

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: October 17, 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, here; Damon Lee, here; Lincoln Fox, here. Also present was Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Carter Hartman and Danny Shanahan, both attending for government class. Minutes from the October 3rd meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. Councilman Bergfeld asked about the bill for \$4,078.33 from Palmer for boring a waterline to a new house and setting a meter pit, if it wasn't a flat fee and extra for a new hookup. Fiscal Officer Harnishfeger responded that the new home owner had paid the \$12,500 up front for the tap fee and system development fee, so all expenses were covered. Councilwoman Mackey asked which home this was for and Mr. Harnishfeger answered that it was on Cross Creek Road and the waterline had to be bored under the road. Councilman Bergfeld made a motion that these bills be allowed and orders drawn for same. Councilwoman Mehring seconded this motion. All were in favor; motion carried. Councilman Fox asked if we give mileage to James Head for taking brush to the landfill. Mr. Harnishfeger answered that it is a good question, but we have never given mileage reimbursement to anyone for use of their personal vehicle; for instance, he himself usually makes multiple trips to the bank each week and the meter reader drives without reimbursement to read the meters. Mayor Shanahan advised tabling the topic until Council considers employees' pay later.

Mayor Shanahan did a first reading, by title only, of Resolution #955-22, A RESOLUTION AUTHORIZING THE VILLAGE TO PARTICIPATE IN THE WOOD COUNTY PARK DISTRICT PARKS GRANT PROGRAM, AND DECLARING AN EMERGENCY. Councilman Smith made a motion to suspend the rules and declare an emergency for Resolution #955-22. Councilman Bergfeld seconded this motion. All were in favor; motion carried. Councilman Lee made a motion to adopt Resolution #955-22. Councilman Smith seconded this motion. All were in favor; motion carried. Mayor Shanahan passed the resolution around for all members to sign it, as requested by the Wood County Park District.

ZONING: Since Zoning Inspector Owens was not present, Councilwoman Mackey asked if he had been apprised of the trash behind Tony Hafner's residence, because nothing has been done about it. Mayor Shanahan answered that he would follow up with Mr. Owens about that.

Councilwoman Mehring reported that there is also a buildup of trash bags on the deck at the back entrance of Hefflinger's apartment downtown. The mayor and members commented that it may just be put out for trash pickup.

Councilwoman Mackey reported that the house on the alley, right across from Aaron Asmus' business, is building a wheelchair ramp. The mayor answered that he texted Mr. Owens about it yesterday, so he is aware of it. Ms. Mackey said that her concern was that the property is only half a lot and zoning only permits covering so much of the property.

UTILITIES: Mayor Shanahan asked if anyone happened to see if Penn Line was in town today. No one said they had seen them. The mayor said he would follow up with them tomorrow; the last he had heard from them, they were intending to do the 17th and the 24th. The mayor also commented that very few people were home yesterday when he went knocking on doors.

Utilities Clerk Harnishfeger reported that he had sent the mayor and members a redacted copy of a letter, dated 10/13/22, that he had written and emailed to the commercial utility customer with a large amount of delinquent utilities on their two accounts. He said he had reviewed the history of their payments and discovered that they were not keeping up with their agreement to fully pay their new

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billing each month plus \$1,000 per month on their previous balance until it was paid off. In fact, in the period from June through September billing their net payments showed that they were underpaid on their new billing by \$2,021.10 and nothing was paid on their overdue balance. So, in effect, during that period, they added another \$2,021.10 to their delinquent utilities, putting them over \$15,000 behind. Therefore, he had Utilities Superintendent Johnson serve disconnection notices for their two accounts on 10/13/22, with a deadline of 10/27/22 to pay the delinquency or establish a new payment plan agreement that is acceptable to the Village. He also told members that, as he mentioned in the letter, the day before he wrote the letter, he received back from the Post Office all of the customer's bills from July through October, with a notation that the P.O. box had been closed. In response to his letter, the customer emailed him back the same day (10/13/22), saying that they didn't understand why their P.O. box is closed. And they said they would get a check to the Village next Friday for \$2,000 and that is all they can do this month. Mr. Harnishfeger asked members for a decision as to how to handle this situation, whether to proceed with the disconnection or to establish a new payment plan agreement with the customer to allow them to continue receiving Tontogany utility services. Mr. Harnishfeger also commented that his letter to the customer had pointed out that the Village had been more than reasonably patient with the customer, considering that their utilities had never been paid in full since they opened their accounts in April of 2019. In the past we certified the delinquent utilities to the county auditor quarterly, to be placed on the property tax duplicate, to be collected by the county the following year and paid to the Village. But we turned to the method of disconnections when the county disallowed us to certify electric utilities any longer. Also, Mr. Harnishfeger told members that he had asked Solicitor Skaff about the possibility of filing a "mechanic's lien" at the county, disallowing a property to be transferred to a new owner without first paying delinquent utilities, but Solicitor Skaff had replied that that was not an option for the Village's utilities, neither for a residential nor a commercial property. The Village could still certify delinquent water to the county auditor, but a lawsuit would be needed to collect delinquent electric utilities.

Members discussed the matter of this commercial utility customer in detail, considering many things, including how much is owed, the history of continuous underpayment, the fact that they did not keep their agreement the first time they were served a disconnection notice, approximately how much new billing is added each month, how long it might take to pay back the overdue balance with various payment amounts, what will happen if they fail to keep a new agreement and end up adding more unpaid utilities to their current delinquency, how it might affect the town to have this business fold, how to collect unpaid debt if the business folds, the fact that the customer was unaware or unconcerned that their P.O. box was closed, and the overarching obligation of Council to village taxpayers to collect fees for utility services provided. Having deliberated on the matter, members decided that the \$2,000 payment this month offered by the customer was not sufficient to avoid disconnection. Instead, to give the customer a second chance, an acceptable agreement to keep utilities connected would be, by the shutoff date of October 27, for the customer to make an initial payment of \$4,000 (roughly 25 percent of their delinquent utilities) and to sign a new agreement to pay their full new billing each month plus \$1,500 extra on their previous balance until it is paid off, beginning with November billing. If they fail at any time to keep their agreement, disconnection procedures will be set in motion immediately. The mayor and members agreed that use of this 25-percent method should be a standard the Village uses on payment plan agreements with delinquent customers.

Councilwoman Mehring asked if there were any other utility customers in a similar situation. Mr. Harnishfeger responded that there is a residential customer that he has mentioned previously with \$5,000 in delinquent utilities that the Village will need to deal with. It is a rented home. The husband, whose name is on the account, has moved out a long while ago and left the wife with four children living there. In response to a disconnection notice served on 9/30/22, the woman called our office and asked if she could make a payment of \$410 to keep the utilities connected. Mr. Harnishfeger said he agreed not to disconnect them for now, if she made that payment. She also informed Mr. Harnishfeger at the

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same time that she planned to be moving out the second week of November; the house would be going into foreclosure and would be sold at auction. Mr. Harnishfeger said that he immediately contacted Solicitor Skaff to ask about the possibility of a “mechanic’s lien,” and was told that was not an option. Our options would be to certify the delinquent water and pursue delinquent electric with a lawsuit, if we wished. Mr. Harnishfeger said that the property owner’s address that is listed on the county auditor’s website is incorrect; mail sent to that address comes back to us as undeliverable. After a brief discussion, members thought it would be a good idea to have Solicitor Skaff work on finding the property owner and guiding us in what legal action to take. Mr. Harnishfeger commented that, as far as other customers with delinquent utilities, most everyone has either paid the amounts on the disconnection notices we have served, or gotten onto a payment plan and are working to pay down their previous balance; which is better results than we received when we certified all delinquent utilities to the county auditor and hoped the auditor would be successful at collecting the property taxes and paying us the following year.

STREETS and ALLEYS: Nothing to report.

SIDEWALKS and TREES: Councilman Smith reported that he spoke with Cody today and he is ready to get to Tontogany, but is still having problems with weather and his other projects. Mayor Shanahan asked if there was a cutoff date where we would push it to next year if not started by then. Mr. Smith said he didn’t know enough about concrete as it relates to weather, but Cody will give us his professional opinion on it. He wants to do the project, but if the weather becomes a problem, we will have to put it off. Councilwoman Mackey suggested that maybe he could put us on his spring schedule as the first customer. She also said she thought, if the project gets delayed until next year, that we should contact the property owners who made a down payment and offer to return their \$500 to them until the project is started again. Mayor Shanahan suggested that it may be of interest to get Cody in touch with the builder on Washington Street, who poured the sidewalk there very quickly, to find out where he got the concrete. Mr. Smith said that Cody is trying to get the project in Defiance finished. Ms. Mackey commented that she didn’t think any of our property owners would be upset if it is postponed until spring, as long as Cody honors his original pricing quote. Mr. Smith added that, if he does it in the spring, he could finish up with grass seeding and everything at the same time. He said he will reach out to Cody to see what he wants to do and offer him this option, as long as he can hold the price. We don’t want the project rushed; we want a good product.

Mayor Shanahan reported that he received a text from the resident at 18665 Main Street, asking to have the tree that is on village property looked at. The mayor said he looked at it; it is not in danger of falling; it has some dead parts. He told the resident that we go with the recommendation of whoever we get to do tree work. Councilman Smith said he would look at it; if it just needs some branches trimmed, we could do that and put it out for brush pickup. The mayor responded that the branches in question are pretty high up on the tree.

DRAINS and SEWERS: Nothing to report.

CITY HALL and PARKS: Councilwoman Mackey reported that shelter house rentals are done for the year now. She asked if, in the next several weeks, some of the men could move the picnic tables and benches under the shelter house to protect them from the weather, considering that the benches were just painted. Councilman Smith answered that they would take care of it.

Mayor Shanahan asked Fiscal Officer Harnishfeger to begin reporting again on hall rentals each month. Mr. Harnishfeger said he would do that, and he added that we currently have seven hall rentals reserved for the remainder of the year—five in November and two in December. Councilman Smith

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commented that we should fix the lights in the hall, which we had discussed in the past. Mr. Harnishfeger added that one of the kitchen lights is out, which is half of the light in the kitchen.

Councilman Bergfeld asked if we want to take the banners down. The mayor answered that we need to do that, although he had hoped to keep them up through Veterans Day. One of the banners fell down and at least one flag is falling down too. Others mentioned more than one flag that is loose and in danger of blowing away. Mr. Smith said he could work on it tomorrow and Mr. Bergfeld said he could work on it on Sunday.

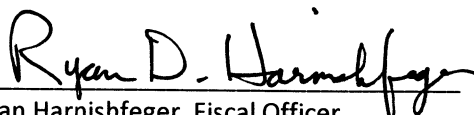
Councilman Bergfeld made a motion "to hold an executive session for the purpose of considering compensations of public employees or officials." Councilman Smith seconded this motion. Roll-call vote: Mackey-aye; Mehring-aye; Smith-aye; Berfeld-aye; Lee-aye; Fox-aye. Council members invited only Mayor Shanahan to sit in on the executive session. Fiscal Officer/Utilities Clerk Harnishfeger and the two visitors left the meeting room and the executive session began at 8:15 p.m.

At 9:19 p.m., the executive session was ended, Fiscal Officer/Utilities Clerk Harnishfeger was called back in, and the regular-session meeting was reconvened. Mayor Shanahan explained that he would read a list of adjusted compensations for various Tontogany employees, intended to be submitted by the fiscal officer to be drafted into an ordinance by Solicitor Skaff for 2023 wages. The adjusted compensations were as follows: Fiscal Officer: \$2,000/month, plus 60 cents/mile; Utilities Clerk: \$1,750/month (split \$875 from water and \$875 from electric); Laborer: \$20/hour, plus 60 cents/mile; Utilities Superintendent: \$900/month (split \$650 from water and \$250 from electric); Zoning Inspector: \$150/month; Meter Reader: \$250/month, plus 60 cents/mile; Village Administrator: \$20/hour (capped at 60 hours/month), plus 60 cents/mile. Councilman Fox made a motion to accept these compensation adjustments and have them written into an ordinance for 2023. Councilman Smith seconded this motion. All were in favor; motion carried. Fiscal Officer Harnishfeger asked how the mileage compensation will work. Councilman Fox explained that it should be easy enough to track on a sheet prepared for the purpose. Each employee would turn in their mileage sheet monthly for council members to approve along with the regular bills. Mileage for each employee should be listed separately from salaries on the invoice/payroll sheet each month. Mileage is likely to be very similar each month with routine tasks like meter reading. Mayor Shanahan asked Mr. Harnishfeger to research how to handle mileage compensation for municipal accounting purposes.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 9:28 p.m.



Matthew Shanahan, Mayor



Ryan Harnishfeger, Fiscal Officer