

VILLAGE OF BOLIVAR**COUNCIL MEETING****MAY 04, 2023**

The Bolivar Village Council met in regular session at Village Hall on Thursday, May 4th, 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, Diveley, Lawver, Oberlin, and White all answered yes to roll call.

The mayor asked for a motion to accept the minutes from April 06, 2023. Motion by White, seconded by Lawver. In a roll call vote, all voted yes.

The mayor asked for a motion to accept the minutes from April 20, 2023. Motion by White, seconded by Oberlin. In a roll call vote, all voted yes.

The mayor asked for a motion to approve the bills for April which totaled \$45,335.90. White moved, seconded by Finlayson to approve the bills. In a roll call vote, Lawver, White, Oberlin, Bellinger, Finlayson, and Diveley all voted yes.

Mayor Lang asked if there were any corrections to the agenda. There were no corrections.

PUBLIC SPEAKS –

- Chris Berens updated those in attendance regarding the day of prayer that took place today. She felt it was very well attended. Everyone wrote their own prayers, yet they were very cohesive.
- Update on the monument, we are making progress and donations have now reached a total of \$4,260, are now down to the remaining amount needed of \$2,690. Some of the more recent donations are Ken and Connie Burris, John and Judy Graef, Russel Dean, Dave and Cinda Widder, and Mary Burk. One was received from a jaw and surgery center, which confused her at first. She was able to determine the surgery center is owned by a Neil Sunheimer and Dick Sunheimer was the manager of Reeves Bank. This was a blessing in disguise. She asked the council to please donate to. The artists for the Bolivar monument will be Tusky Valley students currently in the 4th, 8th, and 10th grades. The statue will be 4' tall X 3" wide. When asked why the council isn't offering to help pay for it. Will explained that he felt the village residents felt this was an important project the residents would donate to help pay for it. He asked if Chris and the team have set up a Go Fund Me page or placed signs for residents to know how to donate. He isn't willing to use taxpayer money when we are heading into a recession and are struggling to hire employees. Dan stated he has submitted a request for a donation from Lawrence Township. Lori Feeney asked Chris if people want to donate who can they contact? Chris said people can either call her or go to the Love Tusc website to donate. Lori asked about the grant money she stated might be lost if we don't get this done soon. She said she isn't sure what the deadlines are, but all grant money comes with a deadline to use it or lose it. Tedd said he is pro donating to the statue fund. Tedd, he has lived here much longer than most in the room and also mentioned that he went down to Newcomerstown and met with the mayor. Tedd stated the first thing the mayor did was show him their statue. He feels the statue is a good way to promote the village. He stated the village has money available to donate towards the statue and it doesn't have to be the full \$2,000 needed. Chris agreed she isn't

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expecting the village to donate the remaining amount. Tedd also mentioned we may use his discretionary to pay for getting the statue erected. Chris also requested a mention in the June Mayor's newsletter.

- Mary Vincent – She also mentioned the National Day of Prayer and said that there were three people in the room that spoke and led prayers. They were Chief Haugh, Mayor Finlayson, and Chris Berens. She stated it was a wonderful service.
- Dwayne Flickinger – Dwayne introduced himself to those in attendance that didn't know him. He asked the council to consider getting a feasibility study on the school. He said a feasibility study would outline what would need to be done to repurpose the building. He also clarified that when he states to repurpose the building he is speaking about the gymnasium and 6 classrooms that are on that end of the building. He stated he didn't see any need for the front portion of the building. He said he can say recreation is like a magnet to families that want to move into a community. He said as long as he has lived here this community has not had a rec center. The only option was to try and get to use the gym but that was hit or miss. He feels the town has outgrown the current Village Hall/Police Station buildings and there is more value in these buildings than we realize. These buildings could be repurposed and sold for additional funds. He feels there is a real need to have an indoor rec center. He feels there are many foundations that would be willing to donate to repurpose the building. He also recommends there are grant writers that can help us get money to help with the cost. He recommends spending money with an engineering company to determine the feasibility. He recommends using Don Dummermuth. Barb stated that we must do the feasibility study because we do not want to be stuck with the cost of tearing it down if it isn't feasible.

OLD BUSINESS –

- Mayor Finlayson stated he had to change the date of the Arbor Day celebration because he couldn't be there. He stated he was working with Hennis Care and Tusky Valley to determine the new date. Currently the date will possibly be the 18th at 12:30.

MAYOR – Finlayson

- Street and Village Administration openings were discussed.
 - Interviewed several people over the last month and thought they had come up with a good fit. Will made a motion to hire Levi Kaser as the Village Street Superintendent. Dan asked if he has CDL, Will stated he does. It was also stated he has experience and if approved his start date would be 5/15. He stated he had to give his current employer a two-week notice making the start date 5/22. Tedd stated he works Monday – Thursday and was hoping he would be willing to start on the 15th to help with some things. Lorretta Diveley seconded Wills motion to hire. Dan asked what the starting pay was and Tedd stated they had negotiated a starting rate of \$22 per hour, 40 hours per week, with a one-week vacation as he already has that vacation planned. Steve Babik stated he would write up a resolution and council could voice vote tonight and during the special meeting

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next Thursday would finalize the vote with the resolution. Voice vote, all voted yes.

- Vacant Council Seat –
 - Tedd stated they met with several people, one was Levi and is now out of the running. Will nominated Shelly (Michelle) Crowe who was the Village Fiscal Officer 20 years ago. There was a lot of experience and an MBA and with the changes coming from the closing of the school. He felt she is from here, went to the school and would be a huge asset with the feasibility study etc. She understands the need and desire to keep the school but understands that putting the village at financial risk cannot happen as well. Second by Dan, voice vote, Bellinger -yes, Diveley – abstain, Lawver – no, Oberlin – yes, White – abstain. There was a lot of discussion and Steve explained that Tedd cannot vote, we had 5 people voting and 2 voted yes, 1 no and 2 abstained. The abstained votes become a yes vote. He then recommended a motion to rescind the vote and revote with the understanding how not voting/abstaining works. A motion to rescind was made by Lawver, second by White, Bellinger – yes, Diveley, yes, Lawver – yes, Oberlin – no, and White – yes.
 - Motion to nominate Shelly made by Bellinger, second by Oberlin. Bellinger – yes, Diveley – abstain, Lawver – no, Oberlin – yes, and White – no.
 - Motion to appoint Maria App made by Lawver, seconded by White. Voice vote, Bellinger – no, Diveley - yes, Lawver - yes, Oberlin – No, and White – yes.
- Tedd needs a vote to accept the resignation of Matt Judy as assistant fiscal officer. Motion made by Oberlin, seconded by Lawver. Voice vote – all yes.
- Tedd also requested a motion to accept the resignation of Roy Davis. Motion made by Oberlin, seconded by Diveley. Voice vote – all yes.
- Second reading for the resolution to approve the street closures for the Strawberry Festival, Car Show and Christmas on the Canal. Third reading will be June 1.

COMMITTEE REPORTS

FINANCE – Lawver

- Request to increase the mayor’s spending limit from \$500 to \$1K. This will be a resolution and will require three readings. This will be the first reading.
- Request to approve to advertise the hiring of someone to replace Matt Judy as a part-time assistant clerk. The pay would be \$20 per hour for 15 hours per week. Lawver made a motion, second and seconded by Bellinger. Roll call vote – all yes.
- Siren update provided by Tedd. We received a quote from Staley at a price of almost \$7,300.00. We received a grant from the Reeves foundation of \$5K and the Lawrence Township Trustees agreed to help out with a donation of \$1,800 like they did for Zoar. This will leave the village with a cost of approximately \$570. Tedd also requested a

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grant of \$750. Since the parts have been put in order it will take time to receive the parts needed. Motion to cover up to \$600 if the PEP grant does not come through. Seconded by White. In roll call vote – all yes.

- Spouting replacement for the police and village hall buildings. Tedd received two bids, one was from Wallack's Seamless Spouting and that quote was \$5,031. The other was from Jeff Wallack LLC, that quote was \$5,655.00. The quote was for both buildings to upgrade the spouting, reattach the fascia, and upgrade the downspouts to a larger size. Everything was clogged and was residential size, same for the downspouts. They will reattach the vinyl where it has come loose. They will add another downspout on the side by the shed and put-up ice guards. Motion to approve work made by White and second by Diveley. Roll call vote – all yes.
- Resolution to move unrestricted funds in accordance with ORC 5705.14-15. To transfer funds in the total amount of \$46.86 between the general fund accounts, consisting of \$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 1000-390-213. Motion to accept transfers by Oberlin, seconded by White. Roll call vote – all yes.
- Water Rates – discussion on how much and how much do the rates need to be made for this year's rate. It was determined to have a special meeting on 5/11 at 5:30 in the town hall to allow residents the opportunity to be part of the discussion.
- Police cruiser, the Chevy Tahoe needs new tires. An estimate has been obtained at a cost of \$890.96 that covers all four tires. Motion to approve made by Oberlin with a second by White. Roll call vote – all yes.
- Request from the police department to re-supply them with non-lethal ammunition. Officer Minor received his certification to certify the other members of the police force with non-lethal weapons training. Motion to accept by Lawver and second by Oberlin. Roll call vote – yes by all.

Planning Commission – Bellinger

- For zoning and planning Will provided an update on the separation of the lot by Aaron Bitikofer who had his lot survey and filed with the county. He now has both lots surveyed, and the split approved by the county.

Safety – Lawver

- The police department received 50 calls in the month of April.

Chief – Haugh – nothing to add.**Street & Alley – Bellinger**

- Will provided an update that we had received a mandate by the EPA that all water lines must be tested for lead by October of 2024.
- Several potholes have been fixed.

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- Harvest for Hunger wanted to place their collection box behind the Village Hall. We felt that was not a good idea and rejected their request. They didn't want to have the traffic at the rear of the building.
- There was discussion that the mayor would like to place unused equipment on gov deals to sell.
- Patricia notified the mayor that when the village put in the angle car park that the parking was taking up a portion of her property. The mayor is working with her to resolve it.
- The school district notified us that they are looking for group locations for pickup next year. They are looking for safe locations for kids to meet. If anyone has any ideas, they are to let the mayor know.
- Handicap parking signs have been knocked down and are being looked at to be placed back up. Dan recommends when we put them back up to place stops in front of them so they cannot be knocked back down so easily.
- There has been discussion on purchasing a paint sprayer for the marking of roadways. Scott Baker from Navarre said we could possibly rent theirs when needed.
- The mayor is looking to install a new streetlight for Cherry Street. We have the new light but need to get it installed. Tim asked about streetlights that are out and how to get them replaced. Barb explained that anytime a resident notices a streetlight that is out to notify her and she will work with AEP to get it replaced.
- Tedd mentioned that he had a meeting with Joe Bachman, the Tuscarawas County Engineer regarding the guardrails that are down near the edge of town. He said the culvert is a concern and feels it needs repaired and will look at extending it out removing the needing a guardrail. He also stated the bids for the paving we submitted will be open on May 24th. We should know shortly after the 24th who obtained the job. Dan asked if we could replace Fox Alley with another road that isn't in as bad of condition. Will reminded Dan that what the plan was is to ask the company that gets the job what the additional cost would be do include Fox Alley. They feel that since they will already be here and working it should be cheaper than trying to do it separately. They also discussed asking the company about the area down by Bolivar Spirits.

Street Superintendent –

Shade Tree –

- Dan asked if we were going to be included this year or not. Tedd stated yes, we are being included, that somehow, we were left off the mailing list. Dan also asked that he be included in the shade tree committee, Tedd said he would be happy to have him.

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Recreation – Diveley

- She called Kari and stated that they had no complaints and did not need any additional trash cans. Barb did state that part of the Kimble contract is to donate money to a charity of choice. Mayor Finlayson designated the softball/baseball association as the designee this year. Barb said she left a message with the number on file, but no one called her back and asked Loretta for help in getting the address to send the check and how to make out the check.

Fiscal Officer – Kline

- Update on the phishing email training. She reached out to Schneider on how the training would take place and was informed that if you receive a phishing training email or any phishing email you are to just delete it. If you click on it and it is a training email, you will receive another email with training in how to identify in the future.

Village Administrator – TBD

Law Director- Solicitor Babik

- Learning moment of Resolutions and Ordinances: There is no statutory difference between the two. If you look you will not find any explanation/definition between the two. What the standard practice is if it is permanent in nature or otherwise required by law then it is a Resolution. If it is permanent and changes something i.e., the speed limit on a specific road then it is an ordinance and must be published somewhere people can access them. In terms of the statute there is no difference. In statute 731.17 it is the procedure for legislation that states each ordinance and resolution shall be read three times. If there is no statute you don't ever have to do either. He stated that at any time he is ever making things more difficult to let him know. He also explained things like hiring an employee or authorizing the mayor to sign a contract, a voice vote is sufficient and reflective in the minutes. His preference is to do a resolution, so it is in writing and easy to access. Most of the things we do, a voice vote is sufficient. However, an example of something that does require it would be 735.273 which dictates that the powers and duties of the village administrator shall be prescribed by ordinance.
- There was a request from the Ohio Auditor's office asking that the village execute for services rendered by the Ohio Auditor of State, Keith Faber to conduct a special audit and recommend that it would be done, and cost would not exceed \$2,050 and requires a signature from an officer of the village. Barb stated she had Will sign the document as it had Will's name highlighted and had him sign it. Steve stated that the fiscal officer and a member of council sign the checks. Barb clarified that she and Matt Judy had been signing the checks since she started with the village. Motion to approve paying for the audit. Motion by White, seconded by Lawver. Roll call vote, all yes.
- Tedd mentioned that this Sunday was the closing ceremony of the Bolivar School at 2pm.

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The mayor asked for a motion to adjourn until the next regular council meeting on June 1, 2023, at 7:00 p.m. at Village Hall. Motion made by White, second by Lawver. Roll call vote, all yes.

Mayor Tedd Finlayson

ATTEST: Barb Kline, Fiscal Officer

Approved: