

## TONTOGANY VILLAGE COUNCIL

### MEETING MINUTES FROM: December 4, 2023

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, absent; Connie Mehring, absent at roll call, but arrived at 7:04 p.m.; Mark Smith, here; Robert Bergfeld, here; Damon Lee, here; Lincoln Fox, here. Also present were Zoning Inspector Brian Owens and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Otsego students Bodde Simon and Allison Lee for government class; Scott Alexander with water tap questions; Deputy J. Schoen from the Wood County Sheriff's Office. Minutes from the November 6<sup>th</sup> meeting were approved as submitted. (There was no meeting on November 20<sup>th</sup>, due to a lack of quorum.)

**FINANCE and CLAIMS:** A spreadsheet of the current invoices was reviewed and approved by members. Councilman Smith made a motion that these bills be allowed and orders drawn for same. Councilman Bergfeld 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.

Mayor Shanahan did a second reading, by title only, of Ordinance #965-23, an ORDINANCE AMENDING CERTAIN SECTIONS OF THE VILLAGE OF TONTOGANY INCOME TAX ORDINANCE, AND INCORPORATING CHANGES INTO THE VILLAGE INCOME TAX ORDINANCE.

Mayor Shanahan brought up a Legal Authorization Form received from the Regional Income Tax Agency (RITA). Fiscal Officer Harnishfeger explained that the form was emailed to him by Brittany Caraballo, Assistant Legal Counsel for RITA after she had called and talked to him about an authorization request RITA was making regarding settlements of delinquent income taxes. The specific request on the form states: "I authorize the RITA Compliance Department to negotiate the abatement of penalty and interest to facilitate settlements." Ms. Caraballo had explained that RITA would like to be able to offer diminished or waived penalties and interest as an incentive to taxpayers to pay off and settle their delinquent taxes. However, RITA cannot do so without authorization from the Village. Mr. Harnishfeger told members that he asked Solicitor Skaff for his advice about how to respond to this request. Then Mayor Shanahan read Solicitor Skaff's response, stating that he had no concerns with the request and that he believed it to be a prudent thing for Council to approve the request. Councilman Fox made a motion to approve this authorization request by RITA. Councilman Smith seconded this motion. All were in favor; motion carried. Mayor Shanahan signed the authorization form for the Village and gave it to Mr. Harnishfeger to submit to RITA.

Copies of the November incident report were given to members to review. Mayor Shanahan invited members to speak to Deputy Schoen about any concerns they may have. There were no questions or concerns voiced, so the mayor thanked the deputy and he left the meeting.

Mayor Shanahan invited Scott Alexander to speak to Council. Mr. Alexander told members that he lives on the north side of Hannah Road, just east of Green Road, where he has some cattle and an above-ground pond. His parents live almost directly south on Kellogg Road. He is looking for some options for water supply. His desired goal would be to tap into the village line on Kellogg Road and run a line through their family's property all the way back to his place. He said he was advised that he would need a 1-1/2-inch or possibly a 2-inch line. He said he spoke with Utilities Clerk Harnishfeger on the phone and understood that the Village description for the size of tap he wants is "commercial" and the fee is higher than for a "residential" line, but he only intends to use it for residential purposes. The extra fee for a 2-inch commercial tap is another \$10,000 on top of the basic \$10,000 tap fee, but the extra fee for a residential tap is only \$2,500 on top of the tap fee. He then said he was asking Village Council if he could get a 2-inch line designated as residential rather than commercial and the extra fee reduced therefore to \$2,500 instead of \$10,000. Utilities Clerk Harnishfeger provided clarification about the terminology used in the description of the extra system development fee that Mr. Alexander was

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referring to. He said that the system development fee is based only on the size of the line and has nothing to do with what the water will be used for. Only a 1-inch line is designated as a household tap and has the lowest \$2,500 fee. All other system development fees range from \$3,500 for a 1-1/2-inch line to over \$30,000 for a 4-inch line. He commented that if Council changes this for one person, they would have to change it for anyone. The system development fee monies go into the water fund to support maintenance and development of the water infrastructure; the fees are set by ordinance. He also noted that if Mr. Alexander could use a 1-1/2-inch line, it would only be \$1,000 more than a household tap for the system development fee. Councilman Fox asked if running the line from Kellogg Road was the best option. He asked if it might be closer to run it from the village line on Tontogany Road. Mr. Alexander responded that he can't run a line from Tontogany Road because it would have to go under the railroad. Mayor Shanahan asked when Mr. Alexander would get a final determination of the size needed and the full price to install it. Mr. Alexander said he was still waiting to get that information. Councilman Fox asked how the village determines its water line development fees. Zoning Inspector Owens answered that it is basically a capital expansion plan for future use. Mr. Alexander asked if the fees are required up front or if any of the fees are assessed on a monthly bill. Mr. Harnishfeger answered that, normally, the tap fee and system development fee are paid up front, and then we call in the excavator to do the tap, since the Village has to pay the contractor who does the tap. However, if Council decides to allow installment payments from Mr. Alexander, a payment plan could be arranged. Mr. Alexander commented that he would like to have a conversation with Council about allowing him to make installment payments on the fees, if his plan to tap into the Village's line becomes doable. Councilman Smith commented that Council would be glad to have a conversation with Mr. Alexander about that, but we would first like to know what the actual calculation of line size and costs of the project would be. He also commented that the 1-1/2-inch solution seems to have the best prospects of being workable. Mayor Shanahan asked Mr. Alexander to call Mr. Harnishfeger when he gets the actual calculations for the project, and Mr. Harnishfeger will email the information to the mayor and members. With this information we will be able to take up further discussion on the matter. With nothing more to discuss, Mr. Alexander left the meeting.

Mayor Shanahan reported that everyone had a copy of a quote from Josh Heckerman for some end-of-year tree pruning at the parks. The mayor pointed out that he noticed a \$200 difference per tree from Mehring Park to Centennial Park, Mehring being \$300 per tree, while Centennial is \$100 per tree, and he wondered why the difference. Councilman Fox stated that he didn't think we needed this work done this year; maybe we could have it done next year. Other members voiced agreement. Councilman Smith commented that he hasn't looked at the trees, but he didn't think the quoted price was unreasonable. He also commented that the difference in price from one park to the other might be because the trees at Centennial Park are in better shape and need less pruning. Mr. Fox suggested that we could make a final decision at the next meeting. Members were good with doing so.

Fiscal Officer Harnishfeger reported that he will need to be away from the office for part of the day on Tuesday, December 12<sup>th</sup> for a cataract evaluation appointment at 2:15 p.m. in Toledo. Mayor Shanahan commented that we could post on the website and the front door that the office will be closed that day.

Fiscal Officer Harnishfeger reported that he noticed, when making the most recent wholesale water payment to Bowling Green, that we will most likely run a little short of money for the final wholesale water bill this year. He told members, to avoid the need for making supplemental appropriations, he could simply move some unused money from another line item in the water fund to the line item designated for wholesale water payments, as authorized by Resolution #740-05, A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER TO TRANSFER MONEY FROM ONE LINE ACCOUNT TO ANOTHER, WITHIN THE SAME FUND, AS NECESSARY. Members voiced no objections to him doing so.

Fiscal Officer Harnishfeger pointed out that everyone had a copy of his proposed appropriations budget for 2024, with his comments on each line item, which was also emailed to the mayor and

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members previously. He noted that many line items remain the same amount as last year, because spending to date indicates that the same amount will cover next year's spending again. Otherwise, he either increased or decreased amounts as it seemed needed. He told members that he increased appropriations for the employer share of OPERS contributions from the previous 14 percent to 18 percent, because the OPERS Director has recommended asking lawmakers to increase employer contributions to 18 percent. If lawmakers do so, we will have the money in place; if not, it will simply not be spent and remain in the funds. He noted that, as usual, there is \$40,000 appropriated in the street maintenance fund for street or sidewalk projects, as well as another \$40,000 appropriated in the general fund as supplement money for street projects, if needed. \$18,000 is appropriated in the tree maintenance fund, to cover any tree maintenance plus planting some new trees, as has been discussed by members. \$25,000 more was added to the line item for wholesale water, because we ran a little short this year. Nothing extra was needed for wholesale electric, so that amount stayed the same for 2024. The sewer fund appropriations were increased by \$7,000 to cover normal rate increases by Northwestern Water & Sewer District. Mr. Harnishfeger pointed out that he had listed the upper limits for 2024 appropriations from the Official Certificate of Estimated Resources, approved by the Wood County Budget Commission, to the right of the total proposed appropriations for each fund. He noted that the upper limits approved for the water fund and the general fund would allow the Village to appropriate enough to cover the cost of the backflow prevention project, without the need for extra grant money. He suggested, therefore, that money be appropriated, equal amounts from the water fund and the general fund to cover the cost of that project above the \$40,174.64 of Covid money that we intend to use for the project. Backflow prevention appropriations could be added now to the permanent appropriations ordinance for 2024, to be passed in December 2023; or a supplemental appropriation ordinance could be passed in 2024, once we have determined more precise project costs. Mayor Shanahan responded that we may just want to go ahead and appropriate the money now, because we have to use the Covid money by the end of next year. We need to start getting estimates for the project so that we don't lose the Covid money, which has a deadline to be committed by the end of 2024. Mr. Harnishfeger asked if we even have a ballpark idea of what the total cost will be for the backflow project. The mayor answered that the engineer from Feller, Finch, who stopped in after one of our meetings had indicated that the cost would be about \$80,000 for each of the two master meter pits, meaning a total of around \$160,000. Councilman Bergfeld reminded members that we were going to split the cost with Northwestern Water & Sewer District on the Tontogany Road pit. The mayor asked if we got a confirmation on that. Mr. Harnishfeger answered that he thought Utilities Superintendent Johnson had reported that he received the okay on that. The mayor commented that we don't know yet what that split in price will be with Northwestern. Councilman Smith reminded members that Mr. Johnson had also reported that the EPA was going to require a lead-service-line survey, which will also cost us a lot of money. He suggested that we appropriate \$80,000 out of the general fund and \$80,000 out of the water fund, to be available for the backflow prevention project and the lead-service-line survey. He pointed out that these expenditures are not normal improvements or expansions of our water infrastructure, but simply necessary costs to keep up with mandates put forth by the EPA. Mr. Bergfeld asked if the lead-service-line survey would be just random testing. Mr. Smith answered that they are requiring that we excavate and verify every connection that has not already been verified as lead-free. Councilman Fox pointed out that it looks like there is plenty of money in the general fund to cover the whole cost of the backflow prevention, in combination with the ARPA Covid money. He asked why we wouldn't, therefore, just use general fund money for this. Mr. Harnishfeger answered that the fund-accounting structure for municipalities in Ohio prefers that the principal funding source for an expenditure should be the fund where monies are held for that type of expenditure. So, water fund money should be the first source for water-related expenditures; street-maintenance fund money should be the first source for street-related expenditures; etc. However, we do not want to put too much burden on the water fund and get it into trouble, so that is the reason to help out with some

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money from the general fund. Mr. Smith reminded everyone that we are just appropriating the money for now to make it available for spending; if something happens that we don't need to spend it, it will not be lost. Mr. Harnishfeger asked how much money should be appropriated for backflow prevention and how much for the lead-service-line survey, since they may have to be separate appropriation line items. After a little discussion, Mr. Harnishfeger said he would appropriate \$60,000 from the water fund and \$60,000 from the general fund for backflow prevention, and the remaining \$40,000 of the \$160,000 would be appropriated for the lead-service-line survey project. The mayor stated that he would follow up with Mr. Johnson about seeking a quote for the backflow prevention project by the first or second month of 2024. Mr. Smith responded that we should try to get the quote by January, because we will have to go out and get three bids and then get on a contractor's schedule. Zoning Inspector Owens remarked that there will probably also be hidden costs.

Mayor Shanahan reported that the 150<sup>th</sup> Committee (for Tontogany's sesquicentennial anniversary in 2025) had asked a question regarding ideas about ways to pay for some of the activities of the event. They plan to do a cookbook fundraiser and they asked the mayor to find out from the fiscal officer if the village can create a budget of some amount of money, perhaps \$1,000 or so, for the 150<sup>th</sup>. Out of that budget the village would pay the up-front money for whatever it would cost to produce 100 or so cookbooks. They would then sell the cookbooks and the difference would be given back to the village and put back into the 150<sup>th</sup> account. Councilman Smith added that, because the 150<sup>th</sup> Committee has zero dollars right now, they are asking us to front the money needed to put together a fundraiser, and then pay us back with the proceeds. He also commented that it is similar to the sidewalk program, where the village paid up-front for the sidewalks and then the residents paid the village back part of the cost. The mayor added that there will also be a fundraiser of shirts, hats and mugs, where we open an online store and the company will write us a check for ten percent of total sales at the end of the sale; then we can use that money for activities for the event. Fiscal Officer Harnishfeger answered that an account could be set up for this purpose in the general fund; he would just need to know how much we want to appropriate for it. The mayor said that he really didn't know what the correct amount should be, as that hadn't been discussed yet. Mr. Smith commented that, realistically, we are hoping the 150<sup>th</sup> Committee will fund themselves; we are just providing some seed money to help them get started. Councilwoman Mehring questioned whether or not the village is legally allowed to provide municipal monies to a group that is not part of the municipal corporation, because the town's money should be used only for municipal purposes. Councilman Lee answered that he understood what she was saying, but the 150<sup>th</sup> celebration event is for the benefit of Tontogany and its residents, so he saw no problem with using some village funds to help support it. Mr. Smith added that it is similar to the hometown hero banners that we buy; it is not something we would have to do, but it is an investment of village funds to make the town a little nicer. After a little more discussion, Councilman Bergfeld expressed that he was just not sure whether or not this is something we are allowed to do. Mayor Shanahan responded that we can ask Solicitor Skaff whether or not we can do this. Mr. Owens commented that we can appropriate the money to make it available and, if we find out we can't use it, it will just sit there and nothing is lost. Mr. Harnishfeger said he agreed that we should seek legal counsel about this, to be sure we are operating within the law, both ethically and otherwise. Mr. Harnishfeger asked if all of the proceeds from fundraising would come back to the village. Mayor Shanahan answered that it would all come right back to the village. Mr. Bergfeld stated that, once they get a fund, then they can start funding themselves; they just need some up-front funding to get started. He gave an example that they receive \$500 from the village to get started; then they gross \$1,500 in sales and pay the village back \$500; this leaves them with \$1,000 to start a fund of their own for other fundraising projects. Mr. Harnishfeger remarked that he must have misunderstood, because he thought all proceeds would be coming back into the village's 150<sup>th</sup> account. Mayor Shanahan responded that he will have to get clarification on that; he said he didn't know whether he felt comfortable with \$1,000 hanging out there in the Committee's hands. Mr. Smith said he didn't think the Committee wants to hold money either.

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The mayor said he would want all the money coming through the village's books, so that we have a paper trail for it. After a little more discussion, members agreed that we can appropriate \$5,000 for this purpose, so it is available, but ask Solicitor Skaff for legal guidance before doing anything with the money.

**ZONING:** Nothing to report.

**UTILITIES:** Mayor Shanahan reported that the light is out behind Steve Powell's office in the parking lot, and it is really dark there. Also, the light in front of the fire station keeps going on and off. He will pass this information on to Mr. Johnson. Members mentioned some other lights out as well. Fiscal Officer Harnishfeger reminded members that Mr. Johnson had said Bowling Green would be getting to our lights over a couple of months. Councilman Smith cautioned that we do not want to bug Bowling Green too much, so that they decide to cut us off. The mayor commented that the township uses Schwind Electric for lights. He wondered if it would be useful to get a quote from them for working on our lights, as opposed to waiting for Bowling Green to get to them. Mr. Smith answered that, if we want them done quickly, that would probably be the way to go. Councilman Fox asked if the lights are being switched out to LED. Mr. Smith answered that, if it was just a bulb, they only changed the bulb, but if it was anything more than a bulb, they replaced the whole thing with LED. Mr. Fox asked if another company besides Bowling Green would be more expensive. The mayor answered that that is a possibility. Mr. Smith gave his opinion that another company would probably be a lot more expensive than Bowling Green, who does our lights for a remarkably cheap price. Mr. Fox commented that he would just like to get us on a more regular service, like once a month. Members said they thought it would be a good idea for the mayor to go ahead and get a quote from Schwind, to give us a better idea of what our options are.

Councilman Fox reminded members that Solicitor Skaff had put forth for consideration the idea of getting set up with a village internet. Mayor Shanahan answered that he sat on the most recent broadband webinar and found that our grant would be turned down every time we applied for it; we are just out of our league. Mr. Fox asked if we had any contacts at Bowling Green to whom we could reach out and get some ideas about how they have their citywide internet set up and how well it is working. The mayor answered that he could contact the mayor of Bowling Green and ask him to put him in touch with the right person. Councilman Lee asked what would be the benefit of setting up a village internet. Mr. Fox answered that the biggest benefit would be to lower the cost of internet for the village; we could also tie the school in with it.

Mayor Shanahan reported that State Representative Haraz Ghanbari was in the village for the tree lighting and he got an earful from some residents about how bad the cell service is in town. The mayor then received a phone call this morning asking for email addresses for himself and Fire Chief Gase. A little later he received a text asking him to look at his email. Rep. Ghanbari had reached out to Verizon and informed them that he was here and received multiple complaints about the cell service here, as well as safety concerns about 911 calls/texts and zero cell service within the buildings of the Otsego School District; and he had urged Verizon to open up a conversation sooner, rather than later, about this. There was a response of three questions from a lady, all of which the mayor answered, and he gave her his cell number and asked for a call. Rep. Ghanbari advised the mayor that he may want to email them again later, because he may not get a call from them. The mayor and members briefly discussed the pros and cons of possibly putting up a cell tower or repeaters on some high buildings, and where there might be land on which to place a cell tower.

**STREETS and ALLEYS:** Councilwoman Mehring stated that we need to clean up the street. Mayor Shanahan responded that that will probably be a spring project. Ms. Mehring commented that there is mud and dirt that needs cleaned up after the tree lighting event. Councilman Smith commented that

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rain had prevented them from cleaning that up. The mayor commented that it is not a hazard for walking, and the snow plows will take it out when they go over it.

**SIDEWALKS and TREES:** Councilman Lee reported that he noticed one of the branches of the Christmas tree hanging on the ground. The mayor replied that we can get that pulled up off of the ground.

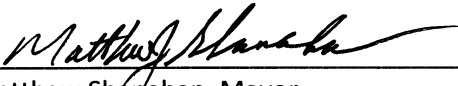
**DRAINS and SEWERS:** Nothing to report.

**CITY HALL and PARKS:** Fiscal Officer Harnishfeger reported that he got through to Lake Erie Electric and they came and fixed the hall kitchen light that went out again. It was still under warranty from their repair job in April, so they didn't charge us any labor for the second repair. They were able to convert the existing fixture to LED and put in new LED bulbs. Mr. Harnishfeger said he had them just go ahead and convert the other kitchen light to LED as well. The whole price should be about \$250, covering new LED bulbs and parts for both lights, plus labor on one light; we haven't received the invoice yet. Mr. Harnishfeger reported that he also asked Lake Erie to give us a quote to convert the main hall lights to LED, just like the kitchen. We are waiting on that quote. Mr. Harnishfeger commented that he was very impressed with the quality and brightness of the new LED lights in the kitchen, and they will save us money in the long run, using less electricity. He was also impressed with how quickly the work was done to make the conversion to LED.

Mayor Shanahan reminded members that we will need at least five members present at the next meeting to vote on the permanent appropriations ordinance for 2024, which is an emergency legislation. We will also have a little holiday snack time, as usual, after that last meeting of the year.

The mayor thanked Councilman Lee for his expertise in helping set up for the tree lighting event; he said we received a lot of compliments on the improvement and people really enjoyed it.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:24 p.m.

  
Matthew Shanahan, Mayor

  
Ryan Harnishfeger, Fiscal Officer