**RECORD OF PROCEEDINGS**

Minutes of The Regular Meeting

Held May 10, 2021, @ 7:00 P.M.

Council met in Regular session with Austin Scheiner, James R. Miller, Andrew Zartman, Lora Lyons and Andrew Head. Steve Wobler and Kevin Wannemacher were absent.

Council President Austin Scheiner presided over the meeting in the absence of Mayor Steve Wobler.

Guests Present: Fire Chief Jesse Hefner, EMS Coordinator Sadie Litzenberg, Priscilla Kadolph from the Paulding Progress and Payne resident Ron Etzler.

The Minutes from the April 26, 2021, meeting were read, and approved as read.

**EMS: Coordinator Litzenberg** was present and reported the following to Council:

1. There has been one run this month.
2. She has received the DEA registration which is the next step towards being able to offer Advanced services.

**Fire Department: Chief Hefner** was present and reported the following to Council:

1. There has been one run this month which was a mutual aid with Paulding.
2. The fuel tank has electricity. The tank still needs a fence around it. He does have locks for the fence. Council asked that the tank not be filled until the fence has been installed. Council President Scheiner will get in touch with Mark Holtsberry concerning the installation of the fence which will include one gate.
3. The engine light on Truck 52 is on. Jay Lamb will be contacted to diagnosis the issue.

**Police Department: Chief Miller** was not present. Council President Scheiner reported to Council the following:

1. The Village has mowed the property at 214 Maple Street in 2020 and has had to mow once in 2021. The invoice that was mailed for mowing in 2020 was returned due to the death of the homeowner. Council President Scheiner is checking with Police Chief Miller and Solicitor Miller to see if the Fiscal Officer can certifiy the mowing charges to the taxes of the property at 214 Maple Street.

**Street: Council President Scheiner** reported the following to Council:

1. The zero turn mower is at Homier’s for repairs and should be fixed soon. A discussion concerning the lease on the mower followed.
2. The PTO on the John Deere tractor is leaking hydraulic fluid. Josh Fraley will take the tractor to Homier’s or Kenn-Feld for repair after the mower repair has been completed.
3. The cameras donated by Ruth Eschbach have been installed. The app with the video should be up soon. A thank you note will be sent after the app is up and running.

**Zoning: Inspector Tom Sinn** was not present. Council President Scheiner reported the following to Council:

1. The quarterly Zoning meeting has been rescheduled for May 24, 2021. Anyone is welcome to attend.

**Committee Reports:** There were no Committee Reports.

**Correspondence Letters:**

1. Council President Scheiner informed Council that a notice has been received from the BWC stating that the open enrollment to chose the managed care organization runs from May 3 to May 28, 2021. The current manged care organization is Sedgwick. To remain with Sedgwick no action is necessary.
2. Council President Scheiner informed Council that a notice has been received from RITA stating that the Ohio Supreme Court recently ruled that the Ohio General Assembly had no authority to impose the .5% fee on municipalities through the Net Profit Opt-In program. As a result of that ruling, the Ohio Department of Taxation will be refunding to communities any administrative fees that it collected from the inception of the opt-in program, plus interest calculated from March 25, 2020 through the date of the payment.

**OLD BUSINESS:**

1. Council President Scheiner informed Council that Josh Fraley did meet with Wagner Metals. Wagner Metals will finish the pavilions at the Village Park for $1500.00 as they stated last fall. They would like signage at the Village Park to acknowledge their work. Wagner Metals has been asked for a quote for a pavilion and to at Buckeye Park. That quote has not been received.
2. Council President Scheiner stated that at the last meeting he reported that the Village participated in the RITA non-filing letter and subpoena program. However, after researching, he discovered that the Village has only participated in the non-filing letter program. For 2020-2021, 141 non-filing letters were sent. The liabilities established were $4702.00 and the the amount collected to date was $3150.00. There was no cost to the Village for the non-filing letter program.
3. Payne resident Ron Etzler discussed the SRTS project with Council and concerns he had about the sidewalks in front of his property, the repair of the lawn after the sidewalks are installed and the tree in the boulevard at his property. The Council listened to his concerns, looked the SRTS contruction map and answered his questions to the best of their knowledge.

**NEW BUSINESS:**

1. Council President Scheiner presented Council with a list of streets and alleys to potentionally be repaved this summer. The list is as follows:

Merrin Street from Hyman Street to Foraker Street

Oak Street from Maple Street to School Drive (butt to SR 49 on both sides)

Laura Street from north edge of RR crossing to North Street

North Street from Maple Street to SR 49

Maple Street from SR 500 to Townline Street

Hyman Street from SR 613 to Merrin Street

Tucker Street from SR 49 to Maple Street

Union Street from Laura Street to SR 49

West Street from Fox Avenue to SR 49

First alley east of SR49 on Oak Street from Oak Street to Townline Street

Councilman Miller suggested adding the first alley east of SR 49 from Merrin Street to Oak Street. Councilwoman Lyons suggested adding Mustache Street. Council President Scheiner added that some repair work is needed on Brians Drive. He also stated that $120,000.00 was budgeted for the paving and that Brooks Paving, ALS and possibly one more company will be contacted for quotes.

1. Council President Scheiner explained to Council that when the Fiscal Officer did the 2021 budget the Capital Improvement Community Park (Buckeye Park) project was included in Fund 4903 Captial Projects. However, ODNR has requested that it be recorded in a separate fund. The Fiscal Officer suggests establishing Fund 4901 for the Capital Improvement Community Park (Buckeye Park) project. Councilman Head made a motion to establish Fund 4901 for the Capital Improvement Community Park (Buckeye Park) project. Councilman Miller seconded and the motion passed unanimously.
2. Council President Scheiner introduced Resolution 2021-J, a resolution to amend appropriations to adjust funding in Fund 4903 Capital Projects and add funding to Fund 4901 Communtity Improvement Community Park for Buckeye Park, and declaring an emergency. Councilman Miller made a motion to suspend the rules, Councilman Zartman seconded, and the motion passed unanimously. President of Council, Scheiner, read Resolution 2021-J. Councilwoman Lyons made a motion to adopt Resolution 2021-J, Councilman Zartman seconded, and the motion passed unanimously.
3. Council President Scheiner reported that the EMS refusal fee of $75.00 was discussed at the quarterly meeting with the Benton and Harrison Township Trustees. At that meeting, a decision was made to continue to charge the $75.00 refusal fee, however if the fee was not collected by Medicount, not to pursue the collection with the Ohio Attorney General. Councilwoman Lyons made a motion to agree with that decision and charge the $75.00 but not to pursue the collection if Medicount did not collect the fee. Councilman Miller seconded and the motion passed unanimously. Councilman Head reported that overall the meeting with the township trustees went smoothly.

**BPA:** Mayor Wobler informed Council about the following concerning the BPA:

1. The Martin vs Village of Payne lawsuit has concluded. The appellate court ruled in favor of the Village of Payne.

**Good and Welfare:**

Council would like to thank the residents of the Village of Payne for their cooperation and patience in working with the SRTS contractors.

Councilwoman Lyons made a motion to accept the financial reports as presented by the Fiscal Officer. Councilman Zartman seconded the motion, and the motion passed unanimously.

Councilman Head moved to approve the payment of bills presented, Councilwoman Lyons seconded, and the motion passed unanimously with Councilman James R. Miller abstaining from voting on any payments to Rodney Miller.

With no further matters to discuss, Councilman Head moved to adjourn, Councilman Zartman seconded, the motion passed unanimously, and the meeting adjourned at 7:58 p.m.

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Council President, Austin Scheiner Fiscal Officer, Rhonda Stabler