

## Regular Council

April 5, 2021

Sugarcreek Village Council had a regular council meeting at Village Hall April 5, 2021, with Mayor Jeff Stutzman presiding.

Visitors: Doug Frautschy, Matt Specht, Assistant Fire Chief John Meek, Jr., Police Chief Keven Kaser, and resident Dr. James Miller.

Roll Call: Matt Miller, Ron Atkinson, Sam Beachy, Mick Fanning, Jason Hamsher, and Josh Jarvis, all present.

A motion was made by Matt Miller and seconded by Sam Beachy to accept the minutes as typed by the Fiscal Officer. At roll call all members voted approval.

Ron Atkinson made a motion to accept the expenditures for March. The motion was seconded by Mick Fanning. At roll call all members voted approval.

Mayor Stutzman said the Village has been approached by Auburn Township and Sugarcreek township with interest in forming a fire district. Council members were provided with an information sheet about David Comstock of Bonezzi Switzer Polito & Hupp. He worked with the Village in 2012 and 90% of the information from that report can be used in the new report. Atkinson made a motion to permit the Mayor to sign a contract with Comstock and it was seconded by Matt Miller. At roll call all members voted approval.

Fire Chief Dr. Kevin Miller recommended appointment of four new employees. Marcellus Beachy/paramedic, Karen Schlabach/EMT, Rakayla Bailey/EMT/firefighter 36, and Gloria Schlabach/probationary member. Mayor Stutzman appointed all four candidates. Sam Beachy made a motion to hire the four new members and the motion was seconded by Ron Atkinson. At roll call all members voted approval.

Mayor Stutzman asked for discussion of the Cherry Ridge water issue. The 2" line supplying water to the area has been condemned. Homes County plans to install an 8" line and a new water station. The Village of Sugarcreek has a policy that the Village will not supply services to residents without annexation. Matt Miller made a motion that the Village continue to supply water to Cherry Ridge until such time as there is an increase in volume used and/or the current 2" line is replaced. The motion was seconded by Sam Beachy. At roll call, all members voted approval.

Fire Chief Dr. Kevin Miller reported that the garage doors at the Fire house need replaced with better insulated doors. The job has been quoted and Wayne Garage Door will do the job for \$33,732. At the time the doors are replaced one opening will be made higher to accommodate a new fire truck in the future. Sam Beachy made a motion to replace the doors at a cost of \$33,732 and it was seconded by Mick Fanning. At roll call all members voted approval.

Police Chief Keven Kaser reported that the new K-9 unit build out is complete and the vehicle is being striped this week to be in service by the end of the week. The old K-9 unit will be taken out of service and sold. There is cost involved in having the Village identification removed from the vehicle. Chief Kaser has been asking other municipalities if there is any interest. Salineville, Ohio is interested in the unit. Village Administrator Specht suggested we donate the unit to Salineville.

Resident Dr. James Miller was in attendance and requested the public restrooms be opened by the ballfields. There are currently two Porta-Johns at the location. Specht informed Miller that the restrooms are ready to open, but the governor's mandate at this time prohibits the reopening. Public restrooms are required to be cleaned and sanitized every two hours and the Village does not have the personnel to keep that schedule. Miller thanked the council for the work they do and thanked Specht for the explanation. Mayor Stutzman thanked Miller for coming to the meeting and remarked that the council would like to see more residents at council meetings. Several of the council members echoed that sentiment.

Matt Specht said Tom Mueller (zoning) has been in contact with the owner of the sign in the curb strip. He is currently in Florida and when he returns he will obtain a permit and move the sign to his property.

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Streets, Water, Sewer chairman Mick Fanning asked the Solicitor to research past ordinances regarding parking bans downtown during snowstorms.

Finance, Personnel, & Audit chairman Hamsher inquired about the tarps on the Cuckoo Clock. He was informed the clock is undergoing renovations. Hamsher commended Fiscal Officer Bowen for her work.

Hamsher asked if council needed a motion to put in the minutes the problems that have been uncovered by Bowen. Mayor Stutzman said he would like to have a discussion.

Stutzman said the biggest issue was the removal of the underground fuel tanks. Former Fiscal Officer, Becky Crilow did not pay the insurance on the tanks when it was due in July of 2020. She paid the invoice September 26, 2020 but did not pay the \$200.00 late fee. Because the invoice was late and then the late fee was not paid, the insurance had lapsed, and the Village is responsible for the entire clean-up at a cost of \$29,537.93. Councilman Beachy asked if this was criminal and Stutzman replied he does not believe it was malicious, just a blatant error.

Specht asked Bowen to explain the BWC true-up results. Bowen explained the true-up is due annually by August 15, but Crilow did not complete the true-up for 2020. Bowen was not able to locate any past records of true-up reporting for the Village either on -line or hard copies. She completed the true up and the variance was \$25,804.00 which was paid to the BWC on March 16, 2021. When she was able to reach Crilow by phone, she could not tell Bowen what reports she used, or where any records might be. Crilow commented that she did not do the report on-line, she called BWC and had them do it for her. Bowen said all we can do is move forward, doing the true-up annually. Councilman Beachy asked if there was anything criminal, such as dereliction of duty and Stutzman replied that it was not criminal, just oversight and neglect on the part of Crilow.

Stutzman remarked the one thing that may have been malicious was the 2021 appropriations. Crilow was told to do her appropriations for 2021 following the appropriations for 2020, because of the strange year with Covid-19. The temporary appropriations she turned in to the county were \$746,213.20 less than 2020. The appropriations were also not accurate. Solicitor Frautschy commented that everything is fixable. Beachy again asked if anything was criminal or malicious because of the money involved. Stutzman declined to comment at that time. Beachy asked if there would be any repercussions. Stutzman again said he did not believe it was malicious.

To make the permanent appropriations fit the needs of the Village, Fiscal Officer Bowen made the following re-appropriations.

Police	+32,356.39	
Street Lighting	+53,000	
Bed Tax	+13,896	
Leisure fund	-95,500	
Planning/zoning	-17,773.71	
Transportation	+1,000	
Mayor and Admin	+5,000	
Legislative activities	-7,700	
Emergency reserve	+55,244	
Clerk Treasurer	+41,500	*Increased for 2021 only. To allow for 3 mos. of double salary and the pay out of Crilow's accumulated vacation and sick time on April 1, 2021.
Land & Buildings	-77,000	
Prop tax collection	-2,000	
State examiners	-5,000	
Misc.	+52,977.32	
Streets	-101,608.70	Crilow appropriated funds for equipment loans that were paid in full in 2020
Fire	-1,652.59	
OMVI enforcement	-490.83	This fund has not been used since prior to 2016
Water	+41,210.00	
Sewer	+66,054.00	
Sewer debt service	-3,511.88	

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Beachy said the Village is lucky to have Bowen and the experience she brings to the job. Bowen accepted the compliment and went on to say everything started coming to a head at year-end 2020 when she was filing year-end payroll reports. The Rita returns, Ohio returns, and 941 quarterly reports did not tie out to the W-2, W-3 reports. The first 10 months of Rita had to be amended and filed before the year-end report could be filed. The first three quarters of 2020 were reported on 941 forms dated 2019, signed by Crilow at the end of each quarter of 2020. So, when the bi-monthly federal deposits were made, the IRS didn't know where to apply them. Crilow received IRS notices for each payroll stating that they did not know where to apply her payment. She never resolved the issue. In addition to using the wrong forms, Crilow overstated the wages on all three quarters. She did not attach any documentation to her reports, so it is unknown what report she used to do the 941s. The first three quarters of 2020 were filed as amended reports by Bowen, using the 941 report that comes from the payroll system. Bowen added that the Village received a W-2 audit from the IRS for 2019. The W-2s, W-3s had not been filed with the Social Security administration. The audit was completed by Bowen and filed with SSA on 2/26/21.

Sam Beachy commented that he personally had no payroll taxes withheld and was required to pay it all at the end of the year. He had previously talked to Bowen and she made the necessary correction for him. When she looked at his file, Crilow had put him in as 10 dependents, when what he wanted, was \$10.00 taken from each pay for federal taxes. Atkinson told council he had the same issue and Bowen made the necessary corrections for him.

Administrator Specht mentioned expense to revenue, but it was not expanded upon.

Mayor Stutzman informed the council that this was all brought to council to have a public record so that Bowen is not held responsible for the errors that were made by Becky Crilow. He said this is a good example of why you don't want your Fiscal Officer to be an elected position, and thanked the council for working on, and passing a pay ordinance that allows the Village to hire a better caliber of employees. Stutzman again complimented Bowen and Specht echoed the sentiment.

Atkinson thanked Bowen for her internal audits and asked if there is anything else she anticipates finding. Bowen said since we have been through a year-end, and quarter-end, BWC and W-2 audits, we have probably hit on all the big-ticket items. She reminded council that the W-2 audit went back to 2019 and they can continue to go back and find mistakes. Atkinson asked if there were any issues with employee compensation and Bowen replied that she has not found any as of this time.

Josh Jarvis had a question from a resident regarding the pavement on Factory Street where there was a water break. Specht explained that as soon as they start making hot mix the street department will make permanent repairs. It has been temporarily patched.

Mick Fanning asked about the progress of the pump station on Rt. 39 and was informed the station is here, we just need the crane to come out and set it up. Matt Miller suggested they check the walls to be sure there was no breakage due to the cold weather.

Sam Beachy asked when Firman Ridge will be worked on. Specht told him a section of it is on the schedule for this year.

Matt Miller informed council that the Welcome sign on the West end of town needs work. The light is not working.

Mayor Stutzman said the missing Swiss figure from the Welcome sign is being remade and will be added back to the sign.

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**ORDINANCE 21-2305**

Ordinance 21-2305 Titled CONFIRMING THE VILLAGE OF SUGARCREEK'S LONG-STANDING POLICY IN REGARD TO AVAILABILITY OF WATER AND SANITARY SEWER SERVICES TO RESIDENTS AND BUSINESSES OUTSIDE THE CORPORATE LIMITS OF THE VILLAGE OF SUGARCREEK, OHIO. Ron Atkinson made a motion to suspend the rules requiring 3 readings and it was seconded by Mick Fanning. All roll call, all members voted approval. Sam Beachy made a motion to pass the ordinance as an emergency, and it was seconded by Josh Jarvis. At roll call, all members voted approval.

Police Chief Kaser said there are still problems with compliance to Ordinance 20-2276 regarding mowing and noxious weeds. After a brief discussion it was put out to council for consideration.

Mayor Stutzman moved to adjourn the meeting at 8:10 p.m. and all members voted yea.

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Fiscal/Officer

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Mayor