

# VILLAGE OF BOLIVAR COUNCIL MEETING DECEMBER 2, 2013

The Bolivar Village Council met in regular session on **Monday, December 2, 2013**. Mayor Hubble called the meeting to order at 7:01 p.m. The Pledge of Allegiance was said and a moment of silent prayer was held. Haueter, Lang, Lloyd, Marburger and Slutz answered roll call; Vincent was absent. Slutz moved—seconded by Lang to accept the minutes from the previous meetings on November 19<sup>th</sup> and regular meeting on November 4<sup>th</sup>, bills paid, and financials. In a roll call vote, all members present voted yes. The Clerk read the bills received for payment. Lloyd moved, seconded by Slutz to pay the bills for **November**, totaling \$36,055.76. In a roll call vote, all members present voted yes.

**PUBLIC SPEAKS:** Steve Maurer asked about a sidewalk ordinance. He was inquiring if there were any guidelines about keeping the sidewalks shoveled and free of snow. Dave Franks will look into ordinance and let Steve know.

Kay Huth wanted to thank the two new members of the board. She felt the two members were sympathetic at the last meeting when council went into executive session and the public was asked to leave the building. (Refers to being asked to leave the building during the executive session)

Kay Huth stated in tonight's finance meeting there was something said about an increase in insurance due to some "lawsuits". Kay said that was brought up at the meeting and she would like the public to be informed as to what those are. The mayor responded that Mr. Huth has sued the village and Mr. Franks has a lawsuit that is ongoing. The court has ruled in our favor but he has chosen to appeal that. Those are the only two that we have ongoing at this moment.

The one about Mr. Huth suing, Kay asked if it was ever brought up in an open session at any point in a public meeting that Mr. Huth was suing the village. The mayor and Jillian unanimously responded, no. Kay went on to say, "But you are sharing that with the public tonight?" App interjected, "but you are asking". Kay responded, "right...but you're willing to share...I appreciate that it is being shared. Thank you."

Mr. Salapack wanted to say that he enjoyed the Christmas on the Canal. It was a great event with the kids. Thanked all those who made it possible.

Mr. Harvey wanted to volunteer Steve Maurer to shovel the sidewalks. (laughing) Harvey continued on to make the following comments: "I would like to thank the citizens of Bolivar for the decision on the vote. The reason for it is because Bolivar has seen the largest lawsuit that this town has ever seen because of Countywide. A lot of you people have benefited from it. A lot of you people got some money from that, some of you people didn't. But you on the council..."we asked the EPA to protect us...they can't do it". We warned the EPA in 1992 or 1993 that they should not receive special waste in that landfill. They didn't listen to it...they brought it in and of course they got a fire out of it. The EPA does not protect you. EPA would not protect us in the endeavor we were in here not too long ago. I just want you to know I want to thank the citizens here for what they did here in protecting us from what the EPA can't protect us

from. The EPA can't do it. They can fine them but they can't protect us. I want to thank you".

Mrs. Austin wanted to speak about the sidewalks. She reported how in the early years her husband plowed the driveways for their neighbors, etc. She is not about to shovel a sidewalk. She made a mention about people volunteering to rake leaves and shoveling snow. On a different note, Mrs. Austin would like to see an angel at Bolivar Street and Park Avenue. (referring to Christmas angels) She is surprised we haven't received complaints about not having angels at the school. Mrs. Austin loves those angels and would like one on her street. The mayor said we would look into it.

Will & Brie Russman were attending to review plans for the new gas station. The mayor had plans available for them to view during the meeting. She provided a brief overview of the upcoming process and location. Will asked if the sale went through and he was told yes. He also wanted to know if he could get contact information for the new owners. Dave and Dick attempted answering Will's questions. (Kay kept interjecting comments and it was difficult to hear.) Lebold provided detailed information regarding the layout and timeline.

Bill Huth questioned the zoning and procedures for the zoning. Lebold stated the property in question is already zoned commercial/business and the new company meets all the requirements. He added that Dave Franks has checked all the setbacks and are well within the minimum requirements. They have been in compliance with all state and local codes to include our zoning. Dick referenced the Millersburg Bell Store if anyone would like to see what the new location will look like.

Maria App signed out as the Clerk-Treasurer at 7:20pm and asked the Mayor to initial her time card to verify she would not be speaking in her official capacity, but as a resident. App stepped away from the council table and sat with the guests. She announced it was the first time in nearly 11 years that she ever had to remove herself from an official capacity so she could speak as a resident. She reiterated, "The fact that I am a public official does not bar me from speaking as a resident".

Before continuing, App turned to Mr. Huth and told him he does not have her permission to record, reproduce, post on you tube or any other website anything she was about to say. Mr. Huth questioned the village's video recorder. App responded the video would be turned off but he has to turn his off. Huth said, "fair enough".

App stated, "Over the past year, I have witnessed some of the most obnoxious, brazen, disrespectful, rude, repulsive, radical and at times childish behavior imaginable from guests right here in this room. What's worse than the poor conduct is the fact that several of you here have taken what was once a close community and you have divided it with your bitter and contentious attitudes. It is appalling to see how your negativity has spread amongst you like a disease".

It has been a pity the amount of negativity a select group of people have generated in the village during the course of the year. She continued to express that it's heart breaking how the public officials in Bolivar have to constantly endure such ridicule and personal attacks..."who not only get attacked, but they have to guard everything they say...every response to a question in fear you will twist their words".

App said she was most shocked by the hand gesture from a resident during the special meeting in November. She feels bad for the residents who

wish to attend meetings, yet they are subjected to such flamboyant displays every month. "This group" has made it a mission in life to publicly mock, humiliate and defame elected officials both in the village and in the township. Imagine if you put your efforts into something positive instead of playing cut and paste with your websites and you tube videos". App went on to say, "you have turned village council meetings into circuses. As a resident, I find your behavior disgraceful".

Before taking her seat, App went on to thank Mike Haueter for his years of service and dedication to the village and congratulated him on his win in the township. "You have been a tremendous asset and will be greatly missed. I am confident you will do a great job as a township trustee. Thank you!"

App re-approached her seat, signed back in at 7:25 as Clerk Treasurer and again asked the Mayor to confirm the time on her time card. Kay Huth interjected, "we didn't cause this, you guys did by your process". (No response was given)

**MAYOR HUBBLE** – The Mayor publically thanked Mike Haueter for his service with the Village. She went on to say she looks forward to working with him in the township. On a different note, the mayor announced there is an open seat on council and if there is anyone in the village who is interested to submit their intention by calling or sending in a note expressing their interest. Hopefully in the next two to three weeks we will have a committee and will be interviewing the potential candidates. If anyone would like to be on council, now is your opportunity.

"Going back to the meeting we had that was such a fiasco; the only thing I would like to say is if I was found disrespectful to the two of you I did not mean that. There comes a time sometimes that you get to a point that you cannot take any more. I think my action infuriated, Mr. Flickinger isn't here, but it infuriated him when the camera was panning all of us and I waved. As far as the wave goes, that probably wasn't good of me that brought me to a low level and I don't like to conduct myself that way. I feel like all of us should strive to be at a higher standard".

**FINANCE:** - Lloyd moved, seconded by Slutz to dispose of the old council chairs. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Marburger to reimburse App \$54.24 for mileage to attend the Clerk's meeting. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Marburger to purchase a Federal Labor Law poster in the amount of 16.00. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Marburger to pay Tuscarawas County Regional Planning in the amount of \$159.04 for the annual membership fee. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Marburger to approve \$595.70 to GPD Construction for construction documents. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Marburger to approve an additional 90.00 per month for the employees 2014 Aultcare health insurance. (The mayor interjected

the village is keeping the same level of insurance for the employees) In a roll call vote, all members present voted yes.

Lloyd made a motion to suspend the rules to approve an Amended Certificate Number 3; seconded by Marburger. Lloyd made a motion to pass by an emergency certificate number 3 approving an additional \$4307.80 as revenue; seconded by Haueter. In a roll call vote, all members present voted yes.

Lloyd moved, seconded by Haueter to suspend the rules to approve Ordinance O-80-2013 to hire a visiting clerk on a consultant basis in the amount of \$22.00 per hour. Zack Salapack questioned the purpose for a consultant. App explained the village has some compliance issues in the accounting program. There are some things that need changed in the accounting program and corrected before the audit. The consultant will assist in correcting some errors that occurred throughout the year since the new program went into effect. Zack questioned if this is an audit. Discussion followed to clarify the need for the visiting clerk. In a roll call vote, all members voted yes to suspend the rules.

Lloyd moved, seconded by Lang to approve **Ordinance O-80-2013** as an emergency to pay the visiting clerk as needed at a rate of 22.00 per hour. Discussion followed. App reiterated she wants to keep the fees at a minimum and is doing everything in her power to look at areas to cut costs. In a roll call vote, all present voted yes.

**PLANNING:** Lebold stated zoning doesn't have anything pressing at this time therefore the zoning meeting on December 5<sup>th</sup> will be cancelled. The next meeting will be on January 2<sup>nd</sup> 2014. Lebold also mentioned there will be a dedication of the new Towpath Trail Bridge on Thursday, December 5, 2013 at 2pm that is open to the public. The project was handled through Stark County's park systems.

Bill Huth asked if there is a master plan to connect the trail. Lebold said, "No, we were working on that but things have changed since this last vote. The land was voted by the public to revert back to agriculture so we don't know if the Towpath will ever make it through that section. We might have to re-route it". Kay Huth interjected by asking who will be overseeing that the Bell Store Corporation is in compliance during the building phase? Lebold re-iterated our building inspector Dave Franks will oversee setbacks. The actual construction and building of it will fall under the State of Ohio. Planning will work with the company on their landscaping and sidewalks. Lebold said the State heavily regulates.

**SAFETY** - Slutz moved, seconded by Lang to approve a digital audio recorder for the police department. In a roll call vote all members present voted yes.

Slutz moved, seconded by Lloyd to pay Bolivar Service \$172.15 for installing and exchanging tires on the cruisers.

Slutz moved, seconded by Lang to approve paying Midwest Radar to certify two radar units in the amount of 90.00 for both.

Slutz moved, seconded by Lang to purchase three (3) 2014 Ohio Basic Code books totaling \$595.00.

Slutz moved, seconded by Lloyd to suspend the rules to approve the Tuscarawas County Sheriff's Office contract for prisoner housing in the amount

of \$60.00 per night. In a roll call vote, Lang abstained and the vote had to cease. There was not a majority present to suspend the rules with only four voting members since Vincent was absent. App was directed to contact the sheriff to get permission to approve it at the January meeting.

**Administrator/Chief** – Chief Haugh was absent

**Street & Alley** – NONE

**STREET SUPERINTENDANT** – Franks asked, with council's approval, if he can send a letter to the residents with basketball hoops in the roadway to move them so he can plow.

Slutz moved, seconded by Haueter to give Franks permission to send letters to residents.

**SHADE TREE** - Mayor reported that the village is part of Shade Tree USA and plans to attend the annual meeting in April.

Kay Huth had questions about the finance meeting. She wanted to know how people in the public are supposed to know what the total equates to that we read in council. She wanted to know the breakdown of the bills and asked if she can obtain a copy. It was explained to her she can make a request and receive a copy since it's a public record. Back and forth discussion took place as to procedures for obtaining a copy. It was also told that she could view a copy of the bills paid if she chose not to make a records request. Kay also asked about public comment during committee meetings. It was further explained it's not always possible to take public input due to the time constraints.

**CLERK/TREASURER** – NONE

**LAW DIRECTOR** – There was a 2<sup>nd</sup> Reading by title only, AN ORDINANCE TO VACATE THE OPEN PINE STREET ALLEY EXTENSION FROM DIETRICH ALLEY TO EAST STREET IN THE VILLAGE OF BOLIVAR.

There was a 1<sup>st</sup> reading by title only, AN ORDINANCE TO ADD ARTICLE 21: RULES OF CONDUCT IN OPEN MEETINGS TO THE POLICIES AND PROCEDURES MANUAL.

There being no further business, Lang moved, seconded by Marburger to adjourn until January 6, 2014. In a roll call vote, all members voted yes. The meeting adjourned at 7:56p.m.

**BILLS PAID IN NOVEMBER:**

Internal Revenue Service	\$1515.80
Ohio PFPD	\$1800.18
Huntington Bank	98.25
R. Williams	1720.00
S. Long	533.50
Ohio Child Support	706.14
TC Public Defenders Office	2000.00
Campbell Oil	762.78
Ream Haager	15.00
Vicky Gross	90.00
Copeco	54.83
R. Hubble	20.00

Cintas Corp	29.00
Zoar Market	30.00
Newton Signs	144.31
Tractor Supply Co.	118.97
Frontier	376.17
R. Tolley	121.63
Lynn Urfer Tree Service	2450.00
Cross Equipment	213.21
Tusc County Sewer	104.94
Staples Credit Plan	350.78
Weathermakers Heating & Cooling	1714.00
Ohio Municipal League	345.00
M. App	1444.18
D. Franks	2278.14
R. Haugh, Jr.	1927.47
C. Hilty	1812.26
M. Myers	431.72
R. O'Conner	44.78
Columbia Gas	66.20
Enger Auto Parts	128.90
Fitzpatrick Zimmerman & Rose	3526.00
Carrot Top Industries	306.89
Uline	1158.88
PNC Bank	137.45
Tusc County Treasurer (health)	2137.64
Capital One Tire	261.69
American Electric Power	2866.43
Crowne Chemical Corp	114.00
Treasurer State of Ohio	831.36
R.S. Hubble	434.99
Charles Williams	514.14
Cintas Corp	29.00
Verizon Wireless	133.44
Tractor Supply	84.96
Ream Haager Lab	18.00
Huntington Bank Service Fee	52.75
<b>TOTAL:</b>	<b>36,055.76</b>

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Rebecca S. Hubble, Mayor

ATTEST: \_\_\_\_\_  
Maria A. App, Clerk/Treasurer