

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: February 21, 2022

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; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here; Lincoln Fox, here. Also present was Fiscal Officer/Utilities Clerk Ryan Harnishfeger (Village Solicitor Paul Skaff arrived about 8 minutes into the meeting). Minutes from the February 7th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilman Smith asked if we paid a check to GameTime and are now on their calendar to get the new swings at Mehring Park. Councilwoman Mackey answered that that was her understanding. Councilman Smith made a motion that these bills be allowed and orders drawn for same. Councilman Fox seconded this motion. All were in favor; motion carried.

ZONING: Mayor Shanahan reported that he had spoken with Zoning Inspector Owens, who told him that Gerald Asmus did receive his letter about the illegal deck at his rental property at 18564 Kellogg Road. Mr. Asmus had called Mr. Owens and asked for the Village to be patient until the weather breaks and he will then remove that deck, which one of his renters had installed. The mayor said we will have Mr. Owens keep an eye on it as the weather gets better.

UTILITIES: Councilman Fox asked if the job for village administrator had been posted. Mayor Shanahan answered that we had not talked about posting the position; he had emailed the job description to Brandt Corral and asked him to review it and let him know, so a meeting could be set up with Mr. Johnson, Mr. Corral and himself to go over it, but he has not heard back from Mr. Corral yet. Mr. Fox asked by when we want the position filled. The mayor answered that the job description was holding us up, but now that it has been written and reviewed by council members and the village solicitor, we would like to get an administrator by the time the weather breaks and we need to start moving on projects. Councilwoman Mackey asked if we are obligated to post the job description. The mayor answered that he had not asked Solicitor Skaff about that. Councilman Smith commented that it might be a good idea to post the job in town, such as at the post office, even if not as an ad in the paper. It could show if there may be others interested in the position, and we don't know for sure if Brandt Corral will take the position. The mayor asked Solicitor Skaff, who just arrived, if we were obligated to post the village administrator position. Mr. Skaff answered that we are not obligated to do so. Ms. Mackey said she thought Mr. Smith's idea of posting the position locally was a good idea. Councilman Lee suggested the message board at the high school. Mr. Fox suggested posting it on the village website, which the mayor agreed we could do. Councilwoman Mehring asked if we could continue having meetings with no village administrator. The mayor answered that we eventually have to have an administrator or a board of public affairs, but he consulted with our solicitor and we can continue to operate while we are in the process of acquiring a replacement administrator. The mayor commented that he has utilities superintendent and zoning inspector job descriptions completed now too, which he will share with members to review.

Mayor Shanahan asked if we are now ready to start addressing the delinquent utilities, since the ordinances have received three readings and 30 days have passed. Utilities Clerk Harnishfeger answered that February 22 is the due date for payment of February utility bills. After the due date he will begin determining who is more than 30 days behind on payments and begin creating disconnection notices, in accordance with the new utilities shutoff ordinances. Over the past two weeks he has worked on a plan of how to proceed with shutoff notices and following up. He also created a spreadsheet for tracking payments made on delinquent utilities. He will have to work with the utilities superintendent and/or the

TONTOGANY VILLAGE COUNCIL

village administrator for determining the dating of the notices and the disconnection deadlines, because the notices have to be delivered in person and either handed to the customer or attached to their door. He said a preliminary check showed around 30 customers behind between 30 and 60 days on their bills. If that is still the case after February 22, it will mean a lot of shutoff notices will have to be served at the beginning of this process. After the initial large batch, that number should be a lot lower as many customers make a payment agreement (which was created for us by Solicitor Skaff) to keep their utilities from being disconnected. Mr. Harnishfeger said he will track the payments of each person who makes an agreement to pay their full current month's utilities plus a certain amount of their past-due utilities. The software also shows this on the utility bill with a PB (previous balance) line. The customer will be able to see their previous balance diminished each month as they make the extra payments. Councilman Fox asked if we are allowed to charge them a finance fee or a late payment fee as interest due to the village. The mayor commented that there is a \$100 fee included in the ordinances. Mr. Harnishfeger clarified that the \$100 fee is to turn utilities back on, if they have to be disconnected. He also said he thought it would be enough to have the customer simply pay off what they owe on the account, rather than try to add to it. Mr. Fox said that, in his opinion, a late payment fee would help persuade people to make their payments on time to avoid the late payment fee. Mayor Shanahan pointed out that we already have a late payment penalty on the bills (the software adds a 10% late fee if the current month's utilities are not paid by the due date). Councilman Bergfeld commented that it might just be better to get reimbursed. Mr. Fox stated that he thinks we will fail to get the money owed from some of the customers; they will simply move out if disconnected. Mr. Harnishfeger commented that many of the people are not extremely far behind and will likely get caught up, once they know the town means business about disconnections. There are only a couple or three cases that may be more of a problem and we may have to work with Solicitor Skaff on how to deal with them. Mr. Fox asked if we are able to report customers to a credit collection agency, if they default on our credit program. He said he thought that should be our next course of action, which would at least negatively affect their credit, if they don't pay us. He also asked if we are able to apply delinquent utilities onto people's Ohio State taxes. Mr. Harnishfeger answered that he did not know. Mayor Shanahan commented that we haven't done anything before, so with the current ordinances having been passed, we are starting somewhere. If in the future we find that these measures don't work well enough, we can take into consideration some of the other ideas that have been presented at this meeting and consult with legal counsel on what added measures we can legally take. Councilman Smith commented that he liked the credit reporting idea that Mr. Fox suggested. Councilwoman Mackey agreed that we might need to do something like that in extreme cases. The mayor added that we need to watch when new people move into town to be sure they don't start falling behind and build up a large amount in unpaid utilities. Councilwoman Mehring asked if we could use wage garnishment to collect delinquent utilities. Solicitor Skaff answered that you could, if you got a judgment against them and sued them for it. The mayor and members commented that that would get expensive for the village. Solicitor Skaff asked if the village bills the property owner for the water, rather than the tenant. Mr. Harnishfeger answered that the utilities are billed to the tenant and the property owner gets a duplicate copy of the bill, so the landlord can see whether utilities are being paid or not. Mr. Skaff said that some communities have it so that the water utility has to be in the property owner's name and cannot be in the tenant's name. If a tenant moves out without paying, the landlord has to make it current. Mr. Fox said we should turn off utilities, if a tenant moves out without paying their balance due, and only turn the utilities back on if the landlord pays the balance due; otherwise, he can't have utilities turned on for a new renter. Solicitor Skaff, the mayor and members agreed that that would be a fair approach.

STREETS and ALLEYS: Nothing to report.

TONTOGANY VILLAGE COUNCIL

SIDEWALKS and TREES: Councilman Smith asked Fiscal Officer Harnishfeger how we are doing on receiving sidewalk payments. Mr. Harnishfeger responded that he has received all but 2 of the 13 payments due. He has a promise of payment for one of the 2 remaining and he sent a reminder letter to the other that their payment is overdue. Solicitor Skaff asked how it went. Mr. Smith answered that we had 13 people volunteer for it and they followed through on it. Mr. Skaff asked if it turned out to be a patchwork of sidewalks. Mr. Smith answered that it was that way in some places, but we had a couple of people who came together on theirs. Mr. Smith and members commented that about the right amount of people volunteered; otherwise, there wouldn't have been time to complete the job and it would have exceeded our budget. He added that we intend to run the program again this year. People may see how nice the sidewalks look that their neighbors put in and want to volunteer to have theirs done this year. Mayor Shanahan commented that we can start much earlier, now that we have a framework in place for how to proceed with it. He also said he and Mr. Smith walked around and talked to people and the feedback has been good.

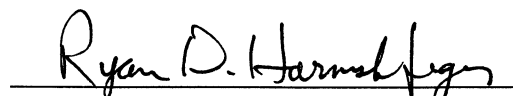
DRAINS and SEWERS: Councilman Bergfeld reported that he saw standing water at the corner of Crom Street and Broad Street. He asked if we could get a catch basin there. Mayor Shanahan answered that Utilities Superintendent Johnson can get a quote on it and see what it would cost. Councilman Fox also pointed out a problem at North Street and Tontogany Road. After a little discussion, the mayor said he would ask Mr. Johnson to get quotes on these two problem areas.

CITY HALL and PARKS: Nothing to report.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 7:50 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer