

## LOUDONVILLE VILLAGE COUNCIL

August 20, 2018

The Loudonville Village Council met for a regular meeting on Monday, August 20, 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 and Mr. Tom Gallagher. Mrs. Traci Cooper and Mr. Jason Van Sickle were absent from the meeting. Also in attendance at the meeting were Village Administrator Curt Young, Fiscal Officer Elaine Van Horn, Village Solicitor Thom Gilman, Fire Chief Mike Carey, Police Chief Kevin Taylor, Loudonville Village residents Dan Piskur, Matt Young and Dee Hinkle, Aaron Fitzgerald and Cara Fitzgerald from the Monroe Township Landowners Coalition, and other residents from surrounding townships including Deborah Fleming, Irv Oslin, Theresa Clark, George Ebenhoh, Nancy Nixon, Toni Keppen, and Elaine B(illegible) of Mansfield, and Loudonville Times Reporter Jim Brewer.

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

### **CONSENT ITEMS:**

**Council Minutes – Regular Meeting August 6, 2018:** Councilman Gallagher moved the minutes be approved as presented. Second by Councilman Robinson. A roll call upon said motion resulted as follows: Mr. Gallagher, yes; Mr. Robinson, yes; Mr. Welsh, yes; Mr. Young, yes. Motion carried.

**Council Minutes – Special Meeting on August 15, 2018:** Councilman Gallagher moved the minutes be approved as presented. Second by Councilman Robinson. A roll call upon said motion resulted as follows: Mr. Gallagher, yes; Mr. Robinson, yes; Mr. Welsh, yes; Mr. Young, yes. Motion carried.

### **GUESTS:**

**Brown water concerns – Toni Keppen:** Ms. Toni Keppen asked Council why there were a few recent instances of brown tap water in the Village. Administrator Young explained that the Village is nearing the completion of the construction of a new reservoir. He stated that the Village is currently operating on two reservoirs during the construction and that west side of town has been slightly impacted on a few occasions due to the change of water circulation. He further explained that brown water is not uncommon in municipal water systems, noting that there can be many causes including old pipes, fire hydrant flow and pressure testing. Upon question by Ms. Keppen, Administrator Young stated that there were no lead pipes in town that the Village is aware per a recent survey. Mayor Stricklen asked Ms. Keppen to be patient with the water situation as the new reservoir will be a great benefit to the residents of the Village, noting that the project should be completed within the next several weeks. Administrator Young further commented that the reservoir that was replaced was extremely old and deteriorating. He stated that the Village was proactive in their endeavor to replace the old reservoir, noting that it has been discussed for many years, with Mayor Stricklen commenting that the Village received a \$500,000 grant toward the project which covered almost half of the total cost. Councilman Young noted that the Village is also proactive in replacing old water lines any time a road project is completed.

**Concerns with oil & gas exploration in the outlying area:** Ms. Keppen stated that she was concerned with fracking that was taking place in neighboring areas. Mayor Stricklen stated that the Loudonville Village Council cannot control the exploration of oil and gas that is underway in Green Township and Hanover Township. He further stated that while he sympathizes with Ms. Keppen's concerns, the exploration is taking place outside the Village limits. He explained that the Mayor and Council of the Village of Loudonville were elected by the residents of the Village of Loudonville to govern matters within the Village of Loudonville during the Village Council meetings. Ms. Keppen asked Council to stop selling water to Cabot. Mayor Stricklen stated that the Village cannot discriminate when offering bulk water for sale. Mr. George Ebenhoh, a Green Township resident on SR 511, shared an incident regarding an oversized truck transporting equipment to the Green Township site that could not make the turn. He expressed his concerns with the safety practices of Cabot and also asked Council to stop selling water to Cabot. Solicitor Gilman informed the group that there are several issues regarding the sale of water to Cabot that must be considered. He stated that from a practical standpoint, the Village does not know who is purchasing the water at the time the truck is filled and for what reason. He explained that independent haulers access the bulk station throughout the day to purchase water for various uses unknown to the Village. He further advised the group that from a legal standpoint, the Village is a government entity and cannot discern one purchaser from another like a private business owner can. He advised them that there are state codes that govern the operation of a utility service such as water, and that it must be provided to all potential users without discrimination. He noted that while the Village Council could vote to stop selling bulk water to everyone, it cannot show bias against any one customer individually. Administrator Young stated that the Village sells bulk water to supplement the operation and maintenance of the water utility in the Village, including current operating and maintenance expenses today as well as for operating and capital expenses budgeted over the next 20 years. He noted that bulk water is sold to haulers for many uses including

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private cisterns of non-residents outside the Village, and the rates are structured per gallon so that Village residents are provided a better rate. Administrator Young further stressed that it is costly to operate the water system in the Village for the residents and the sale of bulk water helps to supplement the operation. It was noted that the Council had previously voted to cap the sale of bulk water at 250,000 gallons per day total for all users, with area resident Theresa Clark stating that the Village should reduce that amount. She commented that she feels that a cap of 10,000 gallons total per day would be sufficient. Mayor Stricklen replied that one purchaser could line up their trucks and take the entire maximum amount, and then the local haulers purchasing for other uses would not have water available for their customers. Ms. Keppen commented that she read articles that stated that drinking water was contaminated in places where fracking has occurred, with Administrator Young answering that while he has viewed those films, he has also read contradictory information, further commenting that the Village of Loudonville does not have the power to stop fracking. Councilman Gallagher stated that the Village Council employs a very qualified Utilities Superintendent, and that the Council is completely confident in his knowledge and expertise in water quality and testing for the Village. He noted that Superintendent DeWitt has assured Council that he has sufficient baseline tests and that the Village water is tested and recorded regularly per EPA requirements and guidelines. He further commented that the Village cannot put up walls around the Village perimeter. Ms. Clark again asked Council to consider lowering the maximum amount of bulk water sold per day or suggested they limit the amount sold to Cabot only. Solicitor Gilman again stated that the Village does not know who the customers of the water haulers are and that the Village cannot dictate where the water is hauled. Ms. Keppen suggested Council deny Cabot trucks to travel through the Village of Loudonville. Solicitor Gilman stated that the Village cannot dictate who can travel on the state routes that pass through the Village.

Ms. Clark questioned why the Council Finance Committee, in their meeting prior to the Council meeting, was discussing the purchase of large and small storage containers for water. Mayor Stricklen advised her that the Village was working on completing all the facets of the Village's EPA-required Contingency Plan, one requirement which includes being able to provide one gallon of water per resident per day in the event of a catastrophic emergency with the Village's water supply. He noted that the Committee would be making a recommendation to Council to approve the purchase later in the meeting. Upon question by Ms. Hinkle, Administrator Young stated that residents of the Village could be notified in various ways including door tags and the Ashland County WENS (Wireless Emergency Notification System). Chief Carey commented that the County was in the process of disseminating information on the WENS system to educate residents throughout the County of the service. Administrator Young encouraged consumers to educate themselves regarding their options in the event their utilities are disrupted.

An unknown speaker asked Council if they knew where waste from fracking in the townships would be disposed. Solicitor Gilman stated that while the Village is not aware of the answer, he assured her that Village zoning regulations would not support any waste to be dumped within the Village of Loudonville. Ms. Clark commented that Cabot has previously been fined for disposal of waste water from fracking into a stream at another location. Mayor Stricklen again reiterated that the Village of Loudonville Council does not have the authority to govern fracking in the townships. He suggested the group contact the EPA to express their concerns. He further stated that the Village Council has listened to their concerns and has continued to educate themselves on the subject, but that the Council does not have the resources nor the administrative power to stop the exploration and potential fracking. Mr. Ebenhoh remarked that he understood that the Village of Loudonville Mayor and Council did not have any jurisdiction in the matter, but that he was appreciative that they listened to his concerns. Mayor Stricklen thanked Mr. Ebenhoh for his understanding and further reminded the group that the Loudonville Village Council as a whole did not necessarily disagree with their position, but that the Council's task is to take care of Village issues that take place within the Village of Loudonville limits. He commented that the Village Council meeting was not the proper venue for them and that it is discourteous to continue to disrupt the administration of Village matters at Council meetings with concerns of fracking taking place outside the Village. An unidentified guest suggested that Council contact the Ohio Municipal League to see if other municipalities are experiencing these same issues. Mayor Stricklen suggested that the group express their concerns by reaching out to the governing bodies where the fracking is taking place including the Township Trustees, the County Commissioners, the State legislatures, the EPA, and the ODNR. Councilmember Young commented that he voted no when Cabot asked Council for permission to examine the roadway surface and subsurface on the 1000' of road in the Village on Co. Rd. 529. He stated that he did not want to see that in the Village but that he could not control anything past the section of roadway that was in the Village. Councilmember Young suggested the group contact the landowners who have contracted with Cabot and are allowing the fracking on their properties to express their concerns. At the conclusion of the discussion, Mayor Stricklen reminded the group that the governing body and administration of the Village of Loudonville will remain cognizant of their concerns while they continue to take care of Village matters.

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**DEPARTMENTAL REPORTS:** None.

**LEGISLATION:**

The following ordinances and resolutions were presented on a First Reading:

**RESOLUTION 47-2018**

**A RESOLUTION AUTHORIZING THE FISCAL OFFICER TO ISSUE A "THEN AND NOW" CERTIFICATE TO OHIO FIRST RESONDER GRANTS, LLC, FOR THE ATTACHED EXPENDITURE FOR THE VILLAGE OF LOUDONVILLE, AND DECLARING AN EMERGENCY.**

**ORDINANCE 48-2018**

**AN ORDINANCE TO MAKE ADDITIONAL APPROPRIATIONS FOR THE CURRENT YEAR AND DECLARING AN EMERGENCY.**

**ORDINANCE 49-2018**

**AN ORDINANCE AUTHORIZING THE SALE OF VARIOUS VEHICLES BY PUBLIC AUCTION AND DECLARING AN EMERGENCY.**

**ORDINANCE 50-2018**

**AN ORDINANCE AUTHORIZING THE MAYOR AND FISCAL OFFICE TO ENTER INTO AN AGREEMENT FOR GRANT ADMINISTRATION SERVICES AND DECLARING AN EMERGENCY.**

**RESOLUTION 51-2018**

**A RESOLUTION ESTABLISHING CAPITAL PROJECTS FUND 4902 TO BE KNOWN AS FEMA ASSISTANCE TO FIREFIGHTERS GRANT FUND FOR THE RECEIPT OF FUNDS TO BE SET ASIDE, ACCUMULATED AND DISTRIBUTED BY THE VILLAGE OF LOUDONVILLE FOR THE PROVISION OF EQUIPMENT AND SERVICES FOR THE FIRE DEPARTMENT OF THE VILLAGE OF LOUDONVILLE.**

**RESOLUTION 52-2018**

**A RESOLUTION TRANSFERRING APPROPRIATIONS WITHIN A FUND**

**OLD BUSINESS:** None.

**NEW BUSINESS:**

**Water storage containers for Contingency Plan:** Councilman Welsh reported that the Finance Committee met to discuss the purchase of water containers as recommended by the Utilities Committee. It was recommended that the Council proceed with the purchase of the water storage items needed to supply every resident in the Village with one gallon of water per day in the event of an emergency. Councilman Welsh moved to proceed with the purchase of the storage containers at a total cost not to exceed \$10,000. Second by Councilman Robinson. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Robinson, yes; Mr. Young, yes; Mr. Gallagher, yes. Motion carried.

**Park Usage Request – Rape Crisis Domestic Violence Safe Haven:** Mayor Stricklen presented a request from the Rape Crisis Domestic Violence Safe Haven to place red silhouettes in Central Park from October 8 to October 12 to represent domestic violence victims who have passed. Councilman Welsh moved to approve the request. Second by Councilman Gallagher. A roll call upon said motion resulted as follows:

Mr. Welsh, yes; Mr. Gallagher, yes; Mr. Young, yes; Mr. Robinson, yes. Motion carried.

**CLAIMS ORDINANCE 2018-16:**

Claims Ordinance 2018-16 was presented for approval. Councilman Young moved to approve Claims Ordinance 2018-16. Second by Councilman Robinson. A roll call upon said motion resulted as follows:

Mr. Young, yes; Mr. Robinson, yes; Mr. Welsh, yes; Mr. Gallagher, yes. Motion carried.

**ADJOURN:** With no further business to be brought before Council, Councilman Gallagher moved the meeting be adjourned at 6:56 PM. 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. Motion carried.

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Fiscal Officer

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Mayor