

**REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE**

**Monday, February 4, 2019**

**7:00 p.m.**

The Village of Silver Lake Council met in a regular session on Monday, February 4, 2019, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council Mr. Gerald Jones presiding, the meeting was called to order at 7:00 p.m.

Mr. Jones led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Dann Nivens, Mr. Tim Nichols, Mr. Gerald Jones, Mr. William Church, Mrs. Therese Dunphy, and Mr. Matthew Plesich

Roll call of Council - 6 members present

Absent - Mrs. Betsy Meyer

Mr. Nivens moved and Mr. Plesich seconded to excuse the absence of Mrs. Meyer. All members signified approval by saying aye.

**Swearing in part-time police officers Nicholas Cistone and Cody Hostetler**

Chief Norris said Nicholas Cistone comes to us from the Mahoning County Sheriff's Office and still is employed with them. His grandparents lived in Silver Lake at one time, and he is a Stow graduate, as well as a KSU and KSU Policy Academy graduate. He and Officer Dan Moledor went to the academy together. I'm glad to welcome Nick aboard.

Nicholas Cistone introduced the members of his family who were in attendance.

Mayor Hovey completed the swearing in of Officer Cistone.

Chief Norris said Cody Hostetler is a graduate of the University Of Akron Police Academy and is currently an officer with Summa Protective Services. He has experience working with Silver Lake Police Officers Paul Ondecker and Craig Rowe. I'm glad to welcome Cody aboard. He's a great candidate and well-deserving.

Cody Hostetler introduced the members of his family who were in attendance.

Mayor Hovey completed the swearing in of Officer Hostetler.

**Swearing in Silver Lake Officer Dave Childers**

Mayor Hovey said Dave has been an excellent police officer for the Village.

Chief Norris said Officer Childers has a lot of responsibilities that he does a good job with, including the crash team, OVI Task Force coordinator, and training new officers. His wife is a

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Stow officer and his father had a great career finishing as a captain with the City of Cuyahoga Falls. This is well-deserved, and I look forward to many more years from Dave in this capacity.

Officer Childers introduced the members of his family who were in attendance.

Mayor Hovey then swore in Officer Childers to the position of Lieutenant.

Mr. Jones asked Mr. Sean Housley, Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

**RESOLUTION NO.: 04-2019 A RESOLUTION AUTHORIZING THE RENEWAL OF A CONTRACT WITH KIMBLE COMPANIES, INC. FOR SOLID WASTE REMOVAL IN THE VILLAGE OF SILVER LAKE FOR AN ADDITIONAL FIVE-YEAR TERM COMMENCING APRIL 1, 2019, AND ENDING MARCH 31, 2023, AND DECLARING AN EMERGENCY.**

*Finance & Appropriations (This will go through a full three readings.)*

**ORDINANCE NO.: 05-2019 AN ORDINANCE AMENDING THE SALARY ORDINANCE TO PROVIDE A SYSTEM OF REIMBURSEMENT FOR UNIFORM EXPENSES OF A VILLAGE POLICE OFFICER, AND DECLARING AN EMERGENCY.**

*Finance & Appropriations*

**ORDINANCE NO.: 06-2019 AN ORDINANCE TO AMEND APPROPRIATIONS FOR EXPENSES AND EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2019, RATIFYING CERTAIN ENCUMBRANCES RELATED TO SUCH APPROPRIATIONS, AND DECLARING AN EMERGENCY.**

*Finance & Appropriations*

**RESOLUTION NO.: 07-2019 A RESOLUTION APPROVING THE FORM OF THE “SUMMIT COUNTY – AKRON REGIONAL RADIO SYSTEM USER AGREEMENT,” FOR THE USE AND MAINTENANCE OF A COUNTY-WIDE REGIONAL RADIO SYSTEM, AND AUTHORIZING THE MAYOR TO EXECUTE THE USER AGREEMENT FOR A FIVE (5) YEAR TERM COMMENCING MAY 1, 2019, WITH FOUR OPTIONS TO RENEW FOR AN ADDITIONAL FIVE YEARS EACH FOR THE VILLAGE OF SILVER LAKE’S USE OF SAID RADIO SYSTEM, AND DECLARING AN EMERGENCY.**

*Planning, Zoning, and Insurance*

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**RESOLUTION NO.: 08-2019 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE LEGAL DEFENDER'S OFFICE OF SUMMIT COUNTY TO PROVIDE LEGAL COUNSEL TO INDIGENT PERSONS FOR THE PERIOD JANUARY 1, 2019, THROUGH DECEMBER 31, 2019, AND DECLARING AN EMERGENCY.**

*Planning, Zoning, and Insurance*

**SECOND READING:           None**

**THIRD READING:           None**

**Comments from the audience:**

**Mrs. Milann Daughtery, 2829 Lakeland Parkway**, asked if a report on the deer program that just ended was available.

Mayor said there will be a report on it tonight.

**Mr. Fred Johnson, 2943 Overlook Road**, said on behalf of the community, I want to say to Mark and your staff, great job with the snow removal. Once again, we are so proud to come into the Village and see things in order. We are all fortunate to be a part of this Village and have this kind of dedication.

**FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH**

RESOLUTION NO.: 04-2019

Mayor said Mr. Johnson from Kimble can be here in two weeks if you want him.

Mr. Nichols said the rationale for their increase, meaning what's going on in the world of recyclables, is fully understood. They have a good reputation. Given that first year increase of 9.5 percent, in order to make sure we're being honest with the citizens, should we not consider a second bid?

Mayor said we talked about it when this first came up, and we decided we were happy with Kimble and we're sure their prices will be in the ballpark of everyone else. They know the Village, and we're happy they service us as well as they do. At this point, we would not have it done by the deadline. There did not seem to be a rational reason to accept other bids. These prices are \$.50 higher than one of the surrounding communities is currently paying, and that community is up for renewal. I have every reason to believe this price will be extremely competitive.

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Mr. Church asked Mr. Nichols if he would be comfortable if we had Mr. Johnson from Kimble come in to talk to Council.

Mr. Nichols said I think he ought to come in. Are we sure nobody else would bid?

Mr. Plesich said I think the problem is now that this has been published, it gives the competitors a heads up on what they're bidding on. I think your suggestion is a great idea, but we've crossed that bridge and now it's tough to go back.

Mr. Jones said I think they would have to withdraw their pricing and start over.

Mr. Nichols said I'm not saying we have to take the lowest bid, but to me it would seem prudent to confirm it through the bid process.

Mr. Church said for several years we did take bids. We were not happy with what we had. For the past three or four years we have had no complaints.

Mayor said other companies will not do what we want them to do.

Mr. Nivens said Kimble has good equipment they use in the Village and they provide quality containers. In addition, they are going to bring in the sturdy recycling containers, for which they are paying at least \$40 per container. I've looked at the equipment of other companies. I am 100 percent comfortable with Kimble. The 9 percent increase is the cost of doing business.

Mrs. Dunphy said I had similar concerns as Mr. Nichols. I agree we have very good service with Kimble, but what makes it a little more palatable is they are going to do the big recycling containers. We have seen a lot of trash blowing around in the Village. Rather than charge a separate \$3 fee, they are going to provide the bins, and that almost offsets the increase. I looked at several other communities before we sat down with Kimble and I saw very similar increases in all of their contracts, particularly on the recycle side.

Mayor said I think the other thing we have to keep in mind is when this first came to Council months ago, Kimble asked if we would be willing to look at their new prices without going out for bid, but they also asked us not to use their new prices to shop around. We pretty much agreed to that. I think it is good faith on our part, too.

Mr. Nivens said I would ask for anyone who has any doubts to follow a truck on Friday morning. With the open recycle containers, we cannot hold the driver responsible. That is the resident.

Mr. Nichols said I will vote for this when it comes up, but I maintain it is good government to entertain competitive bidding.

There being no further comments or questions, Mr. Church said we will treat this as a first reading.

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ORDINANCE NO.: 05-2019

Mr. Church asked Chief Norris to talk about this. What would you like to see happen?

Chief Norris said currently we get reimbursed for equipment we buy on our own. It's difficult to incur those charges and get reimbursed later. Under the old system, we received a payment of \$700 around the first pay in February. We discussed the uniform allowance in the new pay ordinance. The Mayor thought it was wise to have the distribution made around the last pay of December. This goes back to the old system, except for the payment date.

Mayor said keeping the receipts gets too cumbersome and it's not a workable situation. However, there were instances where an officer would get a \$700 payment in February and maybe resign or retire in March. In the last paycheck of the year they will get full credit as long as they work through the 15<sup>th</sup> of a month. If they resign or something happens on the 16<sup>th</sup> they get a prorated amount. Before the 15<sup>th</sup> they don't get anything.

Mr. Nivens said as far as uniform allowances, we are the lowest. \$700 is doing nothing. I think we need to look at an additional \$200 for recently promoted officers. Jamie just had to incur \$600 for uniforms required for his position.

Mr. Church said we can talk about increasing this at the next meeting.

Mr. Nivens said are we going to make these people wait?

Mayor said they will get paid sooner. They went through the whole year and got paid in February. Now they'll get paid in December.

Mr. Nivens said it wasn't done that way before.

Mayor said my understanding is the police are fine with this system.

Chief Norris said I met my \$700, but I spent over \$1,000 because of the promotion. We are behind and I would appreciate it if we would look at it down the road.

Mr. Housley said previously we could have created a hardship on someone by them having to purchase \$700 in January and wait until February to get repaid. This is a little different type of system. I also put together a handout for you to review which better explains the legislation.

Mr. Nivens said in the past, we could take an officer to a uniform store and give the store the money directly. That way the officer does not pay income tax on it and does not pay sales tax. \$700 provided translates to \$568.60 when taxes are paid.

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Mr. Church said personally I don't like that you have to spend any of your own money for uniforms. It rubs me the wrong way. I would support down the road looking at this again and bumping it up to \$900.

Mr. Nivens added we are paying for the Service Department uniforms on a monthly basis.

Mr. Housley would like to make some changes in the legislation, therefore, Mr. Church said we hold this as a first reading.

ORDINANCE NO.: 06-2019

Mr. Housley said there are a couple purchase orders and changes to the appropriations. There is an increase for \$12,223 in appropriations. The water bill has not gone up. There is no increase for water fees. It's just so I can show the open purchase order at the end of 2019, and I'm guessing it will be around \$12,300.

The second item is contractual services related to sewage treatment. The actual treatment costs came in much higher than I had reserved, so I had to create a purchase order in January for over \$3,000.

The \$13,000 for capital outlay is related to the Lee Road project. It is not a greater amount than what was previously discussed.

There were two change orders approved by the EPA. Mr. Lipan said one was the water line on Hastings Road which they had to move above the sewer line. The other one was where the train station was at the end of Lee Road. They had to rip out the foundation.

There being no further comments or questions, Mr. Church said this ordinance would be brought out for adoption.

Ordinance No.: 06-2019

Motion to suspend the rules by Mr. Church, seconded by Mrs. Dunphy

Roll call: Yes 6 No 0

Motion to adopt by Mr. Church, seconded by Mrs. Dunphy

Roll call: Yes 6 No 0

Mr. Church said the **Statement of Cash Position of January 31, 2019**, was presented and he asked for any questions.

Mrs. Dunphy said I think we should be having some ongoing dialog about our sewer fund showing \$343,500 and how we are going to address that issue.

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Mr. Housley said that's a concern to me. I included a handout tonight where I took a look at rainfall, water sales and sewage treated. All three add up to having a significant impact. We may not have enough cash in the sewer fund to get us through the end of the year, and we possibly may have to advance some cash. I have been looking at it every day.

Mr. Nivens said last year we had to take money from the General Fund for storm sewer fees to keep it stable and we still haven't paid it back.

Mr. Housley said we've paid back about one third. That's what happened in the sewer fund, too. We shouldn't run into those circumstances.

Mr. Nivens said that's my concern.

Mr. Housley said we should adjust the fees to get us up to a cash balance of around 50 percent, so we don't get into this predicament where it's short on cash.

There being no further comments or questions, Mr. Church moved to accept the **Statement of Cash Position**, seconded by Mrs. Dunphy. All members signified approval by saying aye.

Mr. Church asked if there were any questions on the payment of claims for January 22, 2019, and January 30, 2019. Hearing none, Mr. Church concluded his report.

**PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS**

RESOLUTION NO.: 07-2019

Mr. Nichols said this is a pretty big increase in what we are paying per radio, going from \$12 to \$20. This is a new system, so I'm going to ask Chief Norris to expand upon this.

Chief Norris said the first agreement we were on was June of 2009. We went to the 800 MHz system. We now switched to the Mutual Aid Regional Communication (MARC) System, which is an increase in power across the state. We can take our radios and communicate with another agency in another region by simply switching onto the MARC channel. The state has been pushing to get areas to regionalize dispatching to just a few dispatch centers. This is probably a step in that direction.

Mr. Church asked if Chief Norris feels this benefits his ability to do his job.

Chief said it benefits the communication aspect. It translates to the ability to communicate with a neighboring agency much more quickly.

Mr. Nichols asked why we have 21 radios.

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Chief said each of our 12 officers are assigned a radio. There is a radio in each car for a total of five, two are used in the office and there are two spare radios.

Mr. Nichols said we could bring this out tonight.

Mr. Heydorn said the administration wishes Resolution No.: 07-2019 be put on first reading, as it doesn't have to be passed until May, and in looking over the contract, there is at least one facet of it I think needs to be changed. The Mayor will bring up that fact at the next Mayor's meeting to see if that can be altered.

Mr. Nichols asked what is unfair.

Mr. Heydorn said the indemnification section; even if they produce something that is faulty or make a mistake or do not maintain their equipment, we have to pay the damages, even though the providers of the system are the ones at fault.

Mr. Nichols said they are not going to have custom agreements with each community.

Mr. Heydorn said if that's the case, I will advise you that you will be faced with a problem.

The Mayor will bring this up for discussion at the next Mayor's meeting for the input of all concerned.

There being no further comments or questions, Mr. Nichols said we will not bring this out tonight.

**RESOLUTION NO.: 08-2019**

Mr. Nichols said this is an annual contract and there is not a fee increase associated with this. We spent approximately \$2,550 in 2018.

There being no further comments or questions, Mr. Nichols said we will bring this out for adoption tonight.

**Resolution No.: 08-2019**

Motion to suspend by rules by Mr. Nichols, seconded by Mr. Church

Roll call:                    Yes    6            No    0

Motion to adopt by Mr. Nichols, seconded by Mr. Nivens

Roll call:                    Yes    6            No    0



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## REPORTS OF VILLAGE OFFICIALS

**Mayor Hovey** reported the deer culling program ended yesterday, and we had a total of 10 deer. Four were donated to the food pantry.

It is unlikely I will be able to attend the next meeting. I will deliver the State of the Village address at the meeting on March 4, 2019.

**Mr. Robert Heydorn, Village Solicitor**, had no report.

Mr. Jones said the Planning Commission will be meeting regarding the rezoning of the school, and they asked for a title search. They did not find a reverter clause, which is a private clause you would find in the deed. It says *I am going to give you this property for the purpose of (.....) and if you change the purpose of it, then it reverts back to me.* It is an old English technique used to maintain control.

Mr. Jones said the Falls News Press had an article yesterday saying the State may step in regarding the problems in the school system. A levy was mentioned for November.

Mrs. Dunphy said the school board has asked which building you would close. First was Price, there is a tie for second place, Silver Lake Elementary and Schnee. That's the way the sentiment of the community is going.

Council must have two more readings, plus a public hearing, before they can adopt the legislation.

**Chief Jamie Norris** thanked the Mayor for his understanding of keeping the Police Department staffing up. We have had a couple of traffic accidents since signing up on the O Lease program, which Council signed and it went off without a hitch. They are available for viewing on the Ohio Department of Public Safety website.

Mrs. Bell, Judge Bell's widow, sent me a card congratulating me on my appointment. I really appreciate it. She also made a sizeable donation to the Silver Lake Police Association. They have been great friends of the Village and the Police Department.

**Mr. Mark Lipan, Service Director**, reported starting Sunday, January 20, 2019, the Service Department had 184 hours of overtime due to the snowstorm and a water break. Since winter started, we probably went through 200 tons of salt. We are limiting the usage of that.

I am hiring a new employee who will start February 19, 2019. The last new hire did not successfully complete the probationary period and was terminated.

The Dominion project on Kent Road has started, but they had a water line break and had to fix the line. Several days ago the signal went out at the water tower due to a power outage, so I bought a

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little generator. One of the wires from the pole to the tower shorted. Thompson Electric fixed it today.

Mr. Nichols asked how much salt is left.

Mr. Lipan said probably about 200 tons. I still have an allotment through Cargill for 100 tons at \$79.99 per ton.

**Mr. Sean Housley, Clerk-Treasurer**, reported I gave you a summary of some of the circumstances that have a substantial impact on our sewer fund and its cash balance. There is rainfall information from January, 2016, through November, 2018. Based on what I looked at, we've had an increase in rainfall for that period of 17.59 percent, which would have an impact on infiltration into the sewage being treated.

With the increase in rainfall, we had a drop in water sales for that period of 15.3 since 2016. Last year consumption was down 7 percent. That should give you some idea of how we need to adjust the variable rate on water just to break even. We are looking at a pretty substantial increase in sewer fees. I just don't know what they are yet.

I also took a look at sewage treatment. It's a number I calculate. In 2016, we treated 61.8 million gallons of sewage, 72.9 million in 2017, and 81.4 in 2018, for a total increase of 29 percent, which is probably understated. I will sit down with the County and go over this information and try to figure out the cost of sewage treated.

Mr. Church said the drop in water sales, as the years go by more and more baby boomers are gone for the winter. Could that be a reason for a drop in sales? You would think there would be a drop in sewage treated as well.

Mr. Housley said there are probably lots of reasons, including technology. There's nothing that explains a 29 percent increase in sewage treated. I have not yet had the time to calculate the percentage of infiltration based on rainfall.

Mr. Plesich asked about doing a smoke test to determine where the infiltration is.

Mr. Housley said I have monthly information on what we treated. I just haven't had the time to plug it in. That will show us when it started. There has been discussion on the laterals aging, so maybe they are starting to deteriorate whereby they are permitting more water to infiltrate into the sanitary system. It's above my level of expertise.

Mr. Nivens asked Mr. Lipan when was the last time we used a camera on all of the lines.

Mr. Lipan said I don't think we've ever had all the lines done.

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Mr. Nivens asked what it would cost us to do that.

Mr. Lipan said we just spent millions of dollars refurbishing a lot of these sewers. I got with CTI, and they are preparing a price to put in four flow meters in strategic places where the sewer we meter comes through. We'll see if we still have the problems we had before we replaced all these sewers.

As soon as they give me a price, I will forward it to the Mayor. I was involved with the last smoke test in the Edgerton area. There were a lot of homes having smoke coming out of their front yard. That means it's their laterals. To do that again is a waste of time, unless you are going to come up with a hammer to say you have to fix this.

Mr. Church asked Mr. Johnson about the giant pipe that empties into the lake. Does that have anything to do with what you do? Are there any restrictions you placed on that?

Mr. Fred Johnson, Silver Lake Estate Trustee, said we are working with EnviroScience right now. We are concerned about the upcoming project. The silt and influx coming in spiked in direct correlation to the Hastings/Lee Road construction project. It's our intent to tell the Village we need to bring some discipline to the contractors. You will be hearing from the Watershed and the Estates. I know you share the concern.

Mr. Lipan said I can tell you exactly what happened. They put their bags around the storm sewers, so it didn't come from there. There was a water break by Lakewood Drive, and one of the storm laterals was open and it flushed all the dirt and sand right down the brand new sewer. There was nothing that could be done. It was an accident.

Mr. Heydorn added the drainage area of that pipe is in the Highlands. It would be draining that area of Lake Road.

Mr. Johnson said we increased testing programs for 2019. There will be enhanced testing protocols.

**Miscellaneous Business**

Mr. Nivens said last year I called for a work session on a Saturday, which didn't happen. This year I am proposing again I would like to see us have a Saturday work session at Village Hall without an agenda and where we could talk about anything.

Mr. Plesich said we should be more specific.

Mr. Housley said the public has to know what is going to be on the agenda.

Mr. Jones said we'd all like to know what you want to talk about, so we can come prepared.

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Mr. Nivens said it would be an open workshop. My area would be street lights on Elmbrook Drive, communicating with residents in a timely manner.

Mr. Jones said why can't we meet some evening from 6:00 p.m. to 7:00 p.m.

It was agreed.

Mr. Housley said to email him some topics and Council can decide what to put on the agenda.

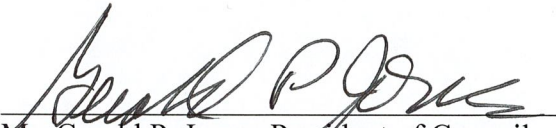
Mr. Johnson clarified the new contract with Kimble will include new recycle containers.

Also, do we have any data regarding the deer culling at Crystal Lake?

Mayor said seven out of the ten deer were from the Crystal Lake area.

There being no further questions or comments, Council adjourned at 8:21 p.m., until the next regular meeting of Council on Tuesday, February 19, 2019, at 7:00 p.m.

APPROVED:

  
Mr. Gerald P. Jones, President of Council

ATTEST:

  
Sean M. Housley  
Clerk-Treasurer

prepared by: Darlene Pedicino  
reviewed by: Suzanne Lipan