

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

The Bolivar Village Council met in regular session at Village Hall on Thursday, April 06, 2023. 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, White, Oberlin, and Diveley all answered yes to roll call. Lawver (Absent).

Tedd Finlayson read the resignation letter of Tim Lang. Motion to accept by Diveley, second by Oberlin. Roll call vote: Bellinger, Diveley, Oberlin and White – Yes.

President pro tem automatically becomes mayor when the position becomes vacant.

New Mayor, Tedd Finlayson is sworn in by Dan Oberlin.

Mayor Finlayson asks for nominations for the new president pro tem. Oberlin nominates Will Bellinger. The nomination is seconded by Tim White. Roll call vote: Bellinger, Diveley, Oberlin and White – Yes.

Mayor Finlayson asks if there are any additions or corrections to the March meeting minutes, none were raised. Mayor Finlayson asked for a motion to accept the minutes of March 2nd. Will Bellinger moved to accept, seconded by Tim White. In a roll call vote all voted yes.

Mayor Finlayson asked if there were any corrections to the agenda. The date on the agenda was incorrect and corrected.

PUBLIC SPEAKS –

- Ann Ackerman, fiscal officer of Lawrence Twp
 - She brought the approved and signed contract of the new fire contract
 - She requested everyone to sign and return the original copy
 - Ordinance to accept the contract is Ordinance 2023 – X
- Maria App
 - Safety reference, asked how much the fit for duty cost the village, no invoice has been received yet.
 - Question for the chief or solicitor? She asked if there would be a response to her request of February 24th? Steve stated there was a response to her request on the 27th but she sent a follow up question and a response to that will be received in writing within a reasonable time. The general subject matter will be addressed in another context tonight.
 - Her next question was how many people applied for the council seat. Tedd responded that there was just one. Maria stated that it was her application, yes. She asked why she never received any acknowledgement of her application; no response was given. She immediately proceeded with the question of what happened to the discussed plan to start the interview process? Will asked what

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

plan? Maria stated at the last council meeting there was discussion to start the process before tonight. Will stated that a date will be set tonight on a date to begin the interview process.

- Chris Berens stated the monument funds have moved to a little over ½ way. She stated that she hopes the council will work cohesively together. She asked if we were waiting for Tim to be able to nominated to be on council and stated “wake up people, there are only 800 people. She said that by waiting we set a president.” She stated she has a concern with council members meeting in small groups discussing things that need to be brought up at committee meetings or council meetings? She said we need to keep in mind of the sunshine law.
- Terri Davis stated that as we know she owns Ohio Billing and has been working with many municipalities throughout Ohio. Her mission in life is to help young people get on their feet as well as senior citizens. The reason she is here tonight is because she purchased two duplexes on Tuscarawas and Fox Alley. Kyle helped her with a temporary fix of large pot holes and she is asking for fixing of the pot holes next to her property. She is requesting the Village to fix the pot holes. Michella piped up that the pot holes were discussed during street and alley. Tedd stated that we really need to wait on temperatures to increase and right now we do not have anyone to fix them. Once the temps have increased and the street superintendent, we will be able to purchase asphalt. Until then Tedd stated that the best we can do for now is to do cold patch. Tedd said if she hasn't seen anything by end of next week to contact him for an update.
- Levi Kaser said he was in attendance because of the street super opening. He asked if we can make the position part time, he would be happy to jump into the position. Tedd stated the position is full time because of the duties that fall under the position makes it full time. He listed his credentials and stated he wanted to help out the best he could. He said he was out last week helping with down trees and limbs from the storms on his own time. Tedd asked if he turned into a resume, Levi stated no. Tedd asked him to turn one in. He also stated we do have two people interested and will speak on it more. Will asked Levi to turn in a resume for the open council position.
- Chris Berens asked if we were planning to change the key pads on the doors? The answer is yes.

OLD BUSINESS – None

MAYOR – Finlayson

- Tedd read Matt Judy's resignation letter and communicated his desire to stay on as Barb's assistant. Motion to accept by Bellinger, seconded by White. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

- Tedd asked if there were any concerns to hire Matt as assistant clerk? Only concern raised was brought by Michella. Michella asked how long Barb has been in her position, Barb stated less than a year. The reason she still needs training is because Matt helped with the fiscal officer tasks and there is only so much time to train and keep business moving. Barb also stated that if Matt does quit in August she will need his help with year end closing and new year start up as he did a good amount of those tasks as well. Barb read the ordinance by title, motion to approve by White, seconded by Bellinger. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes
- Tedd gave a special thanks to Lawrence Township for their help with cleanup after the storms. They brought in equipment to help with the cleanup and provided man power as well.
- Tedd brought to council the hiring of Roy Davis as a seasonal worker. Roy has limitations but nothing that would impact the tasks needed. His limitations are regarding lifting heavy items. Tedd requested a motion to accept, Diveley made a motion to hire with a second by White. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes
 - Steve requested information, Tedd provided \$12.00 per hour and up to 24 hours per week.
- Earth Day is April 22nd put out by the recycling group and wants to make sure everyone is aware. Activities coming up. Tire recycling in Uhrichsville, on April 15th from 9am – 12pm. Limit is a max of 10 tires and must be a Tuscarawas County resident.
- Pay it forward day with the school students. The schools have it planned for Friday, April 21st. There will be 14 – 15 students from 8:30 – 11:30. Helping with mulch, picking up trash, wind debris, and leaf pickup. Asking for wheel barrels, rakes etc. that could be used please provide.
- Mayor Finlayson noted that if anyone was up by the cemetery on Pine Street, it was really torn up by the storms with limbs and debris. The Trail Life Troup, John Nusbaumer is in charge of the troupe. The troupe is similar to the Boy Scouts. They volunteered to clean up the cemetery. Big shout out to them for the help!
- Tedd stated he received a letter from the Ragon House stating their spring sale is coming up May 10th – 21st. They are requesting permission to place a sign at the 3 way by Marathon. Mayor request that we give them a permit for the sign starting May 6th – the 22nd. Mayor asked if there were any objections. Michella asked if the sign would be off to the side and not right in the center? Mayor stated yes, it would be off to the left. Dan Oberlin also stated that if anyone wants to place signs for yard sales etc. that as long as they are placed on private property there is no concerns. The signs cannot be placed between the sidewalk and the road as that is village property. Motion to approve made by Oberlin, second by Bellinger. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

- Tedd also read the proclamation from Abate of Ohio Region 8. It is a proclamation of motorcycle awareness month. Requesting other motorists be aware motorcyclists and share the road with motorcycles. They also want motorists to be aware of the need for motorcycle safety. Motion for the proclamation made by White, second by Diveley. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes
- Tree City USA official proclamation for Arbor Day set for April 28th. Tedd asked Chris if she had heard anything. She stated she had not but stated Hennis wanted this year's tree placed down their pathway down Grant/Grand. Some had died and Tim had told them they would be replaced. Barb stated we do have a budget to replace trees. Set a rain date as May 5th. Tedd to research and attempt to replace the dead trees with the same kind. Motion to set the dates for Arbor Day made by White with a second by Diveley. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes
- Road closure for the Strawberry Festival, Christmas on the Canal and the Car Show. Resolution to accept with first reading tonight and will have the final reading next month.

COMMITTEE REPORTS

FINANCE –

- Kimble contract is up for renewal. The renewal has two options, a one year and a two-year renewal. Diveley made a motion to stay with Kimble for 2 years. We will have legislation at next month's meeting to vote on.
- Lanzer invoice received was \$24.00 more than the estimate we had previously approved. Motion to accept payment on the addition cost made by Bellinger and seconded by Diveley. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes
- Mayor Finlayson requested approval for spouting repairs to both muni buildings. The estimate was from Wallach's Seamless Spouting LLC at a cost was \$5,031.00. It was asked if we received any other bids. Mayor stated he couldn't find anyone else to obtain an estimate from. Maria and others stated there was another Wallach that does spouting. Maria provided the contact info. Recommend we approve up to the price of the quote we have and if we find a better price then we would go with that cost. Decided to obtain more bids then vote on approval.
- Report of the interest obtained in March:
 - Huntington Bank 241.34
 - Star General 998.35
 - Star Water 389.09
 - Star Capital 41.42
 - Total 1,670.20

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

- Open Council Seat, set date of April 21st to receive resumes and then start interviewing the week after. Goal is to have someone chosen by next month's meeting. Resumes to be sent to the Mayor. The interview panel will consist of Will, Tedd, and Loretta.
- Resolution to approve the intra-fund transfers for the month. We moved \$9.31 from 1000-330-319 to 1000-390-213, \$28.24 from 1000-330-319 to 1000-390-213 and \$9.31 from 1000-725-420 to 1000-730-213. Motion made by White and seconded by Bellinger. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes

Planning Commission – Will

- Already voted on Ragon House Signs
- Aaron attended to discuss splitting lot he owns at 272 Water Street. It is a double lot, 1 lot is 30'X180' and the other is 60'X180'. The proposal of the split would make each lot 90'X90'. It is currently an R2 district and the lot size requirement is 7200 sq ft. The proposed lots would be over the requirement. Planning commission agreed to the split and is now requesting approval by council. Will asked if there were any questions, Loretta asked if he was planning to build a house. He said at this time he isn't sure what he wants to do with the extra lot. The plan is to sell the house and keep the extra lot. He may come back at a further date for permission to build a duplex but at this time no specific plans. Steve Babik asked if this is how we normally do this, without a survey. The agreement is approved only if the survey matches the proposes. Once the survey is complete, Aaron to submit to the Mayor who would then submit to the county. Oberlin the motion to approve, seconded by Will. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes

Safety – Bruce

- Since Bruce was absent Chief Haugh provided updates for safety.
- 45 calls for the month and requested report writing training for both himself and Eric Minor.

Chief – provided update during safety update

Street & Alley – Will

- Met the 16th and discussed temporarily filling the pot holes on Canal Street, however that has not happened yet.
- Tornado Grant was submitted to Reeves
- Received two applications for Street Superintendent, working on setting up interviews
- Motor on the air compressor died and working on getting quotes to get it repaired or replaced. Mayor Finlayson said he was still working on that.

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

- We will need summer help again this year. We hired one, Roy Davis. Intent to bring back Wyatt.
- Conducted hydrant flushing on April 4th.
- Matt provided them with a spreadsheet covering water usage that they will review at the next meeting. If anyone wants to hear the discussions on future water rates they are encouraged to attend the next Street and Alley meeting on April 20th at 5:30.
- The school district still doesn't have a solid plan of what they are doing with the school except the building in Bolivar will remain for one more year to be used for storage.
- Tedd discussed the purchase of a new paint gun for road signage. He hasn't moved forward yet.
- There were dead trees on Pine Street that were removed.

Street Superintendent – TBD

Shade Tree – No update

Recreation – Diveley

- They have begun using the ball fields.
- Barb requested Loretta to contact them to determine if there were enough garbage receptacles around the ball fields. This question is because they are listed in the Kimble contract and if more are needed they will provide. However, the location of the receptacles needs to be somewhere the trucks can easily get to them. Dan clarified there are 3 ballfields and they should let us know for all three.
- Question was asked if we received the updated insurance form from the softball/baseball association. It was mentioned they usually send it to the mayor. Tedd to go through the emails and check for it. Same for football.
- Chris Berens stated she felt someone should offer up an apology to Becky Hubble. Tedd asked Steve Babik regarding his advice to Tim. Steve stated that if there is expenditure of public money you have to be cautious. However, if it is just volunteering time, you are ok. But if it is council that, does it, you are governed by the sunshine law. If they would meet it would require formal action for everyone to meet. That is why the commission was recommended. The Main Street Association is leading the efforts at this time. Steve recommended that it should be a council member that acts as liaison between council and Main Street Association. Chris wasn't happy that it couldn't be someone else.

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

Fiscal Officer – Barb

- Barb acknowledged the thank you letter from Lawrence Township regarding the donation we made to help with the composting cost last year.
- Barb informed all those with a village email and/or computer that we will begin getting phishing email training. Will asked if we will be required to report when we see one, Barb to check for clarification and let everyone know.

Village Administrator – TBD

Law Director- Solicitor Babik

3rd Reading:

2nd Reading:

1st Reading:

- Steve read over the emergency section of the Ohio Revised code.
- He asked Mayor Finlayson and council direction on emergency legislation. He stated that the former mayor didn't like emergency legislation. He clarified that it is council that declares the emergency. He stated that since he started with the village there has been numerous pieces of emergency legislation. He understand the public's view that council could call things an emergency when it is not. The truth of the matter is for the village that only meets once a month. Unless you want to wait three months to get something done then emergency legislation is the mechanism to do it. Because there are very few things that can wait three months to complete. What he does for another village he represents that only meets once a month is create everything as an emergency so every month something can come up be voted on and pass/fail. His thought is to write everything as an emergency. Will stated he would prefer to only do things that are an emergency as an emergency and the rest go through the three readings. Will then proceed to ask Steve is we put emergency in the title of the legislation we then would not need to suspend the rules. Steve answered correct, if emergency is in the body of the legislation, you do not need to suspend the rules.
- Steve read a letter from Michela Huth and it states it is not a tax payer demand. It was dated March 30th and stated on or about mid-January 2023 she spotted Mayor Lang, Street Superintendent Kyle Porter and a helper unloading with a bobcat, a large number of sealed white buckets from a trash hopper in the Village of Bolivar's back garage. I attended council and committee meetings with zero discussion was had about this product. I also went into the two village garages and could not locate any repair work done on the floors. The Village Administrator had no knowledge of the garage being repaired. So, as a result of complete silence on this large influx of product into the village garages, I emailed the mayor on or about March 3, 2023 asking him for the records for the materials stored in the white buckets. The mayor's response was that

VILLAGE OF BOLIVAR

COUNCIL MEETING

April 06, 2023

there are no records as to these white buckets. He claimed the Village of Bolivar accepted a load of refuse/waste so we could use the material needed off the load to repair the garage. The mayor claims the buckets contained an industrial floor coating and he says the product was bad and no longer viable. That leads to the question of why he would have accepted service of this unusable product, and using taxpayer paid for labor and equipment for trash. This product littered the floor in the garage for several weeks. None of this makes any sense. Steve stated the letter went on to state that the mayor some of the product was put in the dumpster, hauled away, and some was given to people he thought could use it. It seems wrong for select people to receive taxpayer property in this manner. Not to mention the cost associated with labor by Bolivar employees. Steve then stated that it went on to list questions numbered one through thirteen related to that. It concludes for Steve as the village solicitor to look into it and it explicitly states that it is not a tax payer demand under O.R.C. 733.59. Asking that this be done informally without the need to send a tax payer demand. Steve said he did not know how to informally look into this so he is bringing this to the council for whatever direction they see fit. He also stated ordinarily I would respond to questions my client, by the council, by the mayor, by the fiscal officer. He doesn't typically answer questions by anyone that comes in. After discussion Steve said he would have a conversation with Michela and report back to council.

Mayor Finlayson would like to have a special meeting on the 20th following the street and alley meeting to discuss the open positions of street superintendent and village administrator.

Motion to adjourn by White and second by Dively. Roll Call vote: Bellinger, Diveley, Oberlin and White – Yes

The mayor asked for a motion to adjourn until the next regular council meeting on May 4th, 2023, at 7:00 p.m. at Village Hall. Motion to adjourn by White and seconded by Diveley. In a roll call vote, all members present voted yes. The meeting adjourned.

Mayor Tedd Finlayson

ATTEST: Barb Kline, Fiscal Officer

Approved: