

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, December 4, 2006 7:30 p.m.

The Village of Silver Lake Council met in a regular session on Monday, December 4, 2006, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mrs. Carol Steiner, presiding, the meeting was called to order at 7:30 p.m.

Mrs. Steiner led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Christopher Scott, Mrs. Carol Steiner, Mr. William Church, and Mr. Gerald Jones.

Roll call of Council – 4 members present 3 members absent

Mr. Church made a motion to excuse Mr. Adrian Achtermann, Mrs. Karen Fuller and Mrs. Despina Mulrooney from this evening's Council meeting, seconded by Mr. Jones, and all of Council agreed.

Mrs. Steiner stated Mr. Achtermann would be arriving late to the meeting.

Mrs. Steiner asked if there were any additions or corrections to the minutes of the November 20, 2006, Council meeting.

Mr. Scott stated on Page 6, the 7th paragraph should read: "... it is really not explosive, it is *pressurized* water.

There being no further corrections, the minutes were approved as corrected.

Mrs. Steiner asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a first reading.

ORDINANCE NO.: 117-2006 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE, COUNTY OF SUMMIT, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2007, AND DECLARING AN EMERGENCY.

Ordinance No.: 117-2006 was assigned to the Finance and Appropriations Committee.

RESOLUTION NO.: 118-2006 A RESOLUTION RE-APPROPRIATING MONIES FROM CERTAIN DIVISIONS OF CERTAIN FUNDS TO OTHER DIVISIONS OF THE SAME FUND AND DECLARING AN EMERGENCY.

Resolution No.: 118-2006 was assigned to the Finance and Appropriations Committee.

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RESOLUTION NO.: 119-2006 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 184,929.41

Resolution No.: 119-2006 was assigned to the Finance and Appropriations Committee.

Mrs. Steiner stated legislation will be passed once Mr. Achtermann arrives.

Mrs. Steiner asked if there were any questions or comments from the audience regarding the trash issue.

Mr. Tony Discenza, representative from Waste Management, stated Waste Management has many Silver Lake residents who are still customers. Under the proposed scenario, Waste Management will be obligated to give up these customers. The rate that is currently in effect, is a step rate based on the number of Silver Lake subscribers. Waste Management realizes the Village has a fiduciary responsibility to its constituents. Mr. Discenza urges the committee to look at the service record, ability of the firm, value, etc., before making a final decision.

Mr. Church stated this issue has been reviewed for the past year and has been looked at from all aspects. All three companies have done a good job in the Village, but J & J Refuse submitted the lowest bid for the exclusive contract. We have examined this issue in a very fair way.

Mrs. Steiner stated the problem seems to be the exclusivity of the contract.

Mr. Achtermann arrived at 7:38 p.m.

Mr. Jones stated every company had the opportunity to bid the prices they thought they needed to charge. It has been a fair process and not everyone is going to be satisfied with the Village's decision.

Mr. Marcus Fruth, owner of Fruth Sanitation, stated the bid for yellow bag service from J & J Refuse was \$4.53 - \$6.00 per bag. The bid from Fruth Sanitation was \$3.00 - \$4.50 per bag and they have approximately 100 customers in Silver Lake who use the yellow bag service.

Mrs. Jackie Fruth, from Fruth Sanitation, asked what Council is going to do in a year when the residents have thrown a fit over not being able to choose their trash hauler. Then the Village will ask Fruth to come back and work for the Village again. It won't be saving the Village any money.

Mr. Jones stated he appreciates Fruth trying to defend their position, but he does not want the haulers to get into an argument.

Mrs. Fruth stated Fruth respects the Village's decision, but told Council members to be prepared.

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Mrs. Steiner stated this legislation is just a draft proposal and will have three readings before it is passed. If residents feel strongly, they should tell their friends and neighbors to attend a Council meeting within the next month to voice their opinion.

Finance and Appropriations Committee – Mr. William Church, Chairman

Mr. Church stated Ordinance No.: 117-2006 will be treated as a first reading this evening.

Mr. Church stated Resolution No.: 118-2006 was discussed in committee earlier this evening and is ready for adoption.

Mr. Church moved to suspend the rule that legislation be read at three meetings for Resolution No.: 118-2006, seconded by Mr. Scott.

Roll call on suspension: Yes 5 No 0

Motion to adopt by Mr. Church, seconded by Mr. Jones.

Roll call on adoption: Yes 5 No 0

Mr. Church stated Resolution No.: 119-2006, Payment of Claims, was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Church, seconded by Mr. Achtermann.

Roll call on adoption: Yes 5 No 0

REPORTS OF VILLAGE OFFICIALS

Mayor Bernie Hovey informed Council he received a bulletin from the Ohio Municipal League stating the Local Government Fund Task Force District recommended to the General Assembly that the freeze in the local government fund end within the next state bi-annual budget. The recommendation was approved by a 9 to 1 vote.

The Mayor complimented the Committee and Council on the work they have done on the sensitive trash issue. The Mayor believes they have done everything they can to solicit resident input and will continue to do so.

The gas well issue is still being reviewed and is another sensitive issue. A decision will not be made until we have heard from as many people as we possibly can.

The Mayor stated he reviewed cell phone use by Village employees with Mrs. Steiner. He also reviewed this issue with Chief DeMoss. The Mayor feels use of Village cell phones is something that needs to be reviewed.

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The Village's cell phone use policy in the employee handbook states personal cell phone use by Village employees is permitted as long as calls are kept to a minimum. The Mayor would like to change this policy to "no" personal calls being permitted on Village cell phones.

Mr. Heydorn stated it is possible to change the policy with Council approval.

Mrs. Spohn attended a recent meeting where it was discussed how the IRS is also looking at cell phone usage by small Villages and companies. The IRS wants the employer to add the cell phone usage on the employee's W-2 at the end of each year as a taxable fringe benefit.

Mr. Achtermann stated this was also discussed at one of the courses he has taken.

Mr. Fenwick stated the Service Department has three cell phones; one for himself, one for the Assistant Service Director and one for the person on-call.

Mr. Church asked the rationale for issuing cell phones for personal use.

Chief DeMoss replied the cell phones are like three instruments in one; a regular cell phone, a pager and a two-way radio. None of the phones are issued for personal use, they are used to communicate with other communities and departments. The City of Stow Dispatch Center sends text messages with the time, location and call number so the information can be logged.

Mayor stated he is not implying that all the calls on the Village cell phones are being used for personal use. The Mayor did see some calls that were more than likely personal calls and would like to further discuss this issue at some point in the future.

Mayor reported the Christmas Tree Lighting Ceremony went very well.

The Village received a recommendation for funding the sewer project.

Chief Gary DeMoss reported the three older camera systems were repaired for \$487.

The one-way road between the Silver Lake Church and Village Hall will be changed to a two-way road. Signs will be posted at both entrances and this area will be monitored.

Service Director, Richard Fenwick, had no report.

Village Solicitor, Robert Heydorn, had no report.

Clerk- Treasurer, Teresa Spohn, had no report.

Mrs. Steiner asked if there were any questions or comments from anyone in the audience.

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Mrs. Steiner restated that Council represents the community and needs to hear from residents. Council is open to all comments and views on issues that are happening in Silver Lake.

Mr. Don Dieterich, 2998 Oakridge Drive, wanted to remind the new Council members of how blessed they are. The Village has all its millage indexed with every appropriation and doesn't have to go out and pass new levies. Mr. Dieterich is worried that Council will be spoiled by it and just keep spending money. Mr. Dieterich wants Council to be cautious in their spending habits when looking at new budgets.

Mr. Dieterich is also concerned about the risk benefit ratio for the oil well drilling. The area is significantly close to a water supply with a potential risk of contamination. It is also close to a flood plain where the ground table is saturated most of the year. The area is in close proximity to a river, so if there is an accident it would also be contaminated.

The company being considered is a reputable company, but there are no guarantees it will continue to be the same company in five years.

The reward is about \$25 per year per family unit. Council needs to decide if it is really worth it. The reward side really doesn't seem to warrant the risk side.

Mrs. Susan DeChant, 3050 Harriett Road, stated she previously worked as an environmental scientist for the Ohio EPA Northeast District Office in the Division of Public Drinking Water. Mrs. DeChant recommends the Village to not put the oil well in the area behind Village Hall. The Cuyahoga Falls aquifer pumps 50 million gallons of water per day and is the third drinking water aquifer producer in Northeast Ohio. It serves over 50,000 people and if a contamination would occur from an oil or gas well, it would cost millions of dollars to clean up.

Mr. Wayne Fennimore, representative from J & J Refuse, stated there was a 17% response from the trash hauler survey that was sent out to Village residents, which is a pretty good response. J & J Refuse only had 160 customers in the Village when the contract was first signed. After the last bid, their customer base rose 360% in a two month period. J & J Refuse is holder of the majority of accounts in Silver Lake. The residents have already spoken what they want by their survey response, which is cheaper rates.

Mr. Scott reported a resident brought to his attention that the flag in front of Village Hall is not lit.

Mr. Fenwick replied that it has been discussed to move the flag post in front of the big trees and also lighting it at that time.

Mr. Fenwick reported the Village Hall sign in front of Village Hall also needs to be replaced. The pole broke off from the wind and will cost approximately \$4,000 to repair.

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Mr. Jones stated he would like to schedule a Planning, Zoning and Insurance Committee meeting sometime soon to discuss the gas well issue so the Committee can make a recommendation to Council.

Mrs. Steiner asked if there were any further questions or comments.

There being none, Council adjourned at 8:10 p.m. until the next regularly scheduled Council meeting on Monday, December 18, 2006, at 7:30 p.m.

APPROVED:

Carol Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer

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prepared by: Heather Reiheld