

The Bolivar records commission met before council.

Bolivar Village Council met in regular session on Monday November 5, 2012. Mayor Hubble called the meeting to order at 7:00 p.m. The Pledge of Allegiance was said and a moment of silent prayer was held. App, Haueter, Lewis, Mariani, Slutz, and Vincent answered roll call. Vincent moved-seconded by Haueter to accept the minutes from the previous meeting, bills paid, and financials. In a roll call vote, all members voted yes. The Clerk then read the bills received for payment. Mariani moved-seconded by Lewis to pay the bills as read. In a roll call vote, all members voted yes.

PUBLIC SPEAKS: Dick Harvey had asked to be put on the agenda. He was given 10 minutes to speak. He wanted to bring the Village Council up to date on the annexation. He has been very concerned about the water and what needs to be done. He made a presentation of the Village's water sources. He said we are in a high area for water contamination. Harvey said the EPA is wrong because they say nothing from the north is connected to Bolivar. He said the EPA is completely wrong. He said when Burfield would use his well, the Village's water wells would go down. If we permit Massillon Materials to do business, we must be required to protect the water for this community. He said we are inter-connected. If Lawrence Township would be over this they would require protections to be in place.

Mayor Hubble said the Public Hearing would begin now.

Atty. Daisher said the zoning code was mis-numbered. The first Ordinance is to amend the code to correct the numbers. Ordinance O-47-2012 is AN ORDINANCE TO AMEND THE ZONING CODE TO CORRECT SCRIVENER'S ERRORS; ESTABLISHING AN EMERGENCY. Mariani moved-seconded by Vincent to suspend the three reading rule. In a roll call vote, all members voted yes. Haueter moved-seconded by App to adopt O-47-2012 as an emergency measure. In a roll call vote, all members voted yes.

Ordinance O-48-2012 AN ORDINANCE TO EDIT SECTION 4D (I/M DISTRICT: INDUSTRIAL AND MANUFACTURING), SECTION 5 (PROHIBITED USES), AND SECTION 23 (PLANNING COMMISSION AS BOARD OF ZONING APPEALS) OF THE ZONING CODE; ESTABLISHING AN EMERGENCY. A public discussion began. Mayor Hubble said that at this time, no one has asked for a zoning change.

Kay Huth said she is against sand and gravel mining. Lawrence Township made regulations to protect our water against these. Will the Village have strict regulations if the annexation goes through? Have Council went into executive session to discuss annexation or with Wengard or Massillon Materials? And if so, why was this not discussed in an open meeting? To where is the sand and gravel to be delivered? Through Bolivar? She was told her 3 minutes were up.

Atty. Daisher said the Village is trying to regulate this. We do not know what Massillon Materials is planning. Nothing has been requested at this time. K. Huth wanted to know why the attorney was addressing this? Mariani said the attorney speaks for Council.

Mayor Hubble said that two (2) of the trustees came to her office to discuss this. She said annexation was brought up by Massillon Materials at a later date. He would have to do this, the village can't. A long discussion was held regarding this. Mayor Hubble asked Mr. Ritterbeck is she should come to a township meeting to discuss this and she was told no. She also talked about the truck traffic on Rt. 212. We can't stop any truck from being on a state route.

Deed restrictions were put in place to protect our Village and our water. The land has only been used as agriculture. This and the approximately 4 (four) septic systems there are the most possible contaminants at this time. It was asked why Massillon Materials want to annex into the Village. Mayor Hubble said because he wants all his land to be in the same place. She said a trustee asked why they don't just pull the Burfield property out of the Village. It was told to us that Massillon Materials does not want to do that. K. Huth said we need to know why. K. Huth got a little worked up at this time as did her daughter, Mishella Huth. Mayor Hubble said having both of the trustees in her office on Tuesday was breaking the sunshine law.

App said the Times Reporter was inaccurate that there was to be an asphalt business there. Mayor Hubble asked if Huth is a resident of the Village. She answered that she has a right to question this.

Linda Harvey asked if Massillon Materials made their bid for the Burfield land on the condition they could annex the rest. Mayor Hubble said No. Did Massillon Material ever state they did not want to deal with Lawrence Township zoning? Mayor Hubble said that was not what she said and she was caught off guard when the paper called.

Bill Huth indicated there was nothing the Village had to do for annexation. Mayor Hubble answered we must accept or deny it after it is approved by Regional Planning.

Mishella Huth of 141 Yant Street if we were amending the ordinance for conditional use so they can add sand and gravel? Isn't that convenient for one company. M. Huth said tax revenue was a reason! You are doing this illegally. She lives 1 ½ block from this and that is not right.

Haueter said that there is nothing to be done on the Burfield property. This is not allowed by deed restrictions.

Mark Welty of 12201 Sherman Church did not know there was a dump behind him when he bought their home. Why are we sitting here discussing another issue with water. He is concerned about his property values. No we potentially have the change to lose our water. Mariani said a lot has been done to secure and safeguard our water. We all drink the same water as they do. We have done a lot to protect the water.

D. Harvey said we accepted a source water plan on false information from the EPA. Harvey said they have to lie because if they say the water comes from the north, they (EPA) will have to say they were wrong by allowing the landfill.

Dwayne Flickenger said they EPA told them the land smell was our sewer system and then roadkill and we trust them?

Joe Kinzle said he is opposed to this change. He said Massillon Materials has 300 to 500 trucks per day.

Shawn Green, not a resident, but will be on an island if this property is annexed is concerned for his two children because it will become dangerous.

Tom O'Dell of Lawrence Township said the Burfield property was purchased by the citizens of Bolivar in tax dollars and they should have a vote on this. Hubble said that is why there are elected officials to represent the people.

She also asked if that is how Lawrence Township handles things? O'Dell said he did oppose the landfill and the EPA is paid in tipping fees.

App said Massillon Materials owns 186 acres. Was zoning ever changed?

B. Huth said zoning was changed after he purchased the property.

App said the Township Trustees were at first concerned about public safety but when they left the Mayor's office, they wanted to know how much money they would get! B. Huth said they could put a sand and gravel operation there but with strict guidelines.

Mayor Hubble asked if Lawrence Township doesn't have a problem with a sand and gravel operation? A long discussion followed.

App said when 2 of the 3 trustees were in the Mayor's office it was in violation of the sunshine laws.

K. Huth said sand and gravel can happen if the Township laws are followed.

Hubble said if we follow the Township laws they wouldn't have a problem with this? K. Huth asked if we would?

D. Harvey said they must show proof that they would not hurt the water before the agreement can be made.

Charles McNutt, a Lawrence Township employee and adjacent property owner to this land said to not go home and be afraid of a new landfill. He worked for 25 years in sand and gravel. Lawrence Township had one for 30 years. Can anyone tell him where it is? He said it will not contaminate and ruin or water or lives. If you have questions, find out the truth. The Bolivar plant was on Welton Road, right next to the current Wilkshire water source. He said even farming can contaminate the water.

Mariani asked Huth what regulations they would want. She said ones that are made to protect the citizens.

Anthony McKinney of Delaware Street is concerned about his property values, noise levels, and dust. He will probably have to take a loss on his property. He is here to say they are against this. He said he feels the Mayor gives double talk.

App said she was told by Massillon Materials would have 120 trucks a day.

This ordinance is a conditional use change, NOT A ZONING CHANGE!

Flickenger said he is a real estate guy and this would be an external circumstance that can effect property values. Proceed with caution.

Dusty Addington of Delaware Street asked if the state has anything to do with the towpath trail area. He was told no, the village owns some as do some residents. Are they going to stop the trail? Mayor Hubble said none of the Burfield land can every be mined. There is a conditional use that will transfer with the land.

Haueter moved-seconded by Slutz to suspend the three reading rule for Ordinance O-48-2012. In a roll call vote, all members voted yes. Haueter moved-seconded by App to adopt O-48-2012 as an emergency measure. Mayor Hubble asked if Council needed any further discussion? In a roll call vote, all members voted yes.

FINANCE – Mariani moved-seconded by Slutz to authorize Graef's to extend Yant Street at their cost. In a roll call vote, all members voted yes except Haueter abstained.

Haueter moved-seconded by Vincent to authorize the Frontier Communications contract to lower our phone charges. In a roll call vote, all members voted yes.

Haueter moved-seconded by Mariani to pay \$598.00 for the copier contract with Copeco. In a roll call vote, all members voted yes.

Haueter moved-seconded by Vincent to pay GPD \$9,000.00 for trail plans. In a roll call vote, all members voted yes.

Haueter moved-seconded by Vincent to pay \$25.00 for the Income Tax Admin to join GOATA. In a roll call vote, all members voted yes.

Haueter moved-seconded by Mariani to accept the bid from Spano Brother for \$94,236.72 for Phase 3 of the trail. In a roll call vote, all members voted yes.

Haueter moved-seconded by Mariani to pay D. Lebold \$500.00 per month to be the project manager. In a roll call vote, all members voted yes.

Haueter moved-seconded by Vincent to pay up to \$850.00 for construction materials for a storage room for police. In a roll call vote, all members voted yes.

Haueter moved-seconded by App to reimburse S. Crowe \$65.20 for mile expense to the Clerk/Treas. Seminar in Hudson and mileage to Staples and Fenton Electric. In a roll call vote, all members voted yes.

Haueter moved-seconded by Mariani to pay \$250.00 to have a limb removed from a tree on Poplar Street. In a roll call vote, all members voted yes.

#### PLANNING COMMISSION – NONE

SAFETY – We are in need of a school crossing guard. The pay is \$9.00 per day.

Auxiliary patrolman Randy O'Conner is needed to be brought on as a part-time patrolman at \$10.25 per hour with a 6 month probationary period. App moved-seconded by Vincent to suspend the three reading rule for ordinance O-49-2012. In a roll call vote, all members voted yes. App moved-seconded by Haueter to adopt O-49-2012 as an emergency measure. In a roll call vote, all members voted yes.

#### ADMINISTRATOR /CHIEF – NONE

STREET & ALLEY – Ordinance O-50-2012 AN ORDINANCE TO LOWER THE SPEED LIMIT ON STRAWBERRY ALLEY; ESTABLISHING AN EMERGENCY was presented to Council. Slutz moved-seconded by Vincent to suspend the three reading rule. In a roll call vote, all members voted yes. Slutz moved-seconded by Mariani to adopt O-50-2012 as an emergency measure. In a roll call vote, all members voted yes.

Ordinance O-52-2012 AN ORDINANCE TO INSTALL STOP SIGNS AT NINE ALLEYWAY INTERSECTIONS; ESTABLISHING AN EMERGENCY was presented to Council. Slutz moved-seconded by Vincent to suspend the three reading rule. In a roll call vote, all members voted yes. Slutz moved-seconded by Mariani to adopt O-52-2012 as an emergency measure. In a roll call vote, all members voted yes.

STREET SUPERINTENDENT – NONE

SHADE TREE – NONE

RECREATION – The fence and signs are being installed and the trees are being planted on the trail.

CLERK/TREASURER – NONE

LAW DIRECTOR – Ordinance O-51-2012 AN ORDINANCE TO CONTRACT WITH THE TUSCARAWAS COUNTY PUBLIC DEFENDER'S OFFICE TO PROVIDE SERVICES TO THE VILLAGE OF BOLIVAR FOR THE YEAR 2013; ESTABLISHING AN EMERGENCY was presented to Council. The cost is \$2,000.00 for the year, same as last year. Haueter moved-seconded by Vincent to suspend the three reading rule. In a roll call vote, all members voted yes. Haueter moved-seconded by Lewis to adopt O-51-2012 as an emergency measure. In a roll call vote, all members voted yes.

There being no further business before Council, Mariani moved-seconded by Lewis to adjourn until December 3, 2012 at 7:00 p.m. In a roll call vote, all members voted yes. The meeting adjourned at 8:35 p.m.

BILLS PAID: MS Crowe	\$1,443.60
DL Franks	3,216.00
Ohio Child Support	706.14
Robert Williams	1,280.00
Mark Myers	1,382.09
CD Hilty	267.61
RD Haugh	2,919.15
Bolivar Income Tax	121.00
The Times Reporter	423.15
Fenton Brothers Electric	397.49
Grainger WW	407.98
Diversified Engineering	1,934.00
.Tusc. Construction Supply	184.80
Environmental Management	543.20
AA Hammersmith Insurance	9.00
Rebecca S. Hubble	20.00
Crowne Chemical	155.00
FJ Lee	113.37
OPERS	.03
Huntington National Bank	949.36

Bolivar Marathon	\$ 5.44
MS Crowe – mileage reimb.	66.38
Staples Credit Plan	101.51
Frontier	308.87
Columbia Gas	106.30
Enger Auto Parts	20.73
Campbell Oil	981.25
Paul Howell	110.00
GPD	11,700.00
Peggy Lawrence	73.50
Krantz Custon Homes	30,434.64
The Carpenter Shoppe	5,849.39
Fenton Broth Electric	168.75
Republic Industrial	296.34
AM Simone	35.18
R O'Conner	186.72
HK Sears	466.25
Tusc. County Treasurer	2,047.13
Oster Sand & Gravel	460.37
Fenton Bros. Electric	180.20
Ream & Haager	18.00
AEP	2,501.55
NR Kenny's Roofing	750.00
HSBC Business Solutions	65.90
PNC Bank	145.93
GOATA	25.00
AA Hammersmith Ins.	598.00
Midwest Radar	135.00
Copeco	598.00
RS Hubble	430.78
CD Williams	650.07
Bolivar Income Tax	69.00
Ream & Haager	15.00
Wilkshire Communications	119.95
Tusc. County Sewer	70.50
Canton City Blue Print	80.34
Verizon Wireless	<u>182.79</u>

TOTAL: \$75,929.67

---

Rebecca S. Hubble, Mayor

ATTEST: \_\_\_\_\_  
Michelle S. Crowe, Clerk-Treasurer