

LOUDONVILLE VILLAGE COUNCIL

October 15, 2018

The Loudonville Village Council met for a regular meeting on Monday, October 15, 2018 at 6 p.m. at the Loudonville Village Hall council chambers. Mayor Stricklen called the meeting to order and answering roll call were Mr. Bill Welsh, Mr. Tom Young, Mr. Michael Robinson, Mr. Jason Van Sickle, Mr. Tom Gallagher, and Mrs. Cathy Lance. Also in attendance at the meeting were Village Administrator Curt Young, Fiscal Officer Elaine Van Horn, Village Solicitor Thom Gilman, Police Chief Kevin Taylor, Loudonville Times Reporter Jim Brewer, American Legion representative Don Riffel along with Village residents Matt Young, Brandon Biddinger, Stewart Zody, Dee Hinkle and Francis & Cheryl Bird. Also attending were several visitors from the surrounding area including George & Janet Ebenhoh, Dan Piskur, Toni Keppen, Cara Fitzgerald, Chris Gorrell, Annette McCormick, and Kevin Clark.

THE PLEDGE OF ALLEGIANCE: Mayor Stricklen led the Pledge of Allegiance.

CONSENT ITEMS:

Council Minutes – October 1, 2018 Regular Meeting: Councilman Van Sickle moved the minutes be approved as presented. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:
Mr. Van Sickle, yes; Mr. Gallagher, yes; Mr. Welsh, yes;
Mr. Young, yes; Mr. Robinson, yes; Mrs. Lance, yes. Motion carried.

Monthly Financial Report – September 2018: Councilman Gallagher moved to approve the September Financial Report. Second by Councilman Welsh. A roll call upon said motion resulted as follows:
Mr. Gallagher, yes; Mr. Welsh, yes; Mr. Young, yes;
Mr. Robinson, yes; Mr. Van Sickle; yes; Mrs. Lance, yes. Motion carried.

Mayor's Court Report – September 2018: Councilman Welsh moved to accept the September Mayor's Court Report. Second by Councilman Robinson. A roll call upon said motion resulted as follows:
Mr. Welsh, yes; Mr. Robinson, yes; Mr. Young, yes;
Mr. Van Sickle, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

GUESTS:

American Legion Post 257: Legion representative Don Riffel presented the Village with a check in the amount of \$15,458.23 toward the construction of the new maintenance facility. Mayor Stricklen expressed sincere appreciation to Mr. Riffel and the American Legion Post 257 for their commitment to the project, noting that the construction was underway.

Fracking Concerns: Several area residents were present to voice their concerns regarding fracking in the area. Mayor Stricklen asked those visitors that speak to state their name and home address before addressing Council and to refrain from outbursts. He reminded the visitors that they were guests at a regular meeting of the Loudonville Village Council where village business is conducted. The Mayor further reminded the group that the Loudonville Village Council has no authority to govern the oil and gas exploration industry. Mr. George Ebenhoh warned Council that he felt Cabot Oil & Gas were not being honest with area citizens, noting that he heard them disseminating what he felt was information that was not truthful at their booth in the Merchant's Tent during the Street Fair. Monroe Township resident Cara Fitzgerald of Richland County asked the Council what permission Council gave to Precision Geophysical Inc. at their last meeting. Councilman Van Sickle explained that the Council approved a request to allow Precision Geophysical to cross Village properties near the wastewater treatment plant and soccer fields to conduct a geophysical seismic survey in that area. Mayor Stricklen asserted that Council did not give permission to allow them to frack on the Village property. Solicitor Gilman concurred, noting that while the Village Council has expressed their opinions that they have no intentions to allowing fracking on Village-owned property, they cannot regulate what private land owners in the Village do with their land with regard to fracking. Solicitor Gilman explained that the State of Ohio has created a statutory scheme that preempts the Village's home rule authority. He stated that the Village is prohibited from creating policies or passing ordinances governing or banning fracking as they would be deemed unconstitutional.

Ms. Fitzgerald asked if the drilling site on Co. Rd. 529 would create increased truck traffic through town. Councilman Van Sickle commented that the trucks would most likely be traveling on the state routes that go through the Village, with Mayor Stricklen explaining that the Village cannot govern the truck traffic through town on the state routes. Ms. Keppen read a letter from former rural resident Katherine Bokenkamp, who she noted is a research assistant at the University of Illinois, expressing her concern with fracking and commenting that she felt it would be detrimental to the river system to allow fracking in this area. Ms. Keppen then stated she felt that allowing the seismic survey in the Village makes it appear to her that the Village will allow fracking in the Village. Mayor Stricklen reiterated that the Village does not intend to allow fracking on Village property. Solicitor Gilman restated that he wanted to make it very clear that

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although the Mayor and Council are expressing their comments that they will not permit fracking on Village-owned property, they cannot stop Village resident property owners from partnering with Cabot.

Ms. Annette McCormick of rural Loudonville, referencing the Village's 2017 Consumer Confidence Report, stated that the aquifer that supplies drinking water to the Village wellfield has a high susceptibility to contamination. She expressed concern that the Village water testing is not sufficient, as it does not include radiological testing of the aquifers. Councilman Van Sickle responded, informing that the Village is required to do radiological testing annually. He further commented that all aquifers are susceptible to many different contaminants from many sources, including water runoff from fields on which pesticides have been applied. Ms. McCormick encouraged the Village to be especially aware of the possibility of water contamination due to fracking in the area. Mayor Stricklen assured Ms. McCormick that the Village of Loudonville has in place highly qualified employees who oversee the water distribution system in the Village. Mr. Ebenhoh, who stated that Cabot has been fined many times for violations, questioned why the Village could not exclude Cabot from purchasing water since they have violated laws. Solicitor Gilman stated that the Village must follow state regulations that prohibit discrimination. He further noted that the Village does not track what the water is used for or where it is going, remarking that the haulers are often local companies. Ms. Hinkle questioned how the bulk water is billed with Administrator Young answering that a log is kept at the bulk water station. Ms. Hinkle then asked if she could go to the bulk station today and purchase water with Administrator Young explaining that bulk water haulers are first required to register and are then provided a unique access code that is used each time water is obtained from the bulk water station. He noted that the vehicles are also inspected for the proper backflow equipment requirements. He stated that a log is kept at the bulk water station that includes the name and meter reading each time a hauler gets bulk water and is then used to bill the hauler. He further confirmed that there has never been a problem with the registration and billing procedures.

Mr. Clark expressed concerns that fracking from one property to another cannot be properly controlled and that it will impact property owners that do not want to participate. Solicitor Gilman stated that the Village government is not qualified to answer questions regarding fracking or mandatory pooling. Ms. Keppen stated that she spoke with a representative of Cabot at the Loudonville Street Fair regarding mandatory pooling and eminent domain. She said although they told her they do not do mandatory pooling, she questions their integrity. Solicitor Gilman again stated that the Village has no authority regarding the fracking industry. Solicitor Gilman further advised that the process of eminent domain involves a government body taking property, which is different from mandatory pooling that takes place in the fracking industry. Solicitor Gilman again reminded the group that the Village cannot govern fracking in any way.

Councilwoman Lance commented that she voted to allow the geophysical seismic testing above ground of Village property in an effort to become more knowledgeable about what is underground so that another exploration group doesn't come through in 5 to 10 years again looking for oil or gas. She stated that she does not support fracking in the Village limits, and feels frustrated that the Village Council has no authority regarding fracking. She assured the visitors that the Council will watch what goes on in the Village and do the best they can within their authority to protect the Village's natural resources.

Mr. Brewer questioned the visitors who were protesting at the Village Council meeting to determine if any of them have spoken to their state legislators, noting there were several at the Loudonville Street Fair that they could have expressed their concerns to directly. Ms. McCormick responded that she spoke with Senator Larry Obhof for over an hour regarding the site near Malabar Farm, stating that he did not seem aware of the location's proximity to the state park and that he stated he would look into it further. Mr. Clark responded that his wife spoke with State Representative Darrell Kick and stated that Rep. Kick said he would not want it on his property, but had actually signed on with Cabot, which he felt illustrated a conflict in positions. Mr. Ebenhoh stated he spoke with House of Representatives candidate Ken Harbaugh who he said expressed concern with fracking. Ms. Keppen stated she has not expressed her concerns to any state legislators.

Resident Matt Young commented that he has been studying fracking since 2010 before it came to this area. He remarked that safety is a big issue in the industry, noting that it is highly regulated. He stated that there are approximately 1.7 million wells in the United States recorded over a ten-year period, with spills occurring at only .003 percent of the total number of wells. Mr. Young commented that he feels the economic benefits are largely undisputed.

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Resident Francis Bird questioned the Council on their preparedness should the Village's water become contaminated due to fracking in the area. Councilman Jason Van Sickle explained that the Village has an EPA-required detailed Emergency Contingency Plan should such an event take place.

DEPARTMENTAL REPORTS:

Reservoir Project: Administrator Young reported that the reservoir construction was completed by Kelstin, Inc. and is back online.

Water Line Replacement of West Main Street: Administrator Young reported that there is a section of water line at the top of West Main Street that has had multiple breaks over the years due to its age. He reviewed a quote he obtained from Kelstin, Inc. to replace approximately 60' of water line at the west end near 833 West Main Street for \$10,850. He noted that contracting with Kelstin while they have their equipment still onsite at the new reservoir would save mobilization costs. Councilman Young questioned whether the expenditure of a pump replacement on the Claims Ordinance was related to the water line with Administrator Young responding it is indirectly related. Administrator Young briefly explained that several Village water customers at the top of Maple Heights have had problems with water pressure due to the elevation of their properties. Councilman Young moved to approve replacement of the water line on West Main Street by Kelstin Inc. for \$10,850. Second by Councilman Van Sickle. A roll call upon said motion resulted as follows:

Mr. Young, yes; Mr. Van Sickle, yes; Mr. Welsh, yes;
Mr. Robinson, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

LEGISLATION: None.

OLD BUSINESS: None.

NEW BUSINESS:

Tenants at 146 North Water Street Property: Councilman Robinson reported that the Parks & Buildings Committee met in a scheduled meeting prior to the Council meeting to discuss the condition and use of the properties at 144 and 146 North Water Street. Councilman Robinson stated that due to the poor condition of the properties, the Committee was recommending that Council have the buildings completely vacated within the next 90 days. Mayor Stricklen commented that although there is not a problem with the current tenant in the restaurant, the condition of the building is so substandard that it would require extensive renovation to suitably occupy tenants. Solicitor Gilman noted that although the process could be done much faster than 90 days, he agreed it would be appropriate to allow extra time for the current tenants to vacate the building. Councilman Robinson moved to authorize the Solicitor to prepare the proper notice to vacate the premises within 90 days for the current tenants operating the restaurant at 146 North Water Street. Second by Councilman Young. A roll call upon said motion resulted as follows:

Mr. Robinson, yes; Mr. Young, yes; Mr. Welsh, yes;
Mr. Van Sickle, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

CLAIMS ORDINANCE 2018-20:

Claims Ordinance 2018-20 was presented for approval. Councilman Welsh moved to approve Claims Ordinance 2018-20. Second by Councilman Young. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Young, yes; Mr. Robinson, yes;
Mr. Van Sickle, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

ADJOURN: With no further business to be brought before Council, Councilman Welsh moved the meeting be adjourned at 7:07 PM. Second by Councilman Young. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Young, yes; Mr. Robinson, yes;
Mr. Van Sickle, yes; Mr. Gallagher, yes; Mrs. Lance, yes. Motion carried.

Fiscal Officer

Mayor