

Village of Windham, Ohio
Minutes of Council Meeting

Held February 22, 2011

At 7:30 PM, the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of allegiance to the Flag of our Nation..

Roll Call: Rachel Barrett – present, Scott Garrett – present,
Kelly Meszaros – present, Jena Miranda – present,
Linda Rininger – present, Phil Snyder – absent

Also present were Atty. Tom Reitz Solicitor, Police Chief Eugene Fixler, Denise Bly, Bruce Rininger, Mike Iwanyckyj, Jim Moore, Dave Apthorpe, Paul Blewitt, Joseph Summers Jr., Debbie Blewitt, Tom Brett, and Joe Pinti .

Mayor Donham said he wanted to take a moment to offer condolences to the Denver family. We lost Tom Denver, Sr. former police chief and long time Village resident today so we would like to offer condolences to his family. Also, excuse Councilman Snyder who lost a granddaughter in a traffic accident the same day. So we would like to offer condolences to both families and just take a brief moment of silence. Best wishes and our prayers go with them.

The minutes of the January 25, 2010 Regular Council Meeting were reviewed and on a motion to approve by Mrs. Barrett and second by Mr. Garrett and a vote of Council which unanimously affirmed the motion.

The minutes of the February 9, 2011 Special Council Meeting were reviewed and on a motion to approve by Mrs. Barrett and second by Mrs. Meszaros and a 6 – 0 vote of Council were approved.

The Fiscal Officer's Financial Reports were presented by Mr. Billman as follows:

The Income Tax total for January 2011 year to date is \$60,548.09 of which \$4,203.54 is due to declarations for estimated tax.

The expenditures for the month of January 2011 of \$150,437.91 in checks, charges, etc. Check numbers 25545 through 25667 were paid from the Primary Checking Account during January. No checks were voided during January 2011.

The all funds January 2011 Bank Reconciliation all funds reconciled balance was \$561,620.73.

Village Council President's Report by Mrs. Rininger – Mrs. Rininger said upon the recommendation of the solicitor I would like to make a motion to enter into executive session for a personnel matter reason of hiring. The motion was seconded by Mr. Garrett and carried unanimously by a 5 – 0 vote at 7:36 P.M.

Mrs. Rininger made a motion to return from executive session which was seconded by Mrs. Meszaros and carried by a 5 – 0 vote at 8:04 P.M.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for January 2011 by Mrs. Meszaros. Mrs. Meszaros made a motion that these be entered into the record as written and if anyone would like a copy, I'm sure the Chief can provide it to you. Mrs. Rininger seconded the motion which was passed by Council unanimously.

Mayor's Communication and Correspondence

Mayor Donham said he would like to save until the end of the meeting his communication and correspondence.

Prior requests of guests to speak. Dave Apthorpe who is Plant Manager of Harbison Walker spoke about his concerns on the increased water and sewer rates.

Two months ago the usage for Harbison Walker was 685,000 gallons with a bill of \$5,768.89

One month ago the usage for Harbison Walker was 547,000 gallons with a bill of \$4,619.35

The current month the usage for Harbison Walker was 615,000 gallons with a bill of

\$11,838.75. With the recalculation on how the bill is determined, a typical \$5,000 bill is going

to be more like \$12,000 for us. In 2010 we spent about \$50,000 to \$55,000. We are budgeted

to run about the same amount of production in 2011 that we did in 2010. That bill estimated

instead of \$50,000 to \$55,000 will be around \$125,000. Obviously we are not budgeted for that

kind of an increase. I just wanted to ask if this is what we are going to do going forward? Is

there a chance this could be revised or revisited? Mayor Donham said I will give you a little

synopsis of what we have done with the water bills. I would like to have gotten you our new

rate structure last month, but we are adjusting it the first two months of this year to go from

what has historically been a hosh posh rate structure because we didn't have meters here before.

Everyone had a base meter rate and then we had a real small per usage fee after that which

promoted basically a large usage of water in the average household because you were charged

about 80% or 90% of your bill for the first two thousand gallons. So what we have done is

taken our rates and adjusted them so we don't have any rate increase on the fund as a whole. So

we have calculated how much water was used and how much we generate in the fund as a

whole and made it a net no increase on sewer and are now charging it as a per thousand gallon

rate. So if you use no water, we charge you nothing as opposed to previously if you used no

water you would still get charged for two thousand gallons of water. And that goes all the way

from 1 gallon all the way up to 615,000 gallons that you guys use. There are a couple of users

who use 30,000 or 40,000 gallons. And certainly the Ravenna National Guard will be a 15,000

gallons a day user when they come online this summer. So the thought process that we went

through for six months as we talked about this in utility committee meetings is that water is not

a finite resource for us. It becomes more expensive every year for us to produce. So the

philosophy we have followed is this new rate structure does two things. One, it equalizes an

injustice we had before where low volume users were basically subsidizing high volume users

and really not promoting any kind of savings. And it gives us the ability now under this rate

structure to promote less water usage and reduce the amount that we have to produce, because

in the long run that's really what sustains our department is producing less and treating less.

Governments are non-profit entities that costs just keep rising, so for us to be able to lower rates

going down the road, we have to find a way to reduce costs and make it cheaper to produce not

really find more people to sell it to. Because water, every gallon you produce is more expensive

than the previous gallon. That's what the idea to move forward was is to change it to that rate

structure and we do believe in the short term and in the long term that this rate reduction now is

a rate reduction on the first 80% and it will enable us to reduce rates further next year and the

year after and maybe even this fall for all of the other users by bring our costs down. We have a

couple of upgrades coming on our water plant. We have paid debt off on our sewer plant. So

we have seen, we have been able to stabilize it. From about eight years ago to about three years

ago our rates went up ten percent each year every year and we really couldn't see the end in

sight. We froze sewer the past three years and did about a two percent increase on water for the

past three years. So we have been able to plateau. Now we think this is our mechanism to drop

rates; our residential users first and then hopefully our big water users. Mr. Apthorpe said like I

said I have a budget to hit just like you have a budget to hit, and so the rate increased in one

month one hundred twenty-five percent. And this seems totally unreasonable to me. This isn't

just the Windham Plant. Actually my budget is developed in August or September through the

corporate system. So I have to go to them and say when I budgeted \$60,000 for water and now my water bills is going to be \$125,000 they are going to want to know what changed. They increased my rate. Mayor Donham said I understand the predicament you are in there and I would be more than happy for our administration and myself to work with you and your corporate leaders. Mr. Apthorpe said I could see a ten percent increase or five percent increase because costs go up. I can understand that and corporate can understand that type of increase. Mayor Donham said the best I can do is really offer the administration's services to speak with corporate and your budget people on what's going on here, but like any other utility I'm sure you have a gas bill and an electric bill. Mr. Apthorpe said we have locked the gas rate in for five years. If my bill went up \$50,000 to \$125,000 this year corporate would say it could go to a quarter million dollars next year. Mayor Donham said that is just not the case, this is an unfortunate situation where this; you weren't the lone user that's seeing that type of increase. But in all honesty, there is one thing that you have to consider the retired citizen of Windham who are using two thousand gallons a month for the past thirty years subsidized Harbison Walker's rate to the tune of forty to fifty dollars a month every month and they never got any rate relief and they aren't getting that money back either. This is a rough situation I know at corporate and I would be glad to offer what we have as far as administratively and to explain why this happened this year and why it won't happen in the future and why you will actually see a decrease in rates from here. The reality of the rate structure is that this is the fairest way to do it is to charge for what is used. Mr. Apthorpe said the other thing I wanted to bring up is the vast majority of this water is used to cool equipment. It doesn't have anything to do with sewer or that kind of thing. It isn't drinking water or being used to shower. It is actually water to keep equipment cool. So that to me is a different usage than what residential people are using. Mayor Donham said but we have to treat it and that's the situation with us and the EPA doesn't see it any different. So when we test our water twice a week and send it out for analysis, they don't give us any exemption for the iron level or the potassium level in the water which is used to cool your machines than the water they drink at the schools. We are not allowed any exemption. If there is another mechanism that went straight to your plant. Mr. Apthorpe clarified that the water usage is what the sewage portion is billed upon. Mr. Donham said that's correct. Mr. Apthorpe said it has nothing to do with the sewage system. Mayor Donham said but you discharge the water, so we have to treat it. Mrs. Meszaros said if you had a closed loop system, then the water would not have to be treated as sewage. Mr. Apthorpe said obviously if we are going to have \$125,000 water bill then we are going to find a way to eliminate or greatly reduce the amount of water that we use. Mayor Donham said and that's not a bad thing for us, because here is the situation we are in each month. We need to find a way; we have a million gallon a day pump right now and as you go into the future water is becoming more and more expensive to produce and is a tougher resource to generate so we will be able to expand up to a two million gallon a day plant, but really it's not going to cost twice as much to produce two million gallons a day, it is going to cost ten times as much. So our ability to survive and provide potable water to our residents relies on our ability to reduce the amount of water we need to produce. So if people find a way to build a better mousetrap, and it is cheaper for us to operate. If it's cheaper for you to operate, I'm sure you'll do it and we don't have to produce 700,000 gallons there will be a budget adjustment for us there is no doubt about it, but part of that budget adjustment will be the guys don't have to come in and do overtime, backwashes on weekends and at night and won't be using as much potassium and won't be using as much soda ash, chlorine and all the chemicals that go into it. Right now, before this rate increase Harbison Walker was using about thirty percent of our total capacity of water and paying about eight percent of our total cost so you see the disproportionate share of what is used and what is paid. I understand that will be a concern for high industrial users. If you can go to a better system that is cheaper then that will be the way it goes. That is factored into our plan of going forward to lower costs and not produce more. Mr. Apthorpe said my bill is my bill is what you are telling me. Mayor Donham said it is and I'd work with you at least in the short term on the

billing and like I said I'd offer myself and our administration to deal with corporate and the budget portion of it.

Mayor Donham said next item on the agenda, Mr. Paul Blewitt is going to address us with questions pertaining to hiring and qualifications for screening applicants.

Mr. Blewitt said Mr. Mayor sir, I'd just pretty much like to address Council on this recent position you had for employment. Number one I check the paper pretty much every day and I never saw the position in there. I was notified by a current street worker that the position was available. I came down and filled out an application. I'm not sure if you all had a chance to look it over or anything. I feel I have a lot of things to add for the Village that would save you some money in mechanics, repairs, maintenance on the vehicles. And I'm just basically here trying to figure out thirty-seven years in this Village, coached multiple baseball teams, basketball teams, volunteered my time in the school and I can't seem to get an interview. I would like to know why and what basis did you discard my application from a possible interview. Mayor Donham said there are a few questions in there and I will kind of defer them. The advertisement dates as far as the advertisement, when that was done, Lloyd did the advertisement, Lloyd could you provide the advertisement? Mr. Billman said I don't recall off the top. Mr. Donham said at least by tomorrow you could pick up our advertisement listing and when the dates were and things like that. As far as our process for hiring, Tom would you like to? Atty. Reitz said sure, Mr. Blewitt the Village is bound by both the Ohio Revised Code and Local Codified Ordinances and they indicate that when the Council establishes a position, this is by the Ohio Revised Code 735.273, that when the Council establishes a position then the Village Administrator appoints the employee subject to the confirmation by the Mayor. On the Council's agenda this evening because the position is a new one, they are formally establishing the position, so they are complying with Ohio Revised Code by doing that. In addition to the appointment process by the Village Administrator, the Village Council has a number of Ordinances which cover the employment process. In the Codified Ordinances at 155.14 it indicates that current employees are given precedence and then there is an advertisement requirement. However that requirement can be waived in the event there is a substantial need. It is my view that the process followed by the Village complies both with the Ohio Revised Code and with our Codified Ordinances because the need for this new temporary employee is an eminent need. And so it is my view that the law has been followed. Mr. Blewitt asked if it was also true that there were only three applicants for the position? Mr. Reitz said I do not make the hiring decisions here, but I do advise the Village Council that personnel matters for prospective employees as well as current employees are really more of a confidential nature. And so it is not the Village's practice to disclose why a certain person was selected or why another person was not selected. Mr. Blewitt said that was not my question at all. My question was if there was only three applicants for the position, are you telling me that these people do not have the time, or the personnel committee does not have the time to interview all three applicants. Mr. Reitz said no, I am not telling you that, but I am telling you that an interview is not required. Mr. Blewitt said I'm just trying to figure out why I'm not getting one, after thirty-seven years I've had two jobs in twenty-two and a half years. I could save this Village some money. I'm just trying to figure out why I can't seem to get an interview in the last two positions that I've applied for including the one where only three applicants applied. I thought maybe somebody here might have some kind of an answer. Mayor Donham said all I can really say on this position, I really can't comment too much because as Tom said on personnel issues we consider them confidential in nature, but at least on this position we had an immediate need, we had an issue at our water plant where we needed an employee and that in the staff and my own view we had filter issues and this was an immediate need so we needed to get somebody on and we selected who we thought was going to be the best candidate. That's not to say anything bad about anybody else who has applied or anything. That's something to go with the consensus best person. Mr. Blewitt said what you're saying is you interviewed the person who

is the best qualified, is that what you're telling me? Mr. Donham said we are hiring the person that we think would do the best job. Mr. Blewitt said the person who is the best qualified or would do the best job? You see this is a small town and I'm not going to beat around the bush here. It has come back to me that apparently some people have been given some false information as far as a police record or something. I have the paperwork here. I was told that my application has been kicked out the last two times due to the fact that I have some kind of criminal record and that's not true. So wherever someone is getting their information that is on Council. I have the paperwork here, I'm trying to figure out why a thirty-seven year resident who puts his time in this community doesn't even deserve an interview in a three applicant job. Mayor Donham said I can simply say regardless of what you have been told. I'm not sure where you get your information or anything else, we have a lot of different and varied opinions when we consider these positions and we hire who the consensus best choice is. And that's what we did in this position and that's what we do in pretty much every position. Mr. Blewitt asked so in this emergency hire situation, have you already hired this person? Mayor Donham said they are on the agenda for tonight. Mr. Blewitt asked so this has been going on for how many weeks now? Mayor Donham said two. Mr. Blewitt said in that two or three weeks period, because I know when I applied, there wasn't time to interview the three applicants? Mayor Donham said we selected who we have. Mr. Blewitt said but you didn't have time to interview the three applicants. Mayor Donham said I can't speak for ... Mr. Blewitt asked did the man that you gave the position to, did he actually get an interview? Mayor Donham said we are not going to discuss personnel related issues, we just simply can't under the advise of our counsel and we are not going to do it. We appreciate your application. Mr. Blewitt said really, you appreciate my application. Basically you are saying I'm not qualified for the position. Mr. Donham said no I'm saying we hired who we hired. Mr. Blewitt said thank you. Mayor Donham replied thank you.

Finance by Linda Rininger

Mrs. Barrett made a motion to approve the Fiscal Officers expenditures for the month of January 2011 of \$150,437.91 in checks, charges, etc with check numbers 25545 through 25667 being paid from the Primary Checking Account during January. No checks were voided during January 2011. The motion was seconded by Mrs. Rininger and carried by a 5 – 0 vote of Council.

Mrs. Meszaros made a motion to approve the Fiscal Officers January 2011 Bank Reconciliation with an all funds reconciled balance of \$561,620.73 and the following monthly reports for the month ending January 31, 2011: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund. Approval of the following Year to Date Reports through January 31, 2011: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mr. Garrett and carried by a 5 – 0 vote of Council.

Mrs. Rininger read Ordinance O-2011-5 **BEING AN ORDINANCE AUTHORIZING THE AMENDING AND/OR SUPPLEMENTING OF THE PERMANENT APPROPRIATIONS SET FORTH IN ORDINANCE O-2011-1 ON JANUARY 25, 2011 FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** as a first reading.

Mrs. Rininger read Resolution R-2011-9 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO MAKE THE FOLLOWING TRANSFER BETWEEN THE REVOLVING LOAN FUND AND THE PERMANENT**

IMPROVEMENT FUND TO MEET MATCHING FUND REQUIREMENTS DURING 2011 AND DECLARING AN EMERGENCY and Mrs. Barrett made a motion to suspend the rules which was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council. Mrs. Meszaros made a motion to adopt Resolution R-2011-9 which was seconded by Mrs. Rininger and carried by a 5 – 0 vote of Council.

Mrs. Rininger read Resolution R-2011-13 **A RESOLUTION AUTHORIZING A COMMERCIAL/INDUSTRIAL ELECTRICITY AGREEMENT WITH GLACIAL ENERGY OF OHIO, INC.** as a first reading. Mrs. Rininger asked if we needed to put this as declaring an emergency, or? Atty. Reitz said this is a first read. Mayor Donham asked and the purpose of the first read is we need to send a revised agreement to Glacial's representative, is that correct? Atty Reitz said no, the agreement itself Mr. Mayor, I struck the language which I believe is unacceptable to the Village and not in the Village's best interest. It's just that emergency legislation is to be passed when there is a real and present emergency, and I don't know of any in this instance. Now if the Council is interested in moving it along, you can suspend your rules and act on it tonight as regular legislation meaning that it will take effect in thirty days. That's the way to move it along as quickly as you can, since I am unaware of any emergency. Mrs. Rininger asked if the changes have come through? Should we wait another month? Atty Reitz said I was just going to send it to them, I struck two lines. Mayor Donham said I think this is standard, but I do believe that we should suspend the rules and pass it this evening. Atty Reitz said the only things I struck were the clause that said you must go to the American Arbitration Association, and the second thing if they think you have violated the agreement in some fashion you agree to pay their attorney's fees. Mrs. Rininger asked if Atty. Reitz thought they would have any problem with those two changes. Atty. Reitz said I think it's possible that they won't even notice. Mrs. Miranda said I did notice that it is net ten days on payment, that's not good. I talked to Lloyd and he said there were eleven buildings or eleven accounts. I thought they needed changed. Mr. Billman replied we mail two payments to Ohio Edison, one for one account and the other one for twelve accounts. Mrs. Miranda said the paperwork we got from Glacial shows eleven accounts, so that needs cleared up and the net ten days. If we don't meet that, what happens. Mayor Donham said I don't see a problem sending a check in two weeks. Mrs. Rininger said can I make a suggestion, let's just do this as a first read and kick it back to the finance committee.

Safety / Personnel / Rules by Kelly Meszaros

Mrs. Meszaros read Resolution R-2011-4 **A RESOLUTION APPROVING A CONTRACT WITH THE PORTAGE COUNTY DISTRICT LIBRARY FOR A BRANCH OF THE LIBRARY TO BE LOCATED WITHIN THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY** as a second reading

Mayor Donham called upon Cecilia Swanson who is Director of Portage County District Library. She said she was trying to think of some way to be able to reopen discussions with the Council should the rate increase. Mayor Donham said certainly either side could reopen discussions with a thirty day written notice. It is in the Village's interest if the library has an issue and needs to reopen discussions that we just reopen them. It was decided that the language could be changed to allow for a thirty day written notice and this would remain as a second reading.

Mrs. Meszaros read Ordinance O-2011-6 **AN ORDINANCE AMENDING ORDINANCE O-2009-39 TO ESTABLISH THE WAGES FOR THE POSITION OF TEMPORARY WATER DEPARTMENT LABORER AND DECLARING AN EMERGENCY** and Mr. Garrett made a motion to suspend the rules which was seconded by Mrs. Meszaros and carried by a 5 – 0 vote of Council.

Mrs. Rininger made a motion to adopt Ordinance O-2011-6 which was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council.

Mrs. Meszaros read Resolution R-2011-10 **A RESOLUTION ESTABLISHING A JOB DESCRIPTION FOR A FULL-TIME, TEMPORARY, WATER DEPARTMENT EMPLOYEE AND DECLARING AN EMERGENCY** and Mrs. Rininger made a motion to suspend the rules which was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council. Mrs. Meszaros made a motion to adopt Resolution R-2011-10 which was seconded by Mrs. Miranda and carried by a 5 – 0 vote of Council.

Mayor Donham announced that Village Administrator Mike Iwanycky had suggested to him the hiring of Joseph Summers Jr to the position of Full-time temporary water department laborer and said he is confirming the hiring of Mr. Summers to the position. Mr. Garrett made a motion to approve the hiring effective February 23, 2011 which was seconded by Mrs. Rininger. The role call vote was taken with Ayes: Mrs. Meszaros, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Nays: Mrs. Miranda. The motion was carried by a 4 – 1 vote of Council.

Mrs. Meszaros read Resolution R-2011-11 **A RESOLUTION AUTHORIZING THE PURCHASE OF A 2007 FORD CROWN VICTORIA POLICE CRUISER, RATIFYING ACTIONS OF THE POLICE CHIEF TAKEN TO PURCHASE THE CRUISER AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Garrett and carried by a 5 – 0 vote of Council. Mrs. Meszaros made a motion to adopt the Resolution which was seconded by Mrs. Miranda and carried by all present on Council.

Mrs. Meszaros read Ordinance O-2011-7 **AN ORDINANCE AMENDING SECTION 155.14 OF THE VILLAGE ADMINISTRATIVE CODE** as a first reading.

Mrs. Meszaros made a motion to grant Chief Fixler 359.05 hours of sick leave which was his sick leave balance from State of Ohio, Department of Mental Health at Northcoast Behavioral Healthcare where he was employed full-time until January 21, 2011. Mr. Garrett seconded the motion which was carried by Council by a 5 – 0 vote.

Utilities by Scott Garrett

Mr. Garrett read Ordinance O-2011-8 **AN ORDINANCE TO REVISE AND AMEND SECTION 923.03 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST WATER RATES FOR THE PURCHASE OF WATER FROM THE VILLAGE AND DECLARING AN EMERGENCY.** Mrs. Rininger said that Mrs. Barrett has asked for this to be put as a first read so the rates could be kicked back to the committee for further reviewed. Mayor Donham asked if we could open this for discussion because that would be severely detrimental to the long term health of the funds and we may get an EPA mandate in the meantime to adjust these to the appropriate amount. Mrs. Barrett said if we get a mandate from the EPA, then we can call a Special Council Meeting. Personally I am requesting that it be sent back to committee because I do not feel that these rates are going to be sufficient and I have to pay them as well as everybody else in this community. Mayor Donham said what do you mean they are not going to be sufficient? Mrs. Barrett said I'm not going to sit here and raise these rates to what is being proposed knowing in four months or five months this same issue is going to back before us again. Let's consider it a little bit more carefully rather than waiting five months and do it again. Mayor Donham said here is the predicament you are going to put us in with these; at least in the sewer fund the adjustment was a zero and we all agreed that that could be done, so we should at least pass sewer. The only thing we may do down the road is to lower the rates. There will be no increase in sewer this year, next year or the year after. Mrs. Barrett said I don't have a problem with that as long as I'm sitting here and I can see that it's going to be sufficient. She said what about water? Mayor Donham said I want to separate the two because we need to pass sewer (legislation) because sewer

is under the misstep from the adjustment a seven thousand dollar budget deficit per month and every month we don't do this you lose seven thousand dollars out of that fund from what we did the previous year. And if you don't make this adjustment to water, it is a two thousand dollar deficit per month for each month you wait.. I believe you will want to look at the line item for water for this month which may be only \$2500 and you are going to realize that very quickly you are going to have to borrow money from sewer into water the longer you put off that decision. If you don't do it that's fine but I need direction from Council on where to either loan the money from or which employee to tell not to show up for work. Mrs. Barrett said if I am wrong then I will admit it and you know that I don't like to admit I'm wrong too often, but if I'm wrong I will. Mayor Donham said I know you are a straight shooter, I'm just saying as far as the budget cycle, we have to have a positive cash flow in the water fund. I know from a political standpoint, I know I'm up for reelection this year just like other members and my decisions will be evaluated also. But if we need to make this decision every month from now to the end of the year, oh well. That's the price of being a public servant. Mrs. Rininger said I believe Mrs. Barrett's concern that we are going to be doing a rate adjustment every month and she would just like to rip the band-aid quickly and just do it one time. Mayor Donham said it will be greater then, and I will need direction tonight as to what to do with the cash fund problem that Lloyd's going to be having under this billing. Council makes the final decision on this. Mr. Garrett said if we vote this in, I know nobody likes to change it again, but the vote in will give us more money in the fund and if it's not enough it's going to have to be adjusted again. If we don't vote it in then we are going to have less money in the fund and we will be running a deficit real soon. It's the lesser of the two evils to vote it in. Mrs. Rininger made a motion to suspend the rules which was seconded by Mr. Garrett. The roll call vote was taken as follows. Mr. Garrett yes, Mrs. Rininger yes, Mrs. Meszaros yes, Mrs. Barrett no, Mrs. Miranda no. The motion to suspend the rules was thus defeated.

Mr. Garrett read Ordinance O-2011-9 **AN ORDINANCE TO REVISE AND AMEND SECTION 921.01 OF THE VILLAGE OF WINDHAM UTILITY CODE TO ADJUST THE SEWER RATES FOR SEWER DISCHARGE TO THE VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Rininger and carried by a 5 – 0 vote of Council. Mr. Garrett made a motion to adopt Ordinance O-2011-9 which was seconded by Mrs. Rininger and carried by a 5 – 0 vote of Council.

Mrs. Rininger said if I may, I suggest we go back to finance next month and look at the water rates again and make sure we are covering our expenditures. Mayor Donham said at this time I would like to get a motion to authorize Lloyd to advance of up to \$3000 per month from the Sewer Fund to the Water Fund to be paid back by the end of the calendar year. Fiscal Officer Billman said Mr. Mayor I don't believe it is proper to advance from the Sewer Fund into the Water Fund and that can only be done from the General Fund. Mayor Donham said in that case I revise my suggestion to be from the General Fund. Mr. Garrett made a motion formalizing the request which was seconded by Mrs. Rininger and passed by a unanimous vote of those present on Council..

Streets and Sidewalks by Rachel Barrett

Mrs. Barrett had nothing to report.

Housing Rental License Code by Rachel Barrett

Mrs. Barrett said she had nothing to report.

Village Buildings and Properties by Jena Miranda

Mrs. Miranda said a tour date of March 1st at 5:30 P.M. has been set to review existing properties.

Mrs. Miranda read Resolution R-2011-12 **A RESOLUTION AUTHORIZING THE MAYOR TO APPLY TO THE PORTAGE COUNTY AUDITOR FOR REAL PROPERTY TAX EXEMPTION FOR VARIOUS PARCELS OF REAL ESTATE OWNED BY THE VILLAGE AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mrs. Rininger and passed by a 5 –0 vote. Mrs. Miranda made a motion to adopt Resolution R-2011-12 which was seconded by Mrs. Rininger and passed by a 5 – 0 vote of Council.

Parks and Recreation by Phil Snyder

Mrs. Miranda said no meeting was held.

Planning and Zoning by Phil Snyder

No meeting was held for Planning and Zoning.

Solicitor's Report by Atty. Tom Reitz

Mr. Reitz said he had no report.

Guest Recognition

Cecilia Swanson said thank you again for your support of the library. We have moved into the Family Renaissance Center and as soon as we get our computer lab set up we will have a grand opening. We still have a little bit of stuff next door and we will get it moved as quickly as possible. I don't know quite how to ask this but do you have any idea what you are going to do with the facility, and the reason I asked is that would make a difference as how we leave it. If you are going to demolish it, it doesn't make sense to do a lot of cleaning and vacuuming. Mayor Donham said I would say leave it as is, we are not real concerned about doing any repairs. My suggestion to Council is that we donate the building to the Windham Historical Society at which time suggest to them that they demo both wings and restore the main hall to it's original look. Mrs. Swanson said I didn't know how far to go. Let me also compliment the Village Administrator who was quick to go over and turn the thermostat all the way down to save the Village money. I explained that the library paid the gas bill. Thank you again. I wish our employees were like that.

Paul Blewitt said he would like to go back over number 9 real quick. I do believe I do have the right to know did you or did you not interview anyone for the position? The interview itself is confidential, I understand that. I just want to know did you or did you not interview anyone? Mayor Donham said we interviewed people, we have interviewed a lot of people. Mr. Blewitt said for this position? Mayor Donham said previously and currently. So we have people who have applied for positions here at the Village regularly including yourself and we tell those people that passed the grade but do not get a position that we will hold your resume for consideration and your information for a future date, so we pulled people that we did that to on this position and we had several applicants and I will tell you that the person we hired, I believe I'm not sure everybody here but certainly most of the people here had an opportunity to physically interview including myself. I hope that satisfies your question. Mr. Blewitt said not really because going clear back to the Street Superintendent position that was ten months ago last year. What I'm asking is in the last two weeks that you were in an emergency situation and needed to fill this spot here, did you interview anyone for that? Mayor Donham said I guess I'm missing your question, we interviewed the person we hired. Are you asking who interviewed? Mr. Blewitt said no. I know that is none of my business. Mayor Donham said I mean from this body here. Mr. Blewitt said I know this position just came about and what I was asking was did you interview anyone for this position that you just filled, not previously applicants who put in last year or six months ago or eight months ago. In the last few weeks

that you needed someone for this position, did you interview anyone? Mayor Donham said yes the person we spoke to about his qualifications for the job, yes. Mr. Blewitt said thank you.

Mayor Donham said would anyone else like to address Council?

Village Administrator Mike Iwanyckyj said we have to order a soda ash pump for the water plant. Mayor Donham said you better wait for the transfer from the general fund.

Mr. Blewitt said I have one more question, I have been to the water department a couple of times now. David Fall has come down and done a gallon check on my meter. My meter says 1.2 gallons for every gallon of water used. The box on the outside of the house double clicks every time it hits a thousand. I have been to the water department and there are no water meters to buy at the water plant. I asked if I could purchase one somewhere else, but in the meantime I have water bills from the last eight to ten months of 14,000 12,000 10,000 and those are way out. I'm not filling swimming pools down there. Mrs. Rininger said I was there the day that you spoke to the Water Superintendent and he did indicate to you that they are purchasing additional water meters and he will replace yours. Now he also said they were going to check the meter on the inside. Was that done Mike? Mr. Iwanyckyj said I wasn't aware of that. I guess Dove checked it. Mrs. Rininger said ok, Dove checked it so it was checked, correct? So there is action being taken on correcting the problem with your meters, right? Now we can't get the meters and I think Bruce also explained to you this is not something we can overnight. It takes several weeks to purchase them and get them shipped to us. Mr. Blewitt said my question to the Council before I was so rudely interrupted was how long do you think it will take to get these meters in so that I will not be paying double water bills every month. Mrs. Rininger said Bruce explained to you that you cannot purchase a water meter outside of our supplier because it will not work properly. He also explained to you that it will take several weeks to get the meters ordered and received. Mr. Blewitt said my question to the Council is how many months do I have to keep paying a double bill before something is done, is there going to be a prorate or something like that. Mayor Donham said I know this isn't the answer you are going to want to hear but this is the best one I can give you. We are going to have to bring that specific question up at the utility meeting so we can investigate it. This is the first I had heard about it. Certainly it is unacceptable to have someone with a 20 percent overusage and my standpoint I don't know what our ordinances say about it so I can't give you a great answer on that but we will get to the bottom of it at the utility meeting which is next Tuesday.

We will get to the bottom of the meter thing, but the other thing is Council denied the funds because this is a retroactive rate adjustment so if these meters have not been paid for with a check, we may not have meters here until we get the money put into that fund because if the \$3000 that Council authorized does not cover the general operating shortfall and the additional that we intended to generate since the first of the year, if that doesn't meet it things like meters and general maintenance stuff can wait. Come to the utility committee meeting and I hope I'll have an answer. Mr. Blewitt said what can be done in the meantime? Mr. Donham said I don't have a great answer for you until next Tuesday but I will tell you I will make sure I work diligently and make sure all these answers are there Tuesday. Basically our hands are tied on two things, the logistics of getting the meters that's an easy one if they have been ordered we get them paid for we get them in and it shouldn't take that long, but the other one is a little more complicated which is if they haven't been purchased and the money's not adequate because we didn't pass the ordinance tonight then my hands are tied as far as fixing the problem. Mr. Blewitt said the cost of the meters are eighty dollars and at this point in time we don't know when they will be available? Mr. Donham said I don't know what it is, this has been brought up to me that we have ordered meters, if that is the case this is an easy solution, but if this is not the case then it's a little more difficult and I'll be able to give you an answer next Tuesday.

Mr. Donham asked if there was anyone else who wanted to address Council? He then said he wanted to give the communications and correspondence report. First and foremost in our meetings with the Portage County Commissioners between the last two meetings in regards to the Ravenna Arsenal and the Portage County Water Resource Project, Atty Reitz, Councilman Rininger, our Water Superintendent Bruce Rininger attended and we discussed the contract or proposal we sent them that hadn't been ratified. We adjusted it to more accurately reflect what we intended and basically clean up some of the concerns that they had. The Commissioner said it would be ok in thirty days but the intent is to start the project this summer. We got agreement in hand so we should have the Arsenal on board I would assume by fall if we start in the summer. That is another potable water user who would pay these same rates and help us to sustain our funds and lower our rates, so we are real excited about that.

Debbie Blewitt said now you're just confusing me, we are going to sell them more water, correct? Mayor Donham said correct. Mrs. Blewitt said you just told me that it is in the Village's best interest to not produce so much water. Mayor Donham said correct. Mrs. Blewitt asked then why are we selling the Arsenal water since it is in our best interest to reduce the water that Windham has to produce, we are going to turn around and add another customer? That is a total contradiction. Mayor Donham said I appreciate you and Mrs. Miranda's banter back and forth here, but here is the way it works. Our idea is to reduce the amount of potable water used not eliminate it. We still want to make money on this so that we can have a sustainable base. The Arsenal project invests money into our system and gets the system upgraded. Now like I said do we want to expand past a million and a half or two million gallons? No because it becomes totally uneconomical and the Arsenal agreement is coming in with a tap in fee of approximately \$900,000 so we can lower our operating costs and also because of that first influx of money and us being able to basically upgrade all our lines, that helps but they are under the new rate structure. We are not giving them water at thirty percent usage for fifteen percent cost. They are paying the proportional cost. That is the fair and equitable way to sell water. Now we still don't want to get into a situation where you have a finite resource that you are trying to expand, expand, expand without having additional funds. But under this structure, they are paying for what they use that's a good plan especially since they are paying about \$900,000 upfront so that we can reduce our operating costs. This will help us reduce rates for low end users, Harbison Walker and the Ravenna Arsenal.

Paul Blewitt asked are they also going to finish the road out on South Main Street? Mayor Donham said the water will tap in at the railroad tracks so that will be technically outside of the Village since the railroad tracks are the Village limits. And the sewer line will be bored so they will have the test pit that they dig and bore the line all the way up to Center Street so we won't have any open patches.

Denise Bly said along with the Village resident, I too have a concern when I looked at Harbison Walker's bill being as it was stated and I understand where you are coming from to equalize it. But a bill like that could run a company right out of town. If I am a plant manager and I take that back to corporate and they are going whoa. Maybe we can operate somewhere else more efficiently. Mayor Donham said we have taken that into account when we look at our utility usages and total impact of companies when we have analyzed these numbers and I respectfully disagree with a utility of that type of increase changing. For instance, when you look around the area, we are the lowest water rate in Northeast Portage County per thousand gallon usage. So for relocating locally we are the cheapest game in town. And when you consider the corporate profit, this is a for profit business so this is an operating cost. This is a cost they incur to make their material. \$50,000 on their total gross expenditure, I don't have their exact percentage but I know they pay a estimated corporate income tax to the Village which is 1 percent every January of approximately \$100,000. So you can do the math on that, that's

\$10,000,000 annual corporate profit from our plant produced inside the Village. So I would assume that that \$10,000,000 of corporate profit would cover the \$50,000 annual additional expenditure. Two years ago gas prices were \$15 per mcf and now they are \$8. When the natural gas prices went up to \$15 from \$6 that one year, I know that all businesses didn't call Dominion East Ohio's board members and say what's going on here. What are you doing. It's a cost of doing business. And if there was a way of doing it different, we'd love to do it, but I for one am not in favor of subsidizing corporate business on the backs of citizens. I believe my position here is to protect the taxpayers, the residents. Our job here is to provide potable water to residents for families. That is our primary responsibility. After that if you can have other users that it is profitable for them and you to use your potable water, as Harbison Walker has been the case, as Ravenna Arsenal is going to be the case, then it is a good thing. You both profit from it. But if it is not, then that's a secondary concern. Our main concern is to make sure that the people have water to drink inside the municipality.

Mrs. Meszaros said I agree with you Rob, but as chair of the Economic Development Committee, we are going to have to make some provisions for commercial rates if you ever want to be able to attract businesses we are going to have to look at some options. Not just putting everybody on the same page if we are going to try to get businesses to come in here and locate we have to have something attractive to bring them in.

Mayor Donham said I agree with you about attracting businesses and you and I are on the same page as far as economic development. I just think that water rates are in general a poor vehicle for economic development. For instance, if you go to Middlefield where you have a lot of factories which use water to cool machines, most of them use onsite water things because it just isn't economical to use potable water for industrial purposes. I think there is a better opportunity to bring in development through having business friendly codes and policies and governments where you have citizens that want businesses that don't mind it. When you look at North Jackson six months ago, the citizens told the McDonalds warehousing district we don't want you here, we don't want the traffic. So Lordstown took it. I believe our government and citizens are much friendlier to business and would not be opposed to a warehouse district.

Mrs. Rininger said even with the adjusted rates, our water rates are one of our assets because they are lower than anyone in this area. And it would be less of a utility cost for a company to come to us with the rates as they are right now. Unfortunately Harbison Walker got a shock because we adjusted to make it fair but in the end it is going to be cheaper than going to other communities within this area.

Mrs. Meszaros said I think it was the fact that it had to be adjusted and it went up so sharply so quickly. Mr. Garrett asked if they had onsite wells that they could tap into. Mrs. Rininger said I don't believe they do. Mayor Donham said unless they can physically circulate it, it will still get discharged and they would have to have the water treated, and this is outside of our realm. I think that Council and the administration has done a good job the last three years of taking care of a lot of the problems we have had here as far as just running the Village. Remember four years ago, five years ago we were in Fiscal Emergency and couldn't even be audited. Our police department was locking the doors and shutting down for entire shifts. And I think we have taken care of a lot of that. I believe through this recession we've run a real good budget. We have had surplus. We have made good investments that will pan out in the end. And I think coming out of this recession we are poised as good or better than any of the surrounding communities to make that jump. I've got one more thing. Mrs. Bly said I see both sides. Mr. Donham said I know what it costs to build a plant, what it costs to build a police department. We are not trying to punish users, we are doing what we think gives the best opportunity to have the lowest rates to our users down the road and we think this is the way to go.

Mrs. Blewitt said I just want to ask if our water rates are the cheapest around, is it our sewer that is killing us? Because people in other communities are paying less than us. I lived in Garrettsville for three years. Mayor Donham said I will just refer you to Ohio EPA which has all of the rates for water and sewer in all communities. You look at Cleveland they have to publish their rates. Mr. Garrett said Garrettsville just increased their rates. Mrs. Rininger said ours have stabilized and reduced while others are spiking. Mrs. Blewitt said I see what you did because I was one of those who was getting billed 2000 gallons per month and I don't use that much. Mayor Donham said when we ran these numbers out, this is a rate reduction. If we charge everyone on what they use, this is a rate reduction on 72% of the households in the Village. That means that 72% of the households before were paying for more than they used. Most people overpaid for thirty years and I don't necessarily think that is fair.

Mayor Donham asked Mike Iwanyckyj if he was going to get Mr. Blewitt's situation worked out by Tuesday? Mr. Iwanyckyj said he just became aware and would work on it.

Mayor Donham said I do want to at least state for the record that I am completely offended at the State Level and the National Level but especially with the State Level with Senate Bill 5. And I want to point out that the Village and this administration will remain committed to our employees even though we don't have collective bargaining. We respect and appreciate our employees and I think it is important to continue to be committed to a middle class with a fair wage with good benefits with as much as you can supply in todays day and age. We understand times are tough but I think the national trend to somehow ban or make illegal collective bargaining or demonize public employees as if they don't work or as if they are overpaid it's just an abomination. At least Senate Bill 5 which I've read and cannot even understand the logic of trying to set back labor relations 100 years in this country. To me it's offensive, it's ridiculous, and if it passes will damage the Village somewhere in the neighborhood of \$40,000 in our medical coverage because we currently pay 100% towards our employees medical coverage because it was able to reduce our cost because we went to a different type of coverage. This Senate Bill would make it illegal as an autonomous employer to decide what is the best way to manage our employees. It would make it illegal for us to pay more than 80% towards our employees benefits and that would make it impossible for us to offer the type of benefits that we currently do. We would have to go back to a PPO process which opens up another whole can of worms. Like I said we dropped our insurance premiums almost \$40,000 by going to that. So we can package this thing up at the state level and try to sell it as budget cutting and fiscal responsibility but it is nothing more than union busting and an attack on the middle class and I hope people stop it, because you may not be in a union and it may not affect you, but it is a slippery slope when the investors and owners keep attacking workers. I think we should support unions and continue to support workers who make all of our quality of life better. With that I will get off my bully pulpit and thank everyone for coming.

Mrs. Barrett made a motion to adjourn which was seconded by Mrs. Miranda and all agreeing the meeting was closed at 9:35 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor