

**Village of Mantua
Regular Council Meeting
February 17, 2009**

Mayor Hawkins called the meeting to order at 7:02 p.m. and led the pledge of Allegiance. She asked everyone to remain standing for a moment of silence for resident Jim Vandal.

Roll Call: Donna Hawkins, Jim Rogers, Linda Schilling, Marty Hura, Ben Prescott, Roger Hawkins, Giles Seith.

Others Present: Clerk-Treasurer Jenny August, Asst. Clerk Susan Skrovan, Village Solicitor Tom Reitz, Police Chief Harry Buchert, Village Administrator Ed Trego, Rich lafelice and Brian Rogers with C.T. Consultants.

Public: Wes Hawkins, Norm Erickson, Pearl Campbell, Linda Clark, Bill & Patsy Gast.

Minutes: Motion to approve the meeting minutes of January 20, 2009 made by B. Prescott with a second from L. Schilling. All ayes on vote.

Mayors Report: Mayor Hawkins addressed the current negotiations with C.T. Consultants over our outstanding debt of \$65,000. The Village has invoices back to 2003. Donna has been working with Tim O'Brien, C.T.'s finance director, along with Rich lafelice to come to an agreement to reduce the Village's debt by 1/3. The remaining outstanding debt would have to be paid immediately. Donna has been working with Middlefield Bank on a loan/payment plan. The Village would borrow \$25,000, which would be incorporated into a loan we currently have with them. This would extend the loan we now have by only two years and increase our quarterly payments by \$400.00. A stand-alone loan would be approximately \$1,200.00 per quarter. Clerk-Treasurer, Jenny August has demonstrated that we have funds available for a significant portion of this debt. The remainder could potentially come from the sale of the old village hall building should Council so determine. Donna has discussed this with Council President, Jim Rogers. She would request Council give Jenny and her permission to apply for this loan. As part of this agreement, there are a few minor contract changes, which at this time would ask Rich to explain in more detail.

Rich lafelice passed out his recommendations to Council. Rich took the current agreement and highlighted any recommendations for Council's consideration. He has served the Village since 1988; the current agreement was executed in 2000. The rates have remained fixed over the last 9 years. As the Mayor correctly stated in her introduction, C.T. is willing to forgive 1/3 of the debt in exchange for hopefully renewing their contract with some changes. On page two, the highlighted items are some descriptive additions to what would be provided under our typical retainer. Under No. 4, he added a description of any additional tasks. For No. 9, Rich wanted to clarify so Council understands this is not just technical services, but also when C.T. represents the Village. On page three, Section 4 is regarding their fees. What he highlighted states services for specific tasks and/or projects shall only precede upon written authorization. There is a 7 percent increase to cover payroll costs. The maximum hourly rate for an officer, such as Rich lafelice, will go from \$100.00 per hour to \$120.00 per hour.

Linda Schilling asked how much the loan was for and for how long. Donna replied it would be a \$25,000 loan with payments of \$399.92 per quarter at a 5 percent interest rate. Our current loan would be refinanced at a lower interest rate and would extend that loan until 2012. Linda also asked if someone else from C.T. could be utilized rather than Rich at his higher rate and Rich could oversee their work. Their retainer covers Rich attending the

Council meeting. Much of the other work performed for the Village is done by others such as Brian Rogers at a lower rate.

Donna clarified something she said earlier about getting a loan. A stand-alone loan at \$25,000 would be at \$1,400.00 per quarter and extend payments out until 2014.

Jim asked Solicitor, Tom Reitz, when during these proceedings would it be appropriate to put a motion on the floor authorizing the Mayor and Clerk to apply for a loan.

Tom replied when the discussion has run its course and every member has had an opportunity to speak on it.

Giles asked on the last page of their contract it states, authorization by Council or Village Administrator, which he felt totally bypasses Council. Rich said that is what had been in their contract in the past. **Linda** and Giles would like to leave it to Council period.

Motion by L. Schilling to remove "or authorization by Village Administrator".

Rich Lafelice said this is a draft copy only for Council's review tonight; he will make any necessary changes they wish and bring it back in its final form.

Motion by J. Rogers to authorize the Mayor and Clerk/Treasurer to move forward on application with Middlefield Bank for the \$25,000 loan with a second from R. Hawkins.

Linda Schilling asked Jenny if we do have the money to proceed with this loan. Jenny explained the payment would still be shared with the water/sewer/street departments. We would have to look into how to split it up because the current loan would be paid off in 2012. We would be paying an extra \$400 per quarter out of the General Fund, which would be tough to put together. Council may want to consider paying this out of the sale of the old village hall so we would not have to increase debt unless you would rather reserve that money for an emergency and take the loan. We need to look at all the options. Jenny said we have \$36,000 from the sale of the old village hall. She also noted last year the Village did pay C.T. \$48,000. Marty felt we need to get out from under this debt; C.T. has been more than generous with us. Donna said this is only authorizing them to move forward with the loan application at this time. The Mayor said we have \$36,000 from the sale sitting in the General Fund and we are looking at an expenditure of \$1,600 a year; it might be wiser to hold onto our lump sum and pay out a small loan payment rather than letting all your cash flow out of your hands. If we come into a better financial situation in the future, we can pay the loan off early. Ben felt the Mayor was right. Jenny felt we could make the payment if that is what Council wants to do.

Giles said, right now we are just looking to see if it can be done, he does not see things getting any better. Jim said this is debt we must pay. Jim called to question. Jim suspended the voting to add that we will not get the loan without authorization by ordinance of Council; we have to have a meeting to authorize the borrowing of the money. B. Prescott abstained, all other eyes on vote.

Tom asked Council if there were any other items to modify in C.T. Consultant's proposal. Jenny wondered if that 50 percent had to do with health benefits, sick leave, vacation, and holiday. **Linda** wondered about that as well. Donna asked Council to review the contract.

Finance Report: Clerk-Treasurer, Jenny August gave the financial report as of 1/31/09. Her office has been working on income tax collection. Letters were sent to 165 delinquent taxpayers. That number may seem high; however, the majority of those who have responded have been able to prove their taxes are paid. For some reason, some of the

final returns were not entered. Jenny received word from Tanya with the State Auditor's office, they will be here in April rather than February as first planned. Our funds remain steady except for Sewer, which are dangerously low. She wished the best of luck to Mr. Hank Freeman from the Village on his trip to Somalia and Malaysia. He is ranked the No. 2 Yo-Yo champion in the United States and third in the entire world.

Motion to approve the financial reports: bank statements, fund status, revenue & expenses reports made by L. Schilling with a second from M. Hura. All ayes on vote.

Bills of Resolution: Motion to approve Bills of Resolution with addendum for February less the C.T. bills made by L. Schilling with a second from J. Rogers. All ayes on vote. Motion to approve the C.T. bills made by L. Schilling with a second from J. Rogers. B. Prescott abstained, all other ayes on vote.

Legislation:

RESOLUTION 2009-7: A RESOLUTION AUTHORIZING CERTAIN FUND TRANSFERS BY THE CLERK-TREASURER BETWEEN THE WATER AND SEWER OPERATING FUNDS, RESPECTIVELY, AND THEIR RESPECTIVE DEBT SERVICE RESERVE FUNDS, ALL NECESSARY TO MEET CALENDAR 2009 DEBT SERVICE

REQUIREMENTS, AND DECLARING AN EMERGENCY. 1ST READING. Motion to

suspend the rules made by B. Prescott with a second from L. Schilling. All ayes on vote.

Motion to approve made by B. Prescott with a second from L. Schilling. Jim asked if we are going to do this every month. Jenny said yes. Ben called to question. All ayes on vote.

RESOLUTION 2009-8: A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO ADVANCE FUNDS AND DECLARING AN EMERGENCY. 1ST READING. Motion to

suspend the rules made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to approve made by L. Schilling with a second from B. Prescott. All ayes on vote.

ORDINANCE 2009-9: AN ORDINANCE ESTABLISHING A DEADLINE FOR REQUESTING PURCHASE ORDERS FROM THE CLERK-TREASURERS OFFICE AT THE END OF THE FISCAL YEAR. 1ST READING.

RESOLUTION 2009-10: A RESOLUTION ADOPTING THE 2020 VILLAGE OF MANTUA COMPREHENSIVE PLAN. 1ST READING. A copy of this plan is in the administration office downstairs for public review.

RESOLUTION 2009-11: A RESOLUTION AUTHORIZING THE VILLAGE OF MANTUA TO PURCHASE SERVICE CREDIT FROM THE OHIO POLICE AND FIRE PENSION FUND FOR A PERIOD OF TIME IN 1988 THAT OFFICER ROGER DANIEL FORMAN WAS LAID OFF BY THE VILLAGE OF MANTUA, AND DECLARING AN EMERGENCY. 1ST READING. Motion to suspend the rules made by L. Schilling with a second from B.

Prescott. All ayes on vote. Motion to approve made by B. Prescott with a second from L.

Schilling. Roger asked if this would be a lump sum and whether the Village was required to

do this. Marty said no. Roger asked how this came to be and is it a buyout. Chief Buchert

said Officer Forman came to him; Officer Forman had contacted the Ohio Police & Fire

pension board to find out what it would cost for him to purchase his additional time from

1988. He asked if Harry would take it forward to the Finance Committee for their

recommendations. Roger asked if there would be other occasions in the future where we

will feel obligated to do this again. Jim felt the officer could have started the wheels in

motion years ago to buy it himself at a much cheaper rate. Roger asked how we are going

to pay for this. Linda felt we could not afford to pay this. Giles felt the opposite; this officer

lost two years of employment being laid off by the Village. Harry asked that it be tabled.

Motion by L. Schilling to table Resolution 2009-11 with a second from M. Hura. All ayes on

vote.

Committee Reports: Police Chief, Harry Buchert announced the 2008 yearly report has been completed and passed out; it will be put on the website as well. Harry asked Council for an executive session sometime tonight. Prospect Street will be closed a Saturday in May for an activity set up by the Mantua Revitalization committee. They will be forwarding the Village a formal request. The next safety meeting is scheduled for March 26 at 6:30 a.m.

Village Administrator, Ed Trego had nothing to present at this time.

Rich lafelice with C.T. Consultants wanted to add two items to their written monthly report. One, they plan to refresh their negotiations with Portage County on the sewer service for Shalersville Industrial Park. Two, they have been assisting the Mayor with the economic stimulus, it is not very organized at this time and funding is not clear yet. They have submitted every project possible for stimulus monies including the Mats Road project @ 100 percent and improvements on the wastewater treatment plant submitted on Friday, February 13 to the Ohio EPA @ 100 percent.

There is also a deadline in early March for water projects; we plan to submit the Village's share of the Northeast Quadrant project at that time. Brian has worked on five different projects with Mayor Hawkins.

Planning: Jim announced the next planning meeting is tomorrow night at 7:00 p.m.

Service: Linda said service meetings are the first Tuesday of each month at 7:00 a.m. Linda asked about a letter she received from Tom Reitz. She wondered why Bill Zoller's name was not listed on it as Zoning Inspector, since he does not retire until February 28. Tom was not clear on Bill's last day. Linda asked the Mayor if she has chosen someone, for Council approval, to replace Bill. Donna said she has not chosen anyone yet and that a decision for a new Zoning Inspector would probably be made at the March meeting.

Parks: Marty was glad to see the river did not raise enough to lift our new observation deck. Diane asked him to remind everyone the Mantua Matters deadline is coming up.

Finance: Ben said the finance meeting is scheduled Saturday before Council at 8:00 a.m.

BZA: Roger had nothing to report for the BZA.

Safety: Giles reported the overtime for the police department has been cut by \$9,300 and there was discussion on layoffs. Regarding Shade Tree, the leaves are off, no shade.

Public: Linda Clark asked for an update on the Bina Coit trust, which was discussed at the November meeting. Mayor Hawkins replied that she has not heard back. Jenny also said she has not seen any money from that trust yet.

Linda next asked about the Delia Thompson trust; has there been any response to the July 2008 letter for the Village's wish list. She had heard there were documents that were either missing or lost by the attorney handling this trust. Can someone look into this, from either Council or Tom? Tom explained how only someone with "standing" would have the authority to complain; he is not sure the Village is in that position. The trust was established in a will in 1944 and was hand written. Tom's copy is almost impossible to decipher with any certainty. The original is with Portage County probate court; Judge Carnes would have that authority. Linda Clark asked who could contact Judge Carnes regarding this trust. Tom said the beneficiaries of the trust.

Linda Clark asked the Mayor about the computer for the water/sewer billing which was discussed at the January service meeting. Donna said she has not had a chance to look into that further. Linda will check with the Mayor next month. Linda Schilling said even if we get Donna Maynard a computer, the software program would cost \$6,000. Linda Clark said she believed the Mayor was going to look for a grant to cover the cost.

Linda Clark asked for a copy of the contract passed out tonight from C. T. Consultants.

Linda Clark asked if Council has set their committee members for 2009. Jim said not yet. Linda said, so Council is still working on 2008. Yes.

Tom Reitz read, as best he could, the Delia Thompson trust he has in his possession.

Ben Prescott asked Ed Trego if he heard back on his letter to attorney Poland. Ed said no. Mayor Hawkins explained the circumstances of the legal documents that cannot be found. She felt we may need to send attorney Poland a letter and if we do not get this resolved in 30 days, we would have to go and see Judge Carnes. Jim and the Mayor will handle it.

Linda Clark asked why the Mayor went alone to the last school board meeting to discuss with them the northeast quadrant water project. Has there been any response from the school. Donna Hawkins said no. Linda Clark wondered where all this money from the \$5.00 surcharge would go once the money for this project is collected.

Donna Hawkins invited Council to attend the next Northern Portage County Government Council meeting set for Monday February 23 at 8:00 a.m. at the MSFD training room.

Motion made by B. Prescott to enter into executive session for pending litigation at 8:21 p.m. with a second from J. Rogers. All ayes on vote.

Motion made by B. Prescott to reconvene into regular session at 8:31 p.m. with a second from M. Hura. All ayes on vote.

Motion to adjourn the meeting at 8:32 p.m. made by B. Prescott with a second from M. Hura. All ayes on vote.

Mayor Donna Hawkins

Clerk-Treasurer Jenny August