

West Union Village Council

February 28, 2023

West Union Village Council met in regular session at 7:00 p.m. on 2-28-2023, at the Municipal Building. Mayor Jason Buda Presiding. Call to order, roll call and pledge to the flag: John R. Lafferty – absent, Mark Brewer – present, Jason Francis – present, Mary Jane Cambell – present, Randy Brewer – present, Donna Young – present, also in attendance: Melissa J. Hall – Fiscal Officer, Shelley Gifford – Treasurer, Jerry Kirker – Village Administrator, Lt. Ryan Myers, WUPD, Tom Mayes, - Village Solicitor, Kent Bryan – CT Consultant, Visitors – Kim Fields, Brian Fields, Donnie Edgington, Paul Brown. JR Kirker – Fire Chief, and Danni Studebaker, EMS, arrived at 7:07 P.M.

Jason Francis- had a revision to the Minutes on February 14, 2023 as follows: to reflect on page 11, that the grant Jerry Kirker was talking about was not the same grant as the OVRDC grant he was discussing. To add: *Jason Francis* said it is a different project, CT Consultants were assigned to another grant, the Rural Appalachian Grant.

Motion by Jason Francis, second by Donna Young to approve the Minutes of the regular meeting on 2-14-2023 with said revision by Jason Francis on page 11, roll call vote: all yea, motion passed.

Paul Brown –

- 1) Discussion on concrete barriers - I appreciate the concrete barriers that you put up in front of Snappy's. That will save people from getting on the ramp.
- 2) Discussion on Water/Sewer Department - I appreciate the work they had done down by the warehouse. It has fixed the commode.
- 3) Discussion on Councilman missing meetings - Why is that Council member still getting paid. "You can't have a job and not show up, I don't care if you are elected or not. He has been dodging me since November. What can we do about it, I am a taxpayer in the Village, what can we do about it? *Mayor Buda* said that we decided last meeting, we voted to make him pay his pay back. *Paul Brown* – He has to, how can someone get paid when they don't show up. If he hadn't done what he done. He is going to face it, sooner or later. *Jason Francis* – Just to clarify, we voted to recommend that he pay his pay back, we can't force him to, however, he should. *Tom Mayes* – An update on that, Shelley did some research and sent me a document from the Village Handbook that states the salary and attendance of the Village Council shall be by Ordinance fixed salary of its members, which shall be paid in equal monthly installments, deductions may be made for meetings not attended. *Paul Brown* – There you go. I got my answer right there.
- 4) Discussion on parking around Courthouse - Evidently the word must have got around at the Courthouse, I am not having too much problem now on that side of the street. There has not been a lot of cars parking on my side of the street. I appreciate it.
- 5) Thanked Jerry Kirker - "Jerry, I do thank you for what you done for me." Thanks. *Mayor Buda* – thank you Paul.

Donnie Edgington –

- 1) Discussion on cleanup of Crackel Subdivision and water issues - I want to make it clear, I am not here to gripe, complain or throw anyone under the bus. We have lingering problems from the sewage project down in the Crackel Subdivision and I am here for answers. We were told in the beginning that everything would be restored back to the way it was. Is that still the plan for everything to be restored the way it was prior to this? *Jerry Kirker* -Everything is going to be put back as soon as the weather gets nice. There is no sense in us getting in there right now and tearing up more than what we can fix. *Donnie Edgington* said he understands that. *Jerry Kirker* – We are holding money from Lloyd Construction, to come back in the Spring and fix everything that is supposed to be fixed. I was down past your place today, you have some water issues on the east side of your property, until we get that all fixed and put back like it was, that water problem is going to be there for a while. Now, we can get in there, tear it up, and make it worse in this kind of weather, or if you are willing to wait and let us get it fixed. *Donnie Edgington* – I am willing to wait, but I don't want the answer to come in August. *Jerry Kirker* – When Spring gets here, and the weather gets nice. I just spent probably two

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hours with Mike Crackel on his problems today. He understands where I am coming from, I understand where he is coming from. He said when the weather gets nice fix the problem. *Donnie Edgington* – I understand that you can't do anything about it right now. Last Fall when they came down, and put the dirt in and crushed the septic's in, and threw seed down and straw, that wasn't the end of it, that is what I want to know. *Jerry Kirker* – They just put a cover on it for Winter, is all they did. The septic tanks, I will blame the State of Ohio, the Health Department, the way it should have been done, they wouldn't do. The Health Department said you didn't have to do it that way, it should have had gravel in it, then dirt, where it wouldn't settle. The Health Department said fill them up with dirt. Well, with all this rain, everyone of them has fell. The ditches have fell in, some of the ditches by Melissa's house is a foot and half, two feet deep. We will come back in and fix all of them. *Donnie Edgington* – Water just does not leave the subdivision the way it used to. *Jerry Kirker* – Until we get the ditches back and things like they were, it won't leave, until we can get back in there and work on it. *Mark Brewer* – It is probably worse on the right-hand side of your house down in that low spot. *Donnie Edgington* – yes, it is, I have photos of the way it used to be and what it is now. (They reviewed the photos Donnie provided and discussed them). *Donnie Edgington* – this is a moot point, if it is going to all be put back the way it was. *Mark Brewer* – We are withholding their money? *Jerry Kirker* – Yes, we have a retention on their money, they will not get their final payment until everything is back, that is just the way it works. *Donnie Edgington* – What I was concerned about was whether or not somebody was sitting on some money somewhere, because for a small company like Lloyd Construction, it is a heck of a lick right there, to have been already paid and then have to come back and take that on. *Jerry Kirker* – We are holding a good chunk of his money, until the project is done. *Donnie Edgington* – I am not here to condemn Lloyd Construction. I have lived down there since 1984, there are places that have flooded that never flooded before. However, the water used to get out of the subdivision and it is not doing that now. What caused that, I don't know. Maybe it was something that has nothing to do with the sewage project, I have no idea. (Discussion of a photo showing where straw went down and plugged the culvert pipe up, underneath the road). *Donnie Edgington* – that culvert pipe, and this is probably a problem for the Township, that culvert is higher on the left side than it is on the right. *Jerry Kirker* – plus it is a 12" culvert and should have been a 15", but we replace back what we tear out. *Donnie Edgington* – but the ground level is below where the culvert is. The culvert is up here and the ground level is down here, the water can't get into it. *Jason Francis* – Jerry, just to add what you just said about we replace what was there. If he would want the 15" can we have him pay the difference. *Jerry Kirker* – this is a Township matter. I know it looks bad, but everything will be fixed back like it was. *Donnie Edgington* – I don't expect this to be done right now, I know you can't do it in the middle of the Winter, but I just wanted to make sure that is what the plan still was and everything was not exhausted through the construction company and we were going to have this to fight in, come up here and have this meeting with you folks in June and then it is August or September and I have fought mosquitos the whole Summer. *Jerry Kirker* – when the weather gets good, like I said we are holding a good chunk of his money and when the weather gets good, he is going to be in there and cleaning it up. He will be working with the people down there. I will be standing beside him or Kent will be standing beside him, until we get it back like it was. That is just the way it is. *Donnie Edgington* – alright, suits me fine. *Jerry Kirker* requested to keep the pictures. *Donnie Edgington* – you can keep them. Thank you all.

Brian and Kim Fields –

- 1) Discussion on the Crackel Subdivision with holes in the yards and responsibilities if an injury - Kim Fields said that you kind of answered my question with Donnie's statement. The biggest concern that I have is if you drive through the neighborhood, I know a lot of this has to do with the fact that you took out and put a little bit of dirt back over it to cover it for the Winter. I get that, but where do we stand as far as our rights go with these big sink holes that are in our yards now. We have at least 7 homes in our neighborhood that have small children. When one of those kids come running through my yard, and they fall in this hole, is it my home owner's insurance

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that is liable or is it on the town? A short discussion about one of the yards coming into the neighborhood and said that the sink hole is big enough to park a street bike in it. It is that deep. *Jerry Kirker* – said they are all like that. *Kim Fields* – I understand that, but my question is, who is liable when some little kid falls in a hole, me or you? *Jerry Kirker* – could be both of us. It could be you and then come back to us. What I can do is I can put fence around them, if you feel more comfortable, we can put the orange fence around them. I don't have a problem doing that. *Kim Fields* – I think you should, we do have small children. Is my homeowners going to pay? I am going to take the ding for it when we didn't ask for any of this. *Jerry Kirker* – it would come back to us. *Tom Mayes, Solicitor* – logically what would happen is your home owner's insurance would pay and they would come knocking on our door to get us to pay them back. *Jerry Kirker* stated he would get Lloyd's to get orange fence and put up around all the septic tanks and that way we will be good until Spring. *Kim Fields* – yes. I just don't want the responsibility on my head. *Donna Young* – how soon do you think you can get that fencing. *Jerry Kirker* – I will call them in the morning and tell him what I need. *Kim Fields* talked about her insurance representative had been out and questioned the holes in the yard. I just wanted to know who was going to be liable, me or you when someone falls. The Field's thanked everyone before leaving.

Mayor Buda asked Council if they have had a chance to review the bills and if they have any questions. If so, I will need a motion to approve the bills as submitted.

Motion by Mark Brewer, second by Jason Francis, to approve the payment of bills as submitted, roll call vote: all yea, motion passed.

RESOLUTION 2023-11 – A RESOLUTION AUTHORIZING THE VILLAGE ADMINISTRATOR TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER SUPPLY REVOLVING LOAN ACCOUNT (WSRLA) AGREEMENT ON BEHALF OF THE VILLAGE OF WEST UNION FOR THE DESIGN AND CONSTRUCTION OF THE NORTH STREET WATER MAIN REPLACEMENT PROJECT; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN:

Donna Young asked Jerry what this was for. *Jerry Kirker* – we passed two resolutions for the North Street project, but this is giving me the okay to go ahead and put the application in to EPA to get everything done. We have already got the money in place.

Motion by Donna Young, second by Jason Francis, to accept Resolution 2023-11, roll call vote: all yea, motion passed.

First Reading: **ORDINANCE 2023-8** - AN ORDINANCE CHANGING THE NAME OF N. 2ND STREET TO VIRGIL DRYDEN WAY AS SHOWN ON THE RECORDED PLAT OF _____ PLAT OF THE VILLAGE OF WEST UNION, ADAMS COUNTY, OHIO:

Solicitor Tom Mayes – This is just a first reading. You do not have to vote on it today, I am trying to find a couple of things, the original plat book. I found a plat online, but it didn't have the plat book or page number like they usually do, so I have to figure out where it is at in the Recorder's Office. I encourage Jerry to talk to some of the people on that road and make sure they are okay with it, if not they can come to the next meeting or the following meeting. I think there is one resident and one business maybe. *Jerry Kirker* – I have not talked to the Dryden Family, but their address and the store is on Main Street, but it is the beauty shop and a mobile home that is on North Second Street. *Tom Mayes* – this is just the first reading and in the last meeting you talked about wanting the family here when it passed, so it will not be the next meeting, it will be the meeting after. *Mark Brewer* stated he had talked to Kathy about what we were doing. *Tom Mayes* asked if there were any questions about that that I can answer, it is pretty simple, it is not overly complicated. I ran it by Jerry to make sure I had the streets going the right way, from what

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street to what street. Jerry Kirker – I sent Tom a street map and marked it for him. It is going from the South to the North, between Main Street and Mulberry Street.

Report from Jerry Kirker, Village Administrator –

- 1) Discussion on mowing for the Village of West Union - Talked to Randy Adams and he is not interested in mowing. I talked to the mayor and the only thing I know to do is run something in the paper and see if we get anybody or you tell me what you want done. It is going to be time for mowing before long. *Donna Young* – I think we are going to have to run it again in the paper, I hate it that Randy turned it down. *Mark Brewer* – asked if maybe someone that works for us in the Village would want to do it for overtime hours and maybe rotate it. *Donna Young* asked Jerry if he had enough staff since he is down employees. *Jerry Kirker* – no, it is not very good. I have been down and had one employee that his last day was Friday, plus before he left, we were down two people on staff. I will be asking for a personnel meeting sometime in the near future, to see what we can do with that department. If I have a water break, I have to get ahold of somebody to help me and a lot of time it is contractors. I have two that have been willing to come out anytime at night or day. *Donna Young* asked how many employees are at the Sewage Plant. *Jerry Kirker* – I have one and really there should be two down there. It is a pretty dangerous job around the tanks all the time, by himself. There is one person that might want to mow in the evening, I don't know, I can find out before I have Melissa run it in the paper. *Donna Young* asked about the guy that is at the plant, if he is doing a pretty good job? *Jerry Kirker* – yes, for a week and a half of training. Yes. Council had short discussion about offering the job to current employees vs. running an ad in paper first and where the payment from mowing yards come from. *Jerry Kirker* said the mowing fees are added on to their taxes, it is \$50.00 a yard. Jerry Kirker requested Council to vote on what they wanted him to do.

Motion by Donna Young, second by Mark Brewer, to offer current employees the job of mowing for the Village and if no current employee accepts said offer to mow, an ad shall be placed in the local newspapers, roll call vote: all yea, motion passed.

- 2) Sewer Plant landslide issue – The Sewer Plant issue with the landslide has been resolved. EPA approved it. We do have some issues with effluent going out of the plant right now that was created when we started the plant up, we didn't get it all cleaned, but it is not that bad and EPA is working with us on it. They have been coming down, once every three months, working the plant with us and helping us get it back like it should be.
- 3) Health Insurance discussion – It is time to renew the policy. Mayor Buda and I have been talking to a few people. I will let Mayor Buda go over it with you. *Mayor Buda* – I have reached out to the ones we are with now and the one Jason gave me and I have also reached out to a third company. There are multiple ways they can do it. The one Jason gave me and the one we have now, we can only go with one of them for a quote because of the way they are set up through the Chambers. We are through the Chamber anyway. It is just a matter of which one we get to quote it. *Jason Francis* discussed how the Chamber works and how being in a larger pool that we would lower costs. *Mayor Buda* said that our quote for the year has gone up 25%. *Jason Francis* said he had talked to a gentleman that handles county government insurance and negotiates. He said anything over 6.79 or 6.97 we need to negotiate down. *Mayor Buda* said that both of them had told him that they have multiple companies they can go through and depends which way we do it, because there is one form you just give name and date of birth and sex and they have quotes in no time, but it is only a couple of companies. They can't do as complex as they can the other way. But the other way you have to have all the employees there. I am going to call all of them tomorrow. They are all willing to come in and do what needs to be done. The Insurance committee will need to have a meeting once they get all the quotes. *Randy Brewer* - okay.

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- 4) Discussion about the First Baptist Church running a homeless shelter – the First Baptist Church is running a homeless shelter and they had a fire there today. Someone set the hillside on fire. I talked to the Pastor and he said he is permitted but he didn't have the documents to show. He said he had the okay from the Village of West Union and Adams County to run this homeless shelter in the basement. I called the State of Ohio to have it inspected. They told me they didn't change things that the church was not designed for a homeless shelter, sleeping quarters and things. That is where we stand right now. I haven't heard anything from the State Inspectors, but there is a homeless shelter being ran at the church. *Jason Francis* – Do you know where these homeless folks are coming from? *Jerry Kirker* – most of them came from the airport when they closed it down. The guy we dealt with today that set the hillside on fire, he was from Wooster. *Lt. Ryan Myers* said he has dealt with him on a traffic stop also. *Jason Francis* – will the homeless shelter down the road from Walmart, will they not take them in? *Jerry Kirker* – I heard they are full. *Lt. Ryan Myers* – They have different guidelines than these guys do. *Jerry Kirker* – This is kind of a homeless shelter plus a drug rehab facility from what the Pastor told me. I don't care what it is, I just need to see the paperwork on it. *Randy Brewer* – They don't have that? *Jerry Kirker* – He couldn't provide it today. I haven't heard anything from the State yet. They are supposed to let me know when they inspect it or when they meet. *Jason Francis* – so if they evicted from that church, how long do they have to vacate? *Jerry Kirker* – if they don't meet the regulations from the State of Ohio, they will close the doors that day. I don't know where the people will go, but that is the way they do it. *Jason Francis* – I have driven by there and I believe there are kids living in there as well. I hate to, but the law is the law. *Tom Mayes* – It is a safety hazard. *Jerry Kirker* – if it was to catch on fire, it is not designed for that. If they were to have a fire and the fire department would not be expecting people sleeping there. They all know about it.
- 5) Discussion on storm siren - *Randy Brewer* asked Jerry if they had got the tornado siren going yet. *Jerry Kirker* – we got the one but not the other one yet. We are working on it. It is thirty years old, been fixed once. *Mark Brewer* asked if we could just buy another one. *Jerry Kirker* – It is up to you guys. I gave you a quote. *Randy Brewer* – I saw them online and they were a little cheaper than that, I don't know if they refurbished. *Jerry Kirker* – find one for me and make sure it works and that it is not going to fall down, down the road. Make sure they can program it for our system. \$24,000.00 dollars to me isn't that much money, I mean. *Mark Brewer* – I want to make a motion to buy a new one, as soon as possible and get it installed with all the weather that has been going on. *Randy Brewer* – we had a close call yesterday.

Motion by Mark Brewer, second by Randy Brewer, to buy a new warning siren for the Village, roll call vote: all yea, motion passed.

Mayor Buda asked if anyone had anything else for Jerry.

- 6) Discussion on water testing - *Donna Young* – How often is the water being tested? *Jerry Kirker* – It gets tested the first and second Tuesday of every month. On the first Tuesday, it gets tested on the South and Southwest side of town and the second Tuesday it is tested on the North and Northwest side of town.
- 7) Discussion on yard sale - *Donna Young* – there is a continuous yard sale going on before you get to Lacy's old garage on SR. 41, do they have a permit or what is the deal? *Jerry Kirker* – the way I understand it, they have a vendor's license.
- 8) Discussion on potholes - *Donna Young* – On Randy Street as you are going to Ballard Street, has some good size potholes that people are complaining about. The Street that formally said Ballard. *Jerry Kirker* said he had the signs ordered for Ballard Street.
- 9) Discussion on building behind SOMC - *Jason Francis* – the dirt being piled up behind O'Reilly's, is that a new building or is that SOMC. *Jerry Kirker* – SOMC is building their new facility behind Adams County Glass. They broke ground a week and a half ago.

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Report from Kent Bryan, CT Consulting –

- 1) All I had was the Resolution for the North Street Project. I had to step out to talk with the group, so not sure if you all covered that already. *Mayor Buda* – yes, it was already covered. *Kent Bryan* – I talked with the group and I think they feel better knowing we still have money held for the contract. I hate to say it but we will be in the same state with Panhandle by late Spring, early Summer. This will be the Summer of long restoration. That is not always the easiest thing to do, to get everyone happy and get it just like it was before, but we will do the best we can. *Jerry Kirker* – I think a lot of it was that the rain hit us all at once and made that worse down there because it all settled in. One thing about Panhandle is it is getting rain, so hopefully it is getting settled in, so it might help us on that part. *Kent Bryan* -That is all, this will be the Summer of fixing people's yards. We will do the best we can.

Report from Danni Studebaker, WULS reported the squad had 155 runs for the month and 330 runs for the year.

- 1) Resignation letter from David Stephenson, EMT. He wrote the letter on the 7th but he gave it to me on Thursday and his last day was actually the 25th. *Mayor Buda* asked if Council wanted to see the letter or if they wanted him to read it aloud. *Jason Francis* – you can read it, if you want to. *Mayor Buda* read the resignation letter aloud. (a copy will be in his personnel folder in the Clerk's office.)

Motion by Mark Brewer, second by Jason Francis, to accept the resignation of EMT David Stephenson, EMS personnel, roll call vote: all yea, motion passed.

- 2) A new jail contract – *Danni Studebaker* asked if they wanted to handle it in executive session or in open meeting. *Dusty* contacted me and asked if we would be willing to do a yearly rate for the jail instead of per run basis on transports. *Tom Mayes* – you can talk about it. We may not get anywhere because they now have another Prosecutor handling it and we talked about it last week. *Danni Studebaker* – He says he hasn't got paid for any jail runs for last couple of years. I said welcome to our world. I told him it was up to Council that it is not up to me. *Tom Mayes* – the contract expires at the end of the year. The issue that the billing company brought, was we were potentially in violation of the anti-kickback statute, because we had given one entity a rate, but we were charging anyone else whatever Medicare, Medicaid, private payer insurance, or whatever else a rate. If we gave them a rate, we would have to give them all the rate. Theoretically I understand what they are saying, but there are people who contract for emergency services all over the place, Doctors and there are other entities that contract for emergency services. There has to be a way to figure it out. We are trying to figure out the correct language to put in the contract. Then we can come up with whether it is a monthly rate, call rate, or yearly rate. Then we will bring it to Council when we get the language figured out. *Danni Studebaker* – he said he was planning on doing \$300.00 in transport for however many runs that they normally do, which they don't do many, because we normally do them all. I was going to look today to see how many runs we usually transport out of there, but it was too crazy to do it. I didn't get a chance.
- 3) Issues with backup coverage – Station 400 are not able to cover our backup runs because they are not able to staff the station. We are having to rely on Manchester. Manchester has been up here several times to cover our runs. There was one evening we were begging for help and they refused to take the run. It is a mess.
- 4) Medicare, Medicaid audit – We had a meeting Thursday night. We are getting ready to go into a Medicare, Medicaid audit. Next year by May 31, starting in January, it all has to be turned in May 31st for an audit of this whole year on the squad part. The lady came down from the billing company and she was talking to us about the refusals that we do. Since all the COVID stuff stopped, we are not getting paid anymore for any type of refusals, whether we give medication for low blood sugar, and then people refuse, which is normally what happens. She asked if we wanted to set a rate to be able to bill those people since we are using the drugs and all that stuff. I told her I would bring it to Council. *Jason Francis* – I think it is only fair. If you go down to Urgent

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Care, you are being charged. *Jerry Kirker* – Question for Tom; if you can set a rate for that, why can't you set a rate for the jail? *Tom Mayes* – I understand what the billing company is saying on that, it doesn't jive well with me. If you want to do that, I don't know how hard it would be for you to average what a call like that would cost, but if you could get some type of average cost in there. *Danni Studebaker* – a lot of our refusals are Narcan refusals and low blood sugars, once you wake them up and they are good to go. She also discussed lift assist, which to me lift assist is just part of the job, but when it gets in to the medications, it is very costly for us not to get anything whatsoever. She said most places are billing \$150.00 to \$200.00 when you have to go and use the medications. *Jason Francis* – do they have it where it is leveled, where you have a basic triage level. Can we level it out and set a rate like that? *Danni Studebaker* – we can.

- 5) Vehicle sale/auction inquiry -*Mark Brewer* – The old life squad suburban, is it up for sale or auction? I was driving by and saw it. Have we had any interest in it yet? *Jerry Kirker* – I forgot to bring that up earlier. *Danni Studebaker* – we haven't actually advertised it yet. *Mark Brewer* – what do you think you are going to start it at? *Jerry Kirker* – Tom has to do the paperwork for us before we can do anything. We have to get everything together and we will have to get an ordinance passed. There is that vehicle and another vehicle that we are wanting to sell. I just have not got the information to Tom yet to get it brought to the Council. *Tom Mayes* – you all pass the ordinance and we will set a minimum amount. *Jerry Kirker* – we have two vehicles we are wanting to sell.

Report from JR. Kirker, Fire Chief, reported the Fire Department had 32 runs this month and 82 runs for the year.

Jason Francis – were you able to find a press release or anything like that for that ISO rating. *JR. Kirker* – no, but I will. I forgot.

- 1) Contract with Blue Creek Fire and EMS -*JR. Kirker* – Blue Creek Fire Department is wanting to sign a contract with us to be like a second department out there. They are going to try to still run their department, but they only have one or two people. We went out and met with them Thursday. We gave them a price the other night, and they want to talk about it. *Jerry Kirker* – we redid one of the contracts that Tom did, gave them a price and haven't heard anything yet, but I told them we can't run out there for nothing. We are going to run we will not let anything happen. *Mark Brewer* – we have to pay for our gas and wear and tear. *Jason Francis* – is their township trustees in charge for their fire department. *Jerry Kirker* – yes. The last I heard they were going to take it to the County Prosecutor. *Tom Mayes* – I would tell them that it is the exact same one that they saw last year. *Mayor Buda* – is that just fire? *Jerry Kirker* – no, Fire and EMS, that is what it has to be. *Tom Mayes* – we redid those contracts in light of the issue we had to include EMS as part the contract.

Report from Lt. Ryan Myers, WUPD, stated he did not have the numbers since he was not notified in time to get them. *Mayor Buda* – I did not know until an hour before. *Ryan Myers* – said he didn't have anything to add.

Report from Tom Mayes, Village Solicitor

- 1) Pay Ordinance/Pay deductions - So as requested last meeting, I redid the Council Pay Ordinance. This is based off the conversation last meeting. Since then, I wouldn't say it is moot, but we found that it is not as much of a pressing issue as it was. What I did was what I thought was the intent of Council and wrapped it up into this resolution. This is what I wrote: This is an Ordinance increasing the rate of pay for newly elected officials for the Village of West Union Council, may be decreasing, whatever you want to put in it. This is how I worded it: Section 1: that any person elected or appointed to start a new term of office as a member of Village Council after the effective date of this Ordinance shall be paid at the rate of blank dollars per meeting attended to include special meetings. Section 2: Council pay is to be paid from the General Fund as directed by the Village Treasurer. Section 3: Council

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members shall be allowed blank excused paid absences per calendar year. Excused absences shall be determined by the majority vote. Council excusing said member from the meeting. So, you can set one, two, depending how many you want. Things come up for Council members and that is just the way it goes. Section 4: It is to be fixed pursuant, the rest of this is just that you have fixed it now but it doesn't go into effect for whatever seat you are in until you have been reelected or reappointed. That is kind of the intent I had, there is a little bit more, just open meeting act language and stuff in there. We can change that, we can do away with it, whatever you all want to do with it. But now we know in the handbook that you all can reduce pay based off of meetings attended. *Randy Brewer* – Can you do away with him? *Tom Mayes* – it is getting to that point. *Randy Brewer* – when I first came on here, a councilman never showed up for council meetings and they ask me if I would be interested. *Tom Mayes* – yes, we are getting to that point, if Council wants me to take that next step, but this is what I have from my notes from last time, which was changing the pay. If you want to fix it per meeting or if you want to do excused absences. Right now, the rate of Council is \$5,000.00 a year. So that is \$416.67 a month. I can change this for monthly meetings, I just did it per meeting. I think it will be an easier ratio to break down per meeting, if you are going to deduct pay. *Jason Francis* – what about if we have to call a special meeting or that kind of stuff, because it goes into. *Tom Mayes* – I have done it different ways, I have done it in Councils where if there is a council meeting or a special meeting, you get paid per meeting. I have done it in council meetings where they get nothing for special meetings and I have done it for council where they get paid a reduced amount for special meetings. (Examples on how it would work on breaking it down) *Jason Francis* – I personally like keeping the pay the way it is and if we do have a special meeting then that is just the duty of the job. *Mark Brewer* – I would rather keep our money the way it is so that other money can be used without a raise or anything like that. *Tom Mayes* – I have also put language in where they can donate back their salary, if they do not want to collect it. But that is up to you all too. *Mark Brewer* – we are going to have to do something. *Jason Francis* – Councilman Lafferty provided Shelley Gifford, I guess his secretary brought this to her, a booklet. I don't know how many pages it is. It says in honor of Ohio's 135th General Assembly, the Ohio Funeral Directors Association invites you to our legislative Reception. So, we are here working for the people, he is allegedly in Columbus having cocktails and all that fun stuff you do at receptions and still getting paid for it. Mary Jane owns her own business and all of her income comes within a three-month period and she is here. We all could be other places, when you put your petition in, you are supposed to be here, not supposed to be in Columbus. You are supposed to represent the people. *Mark Brewer* – I have missed a lot of basketball games where I make a lot more money than I do sitting here. We have got to do something we have to reduce his pay or something. *Tom Mayes* – You already can, you may if you want too. This says you may. It says deductions may be made for meetings not attended. If you want to reduce it for a meeting not attended, I think if you all take a vote then that is the way it works. *Jason Francis* – What is the process for removing him from office. *Tom Mayes* – I don't have a good answer for that, I have never had to remove one for none attendance. I have done them for misfeasance and malfeasance, which is you bring charges. *Jason Francis* – from what my understanding of the law, is that you have to miss two consecutive months. We have two meetings a month, in November and December we had one. He missed both, so he technically missed two consecutive months. Since it was last years, can we still remove him for that offense. *Tom Mayes* – I will look into that too for missing those two months. Yes, I will look into that. I don't have a good answer for you. *Mark Brewer* – he has either missed 5 out of 6 or 4 out of 5. *Mayor Buda* – 5 out of 6. *Jason Francis* – he missed the one meeting we had in November, he missed the one meeting we had in December, he showed up for the first meeting in January, he did not come to the second meeting in January. He did not come to the first meeting in February and he did not show up for last one in February. *Tom Mayes* – I will get an answer for you all. *Jason Francis* – but his check was picked up. *Donna Young* – He is not supposed to get paid because he has not been here. He should bring that back. *Jason Francis* – I

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want to make a motion to recommend Mr. Lafferty pay back his council salary. Council and Tom Mayes had a short discussion on how to handle this. Council cannot go back prior to this meeting, they can only do this moving forward, including this meeting. *Shelley Gifford* asked about the amount to be deducted and stated there is another payroll due by the next Council Meeting. *Tom Mayes* – logically I think it would be half of what the monthly salary amount would be. *Shelley Gifford* - So if he doesn't show up for the next meeting then he should not get a check at all? Councilmembers – correct.

Motion by Jason Francis, second by Donna Young, to deduct ½ of the monthly pay for Councilman Lafferty for this missed meeting, roll call vote: all yea, motion passed.

- 2) Pending Litigation – Another offer from the Commissioners, you can do it in executive session or in open. *Jason Francis* recommended just going over it in open session. *Tom Mayes* – they offered a lump sum of \$90,000.00 if you want to take it now. Instead of the \$100,000.00 over a period of a year. I can see benefits and drawbacks either way, it is what you all want to do. *Jason Francis* – we did help Manchester out and we paid the legal bills and in theory that took money out of that coffer. *Randy Brewer* – make them pay the full amount like they agreed to, that isn't much either. *Tom Mayes* – No, I just didn't know with the EMS if there are any big expenses that you would need the \$90,000.00 now or not. Council questioned what the reasoning was behind it. *Tom Mayes* – do not know, I was not given that. *Mayor Buda* said he heard the reason was they were wanting to run another levy again in November to raise everyone's taxes again to get a new levy on to replace this one. *Jason Francis* Mary Jane what are your thoughts? *Mary Jane Campbell* – they agreed to it, I don't think they should go back and change it. On the flip side, everyone likes money. I am afraid in the end they are going to throw up their hands and we are going to end up with all of it. *Jerry Kirker* – think you should take it. *Mark Brewer* – think we should take it, because I am with Mary Jane that we are going to end up with a lot of territory. *Mary Jane Campbell* – if they are going to run a levy, is that going to hurt us running a levy, a one-year operating. *Tom Mayes* – it depends. Council had a short discussion on levies. *Mark Brewer* asked Council how many were for taking the money and being done with it. *Mayor Buda* asked JR. Kirker and Danni Studebaker how they felt about it. *Danni Studebaker* – from what I hear, they don't have the money. Council had discussions on going back with a counter-offer. *Mark Brewer* asked Shelley Gifford if we could use the \$90,000.00 now. *Shelley Gifford* – They have no cash, no appropriations, right now the General Fund is carrying them on payroll. So, this would help immensely. Because what Danni said a couple of meetings ago, Medicare, Medicaid is running 60 to 90 days behind. We are not getting any deposits. They have no money. *Jason Francis* – suggested \$95,000.00. *Randy Brewer* – I would go with what they agreed with, it is a court case. *Donna Young* – suggested counter-offer as close as we can to the original figure. The General Fund can't take a lot, there is too many rainy days ahead of us. I am sure, that we are going to have to tap the General Fund for. More discussion on a counter-offer. *Jason Francis* – lets give them a date that we need to know by, that way at our next meeting we know and we can decide then. Can we get the temperature on the counter-offer of \$95,000.00. *Mark Brewer* – asked Tom to go back to them with the \$95,000.00 and have an answer for us next meeting and see where we are at. *Tom Mayes* – okay, I will contact Matt and relay that to him and we will go from there.
- 3) I gave Councilman Francis a letter to send on your all's behalf to Commissioners. I don't know if that had the tenor and what not that you all wanted to send or not.

Jason Francis – Melissa, did you say you were able to make contact with them?
Melissa J. Hall – yes, I made contact with the EMA and they have picked up the check and I have a schedule for you. *Tom Mayes* – ok, irrelevant. *Jason Francis* – Okay. But... we can keep that on file, can change the date, because I am sure in two weeks or next month it will. *Tom Mayes* – Jerry, you are still listed as on the board according to their website, along with Paul Worley, Brian Baldrige and a bunch of people that

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have since moved on. *Jason Francis* – Thank you, I appreciate you doing that. I have only been trying for a year to make contact. Tom Mayes – If you go to the website, it hasn't been updated since 2016.

To the floor for each elected official:

Mayor Jason Buda – I have nothing tonight.

Shelley Gifford –

- 1) Salaries and increases - Back in August, I had asked for a raise of \$4,000.00 and settled for \$2,500.00 and since March of last year, the Police Department got a \$4.00 on the hour raise. The Water/Sewer/Street Department got \$6,200.00, Melissa got a couple of dollars extra and then we had one girl down at the Water/Sewer/Street Department got \$2.00 extra on the hour, making her \$5.00 on the hour. Back to mine, in defense of me taking that lower amount of money, when I took that I had no idea that Tanya was going to resign and leave me with a lot more work and a lot more days, with her quitting and my position will end in December of 2025, that just gives me 3 more years here. I have been here twenty-eight years and I only make \$20,000.00. I never thought about how low my salary was until everyone started getting increases. I don't know if any of you know all the work that I do, all the work that comes through the Village comes through and hits mine or Melissa's desk. Like I said I have been here 28 years, I have done payroll the whole 28 years and I have never been late on one or missed one. I came in and did them sick. Every penny that goes through the Village, I may not collect all of it, but it goes through my hands and I have to post it and make sure it gets in the correct funds. I have been trying to help Melissa out on a daily basis, sometimes. I don't know what the Clerk's job is but I can help her. One day, one problem we were 4 hours on problem, the next day we had an issue and it was the whole day. We started on it at 9 o'clock, I left at ten till four and she was finishing up on it. I have a lot of work and a lot of responsibilities, I am trying to help her, we have an audit coming up. Melissa will not know because she has never been through one and she is going to be answering questions on work that she has no idea. My point of all of this is I am asking for an increase in pay. I contacted the solicitor Tom and he looked up information and I can get a raise in the middle of term. So, what my offer is: I would like to have a \$10,000.00 increase bringing me up to \$30,000.00. That is my offer and my final offer. I don't get vacation or sick leave. I don't need it. I don't need the health insurance. That saves you right now \$8,600.00 on the year. I am just asking Council if you can increase my pay to \$30,000.00. Brown County has an assistant that makes \$37,000.00 a year for three days. When Tanya said she was going to resign I just worked two days a week and every since then I have put in at least four days if not more. *Jason Buda* – you worked five for a while, I can vouch for that. *Shelley Gifford* - For two months there was no clerk and I did everything except the budget. Like I said I have three more years and then my job ends and Melissa will take it over and she will do you good. She is a fast learner. But right now, it is hard to train her on my job because she doesn't know all of her job yet.

Motion by Mark Brewer, second by Donna Young, to increase Shelley Gifford's pay 10,000.00 more per year, roll call vote: Abstain – Jason Francis, 4 - yea, motion passed.

Shelley Gifford - thanked Council.

Mark Brewer –

- 1) Police Department - From 6:00 p.m. to 6:25 p.m. we had Police Committee meeting and we are going to advertise for patrolman and the rate of pay will be between \$18.00 to \$20.00 based on experience for the first year. Also rate of

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pay for the new Chief of Police will be from \$23.00 to \$25.00 based on experience. We are looking to redo the Policy and Procedures for the Police Department. It has been 5 years since the manual has been redone. Ryan has contacted a former Police Chief from Mt. Orab that their department used an agency from California to redo theirs. They have to be updated at least every two years because there are things that change. Ryan is going to get some different gear to wear, cleaner more efficient for him and the patrolman, whoever that may be. It will be a BDU style with the outer vest and new badges. *Lt. Ryan Myers* said he is slowly phasing them out because they are \$170.00 a piece. I have a Lieutenant one, a patrolman and I ordered a new chief one because Tim is going to purchase his. I am getting the badge numbers on them instead of Ohio on them. *Mark Brewer* – Greenfield is starting at \$21.35 an hour, just non commissive, in the academy riding and that is what they start out as soon as they hit the street. Also, our guy that was going to work part time for us just accepted a job as Chief of Police. After Tim retires it will just be Ryan and one part-time guy. *Donna Young* – we will be advertising it in the paper? *Mark Brewer* – yes. *Randy Brewer* – what does the Sheriff's Department start out at? *Lt. Ryan Myers* – I think it is \$21.75. If you have experience there, they give you extra for that as well.

Jason Francis –

- 1) Grant Information update - We did discuss at the Safety Meeting, Mary Jane and I applied for the OVRDC grant that we talked about in the last meeting. It is for transportation studies, so we were able to submit that today. I drove it to Waverly. That is for a \$20,000.00 study. The way that the lady spoke on the phone, this is just me interpreting what she was saying, we may get it. If we wouldn't get it, they applied for the same grant that Mary Jane and I applied for back in the Fall, for the 1.6 million. We applied for the implementation, we should have applied for the planning, so we did not receive that. They did apply for the planning and they were awarded. So, if we don't get this \$20,000.00 funding, they said they could put us in theirs and receive the funding that way. *Melissa J. Hall* – Who was awarded? *Jason Francis* – The Ohio Valley Regional Development Commission.
- 2) Zoning and Planning Commission - I wanted to see if there was any movement on the open seats for the Zoning and the Planning. *Mayor Buda* – I haven't heard from anyone. *Jason Francis* – I did have a lady reach out to me, she does not live in the Village of West Union however, she works here. I believe she lives in Seaman or Winchester. She is very interested. I don't know how that would work with her not being a resident. *Tom Mayes* – I would have to look at the Zoning Ordinance but I think they have to be a resident or at least a property owner.
- 3) Website – Mary Jane and I discussed the reviewing of the website. I know we talked about that a few years ago, but she did make some suggestions that would be beneficial, especially 17 to 21 million dollars comes into the County for tourism, it is a good website, but I think if people are searching the Village of West Union, it needs to be more geared to not just paying your water bill but things you can do in the Village of West Union. Showcase our businesses, our business community. *Donna Young* – I want to thank you and Mary Jane for checking in on these grants.

Mary Jane Campbell –

- 1) Addressing the letter from Bill Lewis – This is our letter in response to what he had to say in his letter at our last Council Meeting. I wanted all of you to see it before I sent it to him incase you have any objections or corrections. (a copy of the letter is located in the Clerk's Office) Council took time to read over the letter. *Jason Francis* - I think it is good enough to be sent. *Mary Jane Campbell* – If no one has any objections, I will go ahead and send it to him. *Mayor Buda* – I do have one zoning question; between now and when we get these other two

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things set up, if there is zoning issues do they go to you and Jason? *Mary Jane Campbell* – yes, we will do it because we are responsible for it. *Jason Francis* – asked Mayor Buda if he had made contact with Alice. *Mayor Buda* – not yet. *Jason Francis* – do you have her phone number? *Mayor Buda* – I don't.

- 2) Bringing back Main Street revitalization - John Condon dropped these 4 booklets off to my office. (a copy is located in the Clerk's Office for review) He wanted us to know that he and Mike Pell, there is a group that they are interested in working with us to guide, lobby, etc.
- 3) Traffic light timing – Is the timing off on the street light by Blake's? Either the timing is off or someone runs it all the time. *Jerry Kirker* – probably somebody runs it. It is up for inspection in March. All of them will be checked out. I was up there the other morning, I had a green light, I started out and somebody came through. *Mary Jane Campbell* – I almost got hit, like three mornings in a row.

Donna Young – had nothing to add, already discussed it all.

Jason Francis – asked if she figured out anything on the chickens. *Donna Young* – no.

Melissa J. Hall –

- 1) Fiscal Officer name change with the Board of Election and the Village website- Last time you had mentioned the Board of Elections had Cheri still listed, I went up and asked what I needed to do and I sent them a letter as they requested. I contacted them today and they said it should already be changed. I spoke with Bill again about the website and he said that he found a couple other places he had missed when changing it. I saw him the other day and he said that he has them all changed now.

Mayor Buda asked if anyone had anything else to add.

Jason Francis – asked to discuss the new zoning map. *Jerry Kirker* – we have three of the large maps made, there is one in here, one in Melissa and Shelley's office and one down at my office. I am printing off some, I only printed two off tonight, my printer ran out of paper. I had Kent do this. *Jason Francis* – I appreciate you guys getting this done, it looks a lot better than colored pencils.

Motion by Donna Young, second by Jason Francis at 8:37 p.m. to adjourn, roll call vote: all yea. motion passed.

Mayor, Jason Paul Buda

Fiscal Officer, Melissa J. Hall