

Village of Milan

Council Meeting

March 22, 2023

March 22, 2023 Council Meeting was called to order with the Pledge of Allegiance by Mayor Pam Crosby.

Mayor Crosby thanked everyone for coming and to silence their cell phones.

Roll call: Rospert – yes, Taylor – absent, Shafer – yes, McManus – yes, McIlrath – yes, Bickley – yes.

Motion by McIlrath, seconded by McManus, to excuse Stefan Taylor from tonight's Regular Council Meeting. Roll Call: Bickley – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Also present – Mayor Pam Crosby, Administrator Brian Rospert, Fiscal Officer Catherine Ramey and Solicitor James Barney.

Mayor Crosby responded to several allegations Village resident Mary Bruno made against the Village of Milan in a recent Facebook post on "The Talk of Milan." Allegations and the Villages rebuttal to her comments are attached to these minutes.

Motion by Bickley, seconded by Rospert, to approve the Minutes of the February 22nd Regular Council Meeting. Roll Call: Bickley – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

Motion by Shafer, seconded by Rospert, to approve the Minutes of the March 8th Special Council Meeting. Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Bickley –yes.

Motion by McIlrath, seconded by Bickley, to approve the Minutes of the March 16th Work Session Minutes. Roll Call: McManus – abstain, McIlrath – yes, Bickley –yes, Rospert – yes, Shafer – yes.

CITIZEN PARTICIPATION

Marci Reikowski with the Milan-Berlin Library spoke about their annual Touch-a-Truck event, Saturday, June 24th from 11 A.M. – 1 P.M. with a request for closure of Merry Street from Main Street to Center Street for the event, beginning at 10 A.M. – 2 P.M.

CITIZEN PARTICIPATION – cont. – Motion by McManus, seconded by Rospert, to allow the Milan-Berlin Library closure of Merry Street from Main Street to Center Street for their event on Saturday June 24th beginning at 10 A.M. – 2 P.M. Roll Call: McManus – yes, Rospert – yes, McIlrath – yes, Bickley –yes, Shafer – yes.

OLD COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers – None

Safety – Mayor Crosby and Village employees attended the AMP Safety/OSHA Compliance Training on March 8th; topic was Leading Indicators (of accidents).

Finance – None

Regional Planning, Building Codes & Inspection – Jeff Stopar continues to work on the Village of Milan Zoning Code review.

Utilities – Reschedule date has not yet been set for the Influent Project at the Wastewater Treatment Plant, waiting to hear back from Buckeye Pump.

Richland Engineering has completed the final design and bid package for the North Edison Drive Water Line Replacement Project. This project is ready to be put out for bid.

This project was made possible with funding provided by the Ohio Department of Development Water and Wastewater Infrastructure Program Grant Agreement. Project is ready to be put out for bid.

Civic Contacts and Historical Preservation – None

Parks and Trees – None

Records Commission – Next Records Commission Meeting will be held on September 12, 2023.

Citizen Property Maintenance – None

NEW COMMITTEE BUSINESS

Streets, Sidewalks and Storm Sewers – Contractors were in to look at the leak on the roof at the Street Barn and R.A. Bores replaced the water line to the drinking fountain in the square.

A complaint was received from a Milan Township resident residing at 68 Elm Street where surface water is causing water damage to his property. After meeting with a Township Trustee at the residence, they discussed options on how to minimize this issue. One estimate was received to install 180 feet of six-inch perforated drainage tile into a new catch basin and a six-inch discharge pipe across the road to his ravine. At this time, the Village will continue to work with the township on this issue.

NEW COMMITTEE BUSINESS – cont. – The Village will get an estimate to replace guardrails on S. Main Street, East Church Street, East Front Street, Wilcoxson Street and for the driveway to the Wastewater Treatment Plant off Riley Road.

Safety – The Village purchased two Automated External Defibrillators (AED), one for the Administration Building and one for the Electric Department. A recommendation by AMP during the monthly meeting. AMP was in for the quarterly safety meeting; discussion was on workplace fatalities involving line workers.

Finance – Fiscal Officer Ramey received information on the R.I.T.A. Subpoena and Delinquent program. Five hundred and nineteen (519) documents were sent out, one hundred sixty-two (162) of those people have since now filed and started payments. Fiscal Officer Ramey will reach out to R.I.T.A. about the ones left that have not responded or their current location is not listed to find out what the next option will be for the Village and once this information is received, she will notify Council.

Fiscal Officer Ramey reviewed with Council the Statement of Cash, Revenue and Expense reports noting that the Bank Rec is in balance and the Revenue and Expenses are up slightly compared to last year at this time. She would like to have a Finance Meeting/Work Session once the quarter is over and have actual information to begin on the Tax Budget. Fiscal Officer Ramey also wants to discuss the Healthcare options, she's received quotes from three providers and renewal for healthcare is May 1st.

Councilperson Bickley made comment that the reports from the new software are more detailed and let Fiscal Officer Ramey know he is very appreciative for all her work she does, Council President Rospert agreed.

Motion by Rospert, seconded by Shafer, to approve the Council Bills for the period of February 22nd – March 22nd. Roll Call: Shafer – yes, McManus – yes, Bickley – yes, McIlrath – yes, Rospert – yes.

Motion by McIlrath, seconded by Bickley, to approve the Utility Bills for the period of February 22nd – March 22nd. Roll Call: McIlrath – yes, Shafer – yes, McManus – yes, Bickley – yes, Rospert – yes.

Motion by Rospert, seconded by McManus, to approve the Financial Reports as presented for the month. Roll Call: Rospert – yes, Shafer – yes, McManus – yes, McIlrath – yes, Bickley – yes.

Motion by Bickley, seconded by Shafer, to amend the Employee Personnel Policy Section 5.2 Vacation (F) to reflect the following amendment: Employees of the Village can take vacation time off during the year in which it is accrued; however, an employee may carry over up to four weeks, twenty working days, (160 hours for all employees except the Police, who shall have 171 hours of carryover) of vacation to the following year when mutually agreed

NEW COMMITTEE BUSINESS – cont. – between the employee and the Mayor or the Village Administrator, whichever shall have control over the employee. Such vacation carry-over shall be authorized in writing. Employees of the Village can cash out up to two (2) weeks of vacation each year. Roll Call: McManus – abstain, McIlrath – yes, Bickley – yes, Rospert – yes, Shafer – yes.

Motion by McIlrath, seconded by Bickley, to use the remaining \$88,867.77 from the American Rescue Plan Act funds to purchase and install a new backup generator for the Wastewater Treatment Plant and to place this project out for bid. Roll Call: Rospert – yes, Shafer – yes, McManus – yes, McIlrath – yes, Bickley – yes.

Regional Planning, Building Code, and Inspection – None

Utilities – The Water/Wastewater collected THM and HAA5 samples (both tests came back good), worked on lead inventory reports, the new backflow preventer and lead and copper sample site plans for the EPA.

EPA was in February 13th to perform a Sanitary Survey of the Village’s water distribution system, which is done every three years. During the inspection 11 Notice of Violations were issued along with 14 recommendations. Most of the Notice of Violations are for clerical documentation that are easily corrected with using the prescribed EPA forms. Superintendent Brad Simon and Dan Hipp have been working on their corrective action plan and will submit the plan to the EPA, no later than the required timeframe of April 5, 2023.

The Electric Department installed a new pole on Seminary Road and Front Street and transferred all utilities, trimmed trees on N. Edison Drive and Elm Street, removed four old poles and backfilled, replaced two sub poles, replaced four streetlights and replaced five house meters.

Under Legislation will be the second reading of an Ordinance to amend the rates to be charged for the electric system and repealing any and all ordinances or parts thereof inconsistent herewith. The ONLY change to this Ordinance will be to include language for the new 4160 voltage phase to phase Wye System.

American Diesel will replace a hydraulic cylinder, fix a crack on the frame and fix a hydraulic issue with the main boom on the Derrick Digger truck.

Civic Contacts and Historical Preservation – The Jenkins Warehouse Commission will have a meeting on March 23rd to discuss the survey and what is next for the Commission. Amy Bowman Moore notified the Village that the Metroparks Board surplused the Jenkins Warehouse property last Wednesday at their meeting and that they will be sending letters out to Erie County Municipalities asking if they want to restore and be responsible for the buildings upkeep and will give them until mid-April to respond, after which they will have Judge McGookey sign the court paper to transfer the property.

NEW COMMITTEE BUSINESS – cont. – The Village received their letter from Erie Metroparks on March 20th, asking for the Village to send a letter of interest for ownership of this parcel.

Motion by Bickley, seconded by McIlrath, to send Erie Metroparks a letter expressing that the Village of Milan is interested in obtaining their surplus of property, Milan, Ohio, 44846, known as the Jenkins Warehouse property, that is approximately 0.21 acres of land.

Roll Call: Shafer – yes, McManus – yes, Bickley – yes, McIlrath – yes, Rospert – yes.

Parks and Trees – The Arbor Day Foundation notified the Village of being named 2022 Tree City USA. This marks the 20th year for the award.

Records Commission – The Commission met on March 14th and moved to allow the Mayor’s Court to destroy records as presented, per the RC-2 Schedule. They also moved to amend the Police Department’s RC-2 Schedule to include Body Camera’s to the Schedule. The updated RC-2 was sent to the Ohio Historical Society for review and approval.

Citizens Property Maintenance Commission – None

Communications – Edison Local School District has put on a Bond Issue for the May 2nd Primary Election. The Village did learn that the plan is to build a new elementary school in Berlin Heights and attach a new middle school to the high school. There is a School Board Meeting on March 28th, 6:00 P.M. at the Edison High School.

Village resident Mary Bruno inquired if the Village of Milan Council Meeting will be live streamed and recorded. Administrator Rospert informed Ms. Bruno that the Regular Council Meetings will be streamed via Microsoft Teams however, at this time they are not being recorded. Council stated that they will only Stream Regular Council Meetings.

UNFINISHED BUSINESS - None

LEGISLATION

Ordinance – Next Number will be 849-3-23

Resolution – Next Number will be 631-3-23

AN ORDINANCE AMENDING THE VILLAGE OF MILAN INCOME TAX ORDINANCE TO PROVIDE FOR THE ALLOCATION OF COLLECTED INCOME TAX FUND.

Motion by Bickley, seconded by Shafer, to bring this Ordinance to its first reading by title only.

Roll Call: McManus – yes, McIlrath – yes, Bickley – yes Rospert – yes, Shafer – yes.

AN ORDINANCE ADDRESSING THE EXTENSION OF UTILITIES OUTSIDE THE VILLAGE BOUNDARIES

Motion by McIlrath, seconded by Rospert, to bring this Ordinance to its third reading by title only. Roll Call: Rospert – yes, Shafer – yes, McManus – yes, McIlrath – yes, Bickley – yes.

Motion by Bickley, seconded by Shafer, to adopt by title only. Roll Call: Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes, Bickley – yes.

AN ORDINANCE ADVANCING \$54,000.00 FROM THE CAPITAL IMPROVEMENT FUND TO THE WATER CAPITAL FUND FOR THE PURCHASE AND INSTALLATION OF A TTHM MIXER AND DECLARING AN EMERGENCY

Motion by McManus, seconded by McIlrath, to suspend the rules. Roll Call: McIlrath – yes, Shafer – yes, McManus – yes, Bickley – yes, Rospert – yes.

Motion by McManus, seconded by Bickley, to adopt by title only as an emergency.

Roll Call: McManus – yes, McIlrath – yes, Bickley – yes, Rospert – yes, Shafer – yes.

AN ORDINANCE AMENDING ORDINANCE 712-03-17 THE RATES TO BE CHARGED BY THE ELECTRIC SYSTEM OF THE VILLAGE OF MILAN, OHIO, AND REPEALING ANY AND ALL ORDINANCES OR PARTS THEREOF INCONSISTENT HERewith

Motion by Rospert, seconded by McIlrath, to bring this Ordinance to its second reading by title only.

Roll Call: Bickley – yes, Shafer – yes, McManus – yes, McIlrath – yes, Rospert – yes.

AN ORDINANCE TO PROVIDE FOR ADDITIONAL APPROPRIATIONS FROM THE GENERAL FUND AND OTHER FUNDING SOURCES AND AN INCREASE IN ESTIMATED RESOURCES AND FURTHER APPROVING CASH TRANSFERS BETWEEN FUNDS, AND DECLARING AN EMERGENCY

Motion by McIlrath, seconded by McManus, to suspend the rules.

Roll Call: McIlrath – yes, Shafer – yes, McManus – yes, Bickley – yes, Rospert – yes.

Motion by Rospert, seconded by McIlrath, to adopt by title only as an Emergency.

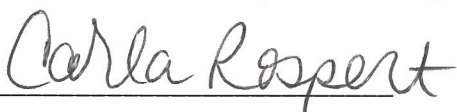
Roll Call: McManus – yes, McIlrath – yes, Bickley – yes, Rospert – yes, Shafer – yes.

Questions for Next Meeting – None

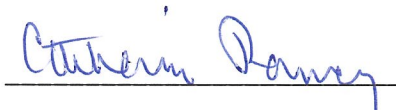
Adjournment

Motion by McManus, seconded by McIlrath, to adjourn tonight's meeting.

Roll Call: McManus – yes, Shafer – yes, Rospert – yes, McIlrath – yes, Bickley – yes.



Carla Rospert, Council President



Catherine Ramey, Fiscal Officer

Before we go into Citizen's Participation, I have an announcement I would like to make. The Village of Milan is not required to have Citizen's participation however, we do this because we want to hear from our residents. We will not tolerate an individual slandering or accusing our employee's or Village Council. If I feel that the person talking during this time is slandering or accusing, I will stop them immediately and ask for them to sit down.

In response to several allegations Ms. Mary Bruno made against the Village of Milan in a recent Facebook Post on "The Talk Of Milan" we would like to offer the following rebuttal to her comments:

- 1) **"Streaming and recording of the Council Meetings"** – Village Council elected to stream Regular Village Council Meetings to allow the public who can not attend the meetings to view on Microsoft Teams. We are not going to record this stream, because then it will become a Public Record and the Village would have to purchase a large server to be able to handle the large volume of data from the videos. We were able to get the technology in place prior to the February 22nd Regular Council meeting, which we streamed. We are not required to stream meetings.
- 2) **"Streaming the Special Council Meeting"** – Village Council wishes were to only stream Regular Meetings.
- 3) **"There was no way of knowing if action was taken or not taken due to the public being dismissed from executive session unless invited..... No transparency"** – Actually, the Village of Milan is very transparent, we are not legally required to stream any of our meetings, we do this as a benefit to our constituents who may not be able to attend in person. All of our meetings are open to the public. Also, actions taken at any meetings are reflected in our minutes that are posted on our website, www.milanoio.gov, again we are not legally responsible to post these minutes, we do it to be transparent!
- 4) **"Apparently that was the discussion, with no vote."** – No vote was needed to be taken to begin streaming our Regular Council Meetings.
- 5) **"I guess this is what you do when you don't want anyone to know what's going on"** – The Village of Milan is very transparent with our minutes and now streaming of our Regular Meetings. We have an open-door policy that any of our residents can ask questions or request records.
- 6) **"The Village of Milan employees, on December 28, 2023, were given a 3% increase in wages with a motion by council president Carla Rospert and councilmember Tim McIlrath. All Council voted in the affirmative. There is no discussion anywhere on this raise. None in the work sessions, none in the council meetings, it just came out of the blue? There has to be discussion in an open, public meeting, right? Why 3%, what was the thinking behind that number? Tax payer dollars. Again, where's the transparency?"** Increasing the Village employee's wages was discussed at the December 8th Work Session, during budget talks and

then at the December 28th Regular Council meeting where Village Council made a motion, there was a second, Council had the opportunity for discussion and a Roll Call was taken and all Council in attendance were in favor of the raise. Again, this Village and its Council are very transparent in the actions they take.

7) **"Dump truck \$110,721.64 plus additional money for the snow package for the street department coming out of capital improvement fund. The street department expenses come out of 85% general fund, 15% street fund. As of February 2023, there is over \$1 million in the general fund why are you taking it out of capital improvement?"** The remaining 2022 Capital Improvement Budget amount was available that allowed us to do this at a Special Meeting on December 8th. The truck was on the lot and the Village had to move on this purchase, due to timeliness in securing this vehicle. If we had to order this vehicle, due to conditions out of our control, it would be anywhere from 8-14 months before we would have taken delivery. In fact, we can use the Capital Improvement Fund for this purchase, since this purchase is considered a capital improvement and that the useful life of said capital improvement is at least four years. The new dump truck will be replacing a 2008 Sterling dump truck that is 15 years old.

8) **"\$44,000 water/wastewater department truck, plus more \$ for strobe, utility, hitch package."** – We don't understand why Ms. Bruno made this statement. The water/wastewater truck is a 2012 and is over 11 years old and is showing rust in the bed of the truck. This is the only vehicle the department has to perform their duties.

9) **"\$70,000+ for a failing generator at the wastewater plant. They are taking this from the American Recovery Act Funds. What would they do without the extra money from the gov't from COVID? It's running out, and there is no more coming."** Again, we don't know why Ms. Bruno made this statement. When the American Rescue Plan Act Funds became available, we could use it for water, sewer and broadband infrastructure projects. The Village elected to use the American Rescue Plan Act Funds on three projects, a) New generator for the Indian Acres Lift Station, b) Influent Project at the Wastewater Treatment Plant, c) Replace the generator at the Wastewater Treatment Plant. It is money that was given to the Village of Milan and we are securing projects with these funds as intended. We have until 2024 to allocate all ARPA and need to spend all the ARPA funds by 2026. We used these monies for wastewater projects which in turn will lower the amount needed to maintain our wastewater department.

10) **"\$6,000 to John Courtney and Associates for a sewer rate study. B. Rospert says the sewer fund is operating at a loss. This means our rates are going up since, as Carla Rospert stated they haven't gone up since 2017."** *The Village Administrator shall be and hereby is authorized and directed to maintain such rates and charges for the products and services of the Wastewater system as shall be necessary to pay all costs associated therewith, including debt service and other payments related to bonds and notes issued to extend or improve the wastewater system, and, make any and all adjustments in such rates and charges, at any time, in order to pay all such costs and comply with rate and any other covenants of any and all ordinances of indentures of mortgage authorizing the issuance of or securing debt to finance extensions and improvements to said*

wastewater system. In addition, the Village Administrator shall be and hereby is authorized and directed to review annually the operate and maintenance expenses, debt service requirements and other requirements of said waterworks system for the succeeding year, including necessary and reasonably foreseeable costs for capital improvements, and, based on such review, make a recommendation to Village Council to adjust the rates and charges of said wastewater system to provide for such requirements in accordance with rate and other covenants of any and all ordinances or indentures of mortgage authorizing the issuance of or securing debt issued to finance extensions or improvements to said waterworks system. As you can see it is the Administrators job to review the operations and rates of the wastewater. Council President Carla Rospert is correct in her statement that the sewer rates have not been increased since 2017. We have seen higher pricing for the treatment chemicals and other related costs since 2020. The Village typically hires John Courtney for our rate reviews since he is a third party. Also, with us using the American Rescue Plan Act for the influent project, Indian Acres lift station generator and new generator at the wastewater treatment plant we will not need to add these items to our sewer rate review, which will lower the amount of an increase, if needed, in the sewer rates.

11) **“\$190,000 for an Altec AT48M device and Ram 5500 diesel Chevy for the electric department.”** – We don’t know why Ms. Bruno mentioned this item. This truck will be replacing a 1999 GMC truck that is 24 years old and in need of hydraulic repairs and is no longer reliable to serve our electric customers. We were able to purchase this truck off of the 2022 budgeted amount.

12) **“\$35,000 out of capital fund to fix sidewalks that could and should be done in house and not hired out and coming out of general/streets fund.”** - We don’t understand Ms. Bruno’s remarks on this. The Village is continuing to maintain sidewalks in the Village, so our residents don’t have to burden this cost. In fact, we can use the Capital Improvement Fund for this purchase, since this purchase is considered a capital improvement and that the useful life of said capital improvement is at least four years. Sidewalks typically have a lifespan of over 20 years. She also mentions that the sidewalks could/should be done in house and not hired out. She is correct that the Village purchase ten, ten foot forms that would allow the village to pour up to fifty foot of sidewalk. However, even she knows this, that we purchased the forms to do small jobs not a complete annual sidewalk program. In fact, the village employees used these forms and the administrators personnel concrete finishing tools to pour a sidewalk at the wastewater treatment plant last fall. She made mention in a previous post on Facebook that **“the Administrator when hired as the Street Superintendent was hired because he could do concrete. It hasn’t happened in 10 years; the Village hires it out even after purchasing all the concrete forms.”** The Village Administrator is no longer the Street Superintendent and the Village departments are working with a limited number of employees to be able to complete a full sidewalk project as Ms. Bruno suggests.

13) **“Some unknown amount out of the capital improvement for water issues”** – We can only assume that Ms. Bruno is mentioning that the Village, under legislation tonight, will be borrowing

form Capital Improvement Fund for a new THM Mixer system for the water tower. This new system will produce better quality of water for our constituents with this mixer.

14) **"All these expenses were done November-December-January. Our council has been busy. This information for the last three months is mostly information I got from the work session minutes online. When council makes actual motions in a council meeting, they never put a price tag on anything. Do you know what the monthly bills are that they pay out every month? No one does, they don't mention that either. Transparency, council??"** – Ms. Bruno is correct, our Village Council has been very busy managing all the proactive changes, policies and purchases that have been made over their terms in office. Her comments that they never put a price tag on anything is completely and utterly false! Our Village Minutes are available on our website at www.milanohio.gov and can be read by anyone. Each and every purchase does have a price tag in their motions to approve. Again, we are very transparent by having our meeting minutes online in a timely manner after they are approved and we are streaming our Regular Meetings. Both of which are NOT required by law, but we want to be as transparent as possible. If a Village resident wants the monthly financial statements they can make a public records request, as Ms. Bruno does each month, we are not trying to hide anything.

15) **"And these 2 are out there looming:" "\$800,000 in water projects coming up real soon. \$3.5 million coming up in electric upgrades throughout the village. The current system is extremely outdated. The administrator states they are doing work in house, sure, but who's doing the other \$3 million of it? Where is this coming from? In the form of a loan that can only be paid back by raising electric rates?"** – There are water projects forecasted however, when we put the model together it is not considered real soon, it will be over a period of time. It is the Village's responsibility to maintain our utility services and to forecast necessary projects. The electric upgrade projects are well underway. The new 4160 transformer was installed in 2020 and work began shortly thereafter transferring our customers over to the new system. We believe Ms. Bruno is referencing the Electric System Master Plan performed by the GPD Group, while she was the Fiscal Officer, that was completed in 2015. The GPD Group did estimate the project to cost up to this amount, only if we were to hire outside contractors to perform this work. In fact, the only work that we contracted out to date was the installation of the new transformer. Our electric department have been working on switching customers over to the new transformer, north of Broad Street and hope to have this phase completed over the next several years. They have completed half of phase 1 of the Sleepy Hollow upgrades by moving the backyard poles to the front yard and prepped the primary wiring to accept the new 4160 system. Phase 3 distribution upgrade to upgrade from the Broad Street to Perrin Road on south Main Street. This phase was completed when the Orion project came through with no cost to our utility customers, a \$399,000 savings. They have been working on the other eight phases in house by changing poles and prepping these areas prior to the upgrades.

16) "And don't forget about the almost \$1.8 million sitting in a checking account making no interest for over four years. A little over a year ago the fiscal officer took for \$875,000 out of a high interest-bearing CD(s) with no council vote, and put it into a low interest money market. Within the last few months, she took money out of the low interest, bearing money market and put it into Star Ohio. Meanwhile, almost \$1.8 million sits in a non-interest-bearing checking account." Our Fiscal Officer is on top of all the Village's financials. She has been busy updating our accounting software, working with the State Auditor on our audit, along with all her other related duties. She has moved money into a Star Ohio Account and has been working with the bank to get an interest-bearing checking account. She has also implemented an investment policy as required by the State Auditors office.

