

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: March 21, 2022

Council called to order in regular session at 7:01 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, absent; Damon Lee, here; Lincoln Fox, here. Also present was Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Minutes from the March 7th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilwoman Mehring made a motion that these bills be allowed and orders drawn for same. Councilman Fox seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reported that the biennial audit covering 2020 and 2021 is scheduled to begin on March 22, 2022.

Mr. Harnishfeger reported that he contacted Frontier with our question about the possibility of reducing our bill if we were to drop fax usage. The service representative informed him that we have unlimited call capabilities, which can be used for voice or fax. There is no extra charge for fax unless you add a separate dedicated fax line, which the Village has not done. Councilman Fox commented that he contacted Spectrum to make a price comparison and he found the pricing very similar to our plan with Frontier, perhaps a little less, but not enough to warrant switching providers.

Mr. Harnishfeger reported that on 3/7/22 the Village received \$79.87 as a first of possibly two reallocation shares of added ARPA funding, in addition to our \$20,007.45 first tranche of ARPA funding received on 7/27/21. The reallocation came as a result of some Non-Entitlement Units of Government (NEUs: municipalities with less than 50,000 residents), that did not apply for ARPA funding. Their intended allotments were divided up and reallocated to other NEUs like Tontogany. We still have a second tranche of \$20,007.45 due to be received in July of 2022, and perhaps a second \$79.87 reallocation, for a maximum total of \$40,174.64.

Mr. Harnishfeger reported that we received a notice from the Ohio Department of Commerce, Division of Liquor Control, stating that: "All Class C and D permits to sell alcoholic beverages at retail in your political subdivision will expire on June 1, 2022. In order to maintain permit privileges, every permit holder must file a renewal application with the Division. Ohio Revised Code Section 4303.27 1(B) provides the legislative authority with the right to object to the renewal of a permit and to request a hearing. If you determine that there are no permit premises within your jurisdiction that you wish to object to, you do not need to take any action." Mayor Shanahan commented that he spoke with Jeff Cordy, owner of the Corner Carryout, a week ago and asked him if he received the letter that the mayor had written and a copy of minutes, saying that the village legislative authority has no problem with him selling liquor on Sundays. Mr. Cordy's response was that the state is still telling him that Tontogany is dry on Sundays and, in order for that to be changed, it would have to be put on the ballot. The mayor said he called the state about this and no one could give him a confirmation that we were dry, but according to what they told Jeff, it goes way back to the prohibition days. The mayor said he will ask Solicitor Skaff again about this, and whether there is still time to get it on the ballot, although we are probably too late for March. The mayor said he had spoken with the owner of Doc's about this question and it appears that his license says seven days a week. Councilman Smith commented that he may have a different permit; there are different kinds of permits. After a little more discussion, Mayor Shanahan asked if members had any problem with the two permits that are currently in the village. Members did not voice any objections to the current permits.

ZONING: Mayor Shanahan reported that he had spoken with Zoning Inspector Owens, who had nothing new to report. They did notice that Hefflinger's container that was in the right of way is now gone. The mayor also reported that the fire department was called to Hefflinger's GLN business, due to a tanker

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that was leaking oil. The mayor said he touched base with Fire Chief Bill Gase and told him he understood that the EPA was going to be called. Mr. Gase informed the mayor that the EPA was not called because it was not a large enough spill to involve them, but Mr. Hefflinger was called and he agreed to clean up the dirt. Mr. Gase then followed up on it and found that it had been cleaned up. The mayor asked Fiscal Officer Harnishfeger if we had received the return receipt yet, showing that Mr. Hefflinger received our certified letter. Mr. Harnishfeger replied that we have not received that back yet.

UTILITIES: Mayor Shanahan reported that the basketball lights at Centennial Park are not working. Councilwoman Mackey said that she put an out of order sign on it. She emptied the box today and checked it again and it is still not working. The mayor said he wondered if the breaker is just turned off. Ms. Mackey said she checked that and it is not turned off. The mayor reported that Chad Johnson had texted Bowling Green and asked if they were going to get back to replacing poles this year; he also asked them about the pole in the alley behind Brandt Corral; and he asked them about their tree trimming company helping us out. Bowling Green had responded that the pole and light in the alley are done and Penn Line is the tree trimming company that they use. Councilman Smith commented that we had discussed this already, but the question that remains unanswered is whether or not Penn Line is going to come and do trimming for us. The mayor reported that Chad Johnson had texted Bowling Green back and asked if someone could check the basketball lights at the park because someone reported that they are not working. Mr. Smith commented that the next question is whether the basketball lights problem is due to something Bowling Green is responsible for fixing, or if the problem is due to something the village is responsible for fixing. Once Bowling Green checks it out, they may determine that it is our problem and we need to call in someone to fix it at our expense. Mr. Smith suggested that it might just be an issue with the quarter vending box having gone bad. Ms. Mackey said that Rod Mackey had put some WD-40 on it, but when they tried it again it still did not work. The mayor said we would wait and see what Bowling Green says after inspecting it. He also said he would follow up with Mr. Johnson tomorrow and ask him about Penn Line. Councilman Fox asked if the trees in question are on Kellogg Road. The mayor answered that the need for trimming around lines was first noticed in the alleys, especially by the grain elevator. Then Jamin Roe drove around town and determined that trimming is needed just about everywhere. We had thought about getting a quote and then, based on the cost, doing part of them each year until they are all trimmed as needed. Mr. Smith added that the problem we are having is that a lot of the companies who do trimming don't do unshielded primary wires.

Councilwoman Mehring reported that she spoke with Paul's Refuse Pick Up and was told that they are going to raise their rates, due to Bowling Green raising the rates. Mayor Shanahan commented that rates were bound to be raised to offset the increased price of fuel; but Paul's Refuse's rates are pretty inexpensive and he had never noticed them raising their rates while he has lived here. Fiscal Officer Harnishfeger agreed and said the rate to the village has been the same all of the years he has worked as fiscal officer, since 2012. Councilman Fox added that a good thing in Tontogany is that no one has to use a certain company to haul their trash; they can choose from various companies.

Utilities Clerk Harnishfeger reported that, by the water shutoff deadline of 3/11/22, payments enough to avoid disconnection were received from all but 4 of the 26 customers who had received notices. After communication with the 4 remaining customers, payments were received from 3 by 3/14/22. And today, 3/21/22, the last one of the 4 made a full payment of over \$1,200 to bring their account up to date, paid in full. Mr. Harnishfeger said he sent out letters and payment plan agreement forms to 12 customers who had made a payment on their account, but didn't seem to understand that the Village wants them to agree to keep up their regular utilities payments and also continue to pay down the rest of the previous balance on their account. So, as of 3/21/22, payments enough to avoid disconnection have been received from all 26 notified customers and 10 of those paid their accounts up to date in full. Mr. Harnishfeger said he is waiting to see what happens with the payment plan agreement forms he sent out. Councilman Smith thanked the utilities clerk for his work on this problem.

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Mayor Shanahan reminded members that they had discussed the problem of a landlord who sold a property where the utility customer had moved out of town and left delinquent utilities unpaid. After conferring with Solicitor Skaff, he discussed the situation with Councilman Smith and they decided to first have the utilities clerk send a certified letter to the previous landlord, asking him to pay the delinquent utilities left by his former tenant, and then deal with the situation based on the response of the former landlord to this letter. Councilman Fox commented that there may be title insurance that the new owner had to buy to cover things like this that could come up. If the new owner ultimately must be billed for the delinquent utilities left unpaid, before making the payment, they could contact the title company and ask if they had title insurance that would cover this. Mr. Fox also added that the title company should have researched this before the closing and found out if there were any unpaid utilities left on the property.

STREETS and ALLEYS: Councilwoman Mackey reported that, when she heard that we could borrow the striping machine from the school, she did not contact Stripe It Up for a quote. She asked if members still wanted her to contact Stripe It Up for a quote. The mayor and members agreed that she should go ahead and contact them for a quote; then a final decision can be made on which way to go. Councilman Lee commented that sometimes it is worth it to pay a little more.

Mayor Shanahan reported that Cody Donaldson came and cut the concrete for installing the stop sign downtown. To avoid a trip hazard, he did not pull the concrete out yet. The mayor said we could bust it up and pull it out, then drop in gravel and PVC. Councilman Smith commented that we may not even need PVC; we could just use gravel and drive the post in and be finished—about a 25-minute project. The mayor said we will need to remove two or three parking spaces, so he suggested informing Stripe It Up of this, and then waiting until we get the quote from them before proceeding. The mayor also said that Adam Koch has two flashers at the school for the stop signs that he will give to the village; then all four stop signs will have flashers; we just need to put new batteries in ours. There will also be four-way placards.

Councilwoman Mackey asked about spring brush pickup. She said we usually do it sometime before Memorial Day. The mayor said he would touch base with Scott Alexander about this. He said he thought we previously scheduled this spring's brush pickup while scheduling last fall's pickup.

SIDEWALKS and TREES: Councilman Smith asked Fiscal Officer Harnishfeger how many sidewalk payments are outstanding. Mr. Harnishfeger answered that there are still two outstanding payments. He received a promise to pay by mid-April from one and he has not received a response to the follow-up letter he sent to the other. Mr. Smith asked members if they want to do the 50-50 sidewalk replacement program again this year. Members answered that they did, but it should start earlier to avoid running into the cold weather problems we experienced last year. Mr. Smith said it should be a more streamlined process this year, having learned how to do the various aspects of it last year. Mayor Shanahan commented that he thought it would be good to offer it again, but he didn't expect we would have quite as many people this year as last. Councilwoman Mackey said she thought some people will want to do it, now that they see how nice the sidewalks look that were put in last year. Councilman Fox asked what happened on North Street on the corner of Broad Street where it got torn up and is still torn up there. The mayor answered that the old bad sidewalk was torn out and dirt was put down; it is supposed to be seeded this spring. Mr. Smith added that Cody will be coming to finish up in the next few weeks. Mr. Fox asked if sidewalks to the school on North Street had been considered. The mayor answered that we have considered it and it was a point of contention, due to the residents on North Street being very vocal about not wanting sidewalks there. Councilman Lee asked how many kids live in that area that would benefit from sidewalks on North Street. The mayor and members mentioned a few kids that might benefit from it. The mayor said that in the long-term we will probably end up putting in sidewalks on North Street, dictated by new residents moving in over the years. Mr. Fox observed that

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entire classes sometimes walk from the school to the park; he also cautioned that the village could be liable for a kid hit by a vehicle where there are no sidewalks. The mayor answered that the school has been directed to use the sidewalk on Crom Street to go to the park. After a little more discussion, the mayor summed up that village sidewalks have been a hot topic for many years with some residents firmly against them. One of our goals with the 2021 sidewalk program was to begin to win residents over to a positive outlook about sidewalks by partnering with them in the cost of constructing their sidewalks and letting them begin to see how nice looking and useful sidewalks can be. We decided to fix broken sidewalks first, after which we can open the discussion about laying sidewalks on streets that don't already have any. Members agreed and decided to continue this year to partner 50-50 with residents just for repairing damaged sidewalks. Councilman Lee asked what people consider a drawback to installing sidewalks. Members suggested cost to install them and things like shoveling to maintain them. The mayor commented that, for those who never had them, it is one less thing they have to be responsible for. Also, there are elderly people and people on fixed incomes who would have a hard time paying for and maintaining a sidewalk. Councilman Smith pointed out that Jamin Roe had noted that Ohio Revised Code allows a village to demand that residents put in or repair sidewalks at their own expense, but we chose to partner with people on the cost instead. Ms. Mackey added that some people were absolutely thrilled to get the new sidewalks that were installed in 2021. Mr. Smith told members he has drafted a sidewalk letter; he passed out copies to members to review and make any suggestions for changes before it will be given to Fiscal Officer Harnishfeger for printing and mailing to residents. He commented that we will see who responds, then get measurements and seek bids. The mayor asked if we wanted to give Cody Donaldson first right of refusal before putting it out for bids. Members discussed it and concluded that we would have to put it out for bids if it is over a certain amount, but bidding should be considered anyway to seek the best price.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Mayor Shanahan asked if we want to order the porta johns for the parks. Councilwoman Mackey answered that they are already ordered; they will be delivered on April 4th.

Mayor Shanahan reminded members that we had received an initial quote of \$692.16 for the heavy-duty etched plaque for Ronald Current for the park pavilion. He reached out to another company that Mark Ballard was working with, who gave a quote of \$1,769.04. Members agreed, with no opposition voiced, that we should go with the original quote of \$692.16, so we can move ahead with it and have the ceremony. The mayor said he would reach out to Eric Hafner tomorrow and ask him to go ahead and get the plaque produced.


Mayor Shanahan asked if we are ready to bring the veteran banners and U.S. flags back out and hang them. Members agreed that it is time to do so. Councilman Smith suggested doing it at the same time we put up the stop signs downtown. The mayor said he would do a separate communication and pick a day to do it.

Councilwoman Mackey commented that Mehring Park has a lot of brush, which she said she would be happy to help gather up for the spring brush pickup. The mayor said he would find out from Scott when the brush pickup will take place; he will let everyone know and then we could pick a day to pitch in and clean up the brush at Mehring Park.

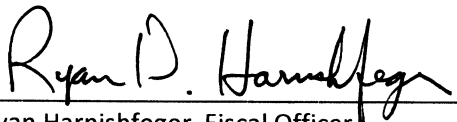
Councilwoman Mackey reported that she and Ron gathered the trash at Centennial Park. They also put with the trash the board that had previously been used to walk across the mud, before the village got a sidewalk at the park. She said she wasn't sure if Paul's Refuse will pick up the board or not. Councilman Smith assured her that, if they don't, it will disappear. Councilman Fox asked if a little bridge entryway has ever been considered for the park entrance where there has been a water and mud problem. The mayor answered that we installed a sidewalk there.

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With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 7:58 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer