**RECORD OF PROCEEDINGS**

Minutes of The Regular Meeting

Held July 23, 2018, @ 7:00 P.M.

Council met in Regular session with all Councilmembers present, except Austin Scheiner.

Guests Present: Matt Miller, Solicitor; Brian and Rachael Rittenhouse; Tom and Tommy Holmes; John Hall, BPA; and Jeremy Kosch.

The Minutes from the July 9, 2018, meeting were read, and approved as read.

Brian Rittenhouse was given the floor, and he raised the concern about not being allowed to have rabbits and chickens on his property. He stated that his family has six children and they have been raising chickens and rabbits on their property at 530 South Main Street for the last ten years. They use the animals to supplement their food budget and this practice has allowed them to be off assistance for the last six years. He stated that they have never had any complaints about their animals until recently when they accidentally acquired a rooster. The rooster has been removed from the property. He stated that if Council should change the zoning ordinance, then his family should be grandfathered in and allowed to keep their rabbits and chickens. Tom Holmes stated that he has had five chickens on his property for years for the same purpose as the Rittenhouses. Mayor Wobler explained to them that the Zoning Board made a recommendation at their July 10th meeting to change the wording in the ordinance to clarify that “farm animals” includes poultry as was the original intent of the ordinance. He stated he was told that zoning considered the rabbits to be ok, and should Council adopt the Zoning Board’s recommendation then the chickens would have to go. He asked Council for a motion to accept the Zoning Board’s recommendation, however, Council decided to table the matter for further discussion and to get the Solicitor’s opinion when he arrived.

Solicitor Miller was asked his opinion regarding the Zoning Board’s recommendation and the grandfathering possibility. He stated that he agreed with the clarification recommendation, and that both rabbits and chickens would not be allowed in town if the recommendation was approved because rabbits are considered livestock which is already not allowed per the ordinance. He did state that the current owners of rabbits and chickens would be grandfathered in, but that would only apply to the animals that are currently alive, and therefore the number of animals existing on the properties would be expected to dwindle over the years.

John Hall was given the floor, and he introduced Jeremy Kosch, of Paulding, as the interim Operator of Record for the Village’s water and sewer departments. Mr. Kosch will be an independent contractor for the Village. He will take the necessary samples and file the necessary reports to the Ohio EPA for the Village while a new water/sewer superintendent is sought. The Village will pay him $300.00 per month for his services. He has also agreed to stay on and train the new employee should they not have a water and/or sewer license. Mr. Kosch stated that he will be getting some help from the Antwerp employee in October due to his schedule.

John Hall then stated that the water department is bringing in Aqua-Tech next Monday to try to pinpoint two water leaks. These leaks will be fixed first, and then they will look into fixing the one in the water building.

**EMS:** Coordinator Schuerman was not present, so Mayor Wobler updated the Council that there have been eight runs performed by the Payne EMS in July, however, four runs were given up to Antwerp.

Fire Chief Anderson raised the concern that the EMS Squad 54 has not been run in the last three months, and reminded Council that it needs to be run on a regular basis in order to avoid problems with the turbo boost. Mayor Wobler said he would talk with Coordinator Schuerman about the rotation schedule of squads.

**Fire Department, Chief Leroy Anderson** was present and informed the Council that there have been 28 runs year to date for the Fire Department.

He then informed Council that he has received a quote and put in a request for a purchase order in order to have the five pagers fixed. The pagers will cost $130 each to repair, and he will be purchasing five refurbished chargers at $35 each. The cost of purchasing new pagers is $265 per pager plus programming.

Chief Anderson stated that he will be using $251.00 of the Association’s money to purchase new laminate for the sign that the Payne Elementary donated to the Fire Department. He will be purchasing the posts in order to install the sign this weekend. In addition, the Association will be using $50.00 of their funds in order to purchase a used fire nozzle from the Van Wert Fire Department.

Councilman Head inquired if a two year agreement could be implemented for all new fire fighters and EMTs due to the high cost of outfitting and training. Chief Anderson stated that there is already one in effect, however, it is impossible to enforce. He did note that all the new fire fighters receive free training if they are sent to Fire Fighter One school.

**Police Dept. Chief Miller** was present and reported that he has been seeing a group of young boys playing by the pond during the day. The boys are around six years old, are unsupervised, and have been tossing trash in the pond. Chief Miller stated he cleaned out most of the trash and informed the kids that they cannot be throwing things into the pond. Councilwoman Collis raised the question of putting up signs stating children must be supervised, and noted that the cameras and lights should be installed this weekend which would hopefully curb some of the problem. Solicitor Miller stated that the pond would be considered an attractive nuisance and could cause some liability issues.

**Street: None**

**Zoning:** Inspector Tom Sinn was present and informed Council that he has made two trips to Payne in July, however he missed the Zoning Board’s quarterly meeting due to being on vacation. He stated he has received a complaint from Nancy Speice regarding people staying in a trailer on Josh Helm’s property four or five times for about a week at a time. Council did not have an issue with that situation. Inspector Sinn stated he also looked into the work that is being done on the cell tower. He stated that no new construction was occurring and therefore there are no zoning issues with the work being done.

Regarding the chickens, Inspector Sinn stated he would enforce whatever Council decides.

**Correspondence Letters:**

1. Mayor Wobler informed Council that he received the DEFA July 2018 monthly update regarding training opportunities. He forwarded the information to the BPA.

**OLD BUSINESS:**

1. Mayor Wobler informed Council that he has contacted everyone who submitted a bid for removing the trailers at 100 South Maple Street. He stated that the project is in progress as the gas company will be removing their lines on Wednesday the 25th, and the power and phone lines along with all associated poles will also be removed in the near future.

**NEW BUSINESS:**

1. Mayor Wobler informed Council that the BPA reported that Jarrod Child’s last day was July 21st. He has two weeks of vacation that will be paid out after the processing of his last paycheck. The Fiscal Officer stated that no Cobra insurance coverage will be offered to Jarrod since the Village does not employ more than 20 full-time workers. She asked Council if they would want to pay Jarrod’s August premiums as otherwise his coverage will end on July 31st. The Council declined.
2. Mayor Wobler informed Council that he received three estimates to remove the tree at 100 South Maple Street. 1) Bowman Excavating stated he would cut down the tree, remove the wood, grind the stump, and also grind the other stump on the property for $1750.00. 2) For $4450.00, A Cut Above The Rest Tree Service would cut down the tree, haul away the wood, and grind out the stump. 3) Jeremy’s S&S Tree Service would cut down the tree, remove the wood, and grind the stump for $1000.00. However, if the Village did not want the wood removed, he would only charge $725.00. Council decided they would like to have Jeremy’s S&S Tree Service complete the job and ask him to grind the second stump. They figured the cost would be between the $725.00 and the $1000.00 quoted. Lyons made a motion to accept Jeremy’s S&S Tree Service bid and request that he grind the second stump on the property. Miller seconded, and the motion passed unanimously.
3. Mayor Wobler updated Council regarding Brian Martin (Veterans Drive). He stated that Mr. Martin is having his lawyer look at the Memorandum of Understanding and he will get back with the Mayor once the review is complete.
4. Mayor Wobler informed Council that Harrison Township has agreed to haul stone for the Village to fix the drive to the Village’s brush pile and to fix the Maple Street park’s drive/parking area. The only cost involved would be the purchasing of the stone, which would approximately cost between $12 and $14 per ton. Council okayed the purchase of the stone.
5. Mayor Wobler informed Council that the Village may need to advertise for a new part-time street employee as it was his understanding that the current employee only wants to mow and plow, and the Village needs someone who will pick up the leaves, put up signs and perform other tasks. Upon discussion, it was decided that the Mayor would talk with the current employee in order to ascertain his availability and willingness to perform all the job duties associated with the position. Therefore, the idea was tabled until the next meeting when the Mayor will give an update on the situation.
6. Mayor Wobler reminded Council that Rock-the-Block will be on August 4th and 5th. He stated that the electric company was called and a meter for the event was installed today.
7. Mayor Wobler reminded Council that the Quarterly Fire and EMS Trustee Meeting is On July 25th at 7:00 p.m. Councilmembers on the Board are: Austin Scheiner, Randy Miller, and Andrew Head.
8. Mayor Wobler informed Council that he attended the Chamber of Commerce’s quarterly meeting. He stated that the Chamber is willing to do the Community Garden. He updated the Chamber on the progress at the park. In addition, he stated the Chamber met its $5500.00 goal for the refurbishing of the Christmas decorations, and have requested to be able to store the decorations at the Village Hall. The Chamber is also doing a 5K run on July 28th, and the money will be donated to P.A.S.S.
9. Mayor Wobler informed Council that he called in street lights at Oak and Laura, Maple at the elevator, Laura at the elevator, 426 Maple Street, and Townline and Maple. He stated he has called in some of the lights three times and told the electric company that they are on/off intermittently.
10. Mayor Wobler informed Council that the County Garage will possibly install the guardrail at the end of Merrin Street. He is just awaiting confirmation. No cost has been established yet, and it probably won’t be done until closer to harvest time.
11. Mayor Wobler reminded Council that Helping Hands’ day in the park is July 28th. He is meeting Councilwoman Collis at the park on Wednesday at 5 p.m. in order to strategize and set up. Council is welcome to attend that meeting. The Mayor stated he will be power washing the playground equipment prior to Saturday in order to get it ready to be painted. Some of the equipment will need to have primer applied prior to painting. He also stated that Treece Electric has replaced the wind damaged pole and breaker box at the park, so electricity is available. Councilwoman Collis stated that the Ball Association was scheduled to paint the dugouts on Saturday, but she does not know if they still plan to attend as they haven’t returned her calls. If they do not show up on Saturday, then her other volunteers will paint the dugouts if they have time. Councilman Miller stated that he does not believe there will be any Taylor Made volunteers at the event, but he still plans on providing coolers for the water and Gatorade. The event is slated to start at 10:00 a.m. and continue until 5:00 p.m. Councilwoman Collis will have sign-up sheets for volunteers, and all supervisors will have on blue shirts donated by Thrivent.
12. Mayor Wobler had the Fiscal Officer explain several forms from RITA that the Council needed to make decisions on. The first form was the “Option of Printing Village of Payne Name on Forms.” Council approved for RITA to place the Village’s name on income tax billing statements and on Individual Income Tax Postcards. The second form gave Council the options of: 1) authorizing RITA to negotiate tax payer abatement requests for ALL current and future assessments of PENALTY AND INTEREST, 2) authorization for penalty only, or 3) having all taxpayer requests for penalty and/or interest abatements referred to the Village. Council approved RITA to make all penalty and interest abatements for the Village.
13. Mayor Wobler addressed a request from Greg Laukhuf regarding mowing assessments made on 235 South Maple Street. Mr. Laukhuf had sent in the full $500.00 billed to 235 South Maple Street for Mrs. Slone. However, he requested a refund be made back to her of the $200.00 due for the mowing that occurred on June 14th. He stated in an e-mail that they had hired a person to mow the grass, and therefore, the Village should not have mowed the property in June. Council agreed to refund $200.00 to Mrs. Slone for the June 14th mowing.
14. Mayor Wobler introduced Resolution 2018-M, a Resolution to increase appropriations in the General fund for trailer/tree removal, and solicitor fees. It also increased appropriations in the Sewer Operating Fund for wages and accompanying OPERS withholdings. Miller made a motion to suspend the rules. Zartman seconded, and the motion passed unanimously. President of Council, James R. Miller read Resolution 2018-M. Head made a motion to adopt Resolution 2018-M, Lyons seconded, and the motion passed unanimously.
15. Mayor Wobler informed Council that Jackie Bennet at Taylor Made sent him an e-mail requesting the Village sign up on the actsofservice.com website.
16. Solicitor Miller gave an update to Council regarding the Frontier termination fees. Frontier is unwilling to waive the termination fees. However, they do not have a written contract and possibly not even a verbal one stating the Village agreed to a one-year contract. His suggestion is to wait and see what they actually bill the Village and then make a determination as to whether or not the Village is going to pay the fees.
17. Solicitor Miller then addressed the hiring on a new water/sewer superintendent. He stated that the BPA does the hiring, but their choice is subject to approval by the Council. John Hall of the BPA was called in and he stated that the BPA will be putting an advertisement in the Paulding Progress and the West Bend News for the open water/sewer superintendent position. It was agreed between the BPA and Council that the BPA would bring their recommendation to Council for approval and will also submit their recommendations as to what the salary range will be for a new employee. Some ranges discussed were $10-$15 for a new employee without a license, and $18.50 to $20 for a new employee with a license.
18. Councilwoman Lyons stated she gave the Safe Routes to School Grant presentation today. She was told by Beth Clark that it went well, and hopefully the Village will receive the full amount requested.

**Good and Welfare:**

1. Mayor Wobler and Council would like to thank Kent and Nancy Meeks for their many years of service to the Village of Payne in operating the Super Value grocery store. You will be greatly missed.
2. The Mayor and Council would like to thank Clint Vance for taking the aerial photographs of the Village that were instrumental in helping with the Safe Routes to School Grant.

Miller moved to pay the bills, Zartman seconded and the motion passed unanimously.

With no further matters to discuss, Collis moved to adjourn, Lyons seconded, the motion passed unanimously, and the meeting adjourned at 9:04 p.m.

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Mayor Steve Wobler Fiscal Officer, Zoe McMaster