

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: December 18, 2023

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 and Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: Joe Pemberton and Matt Zeigler from Suburban Natural Gas Company; Steve Powel. Minutes from the December 4th meeting were approved as submitted.

FINANCE and CLAIMS: A spreadsheet of the current invoices was reviewed and approved by members. 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.

Mayor Shanahan invited Steve Powell to speak to Council. Mr. Powell began by thanking the village for getting the street light fixed in the parking lot of the fire department. He went on to say that he was here to talk about the Fox-Shank Living Lab property and he handed everyone a copy of a flyer with information about the property and plans for its development. He said he will be going to area meetings of town councils, township trustees, fire departments, American Legions, and the like, to spread the word about the Fox-Shank Living Lab. He told members that he had heard of a rumor, since the recent election, that the Fox-Shank property was going to be a big financial drain on the Otsego School District. He assured members that this rumor is completely false and every effort has been made and is being made to fully support this project without tax dollars. In order to accomplish the goal of making sure no tax revenue is used to add improvements to the Fox-Shank Living Lab, he and some others are in the process of setting up an official 501c3 non-profit organization to legally raise money locally and through grant applications, since the school is not legally permitted to directly solicit funds outside of the tax dollars they have been given. The chosen name for the 501c3 non-profit organization is Friends of Fox-Shank Living Lab; they are seeking to assemble a board of directors that includes members from all corners of the school district. He asked Tontogany council members to consider if any of them would like to sit on the board or if they knew of anyone who might want to do so. He added that the board would probably meet about four times a year. The board must have at least five members, but can have more than five members.

Mr. Powell mentioned that he had previously contacted Mayor Shanahan and Councilwoman Mackey about zoning considerations regarding where the Living Lab might be able to create a parking area. He commented that the property should have been deeded over to Otsego by now, but it has been held up by something between the attorneys for the Black Swamp Conservancy (BSC) and the attorneys for Otsego. Concerning placement of a parking area, the BSC wanted it to be in the grass strip between a couple of houses on Tontogany Creek Road. Mr. Powell told members he does not like that idea, because it is where all of the students will be walking back and forth to class. Even though one objective is to add a lighted cross-walk signal, he is strongly against putting in a parking area there. He said he thought there might be some village zoning concerns about that, and the village could weigh in on the selection of a suitable area for parking out of the sixteen acres there. Mr. Powell commented that he thinks the vehicle drive ought to be the north drive, which is already stoned. Vehicles could drive in there and then have a parking area. He said that eventually they want to have a pavilion and a permanent year-round restroom, making it just like a park, because it is going to be used partly as a park. During the day, it will be used by Otsego students; evenings and weekends it will be used by anyone as a village park. Concerning a future restroom, Mr. Powell noted that it would require water, sewer, and electric. He asked council members to consider if they might be willing to waive or discount tap fees for utilities to the restroom when it comes time to make that addition to the property. He commented that, if someone with lots of money should happen to donate funding for tap fees and other costs to set up a restroom, it could be named in their honor. He added that their non-profit organization will be pursuing opportunities for grants pretty aggressively, so, they may end up acquiring enough funding that they don't need to ask for discounts, but if enough funding doesn't

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materialize, he was putting forth the idea to council members about tap fee discounts, in case they might be willing to make an in-kind donation for the perpetual benefit of Otsego students. Mr. Powell then asked if members had any questions for him. Councilwoman Mehring stated that she agreed with Mr. Powell's opinion about the placement of the parking area. Mr. Powell commented that the idea of putting it between the houses on Tontogany Creek Road came from Black Swamp Conservancy, not from Otsego. Councilwoman Mackey pointed out that that would be right on the edge of people's property, which would not be a good idea. Mr. Powell concluded by saying he was very optimistic about the whole undertaking. He said that they did get some trees planted there this fall, but there remains a lot of work to do. He surmised that a very rough estimate of money that will be needed for infrastructure and other improvements would be about \$100,000, but they are starting with nothing and can't legally solicit for funding until they get their non-profit organization formed. The bank wouldn't even let them open an account until they have officially established and named their organization. With no more questions or comments from Council, the mayor and members thanked Mr. Powell for his report and he left the meeting.

Mayor Shanahan invited Joe Pemberton to speak to Council. Mr. Pemberton passed out to everyone copies of a 2023 Public Awareness and Damage Prevention Bulletin for Public Officials. He also gave the mayor an Application for Community Development Funds, which can be submitted to receive \$862 (for 431 customers, at \$2 per customer) from Suburban Natural Gas for public purposes. Mr. Pemberton said they simply ask that you call Ohio811 before doing any digging or excavation, even something as simple as installing a mailbox. Utility companies will be notified, who will send representatives to the proposed excavation site to mark the approximate location of the underground facilities. Mr. Pemberton reminded members of smells, sights, and sounds that could indicate a possible gas leak. If a gas leak is suspected, you should move upwind and get a safe distance away and then call the gas company or 911 to report it. The gas company will come to check it out and make sure everything is safe. Mr. Pemberton commented that they have a leak survey coming up, but everyone is fantastic to work with in Tontogany. With nothing else to report, the mayor thanked Mr. Pemberton for giving back to the community through the community development grant, and the two gentlemen from Suburban Natural Gas left the meeting.

Mayor Shanahan did a third 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. Councilman Smith made a motion to adopt Ordinance #965-23. Councilman Bergfeld seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reported that, as requested by members at the previous meeting, he had added to the final appropriations for 2024 \$60,000 from the water fund and \$60,000 from the general fund for the backflow prevention project; he added \$20,000 from the water fund and \$20,000 from the general fund for the lead-service-line survey project; and he added \$5,000 from the general fund for 150th Celebration expenses. Also, \$9,340 was added to the park grant line item in the general fund, since we just received notice that our 2024 park grant was awarded. Mayor Shanahan did a first reading, by title only, of Ordinance #966-23, AN ORDINANCE TO MAKE PERMANENT APPROPRIATIONS FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF TONTOGANY, COUNTY OF WOOD, AND STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2024, AND DECLARING AN EMERGENCY. The mayor then read the amounts appropriated from the various funds: \$391,106 from the general fund; a combined \$95,770 from the special revenue funds (including \$55,000 from the street maintenance fund, \$12,635 from the motor vehicle permissive tax fund, \$8,000 from the special assessment – street lights fund, and \$20,135 from the special assessment – trees fund); \$3,000 from the capital improvement fund; \$461,940 from the water fund; \$671,742 from the electric fund; and \$132,000 from the other agency – sewer fund. The mayor then read the grand total of all appropriations: \$1,755,558. Councilman Bergfeld made a motion to suspend the rules and declare an emergency for Ordinance #966-23. Councilwoman Mackey seconded this motion. All were in favor; motion carried. Councilman Smith then made a motion to adopt Ordinance #966-23. Councilman Lee seconded this motion. All were in favor; motion carried.

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Fiscal Officer Harnishfeger gave an update on information obtained about the question of whether or not the village could front some money to the 150th Committee, a private organization of citizens, to help them get started with fundraisers for Tontogany's 150th anniversary celebration. He told members that the mayor had emailed Solicitor Skaff and asked him if the village could budget money to help the 150th Committee purchase fundraising items, and then the profits be put right back into the village account. Mr. Skaff's response was, "What you describe seems fine to me; however, I suggest Ryan speak with an auditor to ensure the appropriate steps are taken." Upon Solicitor Skaff's advice, Mr. Harnishfeger said he contacted Audit Manager Kelly McCartney about this question. Kelly responded, "There are no issues with the Village working with a non-governmental organization, under the circumstances, as noted by your Solicitor. The best way to proceed would be to pass a Resolution, specifically addressing the expenditures, and the fund the money would be paid from. This would support the approval of Council to expend these funds. Once you have determined the fund, you would just need to set up a separate expense line item to account for this activity, and approve appropriations, etc., as you would normally do." Mr. Harnishfeger reminded members that, per their request, he had already set up a separate, trackable, line item in the general fund with \$5,000.00 appropriated for "150th Celebration Expenses" in the 2024 permanent appropriations ordinance that was just adopted. Therefore, we just need to pass a resolution, as advised by Kelly McCartney, which we will need Solicitor Skaff's help on for the wording. Mr. Harnishfeger also commented that he had discussed this matter with former Village Administrator Craig Spoores, who had advised that the town be open to considering money fronted to the 150th Committee for fundraising efforts as a gift for the good of the town, should the fundraising efforts not happen to produce enough revenue to pay back the money fronted to them. Mr. Harnishfeger also suggested that a resolution be not too restrictive on the use of any proceeds from 150th fundraising, so that, if fundraising should produce more money than needed for the 150th celebration, the extra can be used for other purposes for the good of the village, such as help with Togany Fest expenses. Mayor Shanahan commented that they intend to be careful to make sure the cookbook fundraiser is profitable, by only having books printed for actual orders in hand, and then charging a certain amount above the cost of producing the books, so there is sure to be profit on the sales. It would not be a situation where, for instance, they pay for 100 books to be printed, but then are only able to sell 35.

Fiscal Officer Harnishfeger reported that we received a quote from Lake Erie Electric to do an LED lighting retro fit on all six main hall light fixtures, which would include the cost of parts and labor to convert the current fixtures to LED, install new LED lights, and haul away the old fluorescent lamps and ballasts, for a total cost of \$1,400. Due to a volatile market, prices on the quote were only good for seven days, but they gave us an extension to honor the quote through December 19, so Council could have a chance to decide about it at this meeting. The mayor wondered if maybe we might need less than six of the fixtures converted to LED, since they are brighter lights. Members seemed to think it might produce unwanted shadows. After a little discussion, Councilman Smith stated that he thought this would be a wise investment and that it was a good price. He then made a motion to accept Lake Erie's quote of \$1,400 for the LED retro fit for the six main hall lights. Councilman Fox seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger asked members to confirm a meeting schedule for 2024, to be posted on our website, on the hall front door, at the post office, and in the newspaper. The first meeting in 2024 will be on Tuesday, January 16th (giving the fiscal officer extra time to perform the complex state-required procedure of rolling the books over to the new year, and allowing for the observance of Martin Luther King Jr. Day on Monday, January 15th). All subsequent meetings are scheduled for the first and third Monday of each month, with the exception of Monday, September 2nd, which will be cancelled in observance of Labor Day. Members thought this schedule was good and voiced no opposition. Mayor Shanahan asked if 7:00 p.m. was still a good time for meetings and members agreed that it was.

Fiscal Officer Harnishfeger asked members for approval to pay any bills that may come due before the first meeting in the new year. Councilwoman Mehring made a motion to authorize the fiscal officer to pay

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any bills that come due before the first meeting in 2024. Councilman Smith seconded this motion. All were in favor; motion carried.

Fiscal Officer Harnishfeger reviewed the 2024 salaries and compensations for employees and elected officials: mayor's salary is \$300 per month; council member's compensation is \$64 per month, conditioned upon a member attending at least one council meeting monthly or being excused for nonattendance by council (per Ordinances #807-10 and #847-14); village administrator's pay is \$20 per hour, not to exceed 60 hours per month unless additional hours are approved by council; fiscal officer's salary is \$2,000 per month; utilities superintendent's salary is \$900 per month (split \$650 from the water fund and \$250 from the electric fund), plus \$20 per hour for extra work, subject to approval by council; utilities clerk's salary is \$1,750 per month (paid in equal parts from the water fund and the electric fund); meter reader's salary is \$250 per month (paid in equal parts from the water fund and the electric fund), plus \$20 per hour for installing meters, subject to approval by council; zoning inspector's salary is \$150 per month; village laborer's pay is \$20 per hour. Members voiced no objections or corrections to these amounts.

ZONING: Nothing to report.

UTILITIES: Utilities Superintendent Johnson reported that he had spoken with Scott Alexander regarding his request to run a water line from Kellogg Road to his place on Hannah Road. Mr. Johnson said that similar lines have been run for other customers, so this is not something unusual for him to request this, if he is willing to pay the expense. Mayor Shanahan responded that it seems that Mr. Alexander's bigger issue is what size of line he needs to use. Councilwoman Mackey asked why he can't tap into Moser's water line. Councilman Smith answered that Scott was concerned about taking too much of Moser's water. The mayor commented that Mr. Alexander does not have a problem paying for the cost of putting in the line. Mr. Smith added that he is concerned about the tap-related fees. Mr. Johnson advised just letting him run the line as he has suggested, to avoid possible future problems with a tap into Moser's line.

Utilities Superintendent Johnson reported that he is required to have the lead survey done by October of 2024. There are quite a few lines in Tontogany that have been replaced, so we know there is no lead in those. However, there are still a lot of old lines that will have to be checked. He said that he will also be required to check the plumbing of every utility customer's house, meaning he will have to get with the property owner, go under each and every house, and find out what their plumbing is, which will take an enormous amount of time. He said an option is to have a vacuum truck come and excavate to check the lines. Mayor Shanahan commented that the idea has been suggested that multiple villages could combine on things like the use of the vacuum truck. Councilman Smith commented that we did put some money in the budget for it. The mayor asked what we could do to help validate to people in town, especially new residents, who Mr. Johnson is and what he needs to do at their home for this lead survey. The mayor asked when Mr. Johnson thought he might start on this lead survey. Mr. Johnson didn't give an exact time, but said he planned to do one street at a time and work his way through. Councilman Smith suggested that we could send out a letter to residents to give them a heads-up that this is going to happen and seek their cooperation. The mayor suggested that we could include a picture of Mr. Johnson on the letter, so the residents will be able to recognize him when he comes to them. Councilwoman Mackey said she thought the letter was a good idea and that we should get it out soon. Councilman Fox noted that we should only have to send letters to people on the old lines, since those on newer lines won't have to be checked. Mr. Johnson answered that that is just on the village side; he will still have to check on the plumbing of each home. Mr. Smith advised that we start with a letter and seek to have people respond, perhaps by email, with what times they might be available to let Mr. Johnson inspect their plumbing. This would help him to avoid wasting a lot of time going to homes when no one is available. The mayor asked Mr. Johnson if he could put together a letter. Mr. Johnson replied that he could do so.

Mayor Shanahan reported that it appears Bowling Green came to fix street lights. He added that Bowling Green Electric Superintendent John Stewart has asked that we tie a ribbon around poles that need

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lights repaired, because his people sometimes have a hard time identifying exactly which poles we are talking about when we turn in a repair request. Also, if there is an identification number on the pole, that would be helpful for his people to know as well.

STREETS and ALLEYS: Councilman Smith reported that Morlock came and sealed the streets and we should be receiving their bill soon. He also remarked that the considerable amount of sealer they put down shows how much it was needed.

SIDEWALKS and TREES: Mayor Shanahan asked Utilities Clerk Harnishfeger to put a reminder on the utility bills for residents to shovel the snow from their walks, as we have done in the past.

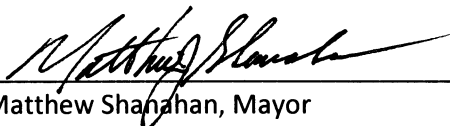
DRAINS and SEWERS: Councilwoman Mackey reported that she has been seeing quite a few piles of leaves close to drains and she is concerned that we may have drains plugged up by leaves. Mayor Shanahan offered that he could text Isaac and see if he can do one more leaf pickup in the village, primarily around our drains and storm sewers. Councilman Smith remarked that the truck is likely not to be set up for leaves any longer, but for snow. The mayor responded that he could ask if there might be another way to handle the leaves around drains, such as our people walking behind a trailer and scooping up leaves with shovels. Mr. Smith said he would take a look at things and see what he could do as well.

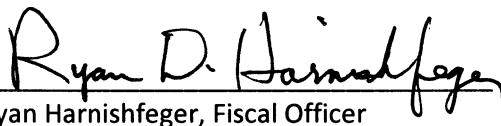
CITY HALL and PARKS: Councilwoman Mehring reported that we were awarded our park grant to replace the slide at Mehring Park. Councilwoman Mackey added that we did not get the full amount that we had applied for. We asked for \$10,840 and were awarded \$9,340. Ms. Mackey said she assumed that the difference of \$1,500 was because we had estimated the cost of tearing out and hauling away the old slide at \$1,500, and maybe they decided that we could find another way to do that or pay for it ourselves, since they like to see communities willing to contribute some of their own funding toward park projects. Ms. Mackey also pointed out with pleasure that Tontogany had received the second highest grant amount among the park grants awarded for 2024. She said she will contact Playground World about getting us on their schedule for putting in the new slide. Mayor Shanahan praised Ms. Mackey for a good job done on the grant application. Councilman Smith also thanked her and noted that we have been consistently getting our park grant projects approved and fulfilled.

Councilwoman Mackey reported that she saw Josh Heckerman recently and told him how much we appreciate the work he and his company does on our parks. She related to him that we understand that the charges are much higher in Toledo and other communities, that prices go up, and that we want him to continue working for us, but to be fair to himself in his pricing. Mayor Shanahan commented that Josh responds quickly to any concerns brought up about matters related to his work for us.

Councilman Fox asked if the mayor had heard anything back about the cell towers. The mayor answered that he had not.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:11 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer