

SPECIAL COUNCIL WORKSHOP MINUTES
VILLAGE OF MANTUA, OHIO

DECEMBER 16TH, 2014 6:00 p.m.

CALL TO ORDER: 6:00 p.m. by Mayor Linda Clark, then she led the Pledge of Allegiance

ROLL CALL: Giles Seith, Ben Prescott, Marty Hura, John Clark, Bill Zoller, Paul Janson

OTHERS PRESENT: Mayor Linda Clark, Clerk-Treasurer Jenny August, Police Chief Harry Buchert, Village Solicitor Michele Stuck, Assistant Clerk-Treasurer Ashlee Hawkins

CITIZENS: Scott Rafferty from Northshore Energy

DISCUSSION:

The reason for this workshop is because Mayor Clark received an e mail about gas aggregates. Michele and Mayor have been talking to Scott and Nopec.

- Scott explained to council the deregulation timeline. He went over how a gas aggregate would work and what would need to be done to do it. He also discussed some of the challenges that we could face if we did a gas aggregate. Examples being that at some point, everyone has to take a position in the market. Are we going to be able to time the market correctly, and can we do better than what the business can do on their own? Scott did talk a bit about electricity and how that type of aggregate worked as well.
- Chief Buchert asked if we would be liable for kilowatt hours not used. Scott stated that you are obligated to the certain hours bought. You have ability to go higher and lower. Depends on the type of contract, some will penalize if going over. Some will allow to go 100% over or under. Reading the contract is important.
- Ben Prescott asked if would be cheaper if everyone went together and did this.
- June, July, and August have a higher default rate. You get a percentage off the default rate when you are in an aggregation program.
- Gas and Electric markets are volatile right now.
- Scott stated fracking was the game changer. The US is now number one in natural gas. Scott stated that per his research, natural gas will be traded \$4.40-\$5.50 over the next 3 years. There are 6 coal plants being closed in Ohio because of the clean air act.
- Giles stated that the natural gas and crude oil industries are heading toward disaster right now and that we should be buying, not talking about buying. Scott stated that it's a great time to be buying natural gas. In the last 60 days, natural gas has swung by \$.90 in seven consecutive trading days. It has not done this in the last 10 years.
- John Clark asked if there is a reason to go to residents about this. Scott said that we would have to ask if we are prepared to lock in a price and are we prepared to answer the questions from the residents when they state that they no longer want to be in the aggregate anymore.
- Giles Seith asked what the timeframe is to be locked into this. Scott said 12-36 months, month to month. Linda stated that with Northshore, we can lock in for 12 months. Nopec is quarterly rate and is variable, Buckeye is locked in for 2 years.
- John Clark asked if the village locks in the rate or does the consultant. Ben Prescott stated that if we are the ones who have to lock in the rate to just forget it because he does not have the expertise to do so. Mayor stated that consultant would be sending information but we would be the one to make the decision to lock in the rate. Scott stated that he just wants everyone to understand all the facts, not telling us to go one way or the other
- Giles asked if billing stays the same that we have now. Scott stated that in most cases, the suppliers can integrate their price into the utilities part of the bill so we would get one bill.

- Giles asked “how much is this going to save us?” Scott stated that it’s like a stock. Have to have a starting point when talking about saving. We would have to look at everyone and find out what they are paying and see if we could get a lower rate. We could save money for some but not others.
- Letters go out and say the village has made a decision to lock in a gas rate and if we don’t hear from you, we are going to lock in your rate. It’s called an opt out process in the state of Ohio, not legal to do in all states.
- Scott stated that the decision maker may not get the letter about the rates. The letter is just addressed to the service address, not the decision maker.
- Bill stated that we are here to decide if we want to put this on the ballot, the residents would have the option to opt out as long as they get the letter.
- John Clark asked if it’s a negotiable price or a commodity price, or combination of both, Scott stated combination of both.
- Scott stated that we need to ask, do villagers need this from us, or can they get educated and make the decision on their own?
- Marty stated that everyone can make their own decision right now, Mayor Clark stated that they can.
- Mayor Clark stated that if we do this, there is a chance that the residents could come to us if we lock in at higher price then what they could have gotten on their own.
- Ben stated that Scott stated its better for businesses to do it on their own, does not see why we need this. Linda stated that she was thinking about the seniors in the village that may not think to do this.
- Marty stated that to him, it’s a no brainer, we are just asking them if they want us to do it. Even if they say we can, doesn’t mean we will because it depends on what the rate is. We cannot do anything without their approval. The only way to ask them is to put it to a vote.
- Bill Zoller stated that it’s another service that we can provide to them, once it’s passed, residents do not have to take part in the program.

Motion to adjourn made at 6:54, all ayes

Linda Clark, Mayor

Assistant Clerk-Treasurer Ashlee Hawkins

**Village of Mantua
Regular Council Meeting
December 16th, 2014
7:00 p.m.**

Mayor Clark called to order at 7:02 and led the Pledge of Allegiance. Moment of silence for Jerry Hooie and Norm Park

Roll Call: John Clark, Marty Hura, Paul Janson, Ben Prescott, Giles Seith, and Bill Zoller

Others Present: Mayor Linda Clark; Clerk-Treasurer, Jenny August; Village Solicitor, Michele Stuck, Police Chief Harry Buchert; Village Administrator Kate Rogers, Assistant Clerk-Treasurer Ashlee Hawkins, Village Engineer Rich Iafelice

Citizens Present: Mary Greer, Jennifer Sobczak, Dan Pompili of the Record-Courier, Stacy Turner of the Villager.

MINUTES:

- ❖ Motion to accept the minutes from the November 18th, 2014 Council Meeting made by Ben Prescott, 2nd by Marty Hura-**All Ayes**

MAYORS REPORT:

- Since we have a lot to talk about, I would just like to wish everyone a Merry Christmas and Happy New Year.

CITIZENS:

Mary Greer 8783 Weaver Rd, Shalersville- She is here about injection wells in Portage County. Her purpose tonight is to bring us information from the county that we all need. The number of barrels full of waste from fracked wells which comes from other states and Ohio is rising. Wells consists of water, chemicals and radioactive elements that can never be remediated. They must be disposed of by injecting deep underground through fresh water aquifers into rock formations between 4000-6000 feet where seismic activity may exist. Some people say aquifers are safe since pipes are cemented, because rock layers are deep and there is plenty of water on earth. All false, no one can promise integrity of wells since cement fails. No one has studied effects of chemicals on rock formations. Fresh water is limited and frack water is lost forever. Portage County has 18 active wells, 8 more permeated wells, and 13 abandoned that are not used but could be reopened if needed. Portage County is 2nd only to Trumbull County in the amount of waste that we receive, and this year we will be number one. Ms. Greer passed out a chart that shows how many barrels of waste have been received here. All numbers are ODNR numbers from 2013. Almost 2 million barrels have been brought here, 42 gallons in a barrel. Natural gas being fracked is creating frack waste, and Portage County is the one getting all the waste. ODNR predicts that 17 times more product will be coming our way in the next decade. Natural gas is coming from South East Ohio. Individuals have the right to contract for wells on their land in order to receive profits. This was very acceptable and reasonable in past years. Wells can lead to loss in property value and poor water quality. We have 18 wells and it would only take one to go bad to ruin the water we have. She would like to come back next month to give us more info.

FINANCIAL REPORTS: (presented by Jenny August)

- First I would like to wish everyone a Merry Christmas.
- The bids for our audit were opened on Nov. 4 at the Auditor of State's Office. They selected the top five audit firms and provided me with information on each. With this information, (which was over 100 pages of painfully boring reading) I was to rank them, and the one I chose was given an extra 5 points added to the State Auditor's score. I liked Charles Harris & Associates. I got the final word last week that our audit will be done by Charles Harris & Associates, and I am looking forward to it. They do a lot of audits for municipalities around here and are easy to get along with.
- You all have the November financial reports, so call me if you have any questions.

- To summarize, we received \$158,102 in revenues. Some of the mentionable money this month was our license tax check. Typically we get about \$3,000 per month, but this month the check was \$27,000. Thank you AWL and Sierra trucking!
- We spent \$157,286 in operating and payroll expenses.
- We should be averaging 92 % in revenues, and overall, we are at 97 %.
- The water & sewer and the tax software programs balanced with the UAN and bank.
- Jenny asked for authorization to pay bills that are signed by department heads that come in for the rest of the year.
 - ❖ Motion to approve financial report by Ben Prescott, 2nd by Marty Hura-**all ayes**
 - ❖ Motion to allow clerk to pay bills that come in between now and end of year that are signed by department heads made by Ben Prescott, 2nd by Marty Hura-**all ayes**

CORRESPONDENCE:

- We received the unemployment rate for 2015. Last year we paid .7% unemployment tax which totaled \$1,734. Our rate for 2015 will be 3.4% which is more than quadruple our current rate!
- We also received our renewal from SummaCare. We will see a 13% increase this year in medical costs. This is not so bad, because last year when everyone else went up 15-25%, we went up 3%. Medical Mutual was the closest in price, but our employees would have had a \$2,500 deductible.
- House Bill 5 relating to local income tax cleared the final legislative hurdle last week when the House of Representatives passed it 60-32. The last thing will be approval by Governor Kasich. Some of the notable changes are allowing 5 year loss carryovers, which we already allow. The other is that independent contractors and “Occasional entrant workers” can now work in the village up to 20 days without paying income tax. I think we will feel that one, but I can’t give you an idea of how much it will hurt us. Taxpayers can apply losses to other municipalities, which may hurt us somewhat. We have people that own rentals in other cities. Currently they can only claim losses for their Mantua properties, but now they can claim all of their losses in all cities. Lastly, there is something about not allowing municipalities to tax certain retirements, which we already do not do.
 - John Clark asked if the 20 days on the independent is consecutive or cumulative, Jenny stated it would be consecutive.

BILLS OF RESOLUTION:

- ❖ Motion to approve the Bills of Resolution and Addendum Bills of Resolution made by Ben Prescott, 2nd by Paul Janson-**All Ayes**

LEGISLATION:

ORD. 2014-10 AN ORDINANCE AUTHORIZING THE MAYOR OF THE VILLAGE OF MANTUA TO ENTER INTO AN AGREEMENT WITH THE DISTRICT COMMISSIONERS OF THE PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE COLLECTION OF RECYCLABLES FROM MANTUA VILLAGE AND DECLARING AN EMERGENCY. *Tabled on 3rd Reading.*

- ❖ Motion to take off table by John Clark, 2nd by Ben Prescott-**all ayes**
- Mayor Clark attended a meeting last Monday with EPA. They have a draft for the recycle in place, hoping to have approved by the end of January. We would not have to have a consortium, and we don’t need Portage County Solid Waste’s permission to go to someone else for recycling. We can bid out for recycling if we choose or stay with county. If we bid, we can include the County. There are certain regulations by not going with the county; they have 7 items that the company we choose must recycle. The County has decided they will only do cardboard at their plant and continue to outsource plastic and glass because equipment is failing. Would have to attend a meeting yearly to do our own and make sure recycle carrier is audited yearly.
- John Clark stated that the draft is on the website, chapter’s 4-7 is best to look at.
- Michele stated right now the agreement with the county, because we are not in a contract with them, we can continue to have recycle collected month by month. When we sign a contract with a private company, then the county will bill us for the number of months that we used. She feels that there is no need to have the contract, if we sign the contract and then decide to use a private company, we would have to cancel the contract with the county and then they would bill us and then we would have to worry about refunds. Arrangement now is that they bill us after the fact and no more.

- Ben Prescott stated that we should just vote this down and Michele said that is her thought. It's the cleanest way to handle it.
- ❖ Motion to approve by Ben Prescott, 2nd by Marty Hura-All No's

ORD. 2014-44 AN ORDINANCE AMENDING SECTION 2.1 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO PROMOTIONS. *3rd Reading.*

- No discussion
- ❖ Motion to approve by Ben Prescott, Marty Hura-all ayes

ORD. 2014-45 (amended) AN ORDINANCE AMENDING AND RENUMBERING SECTION 2.4 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK RELATING TO APPOINTMENT OF RELATIVES. *3rd Reading.*

- No discussion
- ❖ Motion to approve by Ben Prescott, 2nd by Marty Hura-all ayes

ORD. 2014-47 (amended) AN ORDINANCE ENACTING SECTION 2.4.A.8 OF THE VILLAGE OF MANTUA EMPLOYEE HANDBOOK, RELATING TO APPOINTMENT OF ACTING DEPARTMENT HEADS. *3rd Reading.*

- No discussion
- ❖ Motion to approve by Ben Prescott 2nd by Marty Hura-all ayes

ORD. 2014-48 (amended) AN ORDINANCE APPROPRIATING FUNDS TO RUN THE VILLAGE OF MANTUA DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015, AND DECLARING AN EMERGENCY. *3rd Reading.*

- Mayor Clark said that at last meeting, there were a few things that needed to be corrected, Jenny printed off a new corrected copy of the appropriations.
- ❖ Motion to approve, Ben Prescott, 2nd by Marty Hura-all ayes

ORD. 2014-52 AN ORDINANCE ESTABLISHING THE SALARY OF THE MAYOR OF THE VILLAGE OF MANTUA, OHIO FOR THE TERM COMMENCING JANUARY 1, 2016. *2nd Reading.*

- Let go until next month

ORD. 2014-53 (amended) AN ORDINANCE AMENDING SECTION 941.14(I) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF MANTUA IN ORDER TO INSTITUTE A SEWER CHARGE REDUCTION FOR WATER USED TO FILL SWIMMING POOLS. *2nd Reading.*

- No discussion

ORD. 2014-54 AN ORDINANCE ALLOCATING FUNDS REMAINING IN THE POLICE DEPARTMENT BUDGET AT THE END OF 2014, AND DECLARING AN EMERGENCY. *2nd Reading.*

- Jenny stated that she sent an e mail to Jim Armeni who is our regional Auditor, he advised against it. He said that in his opinion, it's not a good financial move, stated that council should learn from past council mistakes. He said it is a council decision.
- Chief Buchert asked if he was talking about both parts of the legislation and Jenny said that she just talked to him about the unspent appropriations. Chief asked if there is an issue from the School Resource Officer, Jenny stated no.
- Chief Buchert asked if we are going to be able to transfer the \$1704 into Police Capital. Jenny stated it would be up to Council and that we would have to do legislation. Jenny stated that the bill was paid by the General fund. Chief Buchert stated that his appropriations were not increased by \$1704 that we received. Jenny stated that he has thousands left in unspent appropriations. Chief Buchert stated that he is asking that we take \$1,000 from the un-appropriated amount and the \$1704 and transfer it to police capital.
- Chief Buchert said that he has no problem deleting section one if it will help pass this. Said we can wait and discuss at safety
- John Clark asked if we can amend so we don't have to go to 3rd reading. The Mayor said that they can tonight. Chief Buchert stated that the only difference is that you can't put in the amount of monies in.
- Chief said he will bring it up at Safety next month

RES. 2014-56 A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS AND THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS, NECESSARY TO MEET 2015 DEBT SERVICE REQUIREMENTS, AND DECLARING AN EMERGENCY. *1st Reading.*

- ❖ Motion to suspend the rules by Ben Prescott, 2nd by Paul Janson-**all ayes**
- ❖ Motion to approve by Ben Prescott, 2nd by Paul Janson-**all ayes**

ORD. 2014-57 ADOPTION OF 2015 CALENDAR, AND DECLARING AN EMERGENCY. *1st Reading.*

- ❖ Motion to suspend the rules by Ben Prescott, 2nd by Marty Hura-**all ayes**
- ❖ Motion to approve by Paul Janson, 2nd by John Clark-**all ayes**

DEPARTMENTAL REPORTS:

Police Chief, Harry Buchert

- Asking for acceptance of donations for k-9 program
- ❖ Motion to accept donations by Ben Prescott, 2nd by Marty Hura-**all ayes**
- \$5825 in donations so far, still have some to come in
- Safety is Jan 7 at 6pm
- Wishes everyone a Merry Christmas and happy new year

Village Administrator, Kate Rogers

- A lot of small projects are getting done because of the good weather.
- The village is saving money on wages and salt because of the good weather.
- Cold patch coming this week.

C.T. Consultant Engineer, Rich Iafelice

- Happy Holidays to everyone
- Continuing dialogue with county regarding water and sewer, anticipates more discussion next year after talking to county director. Appears that they are supportive of the idea and have to see if it will work for the best of both parties.

COMMITTEE REPORTS:

John Clark for Service and Shade Tree

- There was no meeting this month, we will have one in January.
- You can tell by bills of resolution that a lot of work has been done at the water plant. A lot of the equipment is coming in. Talked about issues that will tie back to the county. Talked about sewer from the far north end.
- Final vote is tallied for road levy and it has passed and thank you to all residents who voted for it.

Marty Hura for Parks

- New green roof on park lodge building and it looks great
- From him and Diane, have a very Merry Christmas and Happy & prosperous New Year

Mayor Clark for Planning, Cemetery, and Board of Zoning Appeals

- The Planning Commission is setting their sights on what we are going to do for the New Year. Working on site plan review, but it's not the number one thing. The number one thing is sub division regulations. R-2 Density, reviewing property density that has to do with structures.
- Nothing going on with Board of Zoning Appeals.
- Cemetery board gave list of proposed things they would like to get submitted to cemetery trustees. Probably will be some adjustments to it. We don't usually do 30 mowing's, we have not put it out to bid yet to see if can get a better price, we usually do 20 mows. Kate stated that this year we did 15 at \$250 for a total of \$4,000. Mayor Clark said that we removed at least 15 trees. We just started replanting and would ask that we don't remove any trees this year. Maybe have someone come in and do some trimming. We will discuss it next month and decide where to go from there.

- Giles stated that trust was put in by a person, there have been several trusts over the years and we have lost 2 of them to lawyer and other fees. This one is big enough that we have not run out yet. Lawyers get a lot of funds out of the trust. Michele said that she is not getting any of the funds. Michele stated that there is a statute about the fees.
- Giles stated that he had a discussion about this with who is going to be the probate judge and he was not very susceptible to it. Jack Cole is coming in and Giles is not sure what he is insuring. Mayor Clark stated that he most likely insures our policy of our stocks and bonds. Michele stated that she is not sure if they are doing insurance for other services. Stated people did not intend money to go to lawyers, intended to go towards where their loved ones are. Michele stated that when the trust was initiated over 100 years ago, she doesn't believe that the statutes were in the condition that they were. Giles stated that he thinks it's ridiculous what they get and he is making it known as his feelings.
- Bill Zoller asked if we have a choice as to who handles it, Michele said no, they are appointed by the court. Michele stated that all she can do is go and make requests on behalf of the village. The Trustee's job is to protect the trust. Then the Judge or Magistrate makes the decision.
- Marty agrees with Giles, would like to see what they are getting paid hourly. Michele stated that there is a report that he can look at.
- Mayor stated that if there is anything that we could do, she would have Michele do it. Marty stated that if we do anything, it would come to their attention and they may disallow everything. They could charge more for doing less. Giles stated that it's covered by Ohio Revised Code, cannot charge more.

Ben Prescott for Finance and Portage County Regional Planning

- Nothing for either one.

Bill Zoller for Fire Board

- Nothing has taken place, except station 2 is closed and moved back to station 1.

Giles Seith for Safety

- Nothing

NEW OR OTHER BUSINESS:

- Mayor Clark stated that Jenny put a letter in packet that went to the EPA, and we got a response back a few days ago. She passed out a copy of the response she received. Kate met with Dan and went over several things. Today she discussed these issues with Rich. She, Kate and Rich have a plan, going to respond to Laurel at EPA.
- John asked if we have equipment to do pressure tests on a day to day basis. Kate said yes.
- Bill stated letter says 2014, should be 2015 and may want to get corrected.

DMRC Trail Grant:

- Mayor Clark stated that she received a call from Edie that she had to work today and could not be here, and she asked her to present this for her. Grant for Clean Ohio. Stated that she is going to explain what she understands the DMRC would like to do. We have been meeting with Aurora, Hiram and Garrettsville mayors to extend the trails. DMRC started this and treated all to lunch. Curtis Baker from AMATS, Todd Peetz and several other speakers were at the lunch. In just the talking phase right now. Hiram was going to try and connect with Garrettsville, and Aurora was going to try and come as far as they can. Couple of weeks ago, Edie came to Mayor Clark to apply for grant. Mayor Clark stated that she told Edie first, she would like to make sure easements at Mill Street park area are filed correctly. Had meeting with Edie last week and got all easements figured out. We know which ones are permanent, temporary or utility easements. Edie told Mayor Clark that DMRC is going to contact CT Consultants about getting a conceptual drawing of extending the trail from the walking bridge over to Mill Street and then up to Main Street Edie has been speaking to CT for a grant that is due February 1st. Due to this, 2 easements would have to be written and recorded and approved. Can it be done? Yes, but someone would be burning the midnight oil. We would need to get a legal description survey. Aurora and AMATS and Portage Parks are still in planning stages. In discussions to see if they will each spend the \$5,000 to see the feasibility of extending the trails from Aurora to Mantua.
- Giles asked if we talking about Mennonite road. Mayor Clark said they are not sure because two residents don't want to talk about easements, they will look at all options.

- Giles asked if grant covers just the surveying around Mill Street. Mayor Clark stated that it would be 75/25 reimbursement grant. We would have to pay all upfront and then will get reimbursed the 75%. Asked how much would have to pay and Mayor Clark stated not sure.
- John Clark said that we need to learn from the past on how the DMRC handles grants. There were a lot of issues with the sidewalk grant. We ended up paying money when we were guaranteed that we would not have to pay money. There is nothing on the table and they can't even tell us how much they want. Have them get their ducks in a row and then come back to us. There is another grant in August.
- Ben asked if there is another day that they can file the grant and Mayor Clark stated that it would be a different grant. Ben and Bill stated that they agree with John. Mayor Clark said that it's an AMATS grant that is coming up in August. Ben stated that the DMRC needs to show what the match amount would be before the grant is applied for.
- Jenny said that typically something like this would come out of the park improvement fund and does not think we could certify funds unless it comes out of the general fund.
- Rich stated that Edie has only contacted them, and there is no plan. His recommendation is to get a plan to look at the connecting communities grant that we were not eligible for a year ago with AMATS. AMATS is now talking to Aurora and other communities and they should collectively apply for the connecting communities grant to do the study for the trail. Study will tell the cost and easements that are involved. More important is cost. This type requires us to capitalize the work and then get reimbursed, we need to know months ahead of time, not 6 weeks ahead of time.
- Mayor stated that if we can get them to aim for an August grant, gives time to get everything together.

Road Levy

Kate, Rich and Mayor Clark met to talk about how we want to proceed next year with the roads.

- Rich said that they did a refresher from when he generated the amount of monies earlier this year. They went through the assumptions that he made, he had a spreadsheet of all the streets, quantity, lengths and widths. They had enough accuracy that he was able to generate asphalt costs with certain assumptions, being percentage of base repair, percentage of berm repair etc. When we looked at what this meant to each resident we elected to cut in ½, from what was going to get all roads done in 15 to 20 years. Rich stated that Mayor Clark asked what we can do before we get the funds to demonstrate to the residents how aggressive we are on road improvements. We discussed some prices that we can use to gage what it would take to do certain streets. Our program did not include a rating for the roads. We know by living here which streets need the most attention. It would be easy and quick to get quotes, depending on how much we want to spend.
- Mayor said that when they met, they discussed what they want to do in the spring when asphalt plants are open. Mayor Clark told Jenny to talk to Janet about how the loan advancement works. Michele stated that we should see money in February since is based off 2014 tax. We should have \$37,500 that we wrote it that way. Rich said to get the quotes now. This will be discussed in service, to see what we want to do.

EXECUTIVE SESSION

- Motion to go into executive session for imminent litigation by Ben Prescott, 2nd by Marty Hura-**all ayes**
- (Motion to resume meeting was not recorded on paper or audio. Clerk was not called back into the room.)

ADJOURNMENT

- ❖ Motion to adjourn the meeting at 8:13pm (who moved to adjourn and second as well as the votes were not recorded on paper or audio).

Mayor Linda Clark

Assistant Clerk-Treasurer Ashlee Hawkins