

Bolivar Village Council met in regular session on Monday December 3, 2012 at the Bolivar Fire Station, because of anticipated large attendance. Mayor Hubble called the meeting to order at 7:03 p.m. The Pledge of Allegiance was said and a moment of silent prayer was held. App, Haueter, Lewis and Slutz answered roll call. Mariani and Vincent were absent. Haueter moved-seconded by Lewis to accept the minutes from the previous meeting, bills paid, and financials. In a roll call vote, all members present voted yes. The Clerk read the bills received for payment. App moved-seconded by Haueter to pay the bills as read. In a roll call vote, all members present voted yes.

PUBLIC SPEAKS – Michela Huth asked if any development agreement has been entered into with Bolivar and Massillon Materials? Mayor Hubble said yes, it is a public document and was not entered into in an executive session. B. Limbacher from the Times Reporter reported on it.

Dick Harvey wondered if we have seen the disaster in Dover at the sand and gravel put in the Times Reporter. A 300 ft. buffer is needed for the Harveys and Greenes. If we go with ODN rules, the buffer is only 50'. Joe Kienzle asked do we care. Harvey asked what is Council going to do about the micro sands that become airborne? What about the couple of hundred trucks of diesel fuel? How is Council going to protect the ground water? The Township has protection in place. Mayor Hubble asked him to please address Council and not the audience. His allotted time was up. Harvey said he has spent thousands of dollars to protect this town and they will not even give him more time to speak. Harvey said 90% of the people of this town don't want this. Is Council going to stop it?

Maria App asked how would the Township handle this? Harvey said they pay their money and go to the board of appeals and then it would be decided on there.

Dwayne Flickenger said it is an external feature and hurts real estate.

Donna Copen said that when she is told someone researches an item she believes them. She has a landfill on one side and now this will be on the other side. It is killing our community.

Linda Harvey said she was giving her 3 minutes to speak to Kay Huth.

Kay Huth said they have been canvassing the community and have given factual information to the people. We only want what is best for the community. The contract? When was it done? There is no reference in the minutes. Clerk-Treasurer Shelly Crowe said it is in the minutes. Huth said if you know 80+% of the population didn't want the annexation, would you go through with it? Mayor Hubble said, yes, if the people had been given the facts. We are not asking for the annexation. Huth said in the contract we made an agreement with them to annex this land. The frustration is that people have not been given the information on this.

Hubble said if the land is annexed, Mr. Wengerd said he will go before the Council to ask for a zoning change from agriculture. Then there will have to be a public meeting.

K. Huth said it is in the contract that the Village would go by ODNR regulations. 80+% of the people are against this. The whole village will be devalued and under ODNR they can run around the clock. The ball fields could be falling in.

M. App asked if they were allowed to operate in the Township? K. Huth said if they go through the proper zoning. Her time to speak was expired and she stopped at this time.

Derek Cook, who is not a resident, said he grew up with a sand and gravel pit in his back yard. The trucks drove between his house and the neighbors. They worked round the clock. It never bothered them. This would be good for the community. He is not dead? The sand particle didn't kill him. He was asked by a resident if they were going to give him a job?

K. Huth said she used Linda's time, she now wants her time. She was told she already spoke.

Joe Rinehart said he was raised in the cemetery business and he would have to travel by a sand & gravel pit on a 90 degree turn. The water quality table is really low here which is a concern. The township has zoning in place to take care of any problems which the Village hasn't. He went on the turn and hit gravel which caused him to wreck. His time was up. He said the gravel on the road scares him to death.

Mr. Tom Winkhart, attorney for Howard Wenger (president of Massillon Materials) talked next. He said he and Mr. Wenger would be available to answer any questions from Council later. He also introduced Jeff Wenger, Howard's son. Lake Region was the successful bidder on the sale of the Burfield property. They worked together on the deed restrictions for the Burfield property. The proposed annexation property is already owned by Massillon Materials. Mr. Wenger felt both tracks of land should be in the same political subdivision. A zoning amendment also has been worked on which the Village does not have yet. A petition for a traditional annexation was then decided on. He attended the last two trustee meetings. He believes there is a small group opposed. A township official is involved in this small group and website activity and seems to be trying to influence the trustees to make a decision. The sand & Gravel operation is allowed in the township even if not annexed. One trustee did voice they did not want to lose the acreage. They are withdrawing their ORC 709.02 petition and are proceeding with ORC 790.021 & 0.023 to let the property taxes stay with the Township. Atty. Winkhart lives in Jackson Township which used to be a rural area. He understands the challenges that go on with Councils. There are four sand & gravel operations running in Jackson Township at this time. The township has never gotten any complaints from any of these operations; they basically just take minerals out of the ground. There is an area with a beautiful lake with condos that was once a sand & gravel area. It is now an up and coming area.

Atty. Brian Barger (attorney for the sand & gravel organization) said he works mainly with mining industry. He was involved in writing chapter 1514 of the ORC on mining. Chapter 1513 has nothing to do with dredging but with coal regulations. There is often times confusion with this. OEPA does the air permits while ODNR the mining activity. To mine, you must have a permit which is good for 15 years and then must be renewed. ODNR regulates from beginning to end of mining (the reclamation phase). They make sure there are no adverse effects on water, land, and neighboring areas. The County Engineer is involved in the roadways. ODNR inspect the site at least twice a year. The permits are all public documents.

Myth: Sand & gravel contaminate water supply and effect water level tables. Fact: A high grade vegetable oil is used in place of hydraulic oil. There will be no water discharged from this site. There will be no blasting. A bond

must be posted to ensure reclamation is completed on the site when it is finished and must be finished within three years of completion of mining. ODNR must be notified each year what area/areas will be affected. It will be reclaimed as a private recreational lake. It must be completed before ODNR will sign off of the site. ODNR does require that a performance standard be put in place so the water cannot and will not be contaminated.

The presentation was very lengthy and involved.

The OEPA focuses on air and water. Air permits must be obtained to protect the atmosphere. Dust issues will be a major concern of the EPA, roadways, air, etc. There can be no noticeable dust on a paved road for more than one minute. It is a violation. No track out of materials can be made out on any public roads (sand, gravel, etc.). Rules are also that there can be no public air nuisances either. Noise levels are also regulated. Truck traffic is regulated through the county and state.

Myth: Townships can zone as they chose. Fact: Townships can only zone for public health and safety, not for other areas. Hours of operation cannot be regulated by townships. Conditional uses: section 519.141 states townships cannot regulate something that is already regulated by the State. This is because the state has already regulated this area.

Atty. Winkhart said Mr. Wengerd fully expects to work with the Council and Village for many years. They are willing to proceed by withdrawing the original petition for annexation and moving to the new petition for annexation.

FINANCE – Slutz moved-seconded by Haueter to pay \$250.00 to Gooding's Nursery for the spot lights at the 3-way stop. In a roll call vote, all members present voted yes.

Haueter moved-seconded by App to pay \$345.00 for Ohio Municipal League yearly dues. In a roll call vote, all members present voted yes.

Haueter moved-seconded by App to pay \$154.09 for yearly Regional Planning dues. In a roll call vote, all members present voted yes.

Haueter moved-seconded by Slutz to pay \$831.36 to renew the Village's water license. In a roll call vote, all members present voted yes.

Haueter moved-seconded by Lewis to pay The Carpenter Shoppe \$240.00 for additional work on the trail signs. In a roll call vote, all members present voted yes.

Haueter moved-seconded by App to pay \$950.00 to conduct a water test on the monitoring well by the landfill. In a roll call vote, all members present voted yes.

Haueter moved-seconded by Lewis to pay \$945.60 for three additional signs posts for the trail. In a roll call vote, all members present voted yes.

PLANNING COMMISSION – The next meeting is Thursday at 7:00 p.m.

SAFETY – NONE

ADMINISTRATOR/CHIEF – NONE

STREET SUPERINTENDENT – NONE

SHADE TREE – NONE

RECREATION – NONE

CLERK-TREASURER – NONE

LAW DIRECTOR – NONE

MAYOR – There will be a special session of Council on Monday December 17th at 5:30 p.m.

A lot of talk over the last several months has bothered her. False information to residents over this land sale and annexation are the major points. That Bolivar Village conducted the sale in secret meetings is false and very misleading.

Kay Huth was told if she interrupted again, she would be escorted out.

The fact is, Council put land up for sale and one bid (Massillon Materials) was received. Mr. Wenger and his son came to the July 16th Street and Alley meeting to discuss this. The bid was accepted at the August Council meeting in public session.

Now for the handout that is being circulated. Noise will not be a factor. Mayor Hubble said she lives close to the Industrial Park and it operates 24 hours a day. Her back yard is across from the railroad tracks and she can hear the factories operating at all hours of the night. If we are going to address noise, then we should address all the noise in the township.

The statement that lots of water will be used is false. Steve Sanes from the EPA told the Mayor that there will not be a problem and no interruption of our water will happen.

The statement the water will become polluted is false. Potential for ground water pollution is high in this area. Steve Sanes said the reason is there is a high probability of contamination from the block plant (which has a retention pond) which the Village has asked for MSDA sheet on, for years, and has never received. Contamination from septic systems in this area, which is part of the reason we no longer rent out the home the Village owns, and the railroad tracks. There will be a ground monitoring device at the gravel pit and also at our water wells. Mayor Hubble said she would never let our water be contaminated.

We are also testing the water at our monitoring well, which hasn't been done in many years. Our Source Water Protection Plan gives the flow of our water and details the areas of possible contamination.

The setbacks at the site, Mayor Hubble believes that Mr. Wengerd will work with Mr. Harvey and Mr. Greene and that there will be protected setbacks for their properties. She will do everything she needs to to protect her citizens. Trucks will be a downfall, but there will not be gravel on the roads. We will also work with the Township Trustees. She believes it is wrong for a township to zone out a business. Mr. Wengerd's property is not in the well-source protection area approved by the EPA.

Also, to date, only two residents (from the Village) notified her they were concerned. None from the township have contacted her. She does not appreciate people coming into the Village stirring up panic among her residents.

In her research she has found that aggregate mining does not impact home values but in the end, property values increased 200%. Steve Sanes from the EPA said all studies in Ohio show there is no proof of sand & gravel contaminating any water. There is less of a chance for contamination from this operation than any other.

Lawrence Township gets their water from an abandoned sand & gravel field in Wilkshire Hills.

The road will be paved; there would be more dust from agriculture than from the sand & gravel operation. We are here to serve the Village and we need to look to our future!

Lewis moved-seconded by Haueter to accept the resignation of Peggy Lawrence from cleaning the library. In a roll call vote, all members present voted yes.

There being no further business before the Council, Haueter moved-seconded by Lewis to adjourn the meeting until the Special meeting on December 17th at 5:30 p.m. In a roll call vote, all members present voted yes. The meeting adjourned at 8:29 p.m.

Bills Paid: Bolivar Service Center	\$48.40
Goodings Nursery and Landscaping	17,425.29
Treasurer State of Ohio	831.36
The Carpenter Shoppe	240.00
Peggy Lawrence	73.50
US Postmaster	160.00
Richard Lebold	500.00
Rebecca S. Hubble	20.00
Enger Auto	66.16
Huntington National Bank	949.30
Campbell Oil	1,413.35
Ream & Haager	15.00
Columbia Gas	126.77
Lowe's	303.36
Glass Lumber	1,132.53
Treasurer State of Ohio	264.35
Bolivar Income Tax	110.10
Ream & Haager	18.00
HSBC Business Solutions	82.69
Ohio Police & Fire	312.00
OPERS	1,922.30
Fitzpatrick, Zimmerman	3,837.00
Tuscarawas County Treasurer	2,310.37
Frontier	380.94
Tuscarawas County Public Defender	2,000.00
USA Blue Book	286.90
HD Supply Waterworks	1,817.93
American Electric Power	2,945.20
Verizon Wireless	182.79
Wilkshire Communications	119.95

Leppo Equipment	179.20
Treasurer State of Ohio	1,250.22
OPFP	1,731.60
Treasurer State of Ohio	404.47
Bolivar Income Tax	174.13
OPERS	3,086.14
OPFP	473.85
Kimble Recycle & Disposal	9,644.40
AM Simone	109.46
FJ Lee	11.72
DL Franks	2,320.19
HK Sears	238.83
R O'Connor	151.63
RA Williams	480.00
RD Haugh	1,988.91
Ohio Child Support Payment	470.76
MS Crowe	965.26
MD Myers	992.85
CD Hilty	220.16
CD Williams	515.16
RS Hubble	430.78
MA App	345.82
ME Haueter	275.78
L Lewis	332.69
D Mariani	218.87
KM Slutz	258.27
MM Vincent	<u>258.27</u>

TOTAL: \$67,423.63

Rebecca S. Hubble, Mayor

ATTEST: _____
Michelle S. Crowe, Clerk/Treasurer