

Village of Harveysburg

Village Council

March 28, 2022 – 7:00 PM

Present:

- Kim Herberth – Councilwoman
- Jim Nelson – Councilman
- Pat Bennett – Councilman
- Randy Carruthers – Councilman
- Mark Tipton – President of Council

Absent:

- Mayor Richard Verga
- Charles Juniel – Councilman

Village Staff Present:

- Mary Wilkie – Fiscal Officer
- Chase Kirby – Acting Village Solicitor
- Richard Pottenger – Police Chief
- Heather Matuszak – Clerk of Council

Visitors / Guests:

- Charles Camp – Harveysburg Resident
- Rob Camp – Harveysburg Resident
- Mary Popp – Harveysburg Resident
- Gregory Popp – Harveysburg Resident

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*This is a summary of the meeting of the Harveysburg Village Council held March 28, 2022, at 7:00 PM.
Upon request, a recording of the meeting is available for review.*
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Mark Tipton, President of Council, calls the meeting to order at 7:01pm.

Motion made by Mr. Tipton to excuse the absent members of council: Charles Juniel and Mayor Richard Verga. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Disposition of Previous Minutes:

Motion made by Mr. Bennett to approve the March 14, 2022 minutes as written. Second by Mr. Herberth. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Mayors Report: Mr. Verga

NONE

President of Council Report: Mr. Tipton

Mr. Tipton states that council needs to elect a Mayor Pro Tempore for 2022 since it has not been done thus far. There are legal documents that require signatures and with Mayor Verga recovering a Pro Tempore is necessary.

Motion made by Mr. Bennett to nominate Mark Tipton for Mayor Pro Tempore. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Mr. Tipton states we have about \$900k in construction ready to start and we need to make sure we have enough members on the Planning Commission. Phil Trovillo was nominated by Mayor Verga and has served on the Planning Commission for multiple meetings but has not been officially approved by Village Council. We need to make Mr. Trovillo an official member of the Planning Commission.

Motion made by Mr. Carruthers to approve Phil Trovillo as a member of the Planning Commission. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Mr. Tipton states we need to have an emergency planning meeting as soon as possible to get the construction jobs underway. All forms have been filled out, drawings have been approved by Mr. Hobgood and fees have been paid. He states he will contact everyone to figure out the best time to plan the meeting so everything can be reviewed.

Fiscal Officer: Ms. Wilkie

Ms. Wilkie reports that during the Finance meeting it was recommended to increase Heather Matuszak's pay as Clerk of Council. She has been putting in additional hours outside of council meetings to work on organizing documents in the office and she will also be organizing the records room. The pay would be increased to \$240 bi-weekly.

Motion made by Mr. Tipton to increase Heather Matuszak's pay to \$240 bi-weekly as requested. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie states that she spoke with someone from the State Auditor about the extra pay for the Police Chief in 2021. They stated it could be voted on by the Village Council.

Motion made by Mr. Bennett to approve the one time extra pay in 2021 for the Police Chief. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie recommends Resolution 2022-04 to approve the annual appropriations for the fiscal year 2022.

At Ms. Wilkie's request, Mr. Kirby reads Resolution 2022-04 – this resolution approves the annual appropriations for the fiscal year 2022 and shall be effective beginning January 1, 2022.

Motion made by Mr. Bennett to declare Resolution 2022-04 an emergency and waive the three readings. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Bennett that we adopt Resolution 2022-04. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Carruthers to make the appropriate changes to the dates in Resolution 2022-04. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie recommends Resolution 2022-05 to approve the transfer of \$40,000 from the General Fund to the Police Levy Fund.

At Ms. Wilkie’s request, Mr. Kirby reads Resolution 2022-05 – this resolution approves the transfer of funds from the General Fund to the Police Levy Fund.

Motion made by Mr. Bennett to declare Resolution 2022-05 an emergency and waive the three readings. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Motion made by Mr. Bennett to adopt Resolution 2022-05. Second by Mr. Carruthers. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie states that she would like council to approve Joe Nelson becoming a Notary Public. The cost would be approximately \$500.

Motion made by Mr. Bennett to approve the appropriation up to \$500 for Joe Nelson to become a Notary Public. Second By Ms. Herberth. Vote – Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None, Abstain – Nelson. Motion passed.

Ms. Wilkie states that to finish the new plow truck it will cost approximately \$14,000. She will be using funds from the State Highway and Permissive Tax Funds. She states this is part of the permanent appropriations made in Resolution 2022-04.

Motion made by Mr. Bennett to approve the appropriations up to \$14,000 to complete the plow truck. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Ms. Wilkie states Phil Trovillo would like \$800 approved for additional cold patch to mend the roads.

Motion made by Mr. Tipton to approve \$800 for cold patch. Second by Mr. Bennett. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

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

Village Attorney Report: Mr. Webb

NONE

Guests:

Gregory Popp asks if it is typical for the Village Council to pass resolutions by emergency. He would like to know if it is because things are just coming up or if things aren’t being addressed appropriately.

Ms. Wilkie states that it is typical for villages to pass via emergency because they require three readings. If we waited to do the three readings it would take up to a month and a half to get them adopted.

Mr. Tipton states that for fiscal the deadline is April 1st so it had to be approved at this meeting to be submitted on time.

Mr. Carruthers states that we do try to not have resolutions passed via emergency.

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[The following is a synopsis of each contributing person's part of the conversation and does not follow the flow of the actual conversation. As stated above, a recording is available of the entire meeting.]

Charles Camp asks what the policy is regarding the Harveysburg PD responding to calls outside the village limits. Mr. Camp states that when he worked for Massie Twp. FD they also voted on mutual aid agreements. Mr. Camp states that when Officer Cruse suspends duties as an officer to respond as a firefighter the liability would no longer lie with the PD but with the FD.

Mr. Tipton states it was the policy of the former Chief of Police to not respond to calls outside the village limits. It is his opinion that this is a legal issue that must be addressed with Village Solicitor Mark Webb and discussed with the current Village Council. Then an agreement must be made between the Village of Harveysburg and Massie Twp. if Officer Cruse is to continue responding to fire calls while working a police officer shift. He states he has reviewed Council Minutes from 2014 to present and has not found record of the double duty being approved. It is also his concern that it is a liability issue when an officer leaves village limits to respond to a call and it leaves no officer within village limits if an emergency call were to come out. Mr. Tipton believes if a policy is not currently written regarding double duty, then the practice should be suspended until properly addressed. He states police should assist police and fire should assist fire, but instead we have a police officer suspending duties to respond as a firefighter. He asks what certifications Officer Cruse holds. Mr. Tipton states his concern of Officer Cruse taking the Harveysburg cruiser when responding to fire calls. He states that as a police officer he can respond to emergency incidents and when the fire department arrives, he should return to duties within the village. Mr. Tipton will brief Mark Webb on this issue so it can be addressed at the next council meeting.

Chief Pottenger states that it was previously approved by Village Council at the time Officer Cruse was brought on as a part time officer that he could suspend his duties as a police officer when a fire call came in and respond as a firefighter. He states that the liability issue is no different than an officer going off duty which would then have Dispatch sending a Warren County Deputy to pick up calls in Harveysburg. He states the whole reason behind having Officer Cruse pull double duties is public safety. Chief Pottenger does not recall signing mutual aid agreements. He states that a county wide mutual aid for the police departments is in effect and any agency can request a supporting agency for assistance. He is not aware if this overlaps with fire departments. Chief Pottenger states that Officer Cruse parks his Harveysburg cruiser and takes a fire department vehicle when responding to fire calls. He states that he cannot take a piece of equipment from the fire house without having a second person. He adds that when a third person arrives on scene, Officer Cruse returns to the Village as soon as possible.

Mr. Bennett states that as a citizen it is his expectation that in the event of an emergency there are first responders responding regardless of a specified department. He states the police department and fire department should follow the current policy they have regarding double duty until we are able to

address the legality. He states it is his understanding that the agencies work together to respond within the Village and in Massie Twp.

Rob Camp brings up the fire at Mayor Verga's house and states 5 different departments responded outside of their areas. He states we need to have emergency assistance going to people who are injured or ill instead of waiting around for somebody else to come in. It could take up to 10 minutes for Chester Twp. to respond as opposed to someone in the Village who a few blocks away. Mr. Camp states the Massie Twp. FD had to vote on a mutual aid type of agreement every year. Mr. Camp states that Officer Cruse holds a certification as a firefighter but is not EMT or paramedic certified. He states they had another cross trained employee (Dave Little) years ago that served as a police officer and answered fire calls. He states Mr. Little would respond in his police officer uniform to a fire call because when someone is having an emergency, they do not care what is worn by the first responders as long as they are receiving help. Mr. Camp states he has also backed up Chief Pottenger, as a firefighter, to watch his back on dangerous calls when his backup was too far out. Mr. Camp confirms that you must have two people or at least a second person responding in order to take a piece of equipment from the fire house.

Ms. Herberth asks Mayor Verga (who joined the meeting via telephone) if he recalls an approximate date this issue was originally brought before the Village Council. Mayor Verga states he remembers it happening but cannot recall a specific date. Ms. Herberth asks if firefighter gear is available to Officer Cruse when he takes fire calls.

Mr. Carruthers states that he believes that Council has signed mutual aid agreements that would allow our department to respond outside the village limits. He believes this also allowed us to get multi-jurisdictional funding. He asks Chief Pottenger if police department mutual aid overlaps with fire departments.

Motion made by Mr. Bennett to continue with Harveysburg PD current policy regarding how Officer Cruse is responding to fire calls until it can be properly addressed. Second by Mr. Carruthers. Vote – Bennett, Herberth, Carruthers – Aye, Nay – Nelson, Tipton. Motion passed 3-2.

Old Business:

Mr. Tipton reminds Council of the upcoming tire recycling event. He proposes offering Joe Nelson 3 hours of overtime pay to pickup tires from residents in the Village and taking them for disposal in Mason.

Mr. Rob Camp recommends looking into whether they have a limit on how many tires one person can bring because he believes they had a limit at the one held in Harveysburg previously.

Motion made by Mr. Carruthers to approve Joe Nelson for 3 hours of overtime. Second by Mr. Bennett. Vote – Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None, Abstain – Nelson. Motion passed.

Mr. Tipton states KAS cable has been out removing lines from South Street the 28th-29th. They will back out next week for two days removing lines from Main Street. Once we find out the days, we need to ask residents to park on the north side of the street, so KAS has full access to the cable lines. Any lines left will be Century Link, we will need to contact them to tighten their lines. There are lines on Grant Street that are approximately 10 feet from the ground.

New Business:

Mr. Tipton states we have ODOT contracts and agreements that need to be signed. The first is a consent ordinance that allows ODOT to maintain their roadways that run through village limits. The second is a snow and ice agreement that will allow ODOT to treat their roadways during snow emergencies. The roadway that would apply to this ordinance and agreement is State Route 73.

At the request of Mr. Tipton, Mr. Kirby reads the proposed Consent Ordinance 0-01-22 from ODOT. It would allow ODOT to apply standard longitudinal pavement markings and erect regulatory/warnings signs on the state highways within the village limits. A consent ordinance also allows the possibility of entering into agreements with ODOT to perform additional maintenance work.

A designated village official(s), identified by position rather than name, must be authorized to enter into agreements with ODOT. It is agreed that the position of Mayor or Mayor Pro-Tempore will be the authorized positions to enter into agreements. It is also decided that the Clerk of Council position will file and submit the paperwork.

This concludes reading number one of the ordinance. The agreement will be submitted between the village and the state with the proper changes.

Mr. Tipton states the Public Entities Pool of Ohio, our insurance company, endorsements take effect January 1st, 2022 and carry throughout the year. It must be signed by the Mayor or the Mayor Pro-Tempore.

Mr. Tipton reports that he received plans about a turn lane to be put in on SR 73 for the Renaissance Festival. It will begin at the edge of the Stacy property line and extend 1000 ft to the entrance of the festival. It is being completely financed by Brimstone LLC and their engineering firm is Choice One. Plans should be approved by the end of April. The Village was contacted about the project because it runs through part of the village, and we are responsible for a culvert that runs under a section of SR 73. The village must hire a consultant to approve this design and perform inspections. The village will incur no cost for the consultant.

Mr. Tipton states that Choice One Engineering will be here this week talking to us about the future projects. The storm sewers are the highest priority: Main St at Stewart St heading south to the cave in at South St and Stewart St going all the way to Grant St. The second highest priority is W. Main St from Maple St to the Core Property.

Mr. Tipton states we will hand out flowerpots again this year. There are approximately 8-10 available.

Ms. Herberth reports that the Community yard Sale has been set for June 25th-26th. She would like to purchase 20 re-usable directional signs to use during the event that would cost approximately \$30. She stated she spoke with Phil Trovillo about getting a dumpster after the yard sale. His comments were that we might need a bigger dumpster and we would need to have signs asking residents not to overflow the dumpster.

Motion made by Mr. Bennett to approve up to \$30 for directional signs. Second by Mr. Tipton. Vote – Nelson, Bennett, Herberth, Carruthers, Tipton – Aye, Nay – None. Motion passed.

Ms. Herberth reports that she posted on Let's Talk Harveysburg giving thanks to Earl Hendrickson for boarding up the Mayor's home so quickly after the fire.

Police: Chief Pottenger

Chief Pottenger begins his report:

- Vehicle #1 is up for an oil change and a brake check.
- There was a house fire at the Mayor's home this past week.
- County should have the new radios and equipment available in a few weeks.
- We are still citing speeds over 70mph on SR 73.
- The department meeting went well, and all attended except two who were excused because they had a job conflict.
- We still need to adopt the Ohio Basic Code.
- There is still one officer on leave due to injury and Mr. Webb has been addressing that.
- Do auxiliary officers need to use the time clock? The answer from council is: Yes.

Committees:

Community Relations – None
Finance - None
Grants - None
Planning and Zoning – None
Records - None
Trees - None

Motion made by Mr. Carruthers to adjourn at 8:23pm. Second by Mr. Bennett. 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