

VILLAGE OF BOLIVAR COUNCIL MEETING May 1, 2017

The Bolivar Village Council met in regular session on **Monday, May 1, 2017**. Mayor Hubble called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said. Lloyd opened the meeting with a moment of prayer. Gettan, Lang, Lapp, Lebold, Lloyd & Vincent answered roll call.

Vincent moved, seconded by Gettan to accept the previous meeting minutes, bills paid and financials. In a roll call vote, all members present voted yes.

The Fiscal Officer read the bills for the month of April, totaling \$56,587.74. Lapp moved, seconded by Lloyd to approve the bills. In a roll call vote, all members present voted yes. There were no corrections or additions to the agenda.

PUBLIC SPEAKS: - A resident, Gerry Swigert, on Canal Street would like to have the fire hydrant in front of their house serviced; it's out of commission. She also stated there is a drainage problem there which flooded their yard tonight as well as their neighbors, Robert and Emmabelle Taylor. The water has also been getting into the Taylor's basement. Tonight was especially bad due to all the rain.

Franks addressed their complaint by stating the problem is the drain in front of their house which is only a 6" line. When it rains as hard as it did today, that 6" drain can't handle that much water. Franks said he would need to contact the County and have them run a camera in there to see about running a larger line. They would be able to see with a camera where it hooks in.

Swigert added the water hasn't been flowing too well; it seems to sit and smells like the sewer.

The Mayor asked Franks to look at the line and check on replacing the hydrant. Franks said he has already been in contact with Todd at the County.

The Mayor reiterated we should have answers to this problem within the next two weeks. Franks said he will follow up with the residents with a status. Today's rain was an extreme circumstance; nonetheless it's still a problem.

Another resident was inquiring if there's going to be any storm drains on Ladyne and Dale Avenue. Luke's father-in-law has worked for the Muskingum Watershed. Franks said we have had this problem before. He explained if the water is flowing freely, it's a natural waterway. There are some guidelines that would need followed to change the situation. Franks asked Luke if his father-in-law has heard anything from Muskingum yet. Franks said he didn't have a problem putting a line in if Muskingum gives their blessing, in writing, to run a pipe and dump it into the Canal. This has been an ongoing problem. Luke said all the water runs down towards his property and ruins his driveway. Franks said they would probably put the catch basin down by his driveway on Ladyne since that's where the water flows.

Librarian, Jessica Conley, of the Bolivar Library provided a state of the library; also in attendance was the library Director, Michelle Ramsell. Jessica first wanted to thank the Village for partnering with Haueter Landscaping and Tusky Valley High Schools "pay it forward" kids that helped beautify the Library property a couple weeks ago. She also thanked the Village for providing the mulch.

Jessica gave a report on several of the incredible services being offered at the library to include Story Walk which takes place around the perimeter of the library; story books are placed along the property line of the library. The story book not only encourages those to read but get exercise while at the library. She encouraged anyone with kids or anyone in general to come up and check it out. It's fun to just tour around it.

There has also been a new addition inside the building called the Makerspace. The Bolivar library now houses a 3D printer, a cricut machine, a button maker, a sewing machine and a photo scanner. Currently these items are free to use but the price point will be changing.

Another great feature being offered at the library is the "preservation station" that converts old vhs tapes to DVD. This is something that would need to be requested in advance and it would be used inside the library. You can reserve this by going to the website at www.tusclibrary.org and look underneath the makerspace tab you will see the "preservation station" there and be able to reserve it to use at the library.

The library will also be offering two programs to use the cricut and two programs to use the 3D printer for anyone interested in those throughout the summer.

The Library will be partnering with the village to participate at the Strawberry Festival again this year. There will also be a story time in the pavilion. In other news, the library will continue to do outreach to the primary and middle school as well as all of the preschools.

In closing, Jessica pointed out for the year 2016, January-December; the library did 136 programs with over 5,000 people. The library continues to grow.

MAYOR HUBBLE – reported she attended Tree City USA with Tim Lang and Dave Franks. The Village received an award for the 24th year for being a participant. Mayor Hubble reported they had an excellent time; it was an excellent program and meal. She thanked the Village for allowing them the opportunity to participate again this year.

FINANCE: - Lapp moved, seconded by Lang to pass a **RESOLUTION to amend the certificate** of estimated resources in the Towpath Trail Fund in the amount of \$1498.11. The additional money received was generated from an insurance claim to replace a tree struck by a vehicle on the Trail on Ft. Laurens. In a roll call vote, all members present voted yes to approve **RESOLUTION R-7-2017**

Lapp moved, seconded by Lloyd to approve a **RESOLUTION to amend appropriations** in the amount of \$1,498.11 in the Towpath Trail Fund. The

money being appropriated will be paid to Gooding's Nursery to replace the damaged tree from the insurance claim previously noted. In a roll call vote, all members voted yes to approve **RESOLUTION R-8-2017**.

Lapp moved, seconded by Gettan to approve mosquito spraying for the 2017 season in the amount of \$3.50 per minute. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Lang to approve the Ohio Municipal League Grant Finder Program in the amount of \$50.00; which normally costs \$995.00 per year. In a roll call vote, all members voted yes.

Lapp moved, seconded by Gettan to purchase a quality, cross cut shredder for the police department for approximately \$150.00-200.00. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Lang to approve repairs to the dump truck at Cardinal Fleet in the amount of \$1,285.52. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Gettan to approve the purchase of a stainless steel bed for the dump truck at the state purchase price of \$23,202.27 at Concord. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Lang to purchase a bucket for \$935.00 and the brush for \$393.93. In a roll call vote, all members present voted yes.

Lapp moved, seconded by Lloyd to replace the awnings on the police department and town hall buildings. They are the original awnings that are pretty worn out. The cost to replace them is \$1,630.00 at Lehman's Awnings. The price includes removal, replacement and installation. In a roll call vote, all members present voted yes.

Lapp deferred the discussion of the proposed water utility software to the Fiscal Officer. App stated after doing some continued research, since this has been a topic of council for the past several months, she has narrowed it down to a company called Softline data. The Village could upgrade their utility billing system with enhanced features for an initial set up fee of \$1,145.00. The annual maintenance fee is \$540.00 per year compared to our current fee of \$1,300.00; cutting our costs to less than half. This program will allow for online bill pay, credit and debit card processing, e-bills and much more.

Lapp moved, seconded by Vincent to approve Softline Data for the new water utility software. In a roll call vote, all members present voted yes.

.App added, in addition to the water utility software, Softline Data also offers a built in public alert system for an additional annual fee of \$275.00 per year. App reminded council they previously approved a similar company several months back; which has not yet been implemented. Softline's price includes 3000 notifications and free email alerts. App reassured this alert system would not be used to send out weekly updates and messages. This system would

primarily be used for items such as water line breaks, emergencies or anything of urgent nature currently happening in the community. Lapp moved, seconded by Lang to approve the public alert system. In a roll call vote, all members present voted yes.

Before moving on to the next topic, App added that Softline also offers a 90 day money back guarantee if we do not like the utility software.

The next proposed upgrade involves the income tax software. As previously discussed in the April finance meeting, App provided a recap of the tax software on behalf of Heather Lecce the Income Tax Administrator. Heather has extensive experience with a company named Innovative Solutions and highly recommends the software based on its capabilities. Our current software is a bit antiquated; the cost is \$9,960.00 9,960.00 for the initial installation and conversion; with an annual maintenance fee of \$1,500.00. Heather is very familiar with the program as she has used it for a number of years. App weighed the income tax administrator's opinion very heavily when comparing other companies.

Lebold made a motion to purchase the software; Armstrong said it would need to be approved as an Ordinance since it's an annual contract with the option to renew each year. Before continuing with a vote, Lang asked App if she had more details about the tax program. App stated she could elaborate in great detail the aspects of the water utility program since she participated in an online presentation highlighting its features, however, she did not have as many details about the tax software. App added, since the tax department is not her primary function, she relied heavily on the opinion of the tax administrator who could explain the features in detail. App said she was aware however, that the current software is not very efficient.

Discussion continued regarding some basic pros and cons of the existing system. Armstrong added based on discussions she has had with the tax administrator, that the current system was not very user friendly. The current system for both the tax and utility programs has required manual entries of certain functions that have been costly. The new programs are more streamlined and efficient.

Gettan moved, seconded by Lang to suspend the rules. In a roll call vote, all members present voted yes. Lloyd moved, seconded by Lebold to approve an **ORDINANCE, O-19-2017 TO ENTER INTO A CONTRACT WITH INNOVATIVE SOFTWARE SERVICES, INC. FOR INCOME TAX SOFTWARE AND DECLARING AN EMERGENCY**. In a roll call vote, all members present voted yes.

PLANNING – Lebold asked Franks if he had anything to report. Franks said he had a couple calls regarding the property at the three-way stop regarding the zoning classification. Franks stated it's currently being listed as commercial; however, it's now residential because it's been more than a year since it's been a doctor's office. Franks said he told the gentlemen today as well as the realtor.

Lebold asked if Franks had anything on the agenda for the May 4th zoning meeting. Franks noted he didn't have anything at this time therefore the regular meeting will be cancelled on the 4th.

SAFETY – Learned there were several issues discussed in the safety committee tonight. The first issue concerns solicitors which were brought forth by App in the safety committee. Lebold noted there are currently some solicitors attempting to get permits; they are from out of state and have been persistent with canvassing the area without first obtaining a permit. Lebold said he has asked Sgt Hilty, the Mayor and Armstrong what can be done to address this; not necessarily banning solicitors but to place restrictions on the door to door sales. There are certain groups that are exempt from having to obtain a permit which would include charitable organizations.

Council continued discussions as to who would or would not be permitted. Hilty clarified the process for issuing permits would temporarily be suspended at this time. Lebold asked Armstrong if she could have something prepared for additional discussion and review at the next meeting.

Other guests who attended the safety committee meeting included Tom Graef and Michela Huth. They expressed concern about people speeding up and down Canal Street. Lebold noted the speeding starts up by the Dairy Queen then slows down closer to down town. They were having a problem feeling the village wasn't doing enough for speeding. They would like to see a reduced speed limit; however, it's already at the lowest level at 25mph. Lebold added once the downtown project is complete, it will also help reduce the speed based on the proposed new design. In the meantime the police will do their best to help control the speed.

Lebold reported the police had 99 calls in the month of April.

In other news, safety discussed the "Click it or Ticket" banners for placement in the Village right-of-way. Lebold moved, seconded by Lang to all the Village Police Department to place banners in the Village right-of-way. Franks added a banner is already hanging on the outfield fence at the Waterworks ball fields. The campaign runs from May 22 - June 4.

CHIEF – Chief was absent; Sgt Hilty attended in his place. There was nothing additional to report.

STREET & ALLEY - The committee met at 5:30 on April 17. The other committees already discussed the supplies needed for the street department; nothing else to report.

STREET SUPERINTENDANT / ADMINISTRATOR - Franks reported he will be going to ODOT on May 8 for an open house. He would to discuss their paving projects and the three way stop. Route 212 is on schedule for this year.

Franks was contacted by Hennis Nursing Home. They would like to have a car wash on May 20th from 9a-3p in the village parking lot; they made the same request last year but it got rained out. Franks already received three signed waivers. It is a fundraiser for the Alzheimer's unit at the nursing home. Lang moved, seconded by Lapp to approve allowing Hennis to use our facilities

on May 20th provided they sign all the necessary waivers. In a roll call vote, all members present voted yes.

Franks also reported he received a phone call from Bethlehem Township Fire, now known as Erie, that on May 21 Bolivar, Zoar and Erie are going to use the hydrant at the bank from 11a-3p. They are all on a mutual aid contract for any structural fires. They are going to do some training exercises and take the water up to the fire station. Franks feels trainings are a great thing for the fire departments.

SHADE TREE – Mayor Hubble added that the Arbor Day tree planting will be on May 10th at 10:00a.m. The Village purchased a weeping crab apple for the event. The residents from Hennis always come out and help dig holes for the planting. The Mayor invited all of those who are interested to come out and participate.

RECREATION - Met on April 17 at its regular scheduled time. Vincent reported concrete under the bleachers will be installed. Franks said he contacted American Concrete in Mineral City today. They will be digging out the bleacher section at the ball fields on Wednesday as well as two pads on the Trail.

In other news, learned the trail benches are in. April 17th was the first day of baseball season. Lastly, the four (4) dangerous trees along tree line at the back part of the baseball fields have been removed as well as the stumps.

FISCAL OFFICER – App recapped that she attended the CPIM training the first week of April. It was a one day course and the classes were amazing! Learned a lot of great information above and beyond interest rates, Star Ohio and investing. The breach of security class was also excellent! App reported the following week she attended the two day annual Auditor of State Local Government Conference with the Mayor. That training was also phenomenal. Some of the topics included FLSA issues, records management, security breaches and several other courses.

App recognizes it's a continual learning process; anything that can be gained from training and shared with council and employees would be most beneficial. Information from these types of trainings needs to be shared. App said it would be useful for council to participate in a training session, listen in on a recorded session or stop by the office to learn more about the different training topics.

LAW DIRECTOR – There was a third reading by title only for an **ORDINANCE to edit Section 12.3 of the Policies and Procedures manual**. This is a change that provides for the health insurance waiver for the employees. This has been a discussion for a few months now. Since it's a third reading it would require a vote. Armstrong asked if anyone had any further discussion. Lebold moved, seconded by Gettan to approve **ORDINANCE O-20-2017**. In a roll call vote, all members present voted yes.

Armstrong brought forth an ongoing issue that needs addressed. The Village had done some emergency repair work on a water line for a resident outside the corp limits that purchases water from the village. Per the village water rules and regulations provide that anything from the water service to the water line shut off valve is the responsibility of the property owner. There has been some dispute over them claiming the village should pay for it. There is no

record of village council ever approving that the village would pay for such repairs. The individual came to us with a letter from a third party stating that the access road would not disturb their water line but that has nothing to do with responsibility for payment as it was not issued by the village. Armstrong stated it's believed there may have been some sort of oral discussion about it but it was never brought to council.

Armstrong asked council how they would like to handle this because a final cost needs determined a decision needs made and put in writing so he has councils final ruling on the matter. Vincent clarified the only document that exists is from a third party from 1980. Armstrong said yes but it doesn't discuss a payment at all; the letter really isn't relevant. Council has never approved anything and there is no way of knowing at this point if any village official ever made such an agreement back in that time frame. Vincent asked if perhaps the water board approved it. Armstrong stated the water board wouldn't have had the power to approve it and it wasn't in their meeting minutes either. Armstrong stated even if water board discussed it back then, they would have had to bring it to council for approval to become official. Mayor Hubble inserted that the meeting minutes from both council and water board was reviewed closely and there was no mention of anything other than the access road going in.

The Mayor added she had met with the gentlemen and his wife who provided a document from the third party. The Mayor couldn't understand why this third party actually came and did an assessment and basically state in this assessment that there would be no damage to this gentlemen's water line. The letter was from the 1980's and here we turn around and repairs have been done at least three to four times with the most major repair this past time. The solicitor asserted it's still not binding on the Village. The Mayor understands where the solicitor is coming; and being the agreement was verbal, the village has no documentation to back it up.

The solicitor's suggestion, as she mentioned to the Mayor was for this time to cover the expense but from this point further it would not be the responsibility of the village.

Lebold thinks in light of the situation, he agrees with the solicitor. He feels council needs to take care of the situation this time, but in the future, the liability of the water line would be his. There was continued discussion and input. Armstrong's concern is preferential treatment; but agrees with Lebold that there should be language moving forward as to who is responsible.

The Mayor added the one thing that makes this situation unique is the Village access road was built over this gentlemen's water line. The Village proceeded with the project with the assurance of the engineering firm that this water line would never need replaced. Clearly the firm should have never made that promise. Gettan wanted to make sure this situation is truly unique to avoid having this happen again.

Armstrong said she could write a letter to the company who made the statement addressing the concern. Interestingly, the water line material was composed of a thin wall plastic, yet the engineering firm assured them there would never be any damage to the line. The Mayor continued to read the 1980's letter to council.

In closing to this topic, Lebold moved, seconded by Vincent not to seek reimbursement for this expense, but in the future the Village will not assume any

further liability. Vincent added for clarification, the repair involved moving the pipe which is a heavy duty line which will no longer be a problem. In a roll call vote, all members present voted yes.

Armstrong presented a **second reading by title only for an Ordinance to edit section 17.4 of the policies and procedures manual**. This is the section that basically elaborates on how to make a records request. Since it's the second reading, council does not need to take any action unless council chooses to do so.

There being no further business, Gettan moved, seconded by Lapp to adjourn until the next meeting on **MONDAY, June 5, 2017**. In a roll call vote, all members present voted yes.

Mayor Rebecca S. Hubble

ATTEST: _____
Maria A. App, Fiscal Officer

Approved: _____