

Village of Harveysburg

Village Council

February 28, 2022 – 7:00 PM

Present:

- Mayor Richard Verga
- Kim Herberth – Councilwoman
- Charles Juniel – Councilman
- Jim Nelson – Councilman
- Mark Tipton – President of Council

Absent:

- Pat Bennett – Councilman
- Randy Carruthers – Councilman

Village Staff Present:

- Mary Wilkie – Fiscal Officer
- Richard Pottenger – Police Chief
- Mark Webb – Village Solicitor
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Lori Dix – Observer, Miamisburg, OH
- Carolyn Doyle – Harveysburg Resident

This is a summary of the meeting of the Harveysburg Village Council held February 28, 2022, at 7:00 PM. Upon request, a recording of the meeting is available for review.

Mayor Verga called the meeting to order at 7:06pm.

Motion made by Mr. Nelson to excuse the absent members of council. Second by Mr. Juniel.

Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Disposition of Previous Minutes:

Motion made by Mr. Nelson to approve the minutes from February 14, 2022. Second by Mr. Juniel.

Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Mayors Report: Mayor Verga

Mayor Verga states that he plans to address the Finance Committee in the next couple months about the “front door” project for the corner of Harveysburg Rd. and Old 73.

Mayor Verga states the Black School survey has been completed. However, the paperwork has yet to be submitted to the county. He has asked Jodie Black to submit the paperwork as soon as possible.

Mayor Verga acknowledges the current invasion of Ukraine, stating he spent time in some of the cities that have come under attack and remembers many of the people he encountered.

President of Council Report: Mr. Mark Tipton

Mr. Tipton states that the Village needs to appoint both a representative and an alternate to the Warren County Regional Planning Commission. They meet quarterly on the second Tuesday of the month at 5:30pm. Ms. Wilkie has sent the check, but council still needs to fill out the paperwork. Nominating representatives has been tabled until March due to absent members of council.

Mr. Tipton reports that the Fireworks Law, House Bill 172, has gone into effect. This will allow adults to purchase and use consumer grade fireworks on private property during the following holidays: New Year's Eve and Day, Cinco De Mayo, Juneteeth, Memorial Day and Labor Day weekends, and July 3, 4, 5 as well as the three-day weekends before July 4, Chinese New Year, and Diwali.

Mr. Tipton states that if the Village would like to enact a fireworks ordinance, then it should happen soon considering Memorial Day is approaching.

Mr. Tipton states Warren County Health District sent out their notice for the Advisory Council meeting. This will be on March 1st at 5:30pm. Every township and municipality have a representative. Mayor Verga is the current representative. Mr. Tipton states after looking at Minutes from previous years, Harveysburg has not attended.

Mr. Tipton offers to become the alternate representative and attend the meeting if Mayor Verga would like to appoint him. Mayor Verga agrees that Mr. Tipton should become the alternate representative.

Motion made by Mr. Tipton to nominate himself as the alternate to Richard Verga for the representation of Warren County Combined Health District Advisory Council. Second by Mr. Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Fiscal Officer: Ms. Mary Wilkie

Ms. Wilkie states that paper copies of the Ohio Ethics law requirements for public officials have been provided to all members of council. Council members must read through the paperwork and sign their acknowledgement. We must have record that all members have read and received the paperwork for the State Auditor.

Ms. Wilkie asks Village Solicitor, Mark Webb, if a contract has been written for new Clerk of Council Heather Matuszak. Mr. Webb has not been able to write up a contract yet.

Ms. Wilkie states that we will need inventory information for the State Auditor.

At Ms. Wilkie's request, Mr. Webb reads Resolution 2022-03 – this resolution accepts changes to the Village of Harveysburg's garbage and trash pickup fee schedule.

Motion made by Mr. Nelson that we declare Resolution 2022-03 an emergency and waive the requisite three readings. Second by Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Nelson that council accept Resolution 2022-03. Second by Mr. Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie states that she completed the 2021 Annual Financial Report and submitted to the State Auditor, and it has been advertised in the newspaper as required by law.

Ms. Wilkie reports that she overpaid the Chief of Police, Richard Pottenger, by one check. She would like councils' recommendation on how they would like to handle the error. Ms. Wilkie asks if a resolution can be passed to approve an extra paycheck for Chief Pottenger in 2021. She states his salary is \$20,000 and for 2021 he received \$20,701.

Mr. Webb states that a resolution should be able to correct the clerical error.

The council recommendation is that Ms. Wilkie contacts the state for guidance on the best course of action to correct the error.

Motion made by Mr. Nelson to pay bills. Second by Mr. Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Village Attorney Report: Mr. Mark Webb

Mr. Webb reports that he has continued to follow up with Dan Kinney (Owner – KAS cable) regarding the cable wires. He asks if someone will be able to compile a list of all the low hanging and down wires along with a map of what needs to be removed. This will assist him in getting Mr. Kinney to complete the removal.

Mr. Webb states that we will have to buy the 2022 Ohio Basic Code. It is not available online unless you purchase it. He has reached out to American Legal Publishing for a cost on this edition.

Mr. Webb states that he has emailed Bruce McGary of Massie Twp. regarding the annexation.

Mr. Webb addresses Chief Pottenger about having officers turn in their tickets in a timely manner. There have been instances where a ticket is taking a couple days or up to a week to be submitted. This has caused an issue when people call in to pay their ticket and the office has no record of it. He states there is a schedule above the Clerk of Courts desk stating when tickets need to be turned in after being written.

Mr. Webb states that when his predecessor went from twice a month court to once a month court it creates an issue for that week of court and people not being able to show up. The Magistrate stated we may have to look at switching back to twice a month court if it becomes a common issue.

Guests:

Lori Dix – has attended to observe.

Carolyn Doyle – a Harveysburg resident feels she is being harassed by the Village. She states she went out of her way to help another resident and was wrongfully incarcerated regarding an incident. While incarcerated her vehicle was towed from Harveysburg. She states she had to pay over \$1,000 to get the vehicle out of impound. She believes her vehicle was not in violation and should not have been towed. She would like to seek reimbursement from the Village.

Mr. Tipton tells Ms. Doyle that she can contact him tomorrow regarding the matter and thanks her for coming tonight.

Old Business:

Mr. Tipton states that he needs a final count on council members that will be attending the Ohio Municipal League Conference on March 5th. The attendees will be Mr. Tipton, Mr. Bennett, and Mr. Juniel.

Mr. Tipton reports that when Ms. Herberth completed the Sunshine Law training, her certificate came with Steve Cochran's name because she has his old computer. We will need to work through the State Auditor to figure out how to transfer the certificate into Ms. Herberth's name.

Mr. Tipton states he was contacted by Warren County and told they are creating a Broadband Consultancy. It is an effort by the Board of County Commissioners to bring internet to the less served communities. Mr. Tipton forwarded all the information he has gathered thus far from NTIA and other groups/organizations.

Mr. Tipton reports that a BZA meeting was held on February 22nd regarding the Dawson Cell Tower. The variance was approved, and Steve Cochran was sworn in as a BZA member that night.

Mr. Tipton states that the final application paperwork for the Demolition Grants through the Ohio Department of Development were submitted the morning of February 28th. This covers the demolition of the water tower and the removal of the asbestos flooring in the Village Office Building (gym floor, hallway floor and office floors).

New Business:

Mr. Tipton states he would like to nominate Joe Nelson to become a Notary Public. He states it is a Village need and would also provide a Village service. This will need to be approved through the Fiscal Committee as the cost would be approximately \$400.

Motion made by Mr. Tipton that the Village of Harveysburg pays to make Joe Nelson a Notary Public. Second by Mr. Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Ms. Herberth states that she would like to send a Thank You card to the Lebanon Public Library for allowing the Village to print paperwork at no cost. She asks if Mayor Verga would like to sign the note and he agrees.

Mr. Tipton reports that in the Streets and Buildings meeting they discussed with Phil Trovillo the need for new tools/equipment. One item needed is a welder which would cost approximately \$1,000. This will need to be discussed in the Finance Committee before being approved by the council.

Mayor Verga appoints Kim Herberth to the Finance Committee as the replacement to Steve Cochran.

Ms. Wilkie states that Phil Trovillo found a truck for sale through Hopkins Motors that would be the new plow truck. It is a 2015 Ford F-250 (4x4, gas powered, 8ft bed, ¾ ton, 19k miles, single owner) for \$35,000. She states Phil would like to look over the truck. If he would like to purchase it then Hopkins Motors would take the current truck as a trade-in. Additionally, we would need to buy a plow and v-box for the truck.

Mr. Tipton states the cost of the v-box would be \$5-7k and the plow would be \$3-4k. He states this is something that needs to happen because we have no backup plow, and this is the best truck we have come across so far.

Motion made by Mr. Tipton to approve \$35,000 as a promissory to purchase the truck. Second by Mr. Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Tipton to approve \$35,000 appropriation for Fund 2011; waive the three readings and declare this an emergency. Second by Mr. Juniel. Vote – Herberth, Juniel, Nelson, Tipton – Aye, Nay – None. Motion passed.

Police: Chief Pottenger

Chief Pottenger reports that vehicle #2 was sent to County for installation of a new computer. When it has been completed vehicle #1 will be sent for the installation of a new computer. They will also look at the siren to see if it can be repaired or if it needs replaced. He states they have had similar issues with the sirens on County cruisers. If a new siren is needed, they have one in stock.

Chief Pottenger requests approval to obtain the new holsters (6) and mics (6) for the new radios from County. The estimated cost will be \$1,050. This will need to be discussed by the Finance Committee before council approval.

Chief Pottenger states that the shotguns needed for the PD are not currently available (Remington 870 LE model). The company states they should be available beginning in June 2022. All vehicles will need new mounts for the shotguns.

Chief Pottenger reports that speeds are still over 70mph on SR 73. On Sunday February 27th, 13 citations were written for excessive speeds.

Chief Pottenger states that the mandates have arrived and he has provided paper copies to council members.

Chief Pottenger reminds council that he will need approval to purchase ammunition from Kiesler, for the PD, before the end of March to keep the current pricing. He states they are expecting a 20% increase in the cost of ammunition when the next contract begins.

Chief Pottenger states that in the Police Committee meeting, Mr. Tipton had discovered errors in the timesheets for the officers. He will be looking over the errors and correcting them.

Chief Pottenger states he will be getting together a list of PD inventory and tagging items. Once he has compiled the list, he will turn it into the office.

Mayor Verga comments about the cost of the Ohio Basic Code being rather expensive. Mr. Webb affirms. Mr. Pottenger adds that if we were to wait to adopt the 2022 OBC until next year, then we would have to pay an additional \$300.

Mr. Tipton asks Ms. Wilkie if we should consider switching to timecards for the officers. Ms. Wilkie responds that if mistakes are being made then it would be beneficial.

Chief Pottenger states he would like to keep the current time logs since he typically has not had discrepancies.

Mr. Tipton addresses Mr. Nelson and asks that since the officers are employees of the village if they should punch a time clock. Mr. Nelson affirms that they should use a time clock as all other village employees.

Motion made by Mr. Tipton that all police officers use a time clock at start of shift and end of shift. Second by Mr. Nelson. Vote – Herberth, Juniell, Nelson, Tipton – Aye, Nay – None. Motion passed.

Mr. Tipton states that time clock usage will coincide with the pay period which will begin March 6th.

Committees:

Community Relations – None

Finance - None

Grants - None

Planning and Zoning – None

Records - Meeting will be in June

Trees - None

Motion made by Mr. Juniell to adjourn at 7:58pm. Second by Nelson. Passed by voice vote.

Attest:

Heather Matuszak, Clerk of Council

Mayor Richard Verga

Mark Tipton, President of Council

Kim Herberth

Randy Carruthers

Pat Bennett

Charles Juniel

Jim Nelson