

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: March 7, 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 were Utilities Superintendent/Meter Reader Chad Johnson, Zoning Inspector Brian Owens, Village Solicitor's Associate Attorney Nicholas Wainwright, and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitor's present: Wood County Sheriff's Deputy Hunter Carson. Minutes from the February 21st meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilman Smith asked the fiscal officer what the \$1,250 hydrant rental was about on the invoice list. Fiscal Officer Harnishfeger answered that it is an annual charge we pay the water fund from the general fund. He added that he was told to bill it to the town every year when he took the job of utilities clerk, but the reasoning behind it was never explained to him. He said he supposed it was to help the water fund to be able to repair or replace bad hydrants over time. Councilman Fox asked about the Frontier bill, which he noticed was \$173.50 two months in a row. Mr. Harnishfeger answered that sometimes the monthly bill is the same amount for the same usage. It is a combined charge for phone, fax, and DSL high-speed internet. Mayor Shanahan asked how much we use the fax. Mr. Harnishfeger answered that he seldom, if ever, uses the fax any longer; most documents are now sent or received as PDF attachments to email. Mr. Fox asked if we had ever priced Spectrum instead of Frontier. Mr. Harnishfeger answered that he has seen similar Spectrum pricing on an account for another employer. And he added that Frontier works for us and we have our business email set up through them, so changing to another provider would necessitate getting all of the many state, county, and business entities we communicate with to change our email address in their records, which would be a monumental undertaking. After a little more discussion, the mayor and members asked Mr. Harnishfeger to see if Frontier might lower their monthly bill if we cease to use fax. Councilwoman Mackey 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 February Bank Reconciliation, Fund Status, Revenue Status, and Appropriation Status reports were given to the mayor and the Finance Committee to review. A copy of the Staples Credit Card Reconciliation Report was given to President of Council Mark Smith to review.

Copies of the February Incident Report were given to everyone to review. Mayor Shanahan invited members to speak to Deputy Carson about any issues or concerns they might have. The mayor asked how the deputy is doing who got hit over the weekend. Deputy Carson answered that there was no major trauma; the deputy got beat up pretty bad, but is recovering. Utilities Superintendent Johnson asked about the lights in the middle of the roof of police vehicles now. The deputy answered that just the new cruisers have those lights now. They work automatically in conjunction with the body cam. With no other questions for the deputy, the mayor thanked him and he left the meeting.

Mayor Shanahan reminded members that he had reported at the last meeting that the Ohio Municipal League (OML) is holding training seminars for municipal officials in March. He said he intends to attend the one that is scheduled for Saturday, March 26 at Independence, Ohio (near Cleveland). The fiscal officer will register him for it this week, and, if anyone else wants to attend that seminar, they need to have Fiscal Officer Harnishfeger get them registered by March 22nd.

Mayor Shanahan reminded members that last year they had discussed possibly painting white stop bar lines on the streets at intersections, to supplement stop signs, giving an added emphasis that motorists need to stop. He asked if members would like for us to get a quote from a company like Stripe It Up on how much it would cost to do the town. Members agreed that it would be a good idea. The mayor asked Councilwoman Mackey to contact Strip It Up about getting a quote. Councilman Smith

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reminded everyone that we worked with the school last time to do street and parking painting. The mayor responded that we could probably get the machine from the school if we were willing to do it ourselves. Mr. Smith suggested that, if the school is doing some painting in the summer, we could ask them for the use of the equipment while they have it out, just buy paint, and do it ourselves. The mayor said he would email the school superintendent about it, and we can decide which option we want to go with when we get a quote from the painting company.

Mayor Shanahan reported that Brandt Corral declined the job as village administrator after reading the newly composed job description. One consideration was that Mr. Corral had been under the impression that the salary was \$500 per month, when it is actually currently \$300 per month. The other consideration was that Mr. Corral thought the duties seemed to be double under the newly written job description. Councilman Lee asked if we knew what other towns are paying the village administrator. The mayor answered that he could ask. Mr. Johnson commented that \$300 is too little for all the duties listed in the Ohio Revised Code job description. The mayor responded that the reality for Tontogany is that some months the village administrator puts in less than ten hours. The mayor said, in light of Mr. Corral declining the offer, he thought it is time for us to start posting the job in the paper and elsewhere.

ZONING: Zoning Inspector Owens reported that Glenn Hefflinger dropped a container box on Broad Street in the right of way. Mr. Owens said he consulted Solicitor Skaff on what we need to do, since we have no specific ordinance about it. Mr. Owens said he will write a letter to Mr. Hefflinger and have the fiscal officer send it by certified mail, giving him a certain number of days to move the container or the Village will have it moved and bill him for the cost. He asked how many days members wanted to give him to move it. Mayor Shanahan added that Mr. Skaff's advice was that we give him a certain number of days to move the container or the Village will have it towed to his property. Attorney Wainwright commented that, to avoid possible litigation, it is probably best to move it onto his property. He also advised to be careful not to damage the container while moving it. Utilities Superintendent Johnson cautioned about setting containers on top of the fragile waterline. Mr. Owens commented that containers on his property become storage units and need to have a permit. The mayor reminded members that they had discussed storage units in the past and he asked if an ordinance was ever passed about them. Mr. Smith said he thought that was part of the revised zoning that hasn't been enacted yet. The mayor asked Attorney Wainwright to have the solicitor work on an ordinance regarding storage units in the village. Mr. Wainwright asked what we wanted the ordinance to do. The mayor and members said they would like to disallow storage containers and pods. Suggestions were made about possible maximum days allowed, and nothing allowed on the public right of way. The mayor said he wants it written so people can't find loopholes in the code. The mayor told Mr. Owens that he thought we should mention the two semi-trailers sitting at his business when writing to Mr. Hefflinger. Mr. Owens answered that we have asked about that; there haven't been any complaints about the trailers. The mayor pointed out that it is a business and they are unregistered and in violation of our ordinance. The mayor also commented that our only true out from the problem of the railroad lot where all the containers are sitting is to rezone it. But we have to have a purpose for the village for rezoning it; otherwise, it would look like we are just rezoning it to get them to clean it up. Councilman Fox suggested village parking as a purpose for rezoning the lot. The mayor and Mr. Smith answered that it is still the railroad's property, even if we rezone it. Mr. Smith suggested starting by passing something that prohibits trailers and containers on the public right of way. Attorney Wainwright commented that the right-of-way issue is easy enough to deal with, but regulating what is done on that railroad property is more problematic and could result in a huge fight with CSX. The mayor said he understood from Solicitor Skaff that, even though what is done on the industrial-zoned railroad property doesn't violate the railroad's contract with Mr. Hefflinger, if he has unregistered trucks on the property in violation of a village ordinance, then we can hold him accountable for it. Mr. Wainwright affirmed that that was correct. Mr. Owens added that we need community complaints about it for the railroad to be willing to

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do anything; as long as there are no complaints, CSX doesn't care what he does on the rented property. Councilwoman Mackey observed that the containers on that lot keep changing. The mayor said he didn't know what he was doing with the containers, but some of them are used for storage. After a little more discussion, Mayor Shanahan said he thought we should give Mr. Hefflinger seven days to move the container in the right of way on Broad Street. Then we will continue to discuss the correct approach to how to deal with what is in the right of way on the railroad lot. Members agreed that seven days would be sufficient notice in the Zoning Inspector's certified letter.

UTILITIES: Utilities Superintendent Johnson reported that he texted Bowling Green's electric superintendent and asked if they will be able to get back to replacing electric poles this year, if they got a quote for a light in the alley behind 18655 Main Street, and if they had anyone from a tree-trimming company to help us out. He got a response that the light is done and a mention of the Penn Line tree company, but he will have to ask again about the poles. Councilman Smith reminded members that Councilman Roe had communicated with Penn Line last year about tree trimming, but they suggested we get in touch with Bowling Green.

Mr. Johnson reported that he talked with Dave Kuhn of Feller, Finch today about the backflow prevention for the master meter pits, and the cost. He nearly has his preliminary work done. He is still waiting on a quote for electrical and getting some kind of heat in there. Once he gets that, he is going to give it to Bowling Green and the EPA, and he hopes to have a bid by summer. He gave rough estimates of about \$10,000 for engineering, about \$50,000 for the meter pit on Tontogany Road, and about \$40,000 for the meter pit on Kellogg Road. The mayor and members noted that that would be around \$100,000 total, which is more than our ARPA recovery money. Mr. Johnson said we might be able to convince Bowling Green to let us get the big one done first and get a one- or two-year extension for completing the other one. Mayor Shanahan asked if our recovery money was about \$40,000 or \$42,000. Fiscal Officer Harnishfeger answered that it was. Councilman Smith suggested that this might be a good project for the water grant that had been discussed. He asked if this was a priority for the City of Bowling Green and Wood County. Mr. Johnson answered that it is a priority for the EPA now, who has put it on the city, so they are requiring it of the village. Mr. Smith suggested we could use the recovery money as matching funds for the water grant which Councilman Fox was looking into.

Mayor Shanahan asked Mr. Johnson if he had got a quote for getting the catch basins pumped out. Mr. Johnson said Gearhart's price is \$160 per hour, which didn't seem like a bad price. He asked which catch basins we were wanting done. The mayor answered that we had discussed some standing water problems and thought it might be better to start by cleaning the catch basins, rather than spending a huge amount of money putting in new drainage. Since it has been so long since they have been cleaned, we thought it would be good to have them all cleaned, or at least looked at to see if they need cleaning. Mr. Johnson said he could call Northwestern Water and Sewer and see if they would be willing to do it; their charges are very reasonable. The mayor and members agreed that he should give them a call for a quote, as well as another person Zoning Inspector Owens mentioned who does that kind of work. Councilman Smith suggested that raising up a bad spot so it could drain might be a solution to a standing-water problem as well.

Utilities Clerk Harnishfeger reported that 26 accounts were found with delinquent water and sewer utilities that needed to receive a 14-day disconnection notice. On Friday, February 25th, Mr. Johnson went and served the notices to all of those customers, either in person or by attaching the notice at the residence. As of today, March 7th, 8 of those customers paid the full balance on their account. 7 customers paid the amount listed on the notice or more than the amount listed. 2 customers paid a little less than what was listed on the notice. 3 customers received a payment plan form to fill out and return. 5 customers have not responded at all yet. March 11th is the shutoff day on the notice. The main goal is to get delinquent utility customers to start paying the full current bill each month and set up a plan to pay a certain amount per month extra on their past due balance until it is completely paid off. It doesn't

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appear that people are understanding that. A lot of them are just paying the amount of overdue water and sewer that was listed on the notice, to keep from being disconnected, but they are not offering a plan to pay down their other delinquent utilities. Mr. Harnishfeger said he would have to communicate with them further to make the Village's intentions clearer to them, probably by sending them a letter and a payment plan agreement form. Mr. Johnson commented that he was worried about one customer that he may have to pull the meter for, that things could get ugly. He also said he was concerned that they might call Sunday morning wanting the meter reconnected. Councilman Smith reminded members that the procedures in the ordinance say we have to disconnect the meter by noon on a day before it can be reconnected by the following day. The mayor recommended that Mr. Johnson call a deputy to go with him if he thinks there is likely to be a violent customer to deal with when a disconnection is to be performed. Mr. Harnishfeger reported that one delinquent utilities customer moved out of town. She was Jerry Asmus's tenant, who sold the house and closed with the new owner without the Village being given the chance to report delinquent utilities that should have been included as part of the cost of the property. The new owner has moved in and is already set up as a new utility customer. Councilman Fox commented that the new purchaser of a property is responsible for any utilities still due on the property, so we might have to bill the new owner for the delinquent utilities left on the account. Mr. Harnishfeger said he didn't think it would be fair to the new owner to surprise them with about \$800 of delinquent utilities that they weren't made aware of before purchasing the property. Mayor Shanahan remarked that the previous landlord should have disclosed this to the potential buyer of the property. Members agreed and asked if we should approach Mr. Asmus about this. The mayor asked for Attorney Wainwright's thoughts. Mr. Wainwright agreed that the Village could approach the previous landlord about the matter and seek his cooperation, also letting him know that litigation could be used if necessary. However, he cautioned to approach the matter in a way that is likely to give the village the best return, considering the amount of delinquent utilities involved and the cost of litigation. The mayor asked if we should have our attorney present during the conversation with Mr. Asmus. Mr. Wainwright answered that we would not need an attorney present. The mayor said he would sleep on it and then share his thoughts before arranging to have a verbal conversation with Mr. Asmus. Mr. Harnishfeger said he would provide the mayor with the exact amount of the delinquent utilities at issue.

Mayor Shanahan asked Utilities Superintendent Johnson to provide him with a new email address, since his old one at Lorain is no longer usable. Mr. Johnson answered that he doesn't feel comfortable with having emails sent to his email with his main employer. The mayor encouraged him to get a private email, such as a free Google email account, so we can correspond with him by email.

STREETS and ALLEYS: Councilman Smith reported that Morlock Asphalt called Jamin Roe last week, asking if the village wants any crack sealing done. Mr. Smith called the company back and told them he would let them know what we want to do, if anything, after we discuss it at our meeting on March 7th. Mr. Smith said he drove around town and looked at the streets. Many are in good shape. Wall Street and part of Lincoln Street may need some cracks sealed. Broad Street is probably the worst one, but we have been considering repaving it at some point, so it may not pay to seal it now. Mayor Shanahan reminded members that we had talked about sealing the parking lot next to the fire hall. He asked Mr. Smith to ask Morlock for a quote on that. Mr. Smith asked members to let him know if they see any spots that they think might need sealing and he will have Morlock take a look to make a final recommendation on what is needed. He will communicate to members what he finds out.

Councilman Bergfeld asked if there is any berm material around that the village can use for spots like on Crom Street where you make a turn and the berm is gone and the road is starting to crumble where we just had it paved. The mayor said he wasn't sure if Scott has anything or not, but he will ask him.


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SIDEWALKS and TREES: Councilman Smith reported that we should be getting the hole in the sidewalk downtown for the stop sign this week. Councilwoman Mackey asked if we received the sidewalk payments yet. Fiscal Officer Harnishfeger replied that we still have two residents who have not paid their sidewalk invoice yet. Mayor Shanahan asked Mr. Smith to contact Cody Donaldson of Powell Creek Tree Service about finishing the seeding or whatever needs to be done yet on the sidewalks put in late last year, and to let the mayor know when Cody is in town, so he can ask him a question.

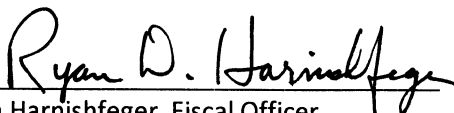
DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Mayor Shanahan reported that Matt Rohn, who lives on the ally beside Centennial Park, has complained about frisbees hitting his house and car from the disk golf course in the park, and people have been climbing on his roof to retrieve stray frisbees. The landlord has asked if the village would consider moving the basket at that location. The mayor said he met with some people yesterday and came up with a plan. We would have to pull out the concrete and dig a new hole for where we want to move it to. If we do it right, we may not have to buy new signs.

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



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer