

RECORD OF PROCEEDINGS

Minutes of February 17, 2014

Special Council

Meeting

DAYTON LEGAL BLANKS, INC. FORM NO. 10148

Held Thornville Village Office

February 17, 2014
20**Council Members Present:**

Brandt Hawkins, Council President
Lynne Snider
Heidi Badders
Mary Renner
Dale Brussee

Other Village Officials

Gavin Renner, Mayor
Beth Patrick, Village Administrator
Melissa Tremblay, Fiscal Officer
Sharon Brussee, Clerk of Council
Brian Zets, Village Solicitor

Guests:

Ron Koehler Mitch Altier, ME Companies Ann Sweeney, Budget Officer
Tony Fiore, Attorney Ed Keister, Commissioners' Board President

Call to Order/Pledge of Allegiance:

The Village of Thornville Special Council meeting was called to order by Mayor Gavin Renner on February 17, 2014 at 6:00 p.m. by saying the Pledge of Allegiance.

Roll Call:

Roll call was taken with all Council members in attendance

Ed Keister – Perry County Commissioner

Commissioner Ed Keister thanked the Council for having the chance to talk with them, and he then presented the monies that were in escrow. Commissioner Ed Keister reviewed the letter that was sent to the Village dated February 7, 2014 that listed their concerns and issues. The major concerns were the 5%, how fees are paid by the County, and any violations. Commissioner Keister stated that the County wants to work with the Village, and it is important to both the Village and the County. Commissioner Keister also stated that he wants to maintain communications with the Village every two years.

Mayor Gavin Renner opened the floor to Council for questions. Councilman Dale Brussee inquired about the partial payment received from the Commissioners, and asked where it was in the contract that it allows partial payments. Attorney Tony Fiore responded that the partial payment was used as a means of getting the Commissioners and the Village to meet. Additional discussion was held as to what constituted past meetings. Councilman Dale Brussee voiced his concerns about being able to rely on the Commissioners to make full payments. Councilman Dale Brussee did not like the Commissioners using partial payments as a way of changing the contract.

Further discussion was held by Village Administrator Beth Patrick on what constituted meetings of both parties. Commissioner Ed Keister and Village Administrator Beth Patrick differ on actual meetings that took place.

Attorney Tony Fiore brought up the fact the Village has a surplus in the sewer account, and indicated that as long as the Village has a positive surplus that the Village is financially sound. Councilman Dale Brussee responded that the Village is fiscally responsible, and the Village has worked itself out of a hole years ago. Councilman Dale Brussee further stated that we understand what Rural Community Assistance Partnership (RCAP) has told us about our sewer system and the changes that will have to be made to our system in the future. Councilman Dale Brussee added that because the Village has a surplus, this should not dictate what the Commissioners pay the Village. Village Administrator Beth Patrick added that it is the Village's business on how much is in the sewer account.

After further discussion, Mitch Altier summarized that he would like to see the County and the Village work together so the contract would be a win-win for both parties. He added that the County cannot continue to go on this way (5%), or the County will be forced to look at other options.

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Fiscal Officer Melissa Tremblay wanted to talk about the numbers for Thornville. When she came to the Village 9 years ago, the Village was in debt hundreds of thousands of dollars, and within two years the Village was able to get back in the black. She added that for another three or four years, the Village worked with bare bones to build that fund back up in case anything happened. Fiscal Officer Melissa Tremblay further stated there was no one here to help us, when the Village was in the hole. Mr. Mitch Altier responded that is what happened, rather than the County building a plant, the County came to Thornville.

Fiscal Officer Melissa Tremblay stated that her understanding is that the Commissioners presented the contract to the Village after the mandates were imposed. Mr. Mitch Altier stated there were several versions going back and forth between the County and the Village. Councilman Dale Brussee stated that the final version came from then-President Commissioner Thad Cooperrider, and it was reviewed by everyone.

Further discussion was held. Fiscal Officer Melissa Tremblay stated that the Village has a large bill coming up, and it will reduce the surplus.

Councilman Dale Brussee stated that the Village is planning for the future, and that the contract was included as part of the plan for the future. He added the Village is hoping to make updates and plant expansions that will be needed, and the Village won't be able to do that with only \$200,000, if following Mr. Altier's recommendations.

Discussion was held regarding the Ohio Water Development Authority (OWDA) Loan. Fiscal Officer Melissa Tremblay stated that the Village cannot get a reduction on the percentage, and the Village has to live with it. Councilman Dale Brussee added the County does not absorb any of the cost of the OWDA Loan; it is just the residents of the Village.

Councilwoman Lynne Snider asked what the County's options are if they pull out of the contract. Mr. Mitch Altier responded that the county has been in negotiations with Licking County for about six months. It was asked by Village Administrator Beth Patrick if they (Licking County) had a surplus. Mr. Mitch Altier responded that he didn't know. Mr. Altier stated that they have been in discussions about connection points and tank capacities. Village Administrator Beth Patrick stated that this would be expensive because of engineering fees and running the pipe. Mr. Altier responded they have not gotten that far in their discussions.

Commissioner Ed Keister stated the county is not trying to break away from the \$50,000 a year. It is the compounded 5% that is the question, and by the end of the contract, it will be \$97,000 – \$98,000.

Mr. Mitch Altier stated the county will have to make changes, and if the changes are made, it could drastically hurt the Village. He applauded the Village on what they have done with their finances. Mr. Mitch Altier is looking forward, and he thinks there could be some kind of treatment rate worked out between the Village and the County that meets all of the Village's needs and does not impact the County so drastically. He added the County may still need to do a rate increase, but not as large if the 5% kept compounding. Mr. Altier further stated the compounding 5% is almost too much for the County to bear. Mr. Altier doesn't want to see the county forced into making a decision, and then ten years from now the County is in a mess financially and the Village is in a mess financially, and it all could have been avoided.

Councilwoman Lynne Snider asked for the county's numbers that were being referred to during the discussion. Discussion was held regarding the water and sewer base rates. It was stated by Commissioner Ed Keister that Ann Sweeney would be able to talk about county sewer numbers.

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Councilwoman Mary Renner asked about the how much of the Northern Perry County residents' bill comes back to Thornville. Commissioner Ed Keister and Mr. Mitch Altier were not able to provide that information per customer. Discussion was held regarding the OWDA Loans for Northern Perry County. Councilwoman Mary Renner asked if the rates have been raised for Northern Perry County, and Commissioner Ed Keister responded yes. Councilwoman Mary Renner asked what kind of rate increase. Mr. Altier responded that it was both, rate increase and base rates. Councilwoman Mary Renner asked if there are plans to lower their rates, if there are any changes to the contract. Mr. Altier responded whatever is worked out here; it wouldn't surprise him if there was still an increase. Councilwoman Mary Renner commented that part of the problem the County is having is all of the OWDA Loans the County has taken out, and the County has taken out more loans than the County can pay. Mr. Mitch Altier responded that the County was mandated to put the sewer line in regardless of the cost. Councilwoman Mary Renner asked if there were any plans for the future to take out more these loans for Northern Perry County, and Mr. Altier responded there were none being planned.

Discussion was held with Ann Sweeney regarding the sewer surplus for the County.

Councilman Dale Brussee asked Mr. Altier, since he is familiar with the Village's numbers, what should the number be for the Village at the end of the contract. Mr. Mitch Altier responded that he didn't have a clue. Mayor Gavin Renner responded that according to the RCAP study the Village should plan for a \$4M - \$5M for replacement cost, and the Village would match funds for a portion of that.

Commissioner Ed Keister reiterated that the County wants to work with Thornville to come up with a solution to fit all parties, and the Village will still get the \$50,000 a year.

Village Administrator Beth Patrick stated that at the Commissioners meeting that she attended that the Commissioners were looking at more sewer plants if funds are available and that "if" the Village gave the County a break, would the Commissioners still continue to spend money. Mr. Mitch Altier responded that those sewer plants are EPA mandated areas, and predominantly grant-funded construction projects.

It was asked by Village Administrator Beth Patrick if anyone else, who has a contract with the County, is taking a 5% decrease. Mr. Mitch Altier responded that no one else has a 5% increase in their contracts.

Councilwoman Mary Renner asked Fiscal Officer Melissa Tremblay if the Village's sewer plant ever had a decrease in the cost of operations. Fiscal Officer Melissa Tremblay responded that she did not have that information available. Councilwoman Mary Renner commented about the contract being halfway through, and they want to break it now. She asked the Commissioner that even if the Village renegotiates it, what guarantees does the Village have that the Commissioners won't try to strong-arm us. Councilwoman Mary Renner asked what good is a contract, if you are not going to honor it. Commissioner Ed Keister responded that they have tried to sit down at the table with Thornville, and a lot of calls have been made to set up something. Discussion was held again regarding the meetings that took place in past two years and the interpretation of what is considered a meeting. Village Administrator Beth Patrick stated she has copies of minutes of the meetings that were attended.

Councilwoman Mary Renner asked exactly where the Commissioners stand if the Village does not agree to doing away with the 5%, and are you willing to break the contract over that. Commissioner Ed Keister responded that he can't answer that. He added that they are here at the table to discuss the 5%.

Commissioner Ed Keister commented that he hopes that the Village and County can be good partners. He appreciated Council's time.

Held Thornville Village OfficeFebruary 17, 2014**Executive Session**

A **motion** was made by Councilwoman Mary Renner to go into **Executive Session** pursuant to discuss pending or imminent litigation, pursuant to R.C. 121.22(G)(3), and invited Village Administrator Beth Patrick, Village Solicitor Brian Zets and Village Fiscal Officer Melissa Tremblay to attend the meeting and was seconded by Councilwoman Heidi Badders. A voice vote was taken with all members voting yea.

Motion passed.

Council went into **Executive Session** at 6:56 p.m.

A **motion** was made by Councilman Dale Brussee to come out of **Executive Session** and was seconded by Councilwoman Mary Renner. A voice vote was taken with all members voting yea. Motion passed.

Council came out of **Executive Session** at 7:38 p.m.

A **motion** was made by Councilman Dale Brussee that the Village maintains its stance with the 2007 Waste Water Agreement with the Commissioners and that we fully agree with the contract as it was written and was seconded by Councilwoman Mary Renner.

Discussion was held regarding the motion. Councilman Dale Brussee is leery regarding future negotiations with the County. He didn't think what is in the contract is unreasonable for the Village or the County. He felt the Village has a right to have a surplus at the end of the contract for any maintenance or updates.

Councilwoman Mary Renner stated that it was mentioned that the County has a deficit of \$83,000 this year. The Village's small portion of 5% would not in any way cover that. The Village has done its best to get out of the red by cutting back. Unfortunately, the County needs to look at its spending and cut back a little.

Councilwoman Lynne Snider stated the Village needs to give them a something just to be good citizens. It's not that she doesn't believe Melissa's numbers because she does, but it they are hurting, we are hurting. You just never know, we may need them down the road.

With no further discussion, a voice vote was taken on the motion. Councilman Dale Brussee – yea, Councilwoman Mary Renner – yea, Councilwoman Lynne Snider – nay, Council President Brandt Hawkins – yea, and Councilwoman Heidi Badders – nay.
Motion passed 3 yeas and 2 nays.

Adjournment:

Councilwoman Mary Renner made a **motion** to adjourn the and was seconded by Councilwoman Lynne Snider. A voice vote was taken with all members voting yea.
Motion passed.

Meeting adjourned @ 7:42 p.m.



Gavin Renner, Mayor



Sharon Brussee, Clerk of Council