

Village of Windham, Ohio
Minutes of the Special Council Meeting

Held August 6, 2009

At 6:07 PM, the Honorable Mayor Robert W. Donham II called the meeting to order.

Roll Call: Rachel Barrett – present, Scott Garrett – present
 Kelly Meszaros – present, Linda Rininger – present,
 Randy Slusher – present, Phil Snyder – present

Also present, Village Solicitor Tom Reitz, Tom Brett, Police Chief Perdian, Fire Chief Simpson, C. James Moore, Joe Veccia, Jim Starkey, Mike Iwanyckyj.

Mayor Donham said the only items on the agenda for this evening both fall under Safety, Personnel and Rules with Mr. Snyder Chairman.

Mr. Snyder read Resolution R-2009-26 A RESOLUTION DECLARING IT NECESSARY TO SUBMIT AN ADDITIONAL TAX LEVY FOR FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICES PURPOSES AND REQUESTING THE PORTAGE COUNTY AUDITOR TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE VILLAGE AND THE DOLLAR AMOUNT OF REVENUE THAT WOULD BE GENERATED BY THAT ADDITIONAL LEVY AND DECLARING AN EMERGENCY.

Mr. Snyder then made a motion to suspend the rules which was seconded by Mr. Garrett. Mayor Donham then clarified that there are two pieces of legislation necessary to put a levy on the ballot. The first is to ask the Portage County Auditor to certify the total current tax valuation of the village and the dollar amount of revenue which would be generated by the additional levy. That is what this Resolution is.

Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Rininger. Mr. Slusher.
Nays: Mrs. Meszaros. Motion carried.

Mr. Snyder then made a motion to adopt Resolution R-2009-26 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr.. Slusher.
Nays: Mrs. Meszaros, Mrs. Rininger. Motion carried.

Mrs. Rininger asked if this was set up like the last levy so if there is a Joint Fire District formed we can do away with that or will it just disappear? Atty Reitz said that he didn't draft the previous one, but this would either go to the Village or it could be assigned to a Fire District.

Mr. Slusher asked if the Village pays one mill currently, and the Township pays one mill, why are we asking for an additional two? Mayor Donham explained that it is actually two different levies. The township pays one for operating and one for heavy equipment so they actually pay two. And the village pays one for operating and one for heavy equipment so we pay two. So with the township taking their two mills out, there is \$50,000 that needs to be replaced.

Mrs. Meszaros asked if we had dollar amounts as to what it actually takes to run the Fire Department. Mayor Donham said we know what the payroll is we know what was brought in we know what it takes to run (the Fire Department). If you look at the operation of the Fire Department historically we have run it at one mill for operating plus EMS billing. We have been operating on constantly \$50,000 per year plus an additional \$60,000 to \$80,000 in our EMS generated revenue. So the way we put the Fire Department Levy on in May, it would give the Fire Department, the Chief and the committees that set up the budget the option to in the short term use all of our money to operate on, but long term would devastate the department

because we wouldn't have money for heavy equipment and we won't any of that additional millage that we have set aside for equipment.

Mrs. Meszaros said, so we are asking voters of the community because we as equal bodies, the Township and the Village, broke the Fire Department; we are going to stand up and put our hands out and ask for more money.

Mayor Donham said I think what I am going to ask the voters and advise Council to also is that if the Township decides they want to run their own Fire Department, we can operate on a smaller budget; that's completely up to the residents. If the residents decide that they want to fully fund the department as they have in the past, and if they want that level of service, then by all means they would be willing to pay for it. But if, for some reason, they don't and they want us to downsize and be a smaller department with less funding, then that's the choice the residents take. But it's definitely not something we want; we don't want two separate departments, but if we have them we need to protect the best interests of the residents and at least offer them the chance to replace the funding that we would be losing from the Township.

Mrs. Meszaros said we need to exhaust all possibilities available and shame on all of us for not doing everything we can. I am not just speaking about this body, but the township as well. Mayor Donham said I agree shame on all of us but the reality of it is if the Township Trustees do not put a levy on that can be transferred to a district by the 18th of this month, in twelve days, we indeed are going to lose funding.

Mr. Snyder said, that's the gut reality but as far as shame on us, I'm sorry I'm not going to say shame on me and I'm not going to say shame on this Council because this Council has done everything that they could. We have bent over backward to try to resolve this issue over and over and over. We have went so far as to accept a proposal from the Township Trustees that we didn't even like in order to keep one Fire Department for both the Township and the Village and they rejected their own proposal, so not shame on this Council. This Council has acted responsibility. This Council has made every effort possible to try to secure the same kind of Fire Department that we are used to and we have had. The whole idea of the Fire District, a Joint Fire District, is to make the great Department we have better and take the politics out of it. This Council has tried everything we could do to try to do that and we have not had any cooperation from the Township.

Mrs. Meszaros said we have also made some very aggressive moves that have offended the Township. You have to admit that there have been certain legal depth taking when we were very close to a deal that put the other side off, so shame on both of us.

Mr. Garrett said, I will say that just to move on that I would agree with both parties. Kelly is right in the sense that if this doesn't come together, the burden falls on both sides and I actually believe that in the end, all that is going to be remembered is that both sides dropped the ball, not who dropped it more, and neither side is able to get it together. On the other hand, whatever legal steps were taken that shouldn't have a bearing on the outcome of an agreement. It has been understood all along, once a Joint Fire District is achieved, all of those legal actions are dropped. So if personal insults have kept the Joint Fire District from being formed, then I don't think that is much of an excuse. But I do think the fault lies on both sides.

Mayor Donham said, I've said it once and I'll say it again, I'm open to any option that we haven't explored. I think there aren't that many legal options that you can operate a Fire Department under. We have put all of those options out their. We haven't gotten any response from the last Fire District proposal and it's been eight weeks. That is the issue that is before us with this levy is that we don't like to operate like that. If this Council could today operate with the Trustees we will, but we also have to be responsible to the citizens and prepare should they

not be here to replace that money because we don't need another drain on the General Fund. And there isn't anywhere else it could come from because a Municipality is required to provide Fire protection to our citizens. We don't have an option like the Township to not provide it and just have a Fire Enforcement Official or Fire Inspector or whatever that is. One way or another we will be providing fire protection if that be from the general fund or whatever.

Mrs. Barrett said, I have a question for Tom if I may. If the residents of the community would pass this levy, if we vote to have it put on the ballot and it passes, and at the last moment hopefully the Trustees would agree to go with a Fire District, is there any way to cancel one of these levies or does it have to run the course of the five years that it is set up for? Atty. Reitz said it doesn't have to run the full five years, but he doesn't know how quickly it can be cancelled. He knows that the levy can be terminated. Mayor Donham said he has spoken with Atty. Chip Comstock that same question and he has indicated that the levy can be repealed after a Joint Fire District has been passed. Mrs. Barrett asked if she understood the Mayor to say that the Township should put on a Joint District Levy. The Mayor said he may have misspoke, I meant a Township Fire Levy because it would be transferable to a District. And then once we both have those two levies in place, we could use that money to fund the District. Once the District passes it's own District Wide Levy, we could repeal our independent levies and it would result in the same amount of funds.

Atty Reitz said he realized he had omitted the emergency language on Resolution R-2009-27 and it will be added before the vote is taken so that it can get to the Board of Elections in time to be placed upon the ballot.

Mr. Snyder then gave a first read of Resolution R-2009-27 A RESOLUTION SUBMITTING THE QUESTION OF AN ADDITIONAL TAX LEVY FOR FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE PURPOSES PURSUANT TO SECTION 5705.19(I) OF THE REVISED CODE.

Mayor Donham thanked Council for meeting and thanked those in the audience for coming.

Mrs. Barrett said she had one other item, she would like to make a motion to have Council forfeit their wages for this meeting. Mr. Garrett seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: Mr. Snyder. Motion carried.

Before the vote, the Solicitor was asked if the vote needed to have been taken before any business had been transacted. He responded that he had never experienced a voice vote to decline the wages but only had experienced the members refusing their checks or donating back to the Village individually. He saw nothing wrong with the motion whenever it was entertained.

Atty Reitz will be reviewing some of the Notice provisions at a future meeting.

Motion to adjourn was made by Mr. Snyder and seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried at 6:26 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor