

Hiram Village Council Meeting

Rosser Municipal Building
11617 Garfield Road, Hiram, Ohio 44234

November 9, 2021

The following Members of Council were present: Mr. Dempsey, Mr. Greenwood, Mr. Hemphill (arrived at 7:03 pm), Mr. Smith, Mr. Spencer and Mr. Szell. The following were also present: Mayor Lou Bertrand, Village Solicitor Tom Reitz, Fiscal Officer Susan Skrovan, Police Chief Brian Gregory, Fire Chief Bill Byers, Village Administrator James McGee and Assistant Village Administrator Steve Schuller.

The following persons were present: Stacy Turner with The Villager, firefighter Josh Wilde and Daniel Dunn.

Mayor Bertrand called the regular meeting to order at 7:00 p.m. The Mayor asked that all cell phones be silenced. There was a moment of silence in recognition of the passing of Paul Spencer's father and in recognition of Veteran's Day this week followed by the pledge to the flag.

Mayor asked for a motion to approve the Regular meeting minutes of 10/12/2021. A motion to approve the meeting minutes as presented was made by Mr. Smith and seconded by Mr. Szell. The result of the voice vote was 5-0 in favor.

Mayor asked for a motion to approve the proposed agenda. A motion to approve the agenda as presented was made by Mr. Greenwood and seconded by Mr. Spencer. The result of the voice vote was 5-0 in favor.

GUEST AND PUBLIC COMMENT

Resident Daniel Dunn spoke to Council to request an opt-out for the new water meters; concerned about the potential health concerns. Mr. Dunn received a notice that his water would be shut off if he did not allow the meter to be replaced. He has been talking with our Village Administration. Paul Spencer asked what his concerns were. Mr. Dunn spoke about health concerns with carcinogens. Michael Greenwood asked what the meter has to do with carcinogens? Mr. Dunn was talking about the RF signals that are put out by the meters; he had paperwork to provide. Steve Schuller said he has given him every bit of information from the company on the water meters; it is the transponder. It is a low intensity RFR. Paul did not feel there is any merit to his argument; there is probably more danger with a cell phone. Paul said this is a system the Village chose to implement. To physically go and read your meter would cost; he could be charged an hourly rate to do this, but it would not be practical. The Mayor asked Tom whether Mr. Dunn has any legal remedies for his situation. Solicitor Tom Reitz said he has no idea; simply reading the information that Mr. Dunn provided which has not been shared prior to tonight is not evidence. He has not provided any scientific support for his position. Had he provided this prior to tonight's meeting and perhaps done a comparison on the information provided to him by our staff. Solicitor Tom Reitz told Council they need to request additional information or evidence supporting his position from Mr. Dunn prior to their next Council meeting. More discussion. Steve Schuller spoke about other municipalities that have the same smart meters we are installing. Dave Smith asked Steve how many are left to be installed. Steve said eight residents left and several left to do on campus which parts were needed to be ordered to complete. More discussion. Chris Szell asked about an opt-out program and what are the ramifications for doing that. What does the PUCO say about handling it. Mr. Dunn said other companies have fees associated with the opt-out. Chris asked if he would be willing to pay a fee. Mr. Dunn said if he had to rather than have the RF signal; he would rather not pay a fee just for them to come and read his meter. More discussion on the complications of having a person opt-out and the costs associated with it. Chris Szell was concerned with setting a precedent! Solicitor Reitz explained to Council that if they are considering an opt-out option, he would suggest they let Mr. Dunn submit his information to them to give them a chance to study it. This will take time to review prior to making any decision. Council instructed the water department to put the new meter in and a standard puck; wait until more information has been presented before making the decision for an RF reader. Mr. Dunn was against this. Rob Dempsey said we do not have an opt-out policy. Mr. Dunn is asking for an opt-out policy just for him; Rob cannot go along with that request. Rob believes James has a workable solution; that is the way it has got to be. Chris Szell asked that he meet us half way; allow the Village to install a new meter but wait on the RF reader. Mr. Dunn wants to wait on all of it. Dave Smith felt Council should at least give Mr. Dunn time to make an argument for the RF reader but allow our crew access to Mr. Dunn's house to install a new meter. More discussion.

A motion to give Mr. Dan Dunn time to make an argument for the RF reader but allow our crew access to Mr. Dunn's home to install a new water meter or the water will be shut off was made by Mr. Szell and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

DEPARTMENT HEAD REPORTS

***Police Chief Brian Gregory provided their monthly report.** There were 404 offense reports for October.

Brian went over their upcoming events including the Shop with a Cop program which may be done by officers or by himself and then wrap gifts and distribute to families. Mayor Bertrand would encourage Council members from Hiram and Garrettsville to help out and participate in this program; not just the Mayors. It is for our communities!

There will be no "None for under 21" event again this year live; it will be a video presentation.

Body camera grant is ongoing and pending from May, June, July, etc.

***Fire Chief Bill Byers provided their monthly report.** The report was sent out by email to everyone.

His department did submit a MARCS grant through the State Fire Marshall again this year. This is in connection with all fire departments in Portage County. A countywide effort has increased their chances of being awarded a grant significantly. We should know something within a month.

Mutual aid numbers have dropped.

Halloween, the Church was kind enough to let them use their parking lot again this year. They gave out just over 200 bags of candy; it was very successful!

Solicitor Tom Reitz asked the Fire Chief if he has had any pushback from other departments regarding the mutual aid billing and fees. Legislation was effective last month. Chief Byers spoke with Chief Sanchez; his board was planning to approve the fee schedule. Nothing else.

***Asst. Village Administrator Steven Schuller presented the monthly report.** James went over his written report and the water/sewer report.

Water meter project is moving along great! Average meters in service are 30 years old. 271 have been replaced to date with ten meters needing additional parts. There are eight more residents to do; five have not responded! James added there is legislation on the agenda to change the way water is metered from 1,000 gallons to 100 gallons, which will change the rates and to continue with the .5% annual increase.

The Sidewalk project; Alba Contracting is done; Chris' Custom Concrete will complete the project, weather permitting, in one week.

They have reapplied for the OPWC grant for the repaving of Hinsdale/Winrock/Ryder Roads and the replacement and improvement of the large storm sewer on the west end of Hinsdale. This is a \$250,000 grant with a \$50,000 zero percent interest loan over fifteen years.

Reapplied for the OPWC grant Phase I of the water plant improvement project; a \$446,000 grant with a \$50,000 zero percent interest loan over twenty-seven years.

For the Water Tower project; they are looking into OWDA loans to bridge the gap of the higher prices due to material shortages. OWDA loans are 1.5% interest as well as removing anything from the bid to help save on costs.

Legislation is before Council for the General Fund to amend appropriations for the new gas line installation from Dominion for \$21,420.00. It needs to be upgraded to support the new larger generator as well as the sewer plant.

Water appropriations will also need to be increased due to four valves that recently needed to be replaced.

Mayor's November 9, 2021 Report to Council

Planning & Zoning Commission Meeting:

There was no Planning & Zoning Commission Meeting on Tuesday, November 2, 2021 as no business was on the Commission's agenda.

CDC Covid-19 Report as of Today:

The CDC reports that in Portage County, Ohio, community transmission is HIGH. Everyone should wear a mask in public indoor settings. Mask requirements might vary from place to place. Make sure you follow local laws, rules, regulations or guidance.

Some Covid-19 Vaccine Recipients Can Get Booster Shots;

- People 65 years and older, 60-64 years with underlying medical conditions, or 18 years and older who live in long-term care settings should receive a booster shot.
- People 18 years and older should receive a booster shot at least 2 months after receiving their Johnson/Janssen Covid-19 vaccine.

** Your Mayor and spouse receive their Moderna Booster vaccine this week.

September 21, 2021 – Ohio Governor Mike DeWine today announced that nearly 58% of Ohio's public K-12 students are required by their local school to wear masks in schools. On September 1st only 35% of Ohio students were required to wear a mask.

"I am pleased to see more school superintendents and school boards make the right decision and require masks to protect students and teachers from COVID-19 spread," said Governor DeWine. "We share a common goal of ensuring kids are in school, in person, five days a week. While vaccinations remain the best protection against severe COVID-19 cases, masking will help protect those that can't yet receive the vaccine and adds another layer of protection for those that have."

Unvaccinated people are extremely susceptible to the corona-virus, particularly to the DELTA variant and the data on deaths and hospitalizations show this discrepancy clearly.

NOPEC 2021 Annual Meeting Held Today:

OML Convention:

70th Ohio Municipal League Annual Conference held virtually this year 10/20 to 10/22/2021. Many presenters and speakers advocated Charters for Villages. I have researched this and currently have Charters from the following Villages: Silver Lake, Yellow Springs, Sebring, Johnstown and Grandville. Also, an OML presentation in 2018 on Charters.

Submitted by:

Mayor Lou Bertrand

**The Fiscal Officer Susan Skrovan presented the monthly financial reports for October.*

The following reports were provided to Council for this meeting:

The October Bank Reconciliation balanced with the UAN system with no adjusting factors and is available for signing by the Mayor and Council.

Cash Summary by Fund as of October 31, 2021 was provided to Council by email today and in their packets.

List of bills as of November 5, 2021 was provided to Council by email last week.

Council Regular meeting minutes for October 12, 2021 were provided to Council by email yesterday & in packets.

R.I.T.A. income tax receipts YTD report was provided to Council in their packets.

Comparison of Budgeted and Appropriated YTD report was provided to Council by email today & in packets.

Susan did remind Council that the balance of the CARES Act Funds will need to be expended BEFORE the end of December or it has to be returned to the State. It is in legislation tonight to appropriate the balance of those funds.

Our Aflac agent was present at our last Finance Committee meeting; which we did not have a quorum. He provided packets with two options for employee short-term disability; an accident policy and a short-term policy. The short-term is very expensive to cover everyone; he recommended an accident policy should the Village decide to go with coverage. It is offered now to employees; however, they pay for it themselves through a payroll deduction. Open enrollment is November and packets are made available to everyone including Council.

A motion to approve the Fiscal Officer's report for October as submitted was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor.

The bill's list was reviewed. A motion to approve the bill's list was made by Mr. Spencer and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor.

HIRAM TOWNSHIP REPORT

No one present. Chief Bill Byers spoke on their recent township meeting. They discussed doing a traffic study on the curve at State Route 82 to Pioneer Trail as well as at Pioneer and S.R. 700. There is a lack of signage and a fatal crash last year! Bill contacted ODOT and Portage County. The County agreed to look at the whole triangle.

LEGISLATION

ORDINANCES

2021-14: AN ORDINANCE AMENDING THE VILLAGE OF HIRAM'S EMPLOYEE HANDBOOK, SECTION 4.10 E. 3rd READING. A motion to approve was made by Mr. Spencer and seconded by Mr. Hemphill. Village Administrator James McGee spoke about the overtime calculation and why this all came about. James would like to see this voted down. It was not his intention to do away with any benefit. The department heads had a meeting to review and make changes to the employee handbook which will be given to our Solicitor and then brought before Council. Either vote it down or table it. Solicitor Tom Reitz said if you vote it down, you can bring it back before Council after a year. If you change it to anything else than what was originally presented, you can bring it back as soon as it is ready. If you table it, it just sits there and eventually drops off the agenda. Paul read the overtime calculation being only on hours actually worked; he saw nothing wrong with it. James said currently we do consider holiday and vacation time in the 40 hours. Solicitor Tom Reitz spoke on what transpired between him and James originally and how it came before Council. A motion to table Ordinance 2021-14 was made by Mr. Spencer and seconded by Mr. Dempsey. The result of the voice vote was 6-0 in favor. **This ordinance is tabled.**

2021-16: AN ORDINANCE ESTABLISHING SECTION 8.10 F, G, H OF THE VILLAGE OF HIRAM'S EMPLOYEE HANDBOOK. 3rd READING. A motion to approve was made by Mr. Dempsey and seconded by Mr. Spencer. Paul asked Solicitor Tom Reitz if he felt the Village is going down the wrong path if they adopt this legislation. Solicitor Reitz said this is a policy decision. Your proposed course of action is a legal action. It is a course of action taken in some municipalities; not all.

Tom said his only apprehension is that this policy came about because of an officer that was injured in the line of duty; which is noble and the right thing to do. You are making this policy because of one officer but it is going to apply across the board. Instead of looking at this policy with the one officer you are thinking about that you like; think about the one that is your least favorite. Apply this policy to that officer even handedly, if you can do that and it is a policy you want, then go for it. Dave Smith asked about our other employees; this is only for our safety forces. Wouldn't you want to apply this to all employees if they get hurt on the job to make them whole? Council spoke about full-time versus part-time employees. More discussion. Paul Spencer called the question. The result of the voice vote was 5-1 against the passage with an abstention from Mr. Greenwood. **The ordinance failed.**

2021-17: AN ORDINANCE AMENDING THE VILLAGE OF HIRAM'S EMPLOYEE HANDBOOK, APPENDIX A. 1st READING.

2021-18: AN ORDINANCE ESTABLISHING CHANGES TO THE RULES, REGULATIONS & BY-LAWS OF HIRAM VILLAGE WATER AND WASTEWATER SYSTEMS AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Szell and seconded by Mr. Hemphill. Dave Smith asked why this is an emergency. James and Steve explained how the new billing will be set up by 100 gallons rather than by 1,000 gallons. It will be more accurate and set to begin next month. Chris Szell called the question. The result of the voice vote was 6-0 in favor.

2021-19: AN ORDINANCE APPROVING AND GRANTING CONSENT TO THE DIRECTOR OF THE OHIO DEPARTMENT OF TRANSPORTATION AUTHORITY TO, APPLY, MAINTAIN AND REPAIR STANDARD LONGITUDINAL PAVEMENT MARKINGS AND ERECT REGULATORY AND WARNING SIGNS ON STATE HIGHWAYS INSIDE VILLAGE CORPORATE LIMITS, AND GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO REMOVE SNOW AND ICE AND USE SNOW AND ICE CONTROL MATERIAL ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATE LIMITS, AND GIVING CONSENT OF THE VILLAGE FOR THE OHIO DEPARTMENT OF TRANSPORTATION TO PERFORM MAINTENANCE AND/OR REPAIR ON STATE HIGHWAYS INSIDE THE VILLAGE CORPORATION. 1st READING. A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Hemphill. Solicitor Reitz explained how this is to re-execute their original agreement from February of this year. There was some discrepancy with the State of Ohio and legislation was sent back signed by them but not by us. The result of the voice vote was 6-0 in favor. A motion to approve on first reading was made by Mr. Greenwood and seconded by Mr. Smith. The result of the voice vote was 6-0 in favor.

2021-20: AN ORDINANCE AMENDING THE PERMANENT APPROPRIATIONS IN SEVERAL FUNDS AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Szell. The result of the voice vote was 6-0 in favor. A motion to approve as an emergency was made by Mr. Dempsey and seconded by Mr. Szell. Paul asked why are there two funds under 1000. Susan explained why she separated the two amendments. Paul Spencer called the question. The result of the voice vote was 6-0 in favor.

2021-21: AN ORDINANCE TO PUT IN PLACE TEMPORARY APPROPRIATIONS AT THE FUND LEVEL FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF HIRAM, DURING THE FIRST QUARTER OF THE FISCAL YEAR ENDING DECEMBER 31, 2022 AND DECLARING AN EMERGENCY. 1st READING.

RESOLUTIONS

2021-24: A RESOLUTION APPROVING THE VILLAGE OF HIRAM'S NOTICE TO THE NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) TO ELECT NOPEC'S GREEN COMMUNITY CHOICE PROGRAM FOR THE VILLAGE'S ELECTRICITY AGGREGATION PROGRAM STARTING JANUARY 2023. 3rd READING. A motion to approve was made by Mr. Szell and seconded by Mr. Smith. The result of the voice vote was 5-1 in favor with one nay vote by Mr. Spencer.

2021-31: A RESOLUTION RETAINING THOMAS REITZ, ATTORNEY AT LAW, AS SOLICITOR FOR THE VILLAGE OF HIRAM, OHIO, AND FIXING HIS FEES FOR THE PERIOD FROM JANUARY 1, 2022 TO DECEMBER 31, 2022, AND DECLARING AN EMERGENCY. 2nd READING. A motion to suspend the rules was made by Mr. Hemphill and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. A motion to approve on second reading was made by Mr. Dempsey and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor.

2021-32: A RESOLUTION AUTHORIZING THE EXPENDITURE OF PUBLIC FUNDS OF NO MORE THAN TWO HUNDRED DOLLARS FOR A RECEPTION FOLLOWING A SWEARING IN CEREMONY FOR NEWLY ELECTED AND/OR RE-ELECTED OFFICIALS ON DECEMBER 10, 2021 AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 5-1 in favor with one nay vote by Mr. Smith. A motion to approve as an emergency was made by Mr. Hemphill and seconded by Mr. Spencer. The result of the voice vote was 5-1 in favor with one nay vote by Mr. Smith.

2021-33: A RESOLUTION AUTHORIZING A CONTRACT WITH THE PORTAGE COUNTY PUBLIC DEFENDER FOR DEFENSE OF INDIGENT PERSONS CHARGED WITH CRIMINAL OFFENSES UNDER THE VILLAGE ORDINANCES AND DECLARING AN EMERGENCY. 1st READING.

2021-34: A RESOLUTION AUTHORIZING RE-ADVERTISING FOR BIDS FOR A CONTRACT TO PERFORM COLLECTION OF RECYCLABLE MATERIALS WITHIN HIRAM VILLAGE AND HIRAM TOWNSHIP AND DECLARING AN EMERGENCY. A motion to suspend the rules was made by Mr. Spencer and seconded by Mr. Hemphill. The result of the voice vote was 6-0 in favor. Solicitor Tom Reitz asked to explain before Council acted on this. There was a disconnect between the advertisement that was approved and what Council saw last month. There was also a disconnect between the specifications and what you approved last month. These were then inaccurate and needed to be corrected. The re-advertisement for bids is already out at this point with a bid deadline of November 19. A motion to approve as an emergency was made by Mr. Spencer and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor. Chris Szell will update the website with the last day for recycling pickup will be December 3rd. The Mayor felt it should be put in the Communicator as well.

ANY OTHER BUSINESS:

Solicitor Tom Reitz has two things to update Council on. At 5:00 pm today he received a fax from the owners of the home on Plum Ridge. They have taken steps to obtain financing to make improvements to their home on Plum Ridge. It appears they have been successful in obtaining the financing and are working with contractors to get work done on the property.

The second item he is asking Council to approve is regarding his firm's pursuit in obtaining an opioid settlement. Tom received a proposed participation settlement agreement. Tom Reitz provided the details.

A motion to execute the participation agreement with Janssen/Johnson & Johnson was made by Mr. Spencer and seconded by Mr. Greenwood. The result of the voice vote was 6-0 in favor.

Chris Szell apologized and explained why he was not at the last Finance meeting; he was at the Portage County Strategic Planning meeting. Their next meeting will be December 5, 2021.

A motion to enter into Executive Session at 9:05 pm for the purpose of personnel; hiring, firing, discipline or evaluation per Ohio Revised Code 121.22 was made by Mr. Spencer and seconded by Mr. Szell. The result of the roll call vote was 6-0 in favor.

A motion to return to Regular Session at 10:16 pm was made by Mr. Spencer and seconded by Mr. Greenwood. The result of the roll call vote was 6-0 in favor.

A motion to give merit raises to all department heads as follows: for highly effective personnel Brian Gregory and Susan Skrovan a merit raise of \$3,500.00 each and for Bill Byers and James McGee a merit raise of \$2,500.00 each effective January 1, 2022 was made by Mr. Hemphill and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor.

A motion to adjourn the meeting was made by Mr. Szell and seconded by Mr. Spencer. The result of the voice vote was 6-0 in favor. The meeting adjourned at 10:19 pm.

These minutes are pending approval by Council.



Mayor Lou Bertrand

ATTEST:



Fiscal Officer Susan J. Skrovan