

VILLAGE OF BOLIVAR
Council Meeting Minutes
November 7, 2022

The Bolivar Village Council met in regular session at Bolivar Fire Station on Monday, November 7, 2022. The meeting was called to order by the mayor at 7:00 pm. The Pledge of Allegiance was said. White opened the meeting with a prayer. Bellinger, Dively, Finlayson, Lawver, Oberlin, and White, all answered yes to roll call.

The mayor asked for a motion to accept the minutes of October 3rd, 2022. Finlayson moved, seconded by Bellinger. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.

Mayor Lang requested a motion to approve the bills for October, which totaled \$81,598.57. Mayor requested a motion to pay the bills, first from White, seconded by Dively to approve the bills. In a roll call vote, White, Oberlin, Bellinger, Finlayson, all voted yes.

Mayor asked if there were any corrections or additions to agenda. Yes, the date at the top was incorrect and needed corrected to November 7th. Motion to change the date on the agenda from 11/4 to 11/7, first by Lawver, second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.

PUBLIC SPEAKS –

- Michela spoke about the picking up of the leaves. The leaves on Halloween, the leaves had not been picked up. She saw they were picked up on Canal Street but not on 212. She felt it was poor planning. She also complained about the way the truck was being driven and just dragging the hose to pick up the leaves, no one was lifting the hose. Asked for a comment. Mayor Lang said it was designed to allow the hose to drag and they only had one person because the seasonal helper was out all sick. We got as many of the leaves picked up as possible. Michela then went on to complain about the look of the outside of the Village Hall building. She claims it looked “junky”

with vehicles and equipment sitting outside. She didn't think in the past we had equipment sitting outside like that. She asked if there was something going on that equipment is now sitting outside in the elements. Mayor Lang explained that since we hired Kyle, we are able to do more of the work ourselves and need the space in the garage to do the work. In the past we had to contract out that we don't know since Kyle has the ability to do the work. That is the reason we purchased the carport to move equipment out of the elements. There are three blades sitting outside that have no moving parts and the elements don't hurt them. Michela then asked what type of work Kyle had been doing that needed the space. Mayor Lang gave two examples, one being the cement jobs on sidewalks which required him to build forms for and the installation of the water fountain at the library. This resulted in Michela asking if it is really Kyle's job to do that type of work. Mayor Lang responded, yes that he is responsible for the maintenance of the buildings that the village owns as well as the streets and the waterways. Because we are not bidding those tasks out and do the work ourselves it is a cost savings. She claims it looks "junky" and that maybe we should build a fence so vehicles on the highway can't see how "junky" the back of the property looks.

- Maria App said she really didn't have anything but would jump on to what Michela was saying and clarified the "junk" Michela was seeing is actually large tables owned by Bolivar Mainstreet Association and are stored there because they do not have any space to store them. Shawn from the fire department stated those tables are owned by them. They were kept down there because they are so heavy and break each time they are moved. Shawn said they would move them up to the fire station after Christmas break.
- Ann said she finally got a response back from Thomas Stratton the district environmental reporting leader. The study did show the homes along 77 would benefit from a noise wall, however there is a cost per home limit for them to provide the wall and the cost is \$42K. The cost per home here exceeded the \$42K per home and declined to construct a wall. If there is a big project and the wall is included, we would get one but that would take the widening of 77.

- Chris Berens provided an update on the monument project. She needs a total of \$6,950 to pay for the statue. The last she spoke with Wilma; we had \$1,300 in donations towards the statue. Since then, we received additional donations and now have a total of \$2,300 towards the \$6,950. Dan Oberlin asked about the Zimmerman grant money we received, and Chris explained that the money is to build the park. She is talking about the money we need for the statue itself. She has a rendering of what the park will look like, just needs the additional funding to complete the purchase of the statue. Mayor asked if we could put the statue funding request on the Village of Bolivar website, yes. Barb will get it placed there. Matt mentioned using ARPA funds, and Mayor Lang stated that some communities are using ARPA funds, but we would like to see more funding from the community and only use ARPA if a final amount is needed to complete the funding. There are 5 communities that have committed to this project in/around Tuscarawas County.

OLD BUSINESS – None

MAYOR SPEAKS –

- We brought on Jeremy Millikin as part time seasonal help. His first day was on October 18th at a rate of pay of \$12 per hour, 24 hours per week. Need an ordinance to bring him by emergency. Mayor Lang requested a motion to suspend the rules. Received a 1st by Oberlin, and a second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.
- Need a motion to hire Jeremy Millikin at a rate of pay of \$12 per hour, effective date of October 18th by emergency. Requested a motion, 1st by Bellinger, 2nd by Lawver. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this to Ordinance_35_2022.
- The hiring committee did interviews with Steve Babik and Terry Seeberger. It is the recommendation of the hiring committee to move forward and hire Steve Babik. Mayor Lang asked Tedd and Will if they agreed with that decision and both responded yes. Mayor Lang then asked if there was any further discussion needed with the council on the decision because we will

be entering into a contract with Mr. Babik which would go into effect on December 1st, 2022. He then stated that would mean we are losing Tara which we are very sad to see go. A motion to suspend the rules was made by Finalyson followed by a second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.

- A motion to enter into a contract with Steve Babik for solicitor services, a copy of the contract provided. Clarified the cost would be \$7,200 per year which works out to \$600 per month. If there are any additional hours beyond what is specified, the cost would be at a rate of \$75 per hour unless he would have to go for court appearances then the rate would be \$125 per hour. The contract would also include a limit of 3 hours per month for attending meetings. The effective date would be December 1st, 2022. Mayor received a first by Lawver and a second by Dively. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this as Ordinance_36_2022.
- Mr. Babik is not available on Mondays requiring us to move our council meeting night. Mayor recommended we move the council meetings to the first Thursday of the month. Safety to start at 5:30pm on the first Thursday of the month followed by Finance at 6:00pm. We would then make committee meetings as follows:
 - Street & Alley and Parks & Rec meetings would be on the 3rd Thursday of the month at 5:30pm
 - Zoning would be the first Monday of the month at 5:30pm
 - We needed an ordinance to change the meeting days. Mayor Lang requested to suspend the rules, received a motion from Bellinger, followed by a second by Lawver. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.
- Motion to move ahead by emergency to adopt an ordinance to move the council meetings to the first Thursday of the month at 7pm, Street & Alley and Parks & Rec to the 3rd Thursday of the month starting at 5:30 and Zoning the first Monday of the month starting at 5:30pm. Motion to move by Finalyson, second by Bellinger. In a roll call vote, Bellinger, Dively,

Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this as Ordinance_37_2022.

- Christmas on the Canal will be this Saturday, November 12th starting at 3:30pm – 7:00pm. Tim stated that it was requested the streets to be closed at noon for the parade starting at 4:00. For safety concerns it has been suggested people walk next to vehicles handing out candy to prevent kids from approaching moving vehicles. Mayor Lang spoke with Barbie from Canal Street Diner that there were 400 – 500 people at last year’s Christmas on the Canal, biggest turnout they ever had. He said he was unable to attend last year so he requested time off work so he could attend this year. The hope is it will be bigger than last year. Dan Oberlin requested we not close the roads 4 hours before the event started. Discussion over what areas were needed for the event and what roads needed shut down. The parking lot near The Wandering Wildflowers will need to be closed and Canal Street during the parade. Tara found where they did have roads approved for closure in a prior meeting just need to specify a time for the street closures. Canal Street from Sandy Street up through Pine Street, Sassafras Alley from Sandy Street up through Pine Street and all the following streets between Canal Street and Sassafras Alley: Sandy, Tuscarawas, Water, Cherry, Poplar, and Pine Streets.
 - Mayor requested a motion to close the roads from Noon till 8pm. Motion by White, second by Lawver. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.

COMMITTEE REPORTS:

FINANCE – Will Bellinger – See Finance Agenda

- Payment of the bills for the month of October was \$81,598.57
- Interest for the month of October: Huntington \$272.57; Star General Fund \$689.81; Star Water Fund \$268.84; and Star Capital Fund \$28.62
- Need a resolution to approve the intra fund transfers for the month of October. Matt provided a handout showing the fund transfers of line items withing the fund, it is a movement between line items. First to accept resolution to move monies as indicated on report handout by Bellinger and

a second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this to Resolution_18_2022

- Expense approval to rent a lift to use to put up the Christmas decorations (angels and banners) around town at a cost of \$700 - \$800. Motion made by Finalyson and seconded by Dively. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.
- Resolution to open a new business credit card with Huntington and then Barb will close the one we have with CSB. Motion made to approve by Bellinger and seconded by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this Resolution_19_2022
- Softline Data, the company that we get the water software from to process water payments etc. was purchased by gWorks. gWorks is requesting us to sign a contract with them. The new contract is the same as our current, no conditions are changed. We need approval by emergency as the new contract needs to be signed by Wednesday November 9th. A motion to suspend the rules, first by White and a second by Lawver. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes.
- By emergency go into contract with gWorks so we can continue to use UBMax for our water processing. A motion to enter into contract, first by Finalyson and a second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this Ordinance_38_2022
- Matt requested a supplemental appropriation of the Zimmerman Parks Fund. We created the fund in the last meeting and now we need to appropriate the actual funds. This will allow us to put the \$6,500 we received from the Zimmerman Family Foundation into the fund. Motion to move forward, first by Finalyson, second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Resolution_20_2022
- Mayor Lang stated we would review the water rates in February and determine how much we have been generating. Surprisingly it is much lower than we anticipated it would be.

Planning Commission – Will Bellinger

- The meeting was cancelled due to not having enough of the committee members and no one from the public showed up.

Safety – Bruce Lawver

- There was damage to both police cruisers. One needed new tires and the other has front end damage. The two tires on the one cruiser have been replaced. The other cruiser, we are waiting on insurance adjuster before taking to shop for repairs.
- The contract with Zoar Village for police protection expires on December 31, 2022. We will be working with Zoar and Solicitor Babik to draw up a new contract for signing.

Chief – Randy Haugh

- Nothing

Street & Alley – Tedd Finalyson

- The water fountain was installed at the library. We received help with the cost from Lawrence Township which helped cover half of the cost. A check has already been received.
- The annexation of the Massillon Materials the corporation sign on the north end of Park Avenue never was moved. Need a resolution to move the sign to the correct location.
- ChemPure completed the storm drain jetting. Kyle was very impressed with the work they did and the data they provided on the work. This cleanup should help residents with better drainage.
- One resident complained about a bill for 20K gallons of water. We were unable to determine how that amount of water was used.

Street Superintendent – Kyle Porter

- Kyle was unable to attend the meeting, so Mayor Lang covered his topics for him.
 - They purchased new lights to wrap into the Christmas garland that goes around the poles on Canal Street. When they tested the lights last week and they had issues with them working last year. Spent approximately 40 hours last week trying to get them working. Decided to purchase new lights at a cost of approximately \$250. Half of the lights are red, and half are green.
 - Mentioned the jetting completed on Cherry, Water and Canal Streets. Mayor Lang inspected them before they began the work, and they were completely caked shut. Mayor also stated they did a great job.
 - Leaf pickups, people are putting their leaves near intersections. When this happens, the truck is into intersections. Please place them in piles in the middle of block. Keep them away from parked cars, mailboxes, basketball hoops, and trees. Please position onto as close to the road as possible. Please refrain from raking garbage, sticks, etc. in leaf piles. This is how the cruiser tires were damaged. Please do not rake near the sewer drains because this will clog the drains we just paid to clean out. Note if you rake into gravel, we will take the gravel in the gathering of the leaves, and this can cause damage to our equipment. Leaf pickup will end when we get a big snow starts because we will have to switch the truck over to plows. Maria commented that they guys should wear reflective gear when working on roads with leaf pickup and mowing.

Recreation – Dan Oberlin

- Baseball is over. They have been practicing football at Waterworks Park. They have the games at the high school field.

- Discussion again on the tennis court. There is an estimate that Mayor Lang can provide to Dan. It is up to the council if they want to spend the money or not. Right now, it is not in the budget.

Fiscal Officer – Barb Kline

- Tusc, Wayne, Stark Joint Waste Management requested we sign a resolution to join their solid waste plan. We are required by municipalities to join. This is normal, it has just been updated. A question asked if we get money being part of it. We receive a quarterly check with the recycling program. Motion to adopt the resolution to renew our commitment, a first from Finalyson, second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this to Resolution_21_2022
- Raised complaints received by snowbirds over the cost of water turn off and on. The cost is \$50 each and Mayor Lang said the water cost was part of a larger discussion during the water rates meetings.

Village Administrator – Matt Judy

- Matt and Barb attended an OMEGA meeting today for a grant for planning and technical grant money available to Tuscarawas County. We are looking to participate in getting the trail head paved, lighted, etc. This will be a two-part grant. This is the first part that will provide the planning and technical portion. There is another meeting next Monday. There will be a need for a resolution to participate. We will be bringing the resolution to the next meeting on December 1st.

Law Director – Solicitor Tara

3rd Reading: Contract with the Public Defender Commission to provide indigent services for the year of 2023. It is the same as the contract we had for 2022 at a cost of \$2500 annual contract that needs to be paid by March 1, 2023. Motion to approve, first by Oberlin, second by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Tara assigned this to Ordinance_39_2022

2nd Reading: Ordinance for Contractual services for the prosecutor. It is the same as it has been for 2022. The firm we use is Patrick, Zimmerman, and Rose out of New Philadelphia for \$80 per hour and will run from January 1 through December 31, 2023.

Will Bellinger made a motion to go into executive session to discuss the appointment, employment, dismissal, discipline, promotion, demotion for compensation of a public employee or official action may be taken, with a second by Lawver. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. Bellinger requested Council Members, Mayor Lang, and Solicitor Tara Write-Timberlake to stay and the rest of the attendees to leave.

Resumed regular council meeting by roll call, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White, all answered yes to roll call. The meeting stopped at 8:26pm and resumed at 8:42pm.

One last item to discuss. Mayor Lang would like to bring on an additional seasonal helper at the same rate of pay of \$12 per hour up to 24 hours per week. The second seasonal helper will be Rick Wigfield. We have previously agreed to have 2 seasonal helpers each up to 24 hours each. To make it effective we need a motion to suspend the rules by emergency. Motion made by Finalyson, seconded by White. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, and White all voted yes, Oberlin voted no.

Motion by emergency to move forward to hire Rick Wigfield at rate of pay of \$12 per hour for no more than 24 hours per week effective November 8th. The only standard for hiring is a background check by Good Hire. Motion to hire by Finalyson, seconded by Dively. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, and White all voted yes, Oberlin voted no. Tara assigned this to Ordinance_ 40_2022

The mayor asked for a motion to adjourn until the next regular council meeting on December 1st, 2022, at 7:00 p.m. at Bolivar Fire Department. Motion to adjourn by White and seconded by Dively. In a roll call vote, Bellinger, Dively, Finlayson, Lawver, Oberlin, and White all voted yes. The meeting adjourned.

Mayor Tim Lang

ATTEST: Barb Kline, Fiscal Officer

Approved: