

The Regular Meeting of the Apple Creek Council called to order on April 16, 2108 by Mayor Betty Keener with the following council members answering to roll call:

Rick Conrad-present, Mike Harwood-present, Rodney Mackey-present, Robert McCarthy-absent, Charlie Lewis-present, and Steve Stoffer-present.

Councilperson Harwood made a motion to approve the minutes of the April 2, 2018 meeting, as always, they are available for the public to review. The motion was seconded by Councilperson Lewis. Roll Call: was as follows: Councilperson Harwood-yes, Councilperson Lewis-yes, Councilperson Conrad-yes, Council President Mackey-yes, and Councilperson Stoffer-yes.

VISITORS: Bill Bradish an energy consultant with Palmer Energy was present to discuss aggregation rates for electricity service to Apple Creek. They have been retained for the last 10 years by the Wayne County Commissioners. Just last year the Ohio Municipal league asked them to do the same thing. They are not a supplier, and are completely independent. They did an RFP for the electric aggregation. Will be following up with the natural gas but wanted to get these prices to council for review first. The Village will want us to make a decision before the air conditioning season, as that is when the prices will go up. The prices they have as of today for a period of 36 months are ranging from \$0.05170 to \$0.05406. There are prices out on the market for longer times, but they are not encouraging it. They will control the expiration time for a new contract in order to lump Apple Creek with a bigger group in order to get better prices. We are going in on our own, but we are still part of the big pool. Right now, Dynegy and Aep Energy or our two best rates for 36 months. The average resident would save about \$55.00 per year and could go up as much as \$100.00 per year saving. These numbers are only good on the day you get them. What they will do, is pick a day that is mutual to everyone and use lowest two and refresh the numbers. Get an agreement and sign it. Our contract is up and our residents will probably be about 4 to 6 weeks without a contract in which case they will be supplied by AEP. Mayor Keener stated she wants us to be cautious of the length of the contract so we can go in with other governments like Wayne County and East Union Township. Bill thinks he can get us going in June. Wooster Township expires either in December or January of 2020 and Bill can get us together then. The county is handling Wooster Township. This will be discussed more at the next meeting when the Solicitor will be present. Bill will send us the information to get to the Solicitor for review. Councilperson Harwood stated he was not sure if was in one or not. Bill stated anyone who wants him to check their bill he would be glad to. Either send it to his e-mail or get it to Laurie and she will forward it. Bill stated Wooster Township is not negotiating their own contract, as the commissioners do that for them. The Village of Apple Creek is their own aggregator. If at some time we don't want to mess around with it we could reach out to the county commissioners for inclusion in their negotiated rates. The Village only has 320 households on the aggregation now. If a resident is in another aggregation, they will not show up on the data. They can still get into the Village's at any time but will not receive a letter.

Keith Wellman of 59 Varnes Dr. was present regarding flooding of his house. I see the river flowing through my yard and house. I burned up a pump pumping the water out. This issue has been going on for over 5 years, I have done some leg work myself, brought into the Village about FEMA grants. He gave it to Councilperson McCarthy. Three years ago, they dropped my flood insurance, because of the frequency of the flooding, the town can pay my bills every time I flood. I am tired of flipping this bill myself. So now it's been 5 years. I've also looked into the previous minutes. I am not seeing this being a topic in the recent past that you guys discussed. So, I all I can take from it that it's not a priority. It's not important to you guys. So, I need to take action myself. There are four things that can happen. The gentleman that bought the field beside me. There used to be a railroad track ditch in there. In the past minutes that I came down here and made copies it was against the towns advise to fill it in but he filled it in any way and the town did not do anything to stop him and that creating part of the issue. Secondly on July 12th 2013 there was a blow out in the field. Actually, Rob was down there the policeman was down there and I have taken a video of it of a spout coming up in the middle of the field. The guy dug it up, there were three culvert pipes in that little hole out by the road. The guy dug it up and cemented two of them. I have pictures of that as well. I also brought that down here for our attention and nothing has been done about that. The guy is going rogue and not doing anything. So, there is four options I have. 1. The town can exercise eminent domain and fix the issue. 2. The town can buy my house and I will leave and go somewhere else. 3. Since the frequency of the flooding caused me to lose flood insurance the town can pay my bills every time I have to fix my house because of flood damage on an issue nobody is doing anything about. 4. I am taking all my video, all the copies of the town minutes, everything I came in here, from when the state down was here taking about it. I am giving it to every news station and paper and I am going to an attorney. Now I have been very patient with this, its been five years. So now my ultimatum is you have a week. I am giving you a week, after that I am going to drop all my stuff at every news channel, every newspaper, copies of everything I have videos, pictures, town minutes that I have copies of and them I am going to see an attorney. Plain and simple there is no need to argue about it and I have been very patient. My patience is gone. Mayor Keener stated to Mr. Wellman you did not own that house the first time it flooded. He stated I was under contract for the purchase. He was locked into the contract. That's when the previous owner took the insurance money and did not fix it. Keith stated yes. Mayor Keener wanted to know if he reviewed the history on that lot before closing the purchase. Keith stated is was not mentioned on the contract. Prior to you signing the contract there was no record of any flooding or water. Keith stated regardless if it was stated or not he was locked into the contract. Keith stated its still an issue. Betty, I know you have been coming here for five years. But you are missing a point that was discussed and that point was that it was a civil issue. The Village has no control over the water coming from that other lot. It's a civil issue. Weren't you advised of that by our solicitor? Keith stated actually if you talk to other people on this street that are equally mad, it is more than just a civil issue, when it's jeopardizing people lively hood that live in the

town. It becomes a civic issue, community issue, you guys are doing nothing about it. Now you say you don't have a right but I am telling you, eminent domain don't exist because no one has a right the town can't do something when it for the betterment of the community. I don't have a problem pumping every bit of water right on the baseball field, I don't care if it's baseball season or not. Mayor stated we can't tell you what to do but if you something illegal we will intervene. Keith that's not illegal its not my water. Mayor it's not ours either. Keith sated it sure is. Mayor stated don't send it to us. Keith so you guys don't want to handle the problems you just want me to deal with it right? Mayor stated we are dealing with the water that is coming onto our property and streets. Keith stated no you are not because if you were dealing with it correct everybody wouldn't be flooding. Councilman Stoffer stated you get three inches of rain it has to go somewhere. Keith you sit here and deny copiability I have no problem getting an attorney and get the information out there to the public. Mayor stated we are not going to take any position tonight because our Solicitor is not here. She invited Keith to our next meeting on May 7 when our Solicitor will be present. We will hold a Street Committee meeting at 5 pm to discuss this issue.

POLICE: Lt. Estacion was present and passed out an application for an auxiliary officer Natalie Shingler. She had been interviewed by the twice by the Chief and then the Mayor. Councilperson Conrad made a motion to hire Natalie Shingler as an auxiliary officer. The motion was seconded by Councilperson Lewis. Roll call was as follows: Councilperson Conrad-yes, Councilperson Lewis-yes, Councilperson Harwood-yes, Council President Mackey-yes, and Councilperson Stoffer-yes.

PARK: Mayor Keener reported the old table and chairs from the park were not worth selling on e-bay. Council President Mackey made a motion to donate tables, chairs, metal desk, old chairs from Village Hall and filing cabinet to Habitat. The motion was seconded by Councilperson Stoffer. Roll call was as follows: Council President Mackey-yes, Councilperson Stoffer-yes, Councilperson Conard-yes, Councilperson Harwood-yes, and Councilperson Lewis-yes.

With the storms and rain, we have been having the parking lot at the north end of the park by the ball field in washing away. They will work on it when they do the other streets.

STREETS AND MAINTENANCE: Second Reading Ordinance 2018-5 An Ordinance Permitting Limited Alternation of Storm Water Drainage Ditches on Shannon Drive and Amending Ordinance 1966-10.

Third reading May 7, 2018.

Mayor Keener reported she had talked to William Amfong and he was not aware of how the dirt pile looked on Eyman. He is going to remove some of it and level it out.

Mayor Keener gave an update on the Bank St. issue the Township Trustee, Joe Rabatin brought to our attention at the last meeting. She and Council President Mackey met with Scot Miller, Wayne County Engineer and one of his employees regarding the exact location of where the corporation limit is and who should take care of the bridge. Mr. Miller advised that the Village has zero responsibility to repair the bridge, even if it is inside the corporation limit. The Village has the right and will exercise the right to prohibit thru trucks on Bank Street to protect our streets. Signs will be put back up. The county engineer's office is going to survey so we know exactly where to put up the sign.

WATER & SEWER: Mayor Keener reported the final bill has been sent to Southeast Local School for the sewer line.

JEDD#1: Nothing.

JEDD#2: Nothing.

CORRESPONDENCE: Nothing.

UNFINISHED BUSINESS: Nothing.

NEW BUSINESS: Nothing.

COMMITTEE REPORTS: Street committee meeting May 7 @ 5pm.

FINANCE:

COUNCIL BILLS 4-16-18				
A11A210 POLICE				
A11A213	LETFM	Uniforms		\$196.00
A11A243	PC Repair	Repair		\$174.75
A11A235	Wayne Co.	Dispatching		\$1660.16
A11A243	F & S Radiology	Odenkirk		\$56.00
A11A243	Wooster Hospital	Odenkirk		\$989.76
			TOTAL	\$3,076.67
A17A240 Mayor & AD.				

A11C230	American Elec. Power	Electric		\$1334.13
A17A231	American Elec. Power	Electric		\$177.26
A17A212	Compmanagement	Works Comp		\$695.00
A17A245	Crystal Clear Water	Water		\$31.00
A17A241	Comdoc	Copies		\$201.03
A17A232	Dominion	Gas		\$175.12
A17X275	East Union Twp.	Jedd #2		\$369.52
A17A241	Small Business	Domain Name		\$15.00
			TOTAL	\$2,998.06
B16B240 Streets O&M				
B16B231	American Elec. Power	Electric		\$135.01
B16B243	AJ Exhaust	Repairs		\$2279.01
B16B244	Cargill	Road Salt		\$924.01
B16B245	Cintas	Uniforms		\$140.57
B16B232	Dominion	Gas		\$43.48
B16B243	Gerber Lumber	Parts Banner		\$7.80
B16B245	Schlabach Engine	Gas Cap		\$6.95
B16B245	Tricor	Quick Lok		\$17.48
			TOTAL	\$3,554.31
B43A240 PARKS				
B43A231	American Elec. Power	Electric		\$320.16
B43A243	Custom Machine	Part Light		\$70.20
B43A232	Dominion	Gas		\$204.37
B43A243	Kimble	Lock		\$13.87
B43B250	Visa	New Light		\$873.18
			TOTAL	\$1,481.78
E15A240 WATER				
E15A231	American Elec. Power	Electric		\$1084.03
E15A241	BFMC	Water Bills		\$258.30
E15A244	Coshocton	Testing		\$410.00
E15A238	Dean's Backflow	Operations		\$958.40
E15A235	Postmaster	Stamps		\$125.00
E15A243	Wolff	Gauge		\$10.62
			TOTAL	\$2,846.35
E25A240 SEWER				
E25A231	American Elec. Power	Electric		\$5043.48
E25A241	BFMC	Sewer Bills		\$258.30
E25A232	Dominion Gas	Gas		\$235.53
E25A244	Coshocton	Testing		\$254.00
E25A238	Dean's Backflow	Operations		\$3655.60
E25A235	Johns Septic	Sludge Hauling		\$175.00
E25A245	Kimble	Trash		\$18.42
E25A235	Miller Septic LLC	Sludge Hauling		\$14040.00
E25A235	Postmaster	Stamps		\$125.00
E25A243	Wolff Brothers	Galv Nipple		\$8.20
			TOTAL	\$23,813.53

MOTION TO PAY THE BILLS: Councilperson Conrad. The motion was seconded by Council President Mackey. Roll Call was as follows: Councilperson Conrad-yes, Council President Mackey-yes, Councilperson Harwood-yes, Councilperson Lewis-yes, and Councilperson Stoffer-yes.

MOTION TO ADJOURN: by Councilperson Lewis. The motion was seconded by Council President Mackey. Roll Call was as follows: Councilperson Lewis-yes, Council President Mackey-yes, Councilperson Conrad-yes, Councilperson Harwood-yes, and Councilperson Stoffer-yes.

Meeting Adjourned at 7:51 pm.

Betty Keener, Mayor

Lauretta Busson, Fiscal Officer