THE VILLAGE OF PHILLIPSBURG

COUNCIL MEETING

Date: 12/17/24

Call to Order: 7:00pm

Pledge of Allegiance

Roll Call: Members present were Mayor Shawna Newsom, President Pro-Temp Brandon Myers, Donna Mullins, Heather Craft, Hope Hoard, Steve Booker. Chris Steiner is not present.

Visitors: Matthew Buker – interim Fire Chief, Mark Wysong – Chief of Police, Wendell Harleman – Water and Street Commissioner, Ben – Village Solicitor.

Mayor Newsom requests the approval of Resolution #2019 authorizing the Fiscal Officer of the Village of Phillipsburg to advance funds from the General Fund to the Fire Fund, declaring an emergency. Donna Mullins motions for approval, Steve Booker seconds. Unanimous vote approving Resolution #2019.

Mayor Newsom states that Clay Township has the check for the fire department, but the offices were closed on 12/17. Mr. Buker will be going tomorrow, 12/18, to pick up the check as he is on duty. This check was supposed to be delivered in September, but Clay Township has been out of compliance.

Mayor Newsom also states that Mr. Buker has the contract for Clay Township to sign for 2025 and will be obtaining signatures as well.

Mayor Newsom requests approval of Annual Appropriation Resolution #2020 to provide temporary appropriation funds for current expenses and other expenditures for the Village of Phillipsburg for Fiscal Year ending December 31, 2025. Donna Mullins motions to approve Resolution #2020. Steve Booker seconds. Unanimous vote to approve Resolution #2020.

Discussion among council regarding the process of writing the annual budget. Budget meeting will be in January 2025 at the regular council meeting.

Street – Wendell 10 dump truck loads of leaves, salted once, traffic lights on generator for 4 hours. Discussion about trash left on the curb at 25 E Main Street. The owner cleaned out the house and left trash on the curb. No trash pick up has occurred. Unknown what the owner is planning to do. Speculation on state of the building, whether it is bank owned or privately owned. Council members suggest using the County Auditor's website to determine who owns the house. After determination, scheduling a bulk pick up with Republic and assessing the taxes for the cost to the village.

Police – Mark thanks the mayor and council for the speed signs, and Chris Steiner for his contribution and for putting the speed signs up. Reports that more brakes lights are seen, and traffic flow is responding to the signs. Mark asks Wendell to relocate an Emergency Snow sign that is blocking the speed sign on the west end of the village. Mark downloaded the app and is working on syncing the units to pull data from speed signs to monitor traffic flow. Mark answers citizen question regarding use of actual speed activated cameras and whether they are strictly monitored by the county or if they can be rented from an outside company. Mark states he is unsure but because there was some controversy surrounding the use of those speed cameras, the

village went in an alternate direction. Mark and Leslie are on track to complete 2024 continuing professional training.

Zoning – Mark announces that regardless of who you are, if you have received a letter of violation and the due process has been followed, you may be subject to legal action. Mark met with an outside agency, a representative of the Ombudsman of Montgomery County, regarding a private zoning matter that is occurring in the village. A council member asks Mark about 204 N Lutheran Road. Mark says Leslie has finished the report but that it appears that the property is completely inside the village from the county maps and not partially in Clay Township as originally presented. Mark will do more research before approaching the homeowner again. Mayor Newsom requests this be a priority. Mark states that discharge of a firearm within the village limits is prohibited. A new roof was placed on 63 E. Main Street, though it has been vacant. A council member asks about 204 N Lutheran Rd again, not the property where firearms were discharged. A council member defers the answer to Lori Hartmann, who explains that there is a strip of land deeded to the Village of Phillipsburg that is adjacent to her son's property at 11130 N Lutheran Rd. The owner of 204 N Lutheran Road believes it's his property, and the fence line is buried. Ms. Hartmann states that there are some dead trees her son tried to remove, but the owner of 204 N Lutheran Road would not allow it. The dead trees pose harm to his barn and Lori would like this addressed. Mark will research and address. A council member asks about 63 and 65 E Main Street and the state of the houses. Donna states she heard 65 E Main Street may be in the process of renovations and sale. Mark is going to investigate the owners and address the debris but may not be able to address the structural issues. It is unclear if the properties are condemned. Discussion of removal and contacting the county. Citizen question regarding the school and boarding the windows up. Mayor Newsom states the sheriff's sale of the school fell through as they didn't realize they were purchasing a former school. Mark states he will follow current zoning processes to have the owners board the bottom windows for safety reasons. Citizen requests that Mark ask the owner of the school if he can continue to clean the property. Mark warns citizens of trespassing even if there are good intentions. Discussion of current guidelines regarding legal requirements for mowing lawns if out of compliance. Citizen question regarding maintenance of the alleyways and deeding alleyways to citizens versus maintenance under the village. Ben will research. Brandon requests Ben also research if alleyways are actual parcels, and the cost associated with each alley to the homeowner if the homeowner should agree to accept the responsibility. Citizen discussion of parcels that share an alleyway currently. Mark wishes to clarify the parcel consolidation of the gas station and adjacent property. Review, approval and discussion was just for consolidation, not for the new convenience store. Current zoning codes restrict that a drive through, which Vic wants to build, must be on one parcel of land.

Fire – Matt is going to obtain the check from Clay Township. Matt has an applicant for a part time firefighter/EMT and would like to bring him on at the Village. Currently with Ansonia and Rossburg FD, previously part of Jefferson Township FD but left due to personality issues/conflicts. Council member asks about current staffing, as they were under the impression that the FD was fully staffed. Matt states one staff member has not put in hours for 3 months. Mayor Newsom states one staff member is on medical leave. Council member asks why we are hiring another staff member, and Matt states he would like to bring this applicant on because of his experience and advanced certifications. Council members request 3 to 5 years of previous

employment records for the applicant. Matt agrees to supply the records. Citizen expresses his disagreement with that requirement. Heather Craft motions to table the hiring of Mr. Widener until employment records are obtained. Donna Mullins seconds. Yes – Steve Booker, Heather Craft, Hope Hoard, Donna Mullins. No – Brandon Myers. Motion tabled. Clay Township contract to be signed for a 3-year contract at the same percentage.

Brandon – nothing new to report

Donna motions for approval to pay bills. Brandon seconds. Unanimous vote to approve payment of bills.

Park – Heather states plans for the Village Christmas Party finalized for Sunday from 12-2pm at the community center.

Fire – Hope requests information regarding overdue bills for the FD. Mayor Newsom says Matt is addressing the current situation. Heather has several questions regarding bills that have overdue balances. Matt is reaching out to several companies to assess the status and will let Mayor Newsom know the outcome.

Street – Chris not present.

Steve – nothing new to report.

Brandon Myers motions to move to Executive Session to discuss appointment of a potential Fiscal Officer. Donna Mullins seconds. Unanimous vote to enter Executive Session. Mayor Newsom excuses the public for executive session at 7:55pm.

Resuming regular session at 8:08pm.

Mayor Newsom requests to table the discussion regarding the appointment of Fiscal Officer as the candidate could not be present at the meeting. Hope Hoard motions to table the discussion of appointment of Fiscal Officer. Heather Craft seconds. Yes – Steve Booker, Heather Craft, Hope Hoard, Donna Mullins. No – Brandon Myers. Discussion tabled.

Hope wishes to resume the discussion regarding the issue of the trees. Brandon Myers motions to resume discussion. Donna Mullins seconds. Unanimous vote to resume discussion. Hope proposes that the Village pay one-third of the cost, $1334, to remove the tree. The other two-thirds, $2667.00, of the cost would come from the homeowner and the property owner. Discussion regarding who would receive the assessment on taxes for the removal if the village pays for total cost of the removal. Citizen requests splitting the cost 50-50 with the village and expresses concerns regarding who is responsible for the tree. Another citizen suggests this is a good decision to take the 50/50 split. Council member says the homeowner chose the 3-way split. Discussion regarding remaining wood in the yard. Brandon poses the question to Ben about setting precedence with this decision. Discussion regarding the trees that were tagged in 2021 and discussing with the homeowners about removal. Steve Booker motions to split the cost 50-50 for removal of the tree with the homeowner. Brandon Myers seconds. Unanimous vote to split the cost approved. Mayor Newsom poses the need for a specific letter to the villagers regarding removal of the marked trees. Discussion regarding assessing taxes if the village removes the trees or notification of the homeowner to give them the option to remove the tree themselves

without a tax assessment. Citizen requests clarification on timeline for removal. Council says it would be something like 90 or 180 days. Discussion regarding tax assessment collection and how often the village receives their portion of the assessments. There are only 2 trees left on the list from 2021 slated for removal. Discussion regarding what is appropriate to place in the easement area.

Mayor Newsom opens the floor for public comment.

Citizen asks if there is an active fiscal officer. Mayor Newsom replies no and states they are having a meeting to discuss employment in the near future.

Citizen resumes discussion regarding what can be planted in the easement area. Mayor Newsom addresses the citizen and what was placed around the hydrant. Ben states that the village is responsible for the easement and can dictate what is placed there. A council member requests addresses of those that have something other than grass in their easement to better understand the situation. Citizen refuses to provide addresses at any point.

Citizen asked if there was a website for the village and if they were considering making one. Brandon states there is no website just for council members. Brandon has obtained a .gov domain that needs to be established when the new fiscal officer takes over. Discussion regarding using a paid for email domain to avoid issues with Sunshine Laws among the council.

Citizen asks how to request public records with no fiscal officer. Mayor Newsom says there is no new process, and someone will fulfill the request. Turn around times will be extended due to no fiscal officer, and a reasonable amount of time will be necessary.

Citizen Keith request more clarification on maintenance of trees on the easement versus planting things in the easement. Discussion by Ben regarding why it's important to maintain the easement and why the village has the authority to do so. Citizen comments on the fact that legal issues have arisen well after the planting of the tree on the easement so it becomes a gray area. Keith requests to create a public ordinance, but Ohio Revised Code has guidelines that the village follows. Citizen asks if a homeowner wants to remove a viable tree in the easement, do they need to notify the village or get permission. Ben will research the answer to the question.

Citizen asks about bushes and trees encroaching upon the sidewalk. Mayor Newsom responds that zoning would issue a violation to enforce the cutting of the bushes or trees to make the sidewalk accessible. Issues reported on East Main Street and West Main Street. Citizen asks if there is a way to assist Wendell with these matters if the village needs to clean up the violation in a volunteer capacity.

Mayor Newsom says that there will need to be an established guideline on what is able to be planted in the easement. Citizen asks if there is a way for volunteer work to help with clean up the trees and the easements if the village proceeds with this type of project. Mayor Newsom says they could volunteer as long as they sign and turn in the waiver that the village has prepared.

Citizen requests to know if there is council discussion regarding assistant chief position. Mayor Newsom says they will be going into Executive Session in the very near future. Citizen would like to know if the discussion will all matters, including the change of SOPs and people stepping down. Mayor Newsom does not have that information at this time. Citizen recommends looking

into the ability of an interim chief to change SOPs and believes that would solve the current issues. Citizen requests an answer to the internal investigation into these matters. Citizen states the hours issues stemming from the change in SOPs resulted in an undue process to appoint Mr. Reser as interim chief. Citizen states he followed chain of command and was then terminated unfairly for insubordination as a result of the SOP change and no application process. Citizen states this situation could have been avoided. New chief Mr. Buker has this information from the citizen. Citizen discusses his advanced certifications, and he is angry because he could be taking these calls instead of Brookville. Council members request the SOPs and changes made. Citizen states he will send emails he has of the changes made and when they came into effect. Discussion about when the changes were made to the SOP under former Chief Rohwer.

Mayor Newsom issues the following statement: From the Mayor I have been the Mayor of Phillipsburg for about a year now. I am not perfect, but I have done my best to familiarize myself with the responsibilities of the job and carry them out to the best of my ability. Big changes take time, and the problems we have in our little village have been festering for a long time. Of course, I've made mistakes, as everyone does. And If I've made an error, I own it, learn from it and take action to not make the same mistake again. I care about this town. I want what is best for this town. I have made sure that all of my decisions follow the laws of the State and the Village. I believe in giving people employed under me the opportunity (by working with them) to get them where they need to be in their position. Unfortunately, we have been set back by several resignations and I am working every day to find the best people to make the Village successful. We are also considering establishing a Village Administrator to overhaul zoning and road maintenance - both of which I recognize are top priorities for many residents. I applaud the community coming together and taking an interest in the Village's operations. It's always been a wish of mine. Lack of community involvement has been an issue for some time and I'm glad to see people coming together no matter what the catalyst. That being said a small group of people have called for my resignation and have constantly spread lies, belittled and harassed me over the past couple of months. Some publicly and some anonymously. Just because lies are repeated over and over do not make them true. For example, I have not fired or suspended any firefighters during my time as Mayor. Anyone who has left the Department has done so voluntarily. Others call for certain employees to be terminated, but the Village must follow the law, investigate the allegations and provide anyone accused of misconduct a fair hearing. We finally have our speed signs up, which I hope is a sign of progress. Despite what you may read on social media this was a collaboration between myself, the police chief and council. Granted it took a while to get them up as Councilman Steiner generously worked with Wendell to get them running without the need to hire outside contractors and cost the Village more money. Hopefully, we will be able to use the data from the signs to continue to slow down traffic through town. I hope everyone can see through the smear campaign against me and I look forward to working with everyone in the Village to provide a brighter future for our little town. If not, I wish the next Mayor the best of luck - they will need it.

Donna Mullins motions to adjourn meeting. Heather seconds. Unanimous vote to adjourn. Meeting adjourned at 9:01pm.

Shawna Newsome Mayor

VACANT FISCAL officer Position