

# RECORD OF PROCEEDINGS

## Minutes of Hartville Village Council Meeting

Held on January 20, 2009 at 7:30 P.M.

**CALL TO ORDER BY MAYOR TUCKER.**

**ROLL CALL**

**Motion made by Mr. Hough to excuse Scot Bohaycyk and Michael Sullivan from the meeting, second by Mr. Currie and passed by remaining council members.**

Mr. Beltz, Ms Billings, Mr Currie, and Mr. Hough

**INVOCATION BY TOM HOUGH**

**PLEDGE OF ALLEGIANCE**

**CITIZENS COMMENTS (AGENDA MATTERS ONLY)**

**FISCAL OFFICER**

Motion made by Mr. Beltz to accept the minutes from the January 6<sup>th</sup> meeting with the corrections as stated, second by Mr. Hough and unanimously passed.

Cashflow will be e-mailed to all members for December in the next couple of days.

Bills submitted for payment by Council:

George Dragovich	\$952.92	ME Companies	\$1,185.00
Ronald Coontz	\$1,245.46	Speedway SuperAmerica	\$398.41
John Norman	\$961.66	CT Consultants	\$1,050.00
Daniel Stiles	\$1,351.76	Buckingham Doolittle	\$2,334.37
Jeffrey Igleheart	\$1,152.66	M/Dean Dahl	\$175.00
James Welch	\$914.51	Mathew Bender & Co.	\$215.80
Ryan Derhammer	\$907.97	Saniserv Inc.	\$70.10
Aaron Bardwell	\$656.29	Betty L. Atkinson	\$125.00
Erik Carlson	\$643.75	Eric Igli	\$48.00
Christopher M. Clark	\$705.57	George Dragovich	\$952.90
Lawrence Dordea	\$253.44	Ronald Coontz	\$1,245.46
Laverne Wittmer	\$1,007.13	John Norman	\$961.66
Nathan D. Miller	\$661.97	Daniel Stiles	\$1,162.85
Ray Wittnesoldner	\$1,006.91	Jeffrey Igleheart	\$1,152.66
Brian Keiser	\$986.11	James Welch	\$898.71
Cheryl A. Marcelli	\$784.25	Ryan Derhammer	\$907.97
Loreen F. Palumbo	\$683.71	Aaron Bardwell	\$156.73
Lori M. Quinn	\$406.97	Erik Carlson	\$643.75
Gary A. Wenzel	\$932.41	Christopher M. Clark	\$705.57
Edsel R. Tucker	\$522.25	Lawrence Dordea	\$272.14
Michael Ringer	\$40.08	Laverne Wittmer	\$1,007.13
Thomas L. Erb	\$155.34	Nathan D. Miller	\$1,286.25
Sherrie Gantz	\$145.08	Ray Wittensoldner	\$1,526.29
Huntington Bank	\$246.91	Brian Keiser	\$1,537.41
Van Nostran-Young	\$848.00	Cheryl A. Marcelli	\$786.66
Baldwin Group Inc.	\$1,365.00	Loreen F. Palumbo	\$685.91
City of Canton	\$1,562.50	Lori M. Quimm	\$388.00
Cargill Salt	\$7,966.42	Gary A. Wenzel	\$932.41
Hartville Radiator	\$250.00	Edsel R. Tucker	\$522.25
AT & T	\$653.52	Michael Ringer	\$155.41
Ohio Labor Law Poster	\$7.75	Ronald Beltz	\$383.47

Purchase Power	\$485.32	Richard A. Currie	\$380.53
Truck Sales & Service	\$139.51	Cynthia M. Billings	\$380.53
Sommers Elect. Corp.	\$429.60	Scot R. Bohaychyk	\$383.47
Terry's Tire Town	\$209.71	Thomas J. Hough	\$382.71
Verizon Wireless	\$482.60	Michael J. Sullivan	\$383.47
Sheriff Timothy A. Swanson	\$1,700.00		
		<b>TOTAL</b>	<b>\$59,209.00</b>

This list does contain two payrolls due to the fact that the first meeting in January was before the first payroll.

Motion made by Mr. Beltz to accept the bills as stated, second by Ms Billings, and unanimously passed.

**MAYOR**

Monthly Police Report ~ Nothing to report.

I would like a motion to accept two hire ins that we just recently made and they both have excellent background in the fields and their necessary certificates. One is Robert Martz, Electrical Inspector and Paul Schrock as Sewer Inspector and he has a terrific background in sewer work and has been in the Village for years.

Motion made by Mr. Hough to approve hiring Mr. Martz and Mr. Schrock, second by Ms Billings and unanimously passed.

I spoke with Dean Stoll one of the officials at the EPA today, but I believe this will be better to discuss when we get down to Sewer Rates.

**LAW DIRECTOR**

There are three Ordinances on the Agenda, my understanding is that the third one, however, we want to delay until the discussion under Sewer Rates.

The first Ordinance is the second reading of Ordinance No 1-09.02 establishing the time, place and location for meetings of the Council of the Village of Hartville, Ohio effective as soon as allowable by the law.

Is there a 30 day wait after as opposed by the last meeting we specified a date?

You can do that, but it still has to be 30 days or on the third reading you can pass it by emergency. It will take effect 30 days from the third reading of said ordinance which will be the second meeting in March, 2009.

Motion made by Mr. Hough to accept said second reading of Ordinance 1-09.02, second by Mr. Beltz and unanimously passed.

The next Ordinance is the first reading of Ordinance No. 1-09.03 authorizing and directing the Mayor to enter into an agreement between the Village of Hartville and Burgess & Niple, Inc. to provide for the design of the Village's Waste Water Treatment Plant.

Mr. Hough ~ I talked about this at the last meeting the understanding being with the first reading tonight we would have another two meetings at least before it took effect and in that time frame we would have time to discover what other things we haven't talked about, so with that in place I move that we accept the first reading of Ordinance No. 1-09.02, second by Mr. Beltz.

Mayor ~ I had this conversation with Dean Stoll and Larry and I have done a terrific amount of work on this and also we met with the EPA on it as far as our financial status is and I asked Mr. Stoll today if we could have a meeting with them and to go over this

contract and the agreements. I told him the financial status of this sewer plant, of the debts we are in and he said he would gladly do it and he will back to me no later than Friday to set up a meeting with the financial people from up there and anyone else who is interested and completely go over this contract, because it may be at a point from all the indications with what is going to happen this year with the new federal government guidelines and what they are going to come in to and state and local. It is a possibility we may want more time to go into this before we go into this site plan and we also have learned a lot about the site plan in the last few days, the cost of it in the last few days, and that site plan is going to cost us \$630,000, am I right? And that gets paid every month. That money is supposed to come out of this \$500,000 draft that is at Huntington Bank and we researched and found the contract on that, but from what we were told last night at the BPA meeting, by the lady that was here before, Sherrie Loos, we have already made two payments on that. She said, how can you be making payments on it when you haven't used it? When you draw it down, you start making payments. We have already made two payments on something that has never been touched as yet. We need to get some clarification from the EPA as to what is going on. I really believe that it will pay us to table this until we meet with the EPA and find out where we are at. I also talked with the Stark County Engineer last week for quite some time on the extension that we said about the overflow, that if we could or not. After a long talk with him and he asked me about the debt of the plant as a feasibility of purchasing it, when I told him the debt he said I'm not the boss, the County Commissioners are the boss, but I think you are going to find you are in so much debt, they will not be interested. So with that in mind, I really believe that we need to meet with the EPA first and if you want some figures, Gary has them, we have been over them time and time again. I cannot see going on with this site plan at \$630,000 when the \$500,000 doesn't match it and then the balance of that one million is for management and services at the sewer plant, but the \$500,000 contract is not broke down that way and it's only four hundred and some thousand dollars for that site plan.

Mr. Hough ~ My understanding is we are authorizing you at some point in the future even if we move ahead with this first reading tonight to enter into an agreement with them, if we come to an agreement, but if we keep putting it off, this is what we discussed last week, we keep putting this off, two years ago it was fighting a gasket because they had no feasible way of paying for it, I believe we have a plan in place now.

Mayor ~ I don't think we do. We agree to disagree. I do not see where we have a plan in place to pay for it without taking the people's rate up through the ceiling. Our deficient, what we are facing and what we have to do right now to the people, which is in order to just continue and we went over this, with nothing without going forward, the absolute bare minimum we have to raise the rates. Dean Stoll has agreed to go over the contract with his people and to set up a meeting with us.

Gary ~ Yes, he is saying that, because that is the official EPA statement. He is also saying when you talk with him there is nothing critical happening and that you should be taking your time at this point and not necessarily. This plan that Burgess & Niple has given us may be still the plan as is. All he is saying is to step back and look at the other options, the other options are diverting some of the flow to another facility which would enable us to just rehab the plant and not expand it, thus reducing.

Mr. Hough ~ I hate to belabor the point, but at the last meeting it was discussed that in a phone we would find out from Stark County if they would accept our overflow, that was two weeks ago, here we are two weeks later...

Gary ~ They have nothing close by to do that.

Mr. Hough ~ So that answer is no.

Gary ~ But Summit is and that is who they work through, Summit County.

Mr. Hough ~ Will Summit County accept it?

Gary ~ That's what we have to find out. We just found this out yesterday.

Mr. Hough ~ I would still like to move ahead with the first reading and if it means to be tabled at a later date, do that.

Gary ~ I was going to say the same thing, we still have time that if we decide we need to table it, we still can, but the problem that we discussed at the joint meeting we had with the sewer rate committee and the BPA was that we are hurting ourselves by not getting a design in place because we can't get any grants, and everybody agrees we desperately need grants, and this is one of those things there are good points on both sides and I agree with the Mayor that we should table it if it looks like we really need to at that time, but I don't we need to make that decision at this meeting, that it needs to be tabled, we still have the opportunity to table this later, but in the meantime I think we should try to get with the EPA as soon as possible and may be have something from them before our next meeting so we can then have a good discussion about it at that time. Then if we decide to table it at that meeting, we can table it then.

Mayor ~ I think we are going to find that it will pay us to hold off for the simple reason of what the government is coming in with this year as far as grants and stuff. Once again, we have a meeting coming up with them.

Mr. Beltz ~ If they are making more grants available, so we aren't going to qualify for any of those grants unless we have a design.

Gary ~ That is not true, we found out last night that that is not true. The vast majority of grants we can get a head of time.

Mr. Currie ~ I want to mention two things, one BPA met last night and they have made a recommendation they passed a motion at their meeting and we were all made aware of this via e-mail today that they would like to put a hold on this going ahead with Burgess & Niple and I think we have to respect their decision. We don't necessarily have to agree with it, but I think we have to give it it's due. The other thing, thanks to Gary's persistence and attention to detail we discovered that the revised proposal from Burgess & Niple was faulty, and we are paying that organization significant money to do it right and they apparently have not. My confidence in Burgess & Niple is really shaken.

Mr Hough ~ Before casting asparagines, and we chose them out of three, so it doesn't matter to me either way, where did they get their information?

Gary ~ They pulled most of it from the websites, the Ohio OWDA, you can see everything that every community owes as far as sewer, water and all the details are there for anyone to look at and that's where they pulled it from, so they knew exactly where we were at. They missed one entire loan and they missed the half value of another loan. They saw the mistake and corrected it.

Mr. Currie ~ How much have we paid them to date for that proposal they put together?

Gary ~ I think we're close to \$62,000. We still have the opportunity to table it anytime we want. I wish Rob was here tonight because he said a lot of things at our last meeting that made us all believe we should move forward, but we still have an opportunity to

table it whether we go forward with this reading tonight or not, unless we want to take a vote and see if it should be tabled immediately right before the next meeting. I would rather wait until Scot and Sully are back before we discuss this further to table it and get a full Council vote at that time.

Votes tallied to table Ordinance 1-09.03, Beltz ~ yes, Billings ~ no, Currie ~ no, Hough ~ yes. It is effective that it be tabled.

Mr. Hough ~ Will we have some of this other information by the next meeting concerning overflow, all the other discovery?

Mayor ~ When you are getting into the overflow, I did not realize that the Hartville Kitchen and everything coming up to it which is part of the county sewer system, but they are paying Summit County that whole line, I don't know how many more are going down through there is not going to Canton it is going to Summit County's plant and that plant up there can or cannot, the only thing we can do with that right now is we have to call the Commissioners and tell them, yes we want a meeting, and they in turn will contact Summit County. We would have to determine a percentage, will you take 10% of our overflow, will you take 20% of the overflow, but you don't even get into overflow, this is what I just learned. Take 20% of our sewage, 15%, 10%, to keep us off of capacity and what is that going to cost us each month. It's not a case of opening a valve and saying here comes our overflow, that's not what it is. I spent a lot of time with the gentleman on the phone and he said our next move is to contact the Commissioners and tell them we do want to talk with them and they in turn have to contact Summit County to see how much more can you take.

Mr. Hough ~ So we go first to Stark County Commissioners?

Mayor ~ Yes, because it is their line. It stops right at the Hartville Kitchen right in there somewhere. The Hartville Kitchen and the MarketPlace have Stark County sewer, Arabica has our sewer, so that's the distance in between. But there's goes down and North into Summit County because they can't handle that.

Gary ~ Maybe building this plant as proposed by Burgess & Niple is the right thing to do and we can take some of the county's access and actually charge them for that and have an income stream from it and help pay for the plant. So there is another way of looking at this, we're not only trying to drive the train of getting a lower cost plant, there are other things that we can do and that is where the BPA was coming from. Look at the entire scope and think outside the box a little bit and say why not use this as an income generating thing and that helps offset our costs and our structure as far as it affects our residents.

Mr. Hough ~ The only thing pushing me on this is the letter that states we are at 97% and two years ago it was mentioned that we were 92% and everyone was running scared at that and now we're at 97%, I'm not saying we're running scared but I'm concerned, as long as you are telling me that the EPA is saying we're all right, not to worry, then I'm fine.

Mayor ~ I think we'll hear that from the EPA along with what can we do, how long can we extend this in it's present condition. I think that is what we're going to hear from the EPA, that's what I asked for. How long can we go before we have to make a move on this plant and enter into a \$630,000 contract right now. How long can we go without that? What about obtaining our grants and from we have been told, we can start on those grants immediately.

Gary ~ Ms Loos is helping us with the needs.

Discussion continued regarding the tabling of this Ordinance.

The next Ordinance you just want to delay until the Sewer Committee talks, Ordinance No. 1-09.04. That is correct.

Law Director ~ I am ready to discuss there was an e-mail from Ron that salary ordinance? I have some discussions and questions and some points to bring up to Council's attention that I think all that should be in Executive Session and Personnel to deal with specific pay raises and if Council would like, we can go into Executive session after council discusses issues.

## **ENGINEER**

The Engineer is not here, but the Mayor does say that he received a call from Columbus, Development Board down there, and late last week and inquiring about our \$200,000 grant down on South Prospect at the Hershberger property of the turn lane and wanted to know where we are at on it. I said we have a Council meeting Tuesday and I'll get to you. I was hoping Ron was here to see if there is any possibility that we can transfer any of that grant into another road project because they have done it before and so I am going to call Scot Process tomorrow and find out just where they stand. They are going gang busters and are just happy where they are at. I think I'll call Rob tomorrow morning and see if he would like to handle that and see if we could possibly get some of that diverted into some other projects we need done in the Village.

## **COUNCIL**

Mr. Currie ~ Have we heard from the folks on Scenicrest?

Mayor ~ I have a letter from them and I'm going up to visit them.

## **REPORTS OF COUNCIL COMMITTEES**

Finance ~ We had a finance meeting on Tuesday, January 13<sup>th</sup> at 7 p.m. to amend the previous salary and wage ordinance of 2008 with was 1-07.36 and in the meeting, the purpose was to give more flexibility to the way salary treatment is administered but then also to simplify the ordinance in the way that it was written before and we're going to discuss that some more in Executive session because there are some topics in there that do deal with individual personnel, so that is all I will say about that right now, but we are in the process of working out a new salary and wage ordinance that will be effect for 2009 and it will be retroactive back to January 1<sup>st</sup> and it's just a one year ordinance which will then again be reviewed at the end of 2009, so we'll discuss it more in Executive session.

Street and Drainage ~ We have not met, there is nothing to report.

Safety ~ We have not met, Sully wants to schedule a meeting and he has talked about adding an individual from the Police Department as a non voting member of that committee.

Recreation ~ Nothing right now, we need to set up a meeting.

Commerce Development ~ Meeting has not been called as yet.

Tree Board ~ Nothing to report.

Zoning Book ~ Nothing to report.

Sewer Rates ~ First item, one of the residents from Woodland Street came in to our sewer rate meeting toward the end of it last week and had a question regarding whether it was necessary for residents to connect to the sewer line running down Woodland Avenue and I told them yes, letters have gone out to that effect, but I would check with the Health Department. I have since got a letter back from the Health Department and it says that we follow state law and county regulations when it comes to sewer connection and State law is found in ORC 3701-29-02 (L), (M). The owner does have to connect to the sanitary sewer if it is available. I did speak with the homeowner and told him that he does in fact have to connect regardless of the current condition of his septic system. He was okay with that, grumbling a little, but agreeable.

Discussion pursued regarding the other residents that have not hooked up as yet.

The sewer rate committee had recommended a residential sewer rate increased to be passed by Council. I contacted the Solicitor's office and requested that such an Ordinance be prepared for this evening's meeting, but in light of what the BPA recommended, that rate increase would change, so that needs to be open for discussion. The last thing to be brought was the authorization for Burgess & Niple that was under discussion at our meeting and that has already been addressed this evening. So that throws us back to sewer rate. The question I have for you Paul, can we amend that Ordinance that I asked you to draw up or do we have to request a new Ordinance.

Paul ~ You can amend the ordinance tonight. Looking at the changes you have here, just amend it and state exactly what the amendments are.

Discussion concerning the amendment of the Ordinance regarding the sewer rates pursued.

Ordinance no. 1-09.04 amending ordinance no. 1-08.10 by increasing the monthly user charge from \$27.60 to \$31.89 for the calendar year of 2009 for each single family residence and apartment having connection to and discharging into the Village Sanitary Sewer System and declaring it an emergency.

Motion made by Mr. Hough to amend the ordinance in two ways, from \$27.60 to \$31.89, in light of the BPA's recommendation that needs to change to \$33.67, and also for each single family residence and apartment within the Village limits having connection to and discharging into the Village Sanitary Sewer System, second by Mr. Beltz and unanimously passed.

Discussion pursued regarding residential and commercial customer rates.

Motion made to accept said amendment to Ordinance 1-09.04 by Mr. Hough, second by Mr. Currie and unanimously passed.

Motion made to suspend the rules by Mr. Hough, second by Mr. Currie and unanimously passed.

Motion made to pass by emergency by Mr. Hough, second by Mr. Currie and unanimously passed.

Mayor ~ Regarding the rate increase, what we are going to do when this goes into effect, is we are going to send the sewer bill out with a letter explaining to the people what we have done, why we had to do it and the tremendous debt that we have been left with and the people need to understand this administration did not create these debts, we inherited them and that is what we are living with and that is what we have spent so much time and effort to try to keep that rate increase down as low as possible for the people and we will

continue to work diligently to build up a fund back into our sewer fund that hopefully we can pretty much level them out.

Also we need to include in this letter the rates that we are charging are among the lowest in all of Stark county right now and they will be even after this increase, because the other towns and villages within Stark county are looking at rate increases as well and when they pass their rate increases we're still going to be among the very lowest in all of Stark county.

Personnel/Handbook Committee ~ We met on the 13<sup>th</sup> and we finalized our first run through draft of the Personnel Handbook and we need to schedule another meeting to discuss in depth some items that we have not made final decision on and clean up some items. Schedule meeting on the 27<sup>th</sup> at 7:00 p.m.

### **MISCELLANEOUS BUSINESS**

Mr. Mayor and Ron, you have been working on the commercial study, how is that coming?

There are still some businesses that we have not been able to reach yet, some of the ones that I have visited had a sign up and the door locked saying they are temporarily closed. I don't know what that means, but there are a few businesses we need to get out and get information from them, we are working on it.

### **CITIZENS COMMENTS**

Motion made by to Mr. Currie to go into Executive Session for personnel reason, no action after, second by Ms Billings, unanimously passed.

Motion made by Mr. Beltz to reconvene from Executive Session, second by Ms Billings, and unanimously passed.

Motion made by Ms Billings to adjourn, second by Mr. Beltz and unanimously passed.

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MAYOR EDSSEL TUCKER

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FISCAL OFFICER