being on call to handle emergencies, answering citizens' concerns and questions, calling in repair crews, attending council meetings, assisting and advising Council with the annual appropriation budget, and contacting the City of Bowling Green about power outages. Mr. Johnson added that there are a lot of legal things that go along with being the administrator. Mayor Shanahan said he would also want the administrator to help with grant research and applications. Mr. Corral again said he was seeking to get a clear idea of what the administrator would be expected to do, and to let Council know he is interested in the job. The mayor responded that we are working on clarifying the duties and he commented that, with Mr. Corral's background, his input on that job description would be appreciated. The mayor asked Mr. Johnson to set up a meeting with Mr. Corral to discuss this more. Mr. Johnson said he would like to bring some council members in on the discussion too. The mayor said we would consider the results of this brainstorming meeting at a regular council meeting, to decide what ideas we want to implement. The mayor reminded Mr. Corral that Council meets twice a month and we would want the administrator in attendance at least once a month. Mr. Corral said he would like for people to write down up to five things they want from an administrator, if they wish, so he can compare them and get a better idea of what is being sought. The mayor told members they could email their ideas to himself or to Mr. Johnson to take to the meeting with Mr. Corral.

Mayor Shanahan asked Mr. Corral if he had anything else to ask members. He answered that he did have a request about getting lights in the alley beside his garage and his neighbors, which is very dark. There is a camper parked back there. It is a difficult intersection. The mayor said that we had talked about it before and wanted to speak to the neighbors to be sure nobody had an issue with putting in a light there. Mr. Corral had done that, so the mayor said Mr. Johnson could contact Bowling Green about putting in a light there, if members were okay with it. There were no objections voiced.

Fiscal Officer Harnishfeger reported that Marissa Benschoter-Euler had contacted him today by email to ask if Council would like for her to come to a meeting to discuss the Ohio Plan insurance renewal or if we would just like for her to email the renewal documents to us. Members decided to have Mr. Harnishfeger invite Marissa to the first meeting in 2022, on January 17th to discuss the renewal.

Mayor Shanahan reported that Lincoln Fox has shown interest in filling Jamin Roe's Council seat when it is vacated in January. The mayor then asked Councilman Bergfeld to invite Mr. Fox to our next meeting to introduce himself.

ZONING: Zoning Inspector Owens reported that he did a shed permit for 18634 North Street.

UTILITIES: Councilwoman Mehring reported that the light behind the Presbyterian Church needs fixed. The mayor asked Utilities Superintendent Johnson to tell Bowling Green Electric about that when he calls them about the alley light. Mr. Johnson said he would do so, and he said he had already reported to them two lights downtown that need fixed.

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STREETS and ALLEYS: Councilman Roe suggested that Brandt Corral could probably give us some good advice on the stop signs that we intend to put in at the corner of Broad and Main Streets downtown. Mayor Shanahan commented that Mr. Corral and he had walked down there. Powell Creek is going to cut a hole in the cement to install the one in front of Current's on the sidewalk. One question we needed to have answered was whether we needed to remove the first two parking spaces in front of Current's, to give the stop sign enough visibility. Councilman Smith said he would talk to Cody tomorrow about the hole needed in the sidewalk.

SIDEWALKS and TREES: Councilman Roe reported that he had been searching for someone to trim around our power lines. It is hard to find local companies with people certified to do trimming around electric lines. He called three big companies. All seemed surprised that he was contacting them, since we buy our power from Bowling Green. They seemed to think Bowling Green should be contacting us about trimming around the lines. Utilities Superintendent Johnson and others said they didn't think that was correct, because, although we buy electricity from Bowling Green, the lines and poles belong to Tontogany and it is our responsibility to maintain them. Mr. Roe said one of the big companies got back with him. Mr. Johnson asked to let him talk to John Stewart at Bowling Green and see if we can piggyback on their line-trimming operation, like we do on pole inspection. Mr. Roe said he may also have one or more quotes from the companies he contacted by the next meeting, for comparison. Fiscal Officer Harnishfeger asked if quotes will be for doing the whole town at once. Mr. Roe responded that they can give us a quote for an hourly rate or a quote for the whole town, and he had informed them that most likely we wouldn't be able to do the whole town at once, but maybe halves or quarters. Mr. Harnishfeger reminded everyone that members had decided they would trim the most needful areas first and then work on the rest later, because of the high expense.

Councilwoman Mehring asked when the Post Office is going to clean up the area in front of the entrance. Mayor Shanahan replied that it might be in the spring at this point. We just have to get the stumps out of there and the Post Office will take care of the rest. The Post Office will be responsible for planting and maintaining it.

Administrator Johnson reported that he had heard that villages with schools within a three-mile radius can get grants to pay for all of their sidewalks. Councilman Roe replied that we had looked into that with ODOT's Safe Walks to School and found that it was not going to be feasible for us the way it was set up.

DRAINS and SEWERS: Nothing to report.


CITY HALL and PARKS: Mayor Shanahan reminded members that at the last meeting he had shown them the plaque Mark Ballard had designed for the Ronald Current sign, and Mark had told us to give him whatever we felt for his labor. Today he gave an actual quote for getting the sign made. There are two options: a 3-millimeter aluminum plaque (the same type of material used for the disc golf course) would be \$58.46 for one sign (multiply by two, if we get two signs); an etched Gemini bronze plaque would be \$633.70 for one sign (multiply by two, if we get two signs). Councilwoman Mackey asked why we would get two signs. The mayor answered that he had suggested getting a copy for the family as well as the one for the pavilion, but it would not be a necessity to do so. Members commented that they thought maybe the inexpensive one would look cheap. Councilman Roe wondered if there might be another company that would do the nicer plaque for a little lower cost. The mayor said he would follow up with them and hopefully have more information at the next meeting.

Mayor Shanahan reported that Karen Graf received a second parking ticket for parking in front of her apartment downtown. She had called the Sheriff's Office and thought she had the matter settled, but she still got ticketed. She is requesting that Council consider taking the No Parking sign out. The mayor said he was concerned that, if we take the signs down, we will get another abandoned vehicle

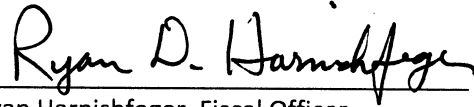
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situation again. If we don't take the sign down, she will have to make sure her vehicle is registered with the Sheriff's Office and the patrolling deputies are made aware of it. The mayor said he would follow up with Karen to let her know the matter was discussed.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:43 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer