

**Village of Mantua  
Regular Council Meeting  
April 19, 2011**

Mayor Hawkins called the meeting to order at 7:00 p.m. & led the pledge of Allegiance. There was a moment of silence for the tragic loss of Sydney Burke.

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

**Others Present:** Clerk-Treasurer Jenny August, Asst.-Clerk Susan Skrovan, Village Solicitor Michele Stuck, Police Chief Harry Buchert, Village Administrator, Anthony Fiorilli III, Rich Iafelice, Engineer with C.T. Consultants.

**Public:** Carl Zeleznik, John Clark, Bill & Patsi Gast, Pearl Campbell.

**Minutes:** Motion to approve the regular meeting minutes of March 10, 2011 made by B. Prescott. L. Schilling felt a correction was in order on the minutes. She felt the Mayor's report was more like an "editorial". Motion to amend the minutes made by L. Schilling with a second from L. Clark. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to approve the special meeting minutes of March 31, 2011 made by L. Schilling with a second from L. Clark. The Mayor asked to amend the minutes where it stated, "Mayor Hawkins began reviewing the legislation relating to the" and it goes blank. Donna said it should say, "to the reduction of our Village electric costs". Motion to amend the minutes made by L. Clark with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from M. Hura. All ayes on vote.

**Mayors Report:** Mayor Hawkins stated she had attended Hattie Larlham's 50th Anniversary celebration along with various meetings with Todd Peetz, Director of Regional Planning, our State Representative, Kathleen Clyde and State Treasurer, Josh Mandel's representative Nick Ciafani. Discussion encompassed programs available for new and existing businesses. The Mayor hosted the meeting of the Crooked River Water Trail Task Force. The Portage County Park District is in the process of applying for a grant for canoe/kayak access to the Cuyahoga River at State Route 303 very near the Red Fox community. This would benefit our Village because we would be the put-in spot at our Village Park. Donna was invited by LaTourette's district representative, Jordan Warfield, to a dinner event and received a proclamation.

At this time, Mayor Hawkins introduced Phil Rath, owner of Compass Packaging. Mr. Rath gave some background on his company and said he runs a clean operation. His company is eight years old and is located in Parkman. They are looking to consolidate and are currently in negotiations with Eaton to purchase their building. They would like to be in by the end of July. They currently employ 63 people on two shifts. They generate about 10,000 gallons of wastewater per month. Presently, Aris Company removes it from a holding tank. They make corrugated packaging materials. Council members welcomed Mr. Rath and thanked him for considering Mantua.

**Finance Report:** Jenny gave her financial report as of March 31, 2011. She wanted to mention that she was fortunate to see a bald eagle right across the street from her house on Saturday. She was able to take a picture of it.

Our audit is nearly finished. The Auditor had expected to be here until June, but now he is saying he will be done by the end of this month. This is a good sign and hopefully will mean our expected costs will be lower. Council will see a lot of legislation tonight, which is mostly housekeeping for the Auditor's benefit to clean things up.

Jenny thanked Council for authorizing her to attend the Local Government Officials conference earlier this month. It was a huge learning experience and she gained many new contacts. The new Auditor of State, Dave Yost spoke at the conference. With the new Governor's budget, we can expect about \$25,000 in cuts from Local Government Funds this year and an additional \$25,000 next year.

Our office is working on the 2012 budget right now and Jenny felt we would be able to manage the cuts without losing any employees.

Our checkbook balance at the end of March: \$ 365,995.00

Revenues for March: \$ 136,809.00

Expenses for March including payroll: \$ 78,818.00

The Cash Summary report shows that no adjustments were made. Reconciliation of the Water-Sewer department receipts and the UAN receipts matched. Reconciliation of the Municipal Income Tax receipts and the UAN receipts also matched. The March bank reconciliation had no adjusting factors.

Motion to approve the financial reports: bank reconciliation, fund status, water/sewer reconciliation, revenue & expenses reports, cash summary report, comparison of budget & actual receipts report, comparison of disbursements/encumbrances report 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 March omitting C.T. made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to approve Bills of Resolution with addendum for March including C.T. made by L. Schilling with a second from M. Hura. B. Prescott abstained, all other ayes on vote. Chief Buchert said there was a mistake on the bills list, line 26. The amount was correct but it said, drug and alcohol testing for auxiliary officers. It was not an auxiliary that was being tested; it was an arrest that was made. The auxiliary officer had the testing done.

Motion to amend the Bills of Resolution made by L. Schilling with a second from M. Hura. All ayes on vote.

Motion to approve the Bills of Resolution as amended with addendum for March omitting C.T. made by L. Schilling with a second from L. Clark. All ayes on vote.

Motion to approve the Bills of Resolution as amended with addendum for March including C.T. made by M. Hura with a second from L. Schilling. B. Prescott abstained, all other ayes on vote.

Motion to go into executive session on personnel compensation at 7:21 p.m. made by B. Prescott with a second from L. Schilling. All ayes on vote.

Motion to return to regular session at 7:36 p.m. made by L. Schilling with a second from L. Clark. All ayes on vote.

**Legislation:**

**ORDINANCE 2010-40: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED**

**ORDINANCE CHAPTER 145 IN ORDER TO ESTABLISH THE COMPOSITION, POWERS AND DUTIES OF THE VILLAGE OF MANTUA BOARD OF CEMETERY TRUSTEES, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. TABLED AT 3rd READING.** Motion to take off the table made by L. Schilling with a second from M. Hura. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Linda Clark wanted to make an amendment. Motion to amend Section 145.04 (b) to add, "The Cemetery Board may recommend expenditures to Village Council for consideration" made by L. Clark with a second from B. Prescott. All ayes on vote. Michele added that Council should amend 145.01 (a) as well, January has passed; Council may want to make it June 2011. Motion to amend Section 145.01 (a) made by L. Clark with a second from L. Schilling. All ayes on vote. Motion to approve as amended made by M. Hura with a second from B. Prescott. All ayes on vote.

**ORDINANCE 2011-07: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE CHAPTER 139 IN ORDER TO DEFINE GUIDELINES FOR THE AUXILIARY BRANCH OF THE POLICE DEPARTMENT, AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. 3rd READING.** Motion to approve made by L. Schilling with a second from G. Seith. All ayes on vote.

**ORDINANCE 2011-10: AN ORDINANCE FIXING COMPENSATION OF THE EMPLOYEES OF THE VILLAGE OF MANTUA, REPEALING ALL PRIOR INCONSISTENT ORDINANCES, AND DECLARING AN EMERGENCY. TABLED AT 1st READING.** Motion to take off the table made by L. Schilling with a second from B. Prescott. All ayes on vote. Motion to suspend the rules made by M. Hura with a second from L. Schilling. All ayes on vote. Motion to approve made by M. Hura with a second from B. Prescott. All nays on vote, Ordinance 2011-10 failed.

**RESOLUTION 2011-19: A RESOLUTION DECLARING VOID AND TERMINATING THE JUNE 16, 2003 LEASE WITH THE MANTUA POTATO FESTIVAL FOR THE OLD WATER PLANT, AND DECLARING AN EMERGENCY. 2nd READING.**

**RESOLUTION 2011-20: A RESOLUTION FORGIVING THE MANTUA POTATO FESTIVAL OF ANY CHARGES FOR UTILITIES WHICH MAY BE CLAIMED TO HAVE ACCRUED UNDER THE VOIDED LEASE RELATING TO THE OLD WATER PLANT AT BUCHERT PARK, AND DECLARING AN EMERGENCY. 2nd READING.**

**ORDINANCE 2011-24: AN ORDINANCE AUTHORIZING CERTAIN ADJUSTMENTS TO THE 2011 APPROPRIATIONS AND DECLARING AN EMERGENCY.** 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 L. Clark. Jenny explained this was for the grant on the emergency well pump replacement. The grant was approved, we have received the money, we just have to appropriate the money so that we can pay the bills. All ayes on vote.

**ORDINANCE 2011-25: AN ORDINANCE RETROACTIVELY APPROVING PAY INCREASES FOR THREE EMPLOYEES, AND DECLARING AN EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from L. Clark. All ayes on vote. Motion to approve made by L. Schilling with a second from L. Clark. All ayes on vote.

**ORDINANCE 2011-26: AN ORDINANCE ENACTING CHAPTER 157 OF THE VILLAGE OF MANTUA CODIFIED ORDINANCES RELATING TO PERSONAL INFORMATION COLLECTION AND PROTECTION POLICIES. 1st READING.**

**RESOLUTION 2011-27: A RESOLUTION AUTHORIZING THE VILLAGE CLERK-TREASURER OF THE VILLAGE OF MANTUA TO CREATE A THEN AND NOW**

**PURCHASE ORDER(S) TO PAY AKE LABORATORIES AND THE OHIO WELL DRILLING COMPANY AND DECLARING AN EMERGENCY.** 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. Jenny explained that whenever we encounter a then and now purchase order for more than \$3,000, it must be approved by Council. The reason it had to be a then and now is that we had to wait until the grant was approved; the purchase order could not be put in place until all the paperwork went through. All ayes on vote.

**ORDINANCE 2011-28: AN ORDINANCE AMENDING VILLAGE OF MANTUA RESOLUTION 2009-35, 2010-31, AND 2010-62 TO REDESIGNATE THE FUNDS INTO WHICH MONEY HAS BEEN ADVANCED, AND DECLARING AN EMERGENCY.**

Motion to suspend the rules made by L. Schilling with a second from M. Hura. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Marty asked what this is. Jenny explained that we advanced money in order to make the semi-annual debt payment. It was advanced into the debt fund and our auditor informed us that it should have been advanced into the operating fund first, and then into the debt fund. Debt funds are not able to repay an advance. This is just housekeeping. All ayes on vote.

**ORDINANCE 2011-29: AN ORDINANCE ESTABLISHING REPAYMENT SCHEDULES FOR ADVANCES TO THE WATER AND SEWER OPERATING FUNDS AND DECLARING AN EMERGENCY.** 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 M. Hura. Jenny explained that when we did the advances in 2009 and 2010, we said to be repaid within five years for one and ten years for the other. The auditor said we need to establish a specific payment schedule to repay the advances. Anthony Fiorilli asked if there was a mandated timeframe to start making these payments or can we hold off for a couple months and bring it back to a service meeting. Anthony is working on many repairs and felt taking money from him at this point would prolong these repairs. Jenny said we are doing this now so that we can have it in place before the Auditor finishes our audit; we do not want any citations. Anthony asked if after the Auditor leaves, could we postpone these payments. Jenny said no. Linda Clark said it means that even though we are making the payments, the money is still in the General Fund if you absolutely need it. Anthony asked if he needs it, would it be advanced again and then another payment schedule set up again. Ben said we would make it a transfer rather than an advance, that way you would not have to pay it back. Jenny said if Anthony has an emergency, we would look and see what was available in the General Fund. Anthony asked if from now on they would be transfers, not advances. Jenny said not necessarily, because really the funds should be fiscally responsible. Mayor Hawkins said this was discussed at the Finance Committee meeting and the Auditor made it very clear that Council could forgive these advances; they do not have to set up a repayment schedule. Donna had also recommended that since we would have the water treatment plant paid off in about five years, the payments did not have to be this high; they could be any amount so long as a schedule of repayment has been made. Jenny said the water plant debt would be paid off in 2017. Anthony asked if Council could change the payments to start in June rather than April. Motion to accept the amendment with payments starting July 1, 2011 and ending in June 1, 2016 for both made by L. Clark with a second from B. Prescott. All ayes on vote. Motion to approve as amended made by L. Schilling with a second from M. Hura. All ayes on vote.

**ORDINANCE 2011-30: AN ORDINANCE RE-DESIGNATING AS PERMANENT TRANSFERS, ADVANCES PREVIOUSLY MADE FROM THE GENERAL FUND TO THE FRANKLIN-REGAN STORM SEWER FUND, THE DOWNTOWN MANTUA REVITALIZATION FUND, AND THE CEMETERY FUND, AND DECLARING AN**

**EMERGENCY.** Motion to suspend the rules made by L. Schilling with a second from L. Clark. All ayes on vote. Motion to approve made by L. Schilling with a second from M. Hura. Jenny explained these are advances that cannot be paid back, the funds are gone and/or accounts are closed. All ayes on vote.

**ORDINANCE 2011-31: AN ORDINANCE AMENDING VILLAGE OF MANTUA CODIFIED ORDINANCE SECTION 955.01 (a) RELATING TO GRAVE AND BURIAL PLOT COSTS.**

**1st READING.** Motion to suspend the rules made by L. Clark with a second from L. Schilling. Linda Clark explained the original did not have the (5) grave lot listed and we have someone who is trying to purchase 10 lots so it needed to be put back in. All ayes on vote. Motion to approve made by M. Hura with a second from B. Prescott. All ayes on vote.

**Committee Reports:** Police Chief, Harry Buchert reported the next Safety meeting is April 28 at 6:30 a.m. He thanked Council for approving the 2011-07 legislation.

There have been surveyors on the bridge on State Route 44 to replace it and looks to be about two years away. The Police Department has been busy with cases, up 56 from last year. Harry recently attended training, which was excellent. Linda Clark made mention she was surprised the training was not brought up at the last Council meeting. Harry said he was given very short notice.

Village Administrator, Anthony Fiorilli III has received a response from the County regarding our clean up day. It has been set for May 21. We will be able to accept scrap tires, metal, batteries and appliances as long as they have been tagged that all freon has been removed. No paint will be accepted. The County will supply the dumpsters at no cost. Our department will staff the dumpsters to prevent items being put in them that are not allowed. Anthony will stage two of our service employees there on Saturday, each for a four hour shift. Linda Clark questioned why we need to have a clean up when J & J Refuse picks up appliances and tires; this would cost additional overtime for the Village. Anthony said it would not necessarily be overtime if he can release someone four hours one day and four hours another day. Linda Clark thought that was the reason we went with J & J because we would not have to have a spring clean up. Anthony said it is something the County offers. He said we are working with them at really no cost to us; there will be no overtime for his department. Anthony also wanted to report that repairs to the water main break went well in house. Linda Schilling asked about the mausoleum work. Anthony said he has not heard back from them. Jenny asked Anthony about High Street being patched across the street. Anthony said the barrels were only there a few days because of the loose gravel. They have been removed, traffic can travel on it and it is scheduled to be patched. Linda Clark asked regarding the Prospect Street project on Ralph Gregory's property, which is supposed to be completed by September 1, if Anthony has looked at the project. Zuver Contracting is supposed to do the work. Anthony said if we had a contractor scheduled to do the work, he would contact him to set a start date and coordinate the project to completion.

Rich lafelice, Village Engineer with C.T. Consultants, reported they are checking pressures in the system and working on getting the emergency well pump work done.

**Shade Tree:** Linda Clark reported for Shade Tree they worked on the Arbor Day program Thursday of this week. We just received from the Arbor Day Foundation our designation of National Tree City USA, fifteen years straight. We received 150 essays for the Arbor Day contest with the winner to be announced in Mantua Matters. Middlefield Bank provided the first prize, McDonalds provided gift cards for all the children and Don Buchert donated the seedlings this year.

**Finance:** Linda Clark reported working with Jenny on the AT&T bills and was able to save some money on them. We are cutting everywhere we can.

**Service:** Linda Schilling announced they meet the first Tuesday of the month at 7:30 a.m.

**Parks:** Marty announced a Parks Board meeting has been scheduled for next Wednesday, April 27 at 7:00 p.m. He also has contacted Dick Krzys and is waiting to hear back.

**Planning:** Mayor Hawkins reported they have a site plan to review for the old Village hall property. Lot split for the Stamm property has been approved for four residential lots.

**BZA:** Roger had nothing to report.

**Safety:** Giles reported the Police Department has been busy. The Fire Department is going ahead with soft billing for ambulance service. Residents are not billed, only Medicare and insurance companies.

**New or Other Business:** Council needs to approve the authorization of C.T. Consultant's recent requisition of work. Motion to approve C.T.'s \$700.00 invoice made by L. Clark with a second from L. Schilling. B. Prescott abstained, all other ayes on vote.

Marty Hura reminded everyone of the deadline coming up for Mantua Matters articles.

Anthony Fiorilli requested Council's approval to change the employment status of a seasonal employee to that of a part-time employee. He has been a good worker and Anthony would like to utilize him in the cemetery and streets.

Motion to approve the change in employment status as noted made by L. Schilling with a second from B. Prescott. All ayes on vote. Linda Clark felt there should be more discussion on this and said he needs to be limited to 40 hours, no overtime, being part-time. Michele said she is pretty sure the employee handbook states, under 40 hours, which is not the same as 40 and under. Upon review of the handbook, it says fewer than 40 hours. Anthony said Council might want to look at this because there may be a scenario when we have an emergency, which would produce an overtime call. It would be advantageous for Anthony to have the part-time man on the call rather than himself because of the hourly rates and pay scales. Linda Clark is all for moving him from seasonal to part-time but we still need to address the overtime. Michele said the understanding would be that he is regularly scheduled, absent an emergency, to work fewer than 40 hours.

**Public:** There were no comments from the public.

Linda Clark wanted to bring up the Potato Festival building with regard to the electric meter. She spoke with Scott Rafferty with North Shore Energy and he said the three-phase meters are billed the same as single-phase, the meters are just read differently. We are on a schedule with Ohio Edison to change out the three-phase meter at some point. Mayor Hawkins stressed any changes to the meters would violate our plan and be charged the default rate by North Shore Energy. Anthony Fiorilli said Ohio Edison had just changed the meter at our wastewater treatment plant today. They installed a digital, which he knew nothing about. They would not have known about it except they saw Ohio Edison there. Linda Schilling said you need to notify North Shore before any change out and give them the meter number.

Mayor Hawkins made Council aware of a grant application for an OPWC infrastructure program, which is due June 3rd, there would be a match.

Michele Stuck, Village Solicitor, brought up the house fire at the corner of Elm Street. There is a mechanism the Village can use to remove it. The County Building Inspector has to come in and declare it a public nuisance. It would be best to first contact the property owner. Ben mentioned a demo program through the County and the Regional Planning Commission and Todd Peetz. The Mayor said she would check with the Director of Regional Planning tomorrow. Roger asked Michele if this is the Village's responsibility and why. Michele said if the property owner chooses not to do anything, then because we are the Village, we are responsible for the safety of our community. Michele said she would offer to contact the property owner with Council's approval.

Motion to have the Village Solicitor, Michele Stuck, contact the homeowner made by L. Schilling with a second from B. Prescott. All ayes on vote. Rich lafelice added that what Ben is referring to at the County, under the President's stimulus program, a number of the community development departments secured stimulus funds for what is called the neighborhood stabilization program. It provides federal funds to demolish condemned buildings. This is only after the County condemns it. The Mayor felt the County Commissioners should know about this program and will contact them as well. Harry said he would get Michele the information on the property owner. Michele will also contact Bob Wrentmore with the County Building Department.

Linda Clark asked, regarding our Zoning Inspector John Vechery, whether he provides a report. Ben said he does talk at the Planning Commission meetings. Michele explained some of the citations and the procedures they go through. Jenny also said the money he brings in on permits is on the revenue status report that Council receives in their packets.

Motion to go into executive session at 8:37 p.m. for pending litigation made by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to go back into regular session at 8:43 p.m. made by B. Prescott with a second from G. Seith. All ayes on vote.

Michele Stuck asked for a motion authorizing her to contact the Ohio Bureau of Workers Compensation and to convey to them our concurrence with their settlement arrangements with Mr. Brannon for the injury he sustained in 2001. Motion as stated by L. Schilling with a second from B. Prescott. All ayes on vote.

Motion to adjourn the meeting at 8:43 p.m. made by L. Schilling with a second from M. Hura. All ayes on vote.

---

Mayor Donna Hawkins

---

Clerk-Treasurer Jenny August