

A meeting of the Town Council of the Town of Williamsport was held at 6:00 p.m. on Thursday, October 1, 2020 at the Warren County Learning Center with the following officers present – Mike Hutchison, Council President and Council Members Traci Latoz and Jim Lanham. Also present were Bill Lucas, Clerk-Treasurer, and Town Attorneys Jud Barce and Ingrid Barce, Amy Cushman, Ted Latoz, Mark Hutson, David Banta, John Kuiper, Stephanie Knosp, Kevin Strickler, Dustin Whalen, Vickie Strickler, Brian Jordan, Ashley Wheeler, William Wheeler, Tawnia Adams, Will Holycross, Tammy Holman, Sharon Hutchison, Dick Briles, April Nowicki, and Michelle Stucky.

Mike Hutchison called the meeting to order at 6:01 p.m.

Mike Hutchison asked if there was a motion to approve the minutes of the September 3<sup>rd</sup> Disconnect Hearing. Traci Latoz made a motion to approve the minutes of the September Disconnect Hearing. Jim Lanham seconded the motion. Voted and passed.

Mike Hutchison asked if there were any changes to be made to the minutes for the monthly September Council Meeting. No changes were needed. Mike Hutchison made a motion to approve the September 3<sup>rd</sup> minutes. Traci Latoz seconded the motion. Voted and passed.

Jim Lanham requested to modify the agenda and discuss using CARES Act funding to purchase the Fire Department's gear. Traci Latoz made a motion to approve the agenda modification. Mike Hutchison seconded the motion. Voted and passed.

Mike Hutchison opened the Budget Hearing.

Bill Lucas advised the Budget for 2021 is being prepared and asked if there were any comments from the public on the 2021 budget. There were no public comments. Bill Lucas advised the Budget Adoption meeting will take place on October 15, 2020.

Mike Hutchison asked Bill Lucas if there was a separate fund set up for the Parks Board. Bill Lucas stated there was not. The Parks and Recreation fund is set up with \$24,920.00 for Kevin Strickler to buy park equipment with. In the event that Kevin does not need any or all of the funding, the Council can allow the Park Board to utilize the funding.

Mike Hutchison closed the Budget Hearing.

Mike Hutchison opened the UBO Hearing.

Jud Barce stated the purpose for the UBO Hearing is to discuss unsafe building orders issued to Williamsport residents that have either been set for hearing or review.

Jud Barce stated a UBO notification was sent to Tammy Holman at 110 W Second Street. The notice will need to be modified to correct the property location to 806 E Washington Street, which belongs to her son. The hearing for 806 E Washington Street will be moved to November.

The next property up for discussion is 4 Jackson Street, belonging to April and Michael Nowicki. Jud Barce asked if April or Michael were in attendance. Neither were in attendance for the UBO Hearing. Jud Barce stated there were several concerns with the property including trees on property lines that posed a problem for neighboring properties, junk in the yard, a groundhog in the yard, problems with an outbuilding in the backyard, things in the house visible through windows, and a hole in the roof. Jud stated the Unsafe Building Order that was issued to them on September 5, 2020 advised them they were ordered to vacate the premises, exterminate any vermin living on the property, remove the junk, demolish the buildings, and remove the trees along the fence line.

Jud Barce swore in John Kuiper, unsafe building inspector for Warren County.

Jud Barce asked John Kuiper if he issued an order on September 2, 2020 to April and Michael Nowicki about 4 Jackson Street that covered the observations that he, Jud Barce, had just recounted to the board.

John Kuiper answered that he did.

Jud Barce asked John Kuiper if the Nowicki's were ordered to take certain actions.

John Kuiper answered that they were ordered to take certain actions.

Jud Barce asked John Kuiper to briefly explain the actions that were ordered of the Nowicki's.

John Kuiper stated the Nowicki's were ordered to vacate the unsafe building, seal the unsafe building, exterminate vermin, remove trash and debris, remove the unsafe building and shed, as well as removing the unsafe trees along the fence line.

Jud Barce asked John Kuiper if he had had the opportunity to check the property recently.

John Kuiper stated that he has.

Jud Barce asked John Kuiper if anything has happened on the property.

John Kuiper stated that he did not see anything different today than when they originally inspected the property. No additional trees have been cut down. John Kuiper stated that April Nowicki did come to see him and ask what she needed to do. John Kuiper advised her that her instructions were in the order issued to her and she needed to work on those between the order issued date and October 1<sup>st</sup>.

Jud Barce advised the Council they can now ask questions of Mr. Kuiper. After all questions are satisfied, the Council would need to chose to affirm, modify, or rescind the order. The Council can also determine whether or not the Nowicki's failed to comply or willfully failed to comply with the UBO orders. Willfully failing to comply can carry a fine of up to \$5,000.00.

Ted Latoz stated that April Nowicki came to his personal residence on September 17<sup>th</sup> and stated that she has been working on complying with the order, including hauling some trees and brush out, but that it is hard to do with her health issues. Ted Latoz stated that he did see her hauling some brush, but that most of the work needed is beyond her capabilities.

Jim Lanham stated that the time given to the Nowicki's to do something with the property has been too long.

Mike Hutchison agreed, stating the Nowicki's have been given multiple years to address the property.

Jud Barce stated that he believes April Nowicki is living in the house. Ted Latoz affirmed Jud Barce's beliefs.

John Kuiper stated the Health Department originally condemned the house.

Jim Lanham made a motion to affirm the order. Mike Hutchison seconded the motion. Voted and passed.

Jud Barce asked if the Council wanted to set a time frame for action to be taken. In order to remove her from the home, a legal process to eject her for health-related reasons would have to be taken. Once the property is vacant, the Town can begin the process of removing the buildings on the property and other necessary action to make the property safe.

Traci Latoz asked when the Council would decide on willful non-compliance.

Jud Barce stated that could be done now or at a future hearing.

Mike Hutchison made a motion to determine that the Nowicki's are willfully not complying with the UBO order, to assess a \$5,000.00 penalty due to willful non-compliance, and begin eviction proceedings. Jim Lanham seconded the motion. Voted and passed.

The next property up for discussion is 401 Market Street, owned by William and Ashley Wheeler. This property is set for a hearing due to brush and saplings on the South side of the driveway, junk in the front yard, the condition of the backyard inside of fencing, missing fencing, and a pool.

Jud Barce asked the Wheeler's if they dispute any or all of the UBO issues on their property. William Wheeler stated they have complied with all of the requested orders.

Jud Barce asked if the Wheeler's have cut down the tall grass and weeds inside of the fence. William Wheeler stated they have.

Jud Barce asked if the Wheeler's had removed the pool. William Wheeler stated they have drained the pool. They intend to buy a new pump for the pool and make the pool operational again in the summer of 2021.

Jud Barce asked if the trees and brush on the South side of the driveway have been removed. William Wheeler stated they have been removed.

Jud Barce stated there was a tipped over swing set in the yard. William Wheeler Stated it is gone.

Jud Barce asked if there was any other junk or debris that had been removed in the front yard. William Wheeler stated he has burned and gotten rid of some of the stuff in the front yard. Jud Barce asked if William felt it was cleaned up the way it needed to be cleaned or if there is more work that needs to be done. William stated that he feels it looks ok based on what was in the order.

John Kuiper stated he would agree with most of what Mr. Wheeler is stating, however he did see some additional junk items in the front that may need to be cleaned up, and that the pool is now just the frame of a pool. There is some additional brush on the north side along the fence closet to the neighbor may still need cleaned up.

Mike Hutchison made a motion to modify the UBO orders for the Wheeler's to allow them time to purchase a new pool pump and get their pool running. The order will be reviewed at a new hearing in July 2021. Traci Latoz seconded the meeting. Voted and passed.

Jud Barce stated he will send a notice to the Wheeler's summarizing the modifications made to their original orders and providing the date for the new hearing in July 2021.

The next property up for discussion is 102 S Third Street, owned by Tim Holliman. The property is not set for a hearing, but an order was sent to him to remove wood piles, tree trunk sections, and other tree related material on the property. Tim Holliman is not in attendance, but sent a letter to the Council and John Kuiper stating his position on the order sent to him.

Mike Hutchison made a motion to modify the action items in Tim Holliman's order which would extend his time frame to comply through the end of February 2021, as well as adding an order that no new wood is to come onto the property during this time. Tim Holliman shall report back at the March 2021 UBO Hearing. Traci Latoz seconded the motion. Voted and passed.

Jud Barce will send a notice to Tim Holliman advising of the Council's decision, as well as including a note that a business cannot be operated out of a home that would store inventory outside.

Jud Barce noted that April Nowicki arrived to the UBO Hearing. The Council agreed to readdress April's UBO order.

Jud Barce asked April Nowicki if she or anyone else was living in the home at 4 Jackson Street and if the house was vacant. April stated no one was living there and the home was empty.

Jud Barce advised April Nowicki that the Council affirmed the unsafe building order that she received. The order required that the house and the biggest out-building behind the house be removed.

April Nowicki advised that she would not be taking the buildings down. She stated she is working on fixing them up.

Jud Barce advised April Nowicki that the Council has ordered that the two buildings be removed. If April does not remove them, the Town will remove them and put a lien on the property for the cost of doing so.

The Council agreed to reopen the discussion of the orders for 4 Jackson Street so April Nowicki could state her case, with the understanding that this will not affect their decision to affirm the UBO orders on the property.

April Nowicki stated that she is working on fixing the property up and it will go to her nephew.

Jud Barce asked April Nowicki what she had done to the property in the last 30 days. April Nowicki was unable to provide any clear answer on what she had done to comply with the Town's orders for her property.

April Nowicki stated if her property is touched or any of the Town's people come on her property, she will sue the Town.

The next property up for discussion is 129 E Fourth Street, owned by Russell and Chantelle VanLeer. This property did not require a hearing, but the owners were ordered to seal the property to keep stray cats and other vermin from gaining entry. John Kuiper stated the property is now sealed as ordered. Jud Barce will release the order once the Council moves to affirm it.

Traci Latoz made a motion to affirm the order for the VanLeer property at 129 E Fourth Street. Mike Hutchison seconded the motion. Voted and passed.

The next property up for discussion is 131 E Fourth Street, also owned by Russell and Chantelle VanLeer. Jud Barce stated there were overgrown trees on the property and the building was accessible to vermin. John Kuiper stated the VanLeer's have complied with the orders given on this property as well. Jud Barce will release the order once the Council moves to affirm it.

Traci Latoz made a motion to affirm the order for the VanLeer property at 131 E Fourth Street. Jim Lanham seconded the motion. Voted and passed.

Jud Barce stated the next discussion is for a series of three trailers at 328 through 333 Market Street, owned by James Rothrock. The trailers had brush and saplings around them, one trailer had a hole in the skirting, and there were some open windows that were ordered to be sealed. John Kuiper stated the properties have been sealed, the skirting is in the process of being replaced, and he is making progress to comply with the order, but he will need some additional time to fully comply.

Mike Hutchison made a motion to modify the order to allow Mr. Rothrock until November 5<sup>th</sup> to comply with all orders given for his three trailers at 328 through 333 Market Street. Traci Latoz seconded the motion. Voted and passed.

The next property up for discussion is 116 W Third Street, owned by Thaddeus Michael Linson. This property has a roof and gutter issue that were ordered to be repaired. John Kuiper stated there has been nothing done to this property and it is up for tax sale on October 19<sup>th</sup>. Jud Barce stated that if the order is affirmed, the order will go with the tax sale.

Mike Hutchison made a motion to affirm the order for 116 W Third Street. Jim Lanham seconded the motion. Voted and passed.

The next property up for discussion is 36 Ash Cove, owned by Vinod Gupta. The garage on the property has holes in the roof, no garage door, is filled with junk, and is structurally unsound. John Kuiper stated nothing has been done to repair the garage since the order was issued.

Mike Hutchison made a motion to affirm the order on the garage at 36 Ash Cove. Jim Lanham seconded the motion. Voted and passed.

The next property up for discussion is 327 Market Street, owned by John and Tawnia Adams. The property had some repairs needed and per John Kuiper's inspection, the order has been complied with.

Mike Hutchison made a motion to affirm the order for 327 Market Street. Traci Latoz seconded the motion. Voted and passed.

The next property up for discussion is 308 Thomas Street, owned by John and Tawnia Adams. Jud Barce stated the Adams' were ordered to remove brush, saplings, and the dead tree beside the house, as well as the deck. John Kuiper stated the front deck has been removed, equipment is on site and repairs are being made, and they are making progress on complying with the orders, but an additional thirty days to fully comply will be needed.

Mike Hutchison made a motion to modify the order for 308 Thomas Street to allow another thirty days to comply. Traci Latoz seconded the motion. Voted and passed.

The next property up for discussion is 14 E Monroe Street, also owned by John and Tawnia Adams. John Kuiper stated repair work is under way at this property and progress is being made, but more time is required.

Mike Hutchison made a motion to modify the order for 14 E Monroe Street to allow an additional thirty days. Traci Latoz seconded the motion. Voted and passed.

Tawnia Adams stated that the only property discussed tonight that was set for a hearing was 308 Thomas Street. Tawnia stated that the extension granted for 14 E Monroe was confusing because it was not set for hearing. Jud Barce stated she was still given orders to comply with for the property. Tawnia stated she believed she was in compliance for all orders given on 14 E Monroe, but they are continuing work to make additional repairs not ordered.

Jud Barce concluded the UBO hearing.

Stephanie Knosp with the Park Board stated the disk golf course at Falls Branch Park is completed. The Parks Board would like to request permission to publicly announce parking on River Road. The Council agreed parking on River Road in a designated area would be fine.

Dustin Whalen with HWC asked the Council if they received the SRF Loan Signatory Authorization Resolution. This will give authorization for an additional signer on the SRF documents.

Traci Latoz made a motion to appoint Mike Hutchison as a signer on SRF Documentation per the Resolution presented by Dustin Whalen. Jim Lanham seconded the motion. Voted and passed.

Dustin Whalen presented the Council with a pay application for Midwest Mole in the amount of \$18,810.00.

Mike Hutchison made a motion to approve the pay application for Midwest Mole in the amount of \$18,810.00. Traci Latoz seconded the motion. Voted and passed.

Dustin Whalen presented the Council with a pay application for Graves Construction in the amount of \$96,885.00.

Traci Latoz made a motion to approve the pay application for Graves Construction in the amount of \$96,885.00. Jim Lanham seconded the motion. Voted and passed.

Ingrid Barce discussed a request for a waiver of non-compliance submitted by Kurt Hartman with AHW due to failure to file their CF1 by the deadline.

Mike Hutchison made a motion to approve Resolution 2020-1001, granting a waiver of non-compliance for AHW. Traci Latoz seconded the motion. Voted and passed.

Mike Hutchison made a motion to approve AHW's CF1, subject to receipt of publication fees. Traci Latoz seconded the motion. Voted and passed.

Bill Lucas will give a copy of the CF1 to Jud Barce to send to the Auditor.

Kevin Strickler presented the Council with HWC's Engineering Agreement Services for the Pool Evaluation and Master Plan. The cost for the study is \$15,000.00. Kevin stated that the Warren County Community Foundation has agreed to pay \$7,500.00 towards the cost of HWC's Evaluation and Master Plan. Bill Lucas stated the Town's \$7,500.00 for the Evaluation and Master Plan can be paid out of the General Fund.

Traci Latoz made a motion to proceed with HWC's pool study as presented, half funded by the Warren County Community Foundation. Jim Lanham seconded the motion. Voted and passed.

Kevin Strickler stated he does not have quotes for crack sealing at this time. He has requested that those that were going to submit quotes have them in by October 7<sup>th</sup> and he can present them after the Budget Adoption on October 15<sup>th</sup>.

Kevin Strickler stated that Warren County will not be doing leaf vac this year and they will allow the Town to use their equipment so the Town could pick leaves up for Williamsport residents. Kevin will work with the County to get a schedule for leaf vac pick-up finalized.

Ted Latoz gave an update on a complaint given by the DeAnda's at a prior meeting concerning a neighbor's pigeons. Ted found the owners of the pigeons were compliant with the Town's current ordinance in how they are being kept and maintained. Jud Barce stated no pictures were provided by the DeAnda's either.

Ted Latoz provided a \$21,740.86 quote for a Polaris that would be used and shared by the Police and Fire Department's for the Falls area. Michelle Stucky stated the Warren County Community Foundation has agreed to pay \$7,000.00 towards the cost of the Polaris.

Mike Hutchison made a motion to approve the purchase of the Polaris in the amount of \$21,740.86, less the \$7,000.00 donation provided by the Warren County Community Foundation. Jim Lanham seconded the motion. Voted and passed. Traci Latoz abstained.

Bill Lucas asked the Council if the Town was going to do Trick-or-Treat this year and if so, what are the hours. Will Holycross stated the Fire Department is planning to do their Trick-or-Treat at the Fire Station from 5:00 p.m. to 8:00 p.m.

Traci Latoz made a motion to set the Trick-or-Treat hours for 2020 on Saturday, October 31<sup>st</sup> from 6:00 p.m. to 9:00 p.m. Mike Hutchison seconded the motion. Voted and passed.

Bill Lucas reminded the Council of the Budget Adoption meeting at 6:00 p.m. on Thursday, October 15<sup>th</sup> at the Learning Center.

Vickie Strickler discussed the matching grant for Summer Park Program that she does each year and asked if the Town would be willing to pay \$2000.00 towards the cost again.

Mike Hutchison made a motion to pay \$2,000.00 towards the grant for Summer Park Program. Jim Lanham seconded the motion. Voted and passed.

Bill Lucas reminded the Council that the \$2,000.00 would not be paid out until 2021 out of the 2021 budget.

Will Holycross provided the Council with the Fire Department's monthly summary.

Will Holycross asked if there was any update on the quotes for the old Fire Station roof repairs. There was nothing to report. Will will get with Kevin Strickler to discuss this.

Mike Hutchison discussed the CARES Act money and allocating funding from that for the purchase of the Fire Department's gear. Bill Lucas will gather all expenses the Town has incurred from COVID-related expenses and look into what needs to be done to submit the expenses for reimbursement to the Town.

Traci Latoz reminded the Council that the Town will need to find a new webmaster and social media person by January 1<sup>st</sup>. The Council agreed it would be good to advertise for the position.

Traci Latoz advised that someone else will need to take over the ADA Compliance Officer by January 1<sup>st</sup> as well.

Amy Cushman presented leak adjustments.

Mike Hutchison made a motion to approve the two leak adjustments as presented in the amount of \$444.99. Traci Latoz seconded the motion. Voted and passed.

Mike Hutchison discussed application of payments received for utility bills. The attorneys will look into application of payments for bonded utilities and the discussion will continue at a future meeting.

Amy Cushman asked the Council if penalties should begin again on October 16<sup>th</sup>. The Council stated penalties should begin again in October as per the Town's current billing ordinance.

Ingrid Barce presented the Council with Ordinance 2020-1001, regarding summer sewer credit.

Mike Hutchison made a motion to approve Ordinance 2020-1001. Traci Latoz seconded the motion. Voted and passed.

Amy Cushman asked for approval on the adjusted amount of Elijah Raplee's leak from what was previously approved at the September meeting.

Mike Hutchison made a motion to ratify the adjusted amount for a leak adjustment for Elijah Raplee to \$909.01. Traci Latoz seconded the motion. Voted and passed.

Ingrid Barce discussed the Tax Intercept Program for collection of bad debt owed to the Town from a debtor's state income tax refund. Ingrid Barce will send an MOU to the Town that will need to be signed to begin the process of entering into the Tax Intercept Program.

Mike Hutchison made a motion to enter into the Tax Intercept Program. Traci Latoz seconded the motion. Voted and passed.

Mike Hutchison asked if there were any public comments.

Dave Banta asked if there was in progress made into reviewing the costs and revenue of the electric department. Mike Hutchison stated no further progress has been made and there is no time frame for when the review will be completed.

Brian Jordan asked for permission to use the electric services at the Town Park to set up drive-thru Christmas light displays this year. The Council gave their approval to use the Town's power at the park.

Dick Briles asked if there was any update concerning the Town's electric department. Mike Hutchison stated there was nothing new.

Traci Latoz made a motion to adjourn the meeting. Mike Hutchison seconded the motion. Voted and passed.

With no further business to come before the Council the meeting was adjourned.

ATTEST \_\_\_\_\_, President

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