

TONTOGANY VILLAGE COUNCIL

MEETING MINUTES FROM: August 5, 2024

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; Lincoln Fox, here. Also present was Fiscal Officer/Utilities Clerk Ryan Harnishfeger. Visitors present: village residents Mike Kumfer, Dan Sheperd, and Paul Neal; Sgt. C. Reynolds, from the Wood County Sheriff's Office. Minutes from the July 15th 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. Copies of the July 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 first reading, by title only, of Resolution #977-24, a RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR. The mayor read from SCHEDULE A that the amount approved by the Budget Commission for Tontogany's general fund in 2025 is \$12,475.39.

Copies of the July Incident Report were provided to all for review. Mayor Shanahan asked if members had any questions or concerns for the deputy. Members had no questions. The mayor reported that he sent out a request and we are covered for Togany Fest coming up on the weekend, with two deputies each night. He also reported that he submitted two slow-down orders to CSX. Councilman Fox reminded the deputy that school starts on the 21st, which creates a lot more traffic. With nothing more to discuss, the mayor thanked Sgt. Reynolds and he left the meeting.

Mayor Shanahan asked if the visitors would like to address Council. Mike Kumfer reported a problem with stray pickleballs going under the fence at the park, forcing players to walk way around the fence to retrieve the balls. He said they were wondering if some kind of a barrier could be installed at the bottom of the fence to keep balls from escaping through there. He said that, if the Village was willing to purchase something to fix the problem, he and his friends would be willing to do the installation. Councilman Fox suggested cinder blocks. Councilman Bergfeld suggested maybe just filling it in with stone. The mayor commented that there is a pile of stone left from the water project that they don't know what to do with. He added that we will look at it and maybe put some gravel in there as a quick fix to see if it helps. Councilman Smith suggested buying some old black conveyor belting or rubber belting, which is very cheap to purchase, and affix that to the bottom of the fence. It would keep the balls from escaping, it would be easy to use a string trimmer right up to it, and it would look nice. Members agreed that that would probably be a very good permanent solution. The mayor told Mr. Kumfer that we will see if we can put a solution together in a timely manner. Mr. Kumfer reiterated that he can round up some help for the installation, if needed.

Mr. Kumfer told Council that he sees things around the village that irritate him and he doesn't understand why they are not addressed. Mayor Shanahan replied that we welcome any feedback about things you see that are concerning. Mr. Kumfer stated that one of his concerns is the need for mowing along the railroad tracks. The mayor responded that it is not for lack of effort on behalf of the village in reaching out to the railroad, but it is a lack of response from the railroad. Mr. Kumfer asked if the county has tractors with brush hogs that could address the situation. The mayor answered that the county would not likely be willing to allocate their resources to come into a municipality and take care of mowing someone else's property. Councilman Smith commented that our best option might be to ask the township for some help. Dan Sheperd asked if the village has reached a place where we need to hire a part-time person to do things when they crop up. Councilwoman Mackey answered that we do have

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such a person. Mayor Shanahan explained that, when it comes to outside lawncare like grass, weeds, and trimming bushes and trees, we typically pass that on to the person we contract with for that purpose. For minor maintenance jobs, some minor tree trimming, fixing benches or fences, and the like, we have a resident who is on the payroll as a part-time laborer. If he doesn't feel that he can do a job we need done, he is honest about letting us know, and then council members fill in to get the job accomplished. Councilman Smith commented that when you deal with the railroad, they are very sensitive about the fact that it is their property; for liability reasons they don't want anyone touching their property, so we have to be very careful about what we do regarding it. Councilwoman Mehring commented that she talked with a gentleman who was working on the railroad just the other day and she asked him if there was any way they could clean this mess up. His response was to ask her if we didn't have anybody in the town who can clean the mess up. She replied to him that it doesn't belong to us; it belongs to the railroad. He answered that they don't do things like that because they don't make money doing it. Mr. Smith remarked that it is pretty much a one-way street with the railroad; they are not helpful as good neighbors, but if something happens that they don't like on their property they will come against the village about it. Mr. Kumfer asked what other towns do. Members responded that that was a good question. The mayor said that he would reach out to other mayors and see how they handle this.

Mr. Sheperd remarked that he had noticed Councilwoman Mehring uptown sweeping Main Street the other day to make it look nicer. He said he appreciates that, but he asked if there was a committee that keeps an eye out for problems like that. Councilman Fox replied that there is no committee. Councilman Smith added that Council is the committee. Mr. Sheperd suggested that maybe we could have someone volunteer to drive around town every once in a while, to note things that need taken care of and then report it to Council. Mayor Shanahan commented that in years past we had a street cleaner come in periodically, but they no longer offer their services to us. Therefore, for the last several years we have cleaned up the streets ourselves. Councilwoman Mackey remarked that part of our difficulty is that we are currently lacking a village administrator, who would ordinarily be looking into problems like this and finding ways to implement solutions. Mr. Sheperd asked why we don't have an administrator. The mayor and members explained to him the various difficulties in finding the right person for the position, including people just not wanting to do the job, lack of qualifications or necessary expertise, conflict of interest issues, or OPERS retirement health benefits issues. Mr. Sheperd asked what kind of qualifications a person would need to be administrator. Councilman Smith answered that the person would need to be able to be a project manager for various village projects and keep the ball rolling, be able to write grants, be able to arrange for estimates and bids and everything else. Mayor Shanahan added that the zoning inspector and the utilities superintendent report directly to the administrator. Mr. Sheperd asked if it is a paying job. The mayor, members, and the fiscal officer replied that it pays \$20 per hour, not to exceed 60 hours per month unless additional hours are approved by Council. Mayor Shanahan added that the administrator reports directly to the mayor, and then everything is run through Council for their input. Mr. Sheperd remarked that the administrator seems to be a liaison between Council and other entities. Members agreed with this observation. Ms. Mackey summed it up that the administrator is someone who sees what needs to be done and gets the ball rolling. She also pointed out that we want an administrator who is available when a need arises, so someone working another full-time job doesn't work out well for us.

Mr. Kumfer mentioned that another issue of concern is problem cars, boats, trailers and such around town. Mayor Shanahan replied that we just transitioned to Chad Johnson becoming zoning inspector and we haven't got together yet to walk around and identify those problems and make plans to take the next steps. Councilman Fox added that those issues are on railroad property a lot of times. Mr. Kumfer mentioned that one last concern he wanted to talk about was the speed on Kellogg Road by Tontogany. He said he noticed the speed monitor sign said the speed limit is 55 miles per hour, but he thinks it should really be 45 miles per hour. Members voiced agreement with Mr. Kumfer, but informed

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him that the speed on that road is established by the county. Councilman Fox remarked that he would go further and say that it needs to be 35 miles per hour. Mayor Shanahan commented that we have chatted a lot about speed in and around the village, especially on school nights when football or basketball games are taking place. With nothing more to discuss, Mr. Kumfer and Mr. Sheperd left the meeting.

Fiscal Officer Harnishfeger reported that he received today from Spittler Huffman, LLP, Attorneys at Law, by certified mail, copies of Matthew and Natalie Lambert's annexation petition and accompanying documents. The Board of County Commissioners has set September 17, 2024 at 10:00 a.m. as the time for the hearing of the petition. Mr. Harnishfeger said that he emailed Village Solicitor Paul Skaff today, asking for guidance on what the Village needs to do next. He reminded members that for past annexations the village had to pass a resolution declaring services that the village would make available to the annexed territory and a resolution accepting or rejecting the annexation, but he said he does not know the exact timing for when those resolutions need to be passed. Mayor Shanahan added that Matt Lambert left him a voicemail today, wanting to get with the village zoning inspector and the township zoning inspector to be sure he was communicating with both and had everything in order, and he wanted to be sure he would be paying the correct tap fees. Members discussed whether or not there was time for three readings to pass a resolution before the hearing of the annexation petition. It was decided that emergency legislation could be passed at one meeting, if necessary. Councilman Fox asked if there would be any reason why the village wouldn't want to accept the annexation. Mayor Shanahan and members voiced that they had no problem with accepting the annexation.

ZONING: Councilman Fox reported that he noticed a pretty-good-sized tree or bush with large limbs growing out into the alleyway between Broad and Crom Streets. He said you could still get past it, but it eventually will need to be addressed. Councilwoman Mackey reported that Zoning Inspector Johnson had started a list of all kinds of problems in town to address, such as vehicles, weeds, and trash.

Councilwoman Mehring reported that someone had asked her how long PODS storage units are allowed to remain in someone's yard. Councilman Smith stated that PODS containers are generally on-demand units for moving. They drop them off; you put your items in them; then they pick them up and put them in storage or whatever. Mr. Fox asked if we had an ordinance about this, and he said he thought he recalled something either in the state code or village code. The mayor said that he remembered Council discussing the matter before, but he didn't remember it being put into an ordinance. Councilman Bergfeld recalled that Chad Johnson had mentioned it once because containers were showing up in the township and he wanted to get ahead of issues that might come up; however, the issue was not about PODS but about other containers. Mr. Bergfeld added that he would be for giving people an ample amount of time to use the PODS, but not to allow them to remain on the property for an unreasonable amount of time. Mayor Shanahan said he would reach out to Solicitor Skaff about a shipping-container ordinance to see where he is at about this issue.

UTILITIES: Utilities Clerk Harnishfeger reported that the delinquent utilities shutoff program, established by ordinance in 2022, is working pretty well. People are responding to shutoff notices by either paying their delinquent utilities to avoid being disconnected, or they are entering into a payment plan agreement with the village to pay their new billing each month, plus an agreed-upon amount on their past-due balance until it is paid off. Those on a payment plan have penalties turned off on their account while they pay down the balance, and a letter is sent to them with their bill each month, identifying the new billing amount and the agreed-upon amount to pay on their previous balance. He said that we are notifying problem accounts in the 30- to 60-day overdue column, whereas the industry standard for problem accounts is at 90+ days overdue. At the end of July, we had just two customers in the 90+ days overdue column, but both of those customers are already on a payment plan and have been paying down their balance. The payment plan option really helps customers get back on track at a pace they

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can handle. A number of customers have entered into payment plan agreements with the village and completely paid off their overdue balance. The large commercial account that had been in arrears more than \$15,000 entered into a payment plan agreement and paid off all of their overdue balance, following which they have faithfully paid their new billing completely each month. We did, however, recently have four customers who had entered into a payment plan agreement but did not keep their agreement and fell further behind. After trying to encourage them to resume their agreed-upon payments and offering to adjust the payment amount, but getting no response, Mr. Harnishfeger said he reluctantly had to give them an ultimatum. He issued to them water and electric shutoff notices as well as certification notices. He told them the village did not wish to make another agreement with them, since they did not keep their first agreement. They needed to pay their delinquent utilities in full or be completely disconnected. Any unpaid balance would be certified to the county auditor to be placed on the upcoming property tax duplicate, and there would be a \$100 fee to be reconnected. Three of the four customers in question found a way to pay all of their delinquent utilities and bring their accounts to zero. One of the four was out of a job, so he requested that the delinquent utilities be certified to the auditor to be placed on the property taxes, giving him some time to find employment and get back on his feet. Mr. Harnishfeger said that the landlord of that property called him and said he would try to get the delinquent utilities paid off before the county auditor's deadline of September 9, so they could be retracted from his taxes. Mr. Harnishfeger told members that there are a few customers who are working on their own, without a payment plan agreement, to pay down their overdue balance. This works, because the main aim is to get the balances paid. However, without a payment plan agreement, penalties continue to accrue until the balance is paid off, which for some customers can add up to \$100 in late fees in just a few months. The mayor and members thanked Mr. Harnishfeger.

STREETS and ALLEYS: Councilwoman Mehring reported that it was brought to her attention that Brad Woessner would like to have dirt and grass in the spot where they excavated to check for lead lines, on top of the sand they put in there. Councilwoman Mackey responded that she just filled hers in with her own dirt and seeded it. Mayor Shanahan commented that it seems to be happening a lot and he shared the ones he heard about with Utilities Superintendent Johnson, who said he would take a look at them. He added that he didn't figure everyone would be willing to take care of it themselves like Ms. Mackey did, since it was caused by a village project.

Councilwoman Mehring reported that she did some cleanup work downtown, but there was a pile of dirt and stones on Broad Street near Glenn Hefflinger's property that still needs to be shoveled off and leveled, as well a small area of weeds that need removed. Mayor Shanahan responded that we would be doing some final things in preparation for Togany Fest and he would add that to the list. Ms. Mehring added that she and Ron and Brenda Mackey did some scraping and removing dirt from along the curbs downtown, but they did not do so on Broad Street, so that still needs to be cleaned up. Councilman Smith said he may have some time tomorrow to come and take a look at these things. Councilman Bergfeld asked if it would be in our interest to see if Perfect Sweep or another company could come out and sweep the streets maybe a couple of times a year, since Bowling Green will no longer do it. Councilman Smith responded that there are a number of companies, such as Green Sweep and Progressive Sweeping, that we could hire to get the streets swept, but Bowling Green gave us a great deal on price. Councilwoman Mackey noted that Bowling Green only charged us about \$250. Mr. Smith commented that it would probably cost a couple thousand dollars through another company. Mr. Bergfeld said he was thinking we would probably want the streets swept once in the spring, twice in the summer, and once in the fall. Mr. Smith asked if we would want all of the streets swept or just downtown. Mr. Bergfeld answered that we could have them just do the streets with curbs and maybe sweep in front of the hall as well. Mayor Shanahan said he would check with other villages to see what they do. He added that maybe a street sweeping company would be willing to give a price break if several communities would agree to use their services.

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SIDEWALKS and TREES: Councilwoman Mackey reported that Karen Current would like for the top of the tree on Broad Street beside her place trimmed off, because in the fall it drops its leaves onto her roof and into her gutters and downspout. Councilman Smith added that she has asked about that tree before, but we just haven't had any tree work to call someone in for yet this year. Ms. Mackey told members that she assured Karen that we would put her tree on the schedule when we have tree work done. Mayor Shanahan reported that he had also received a couple of messages about the tree by Jack Hain's banner that needs trimmed back, and we usually trim the trees by the church every year. Councilman Smith said that if he could find some time he will go look around and see what needs trimmed and bring back a list to the next meeting. He said he wants to keep a separate list of things only Abe Rowe can do, whereas we can handle the reachable trimming jobs. Councilman Fox asked if it might not make more sense to just completely remove the tree on Broad Street by Karen's place and plant another tree there. Councilman Bergfeld commented that it can't be healthy to cut the top out of a tree. Councilwoman Mackey agreed, and she pointed out that that large tree is probably pushing up the sidewalk too. Mr. Smith said he would ask Abe Rowe to give us a quote for removing the tree and he would also ask him for his professional opinion about which would be the better solution—to remove it or to trim out the top.


DRAINS and SEWERS: Nothing to report.

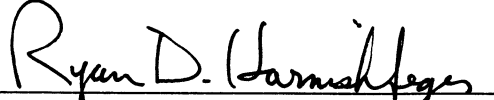
CITY HALL and PARKS: Councilwoman Mackey reported that she spoke with Josh Heckerman today, who wanted to know if the village would like for him to tackle the weeds in the playgrounds at both parks. She told him that we have contacted Renewed Outdoors for that, who did a treatment in the spring and are supposed to do another treatment again and then put down new mulch. She told members that she has not heard back from Brad at Renewed Outdoors, so she will need to call him again. She said Josh asked her if we would like for him and his son to take their weed whip and knock the weeds down, which was actually what Renewed Outdoors had suggested we do before they spray. So, she asked Josh to please do so and to bill the village whatever is fair for the job, since she knew Council would not be in objection to him doing so. Ms. Mackey also reported that Josh asked Council to let him know if we have any issues with his 16-year-old son Jake's work, who is now doing most all of the work for the village, including trimming of the shrubs. Ms. Mackey and other members commented that they think Jake is doing a fine job.

Mayor Shanahan reminded members that this coming weekend is Togany Fest. Friday night the band comes in. The mayor said he will be doing a short welcome to kick things off. The parade gathers at 10:30 a.m. and begins at 11:00 a.m. on Saturday. There are no game activities scheduled at the park like there were last year. There will be a combined church service and a luncheon at the park.

Councilwoman Mackey asked if anyone had heard back from Tom Wietrzykowski about an interest in filling the vacant council seat. No one had heard anything back from Mr. Wietrzykowski. Visitor Paul Neal offered that he would be interested in filling the vacant council seat. Mayor Shanahan answered that we would consider his offer at the next council meeting and be ready to swear him in at that time, if members are in favor.

With nothing further to discuss, Mayor Shanahan declared the meeting adjourned at 8:03 p.m.


Matthew Shanahan, Mayor


Ryan Harnishfeger, Fiscal Officer