

## Council Meeting

January 2, 2008 – 7:27 am

The meeting was called to order by President Spaetti, Councilmen Spaetti, Bunner, Ebert, Kroeger, Kress, Cochenour, Winsett, and Attorney Wetherill were present.

### Board of Zoning Appeals Appointment

Spaetti explained that the commissioners appointed Charles Waninger as the commissioner appointment to the Advisory Plan Committee, putting him also on the Board of Zoning Appeals. Since Waninger was the council's appointment for the Board of Zoning Appeals, the Council needs to appoint someone to serve the balance of Waninger's term. Spaetti explained that Jerry Embry has expressed interest in being the appointment. Cochenour made a motion to appoint Jerry Embry. Ebert seconded. All in favor.

### Luce Township Regional Sewer District Board Appointment

Spaetti stated that two people have submitted a request to finish out McMican's term on the LTRSD Board as the council's appointment, Norman Feige, who spoke at the last meeting, and Christian Decker. Spaetti asked Decker if he would like to address the council. Decker stated that he owns a business in Reo, Industrial Environmental, which maintains industrial wastewater treatment systems throughout the Midwest. He stated he is an environmental engineer. He further stated that he would be a rate payer within the LTRSD. He offered his help to move the project forward. Spaetti asked Decker what his goal would be if appointed. He stated that there needs to be some changes made. He stated he would step back and communicate with the community. He seldom has heard someone say they do not want sewers. The concerns have been about the type of sewer and personalities on the board. He stated he would first find out if the community wants a sewer, if yes, then how can we do it as economically as possible for the citizen. He stated the main problem currently is communication.

Kroeger asked if Decker would have a conflict of interest since he is in the wastewater treatment business. Decker stated no, he would not be interested in doing local work and his equipment is not designed for municipal maintenance.

Kroeger stated that the person appointed needs to be flexible and willing to compromise. Decker stated that he would be "willing to lose the battle to win the war."

Wetherill asked Decker if he would be willing to come to the meetings on a monthly basis and update the council. Decker stated yes; for this to work it needs the backing of the council, the commissioners, and the community.

Ebert stated that he appreciates Feige's and Decker's willingness to come forward. Winsett stated that the council appreciates the knowledge of both of the candidates.

Feige joined the meeting.

Spaetti asked Feige what his goal would be if appointed. Feige stated that the project is in a hole. The project cannot be done as engineered. The community cannot afford it and there is no way, under the present direction that the project will succeed. He further stated that alternate systems can be explored for small areas and septic systems for the rest. Kroeger asked if he was saying that everything spent up until now would be lost. Feige stated yes, the majority of it. The plans may be used to help with looking at alternative smaller systems in Hatfield and Richland. He stated the five months need to be used to look for alternate financing because Rural Development funding will not be available if the system is changed. Kroeger stated that the council has difficulty cutting the cord, but personally he would like to think there is a way to move forward with the current plan. The council made a commitment to the current plan and if it is changed then the council has every right to reconsider funding if the plan is changed. Kroeger further stated that the county may be stuck paying off the debt. Feige stated that the council under funded the project in the beginning. Kroeger corrected Feige stating that the council was not the source of funding for the project. Spaetti stated the council was just helping to buy down the rate. Ebert stated that the council is not in control of the sewer board; the board has to decide what direction to take.

Wetherill stated that positive movement has come from Rural Development who says the project is workable. Wetherill stated his fear is that if the sewer board is dissolved then Rural Development will be gone. Wetherill asked Feige if his intent is to dissolve the project. Feige stated it is his intent to present to the council a realistic view of the project; at the present time the program is a disaster that the community can not afford. Ebert

introduced Feige and Decker and encouraged them to work together. Spaetti asked Feige and Decker if a project could be presented with a monthly bill of \$65 or less, would either of you be willing to work toward that. Feige stated yes, but the reality is that it cannot be done.

Kroeger stated that every time Commonwealth has come before us they have stated that this project will work and Rural Development will come up with the extra money to get the rate at \$65. His concern is that Feige might polarize the board and the appointment the council makes needs to have the ability to compromise. Kroeger asked Wetherill if Commonwealth can be sued if Feige is correct and they are lying. Wetherill stated that it is possible but it is very difficult to prove.

Winsett stated that the problem is both sides are saying different things and we do not know who to believe and the people in the community are in the same position.

Ebert stated that all across the state the cost of the chemicals needed to maintain the systems has increased and it is not factored in. Winsett stated that is another reason why these next few months should be used to step back and find out if the majority of Luce is in favor of getting a system. Spaetti asked if that would be what Winsett would do if he were appointed. Winsett stated yes.

Kroeger stated that it is likely things will come up then in the next few months that Winsett would not be able to vote on if appointed. Winsett stated that councilmen serve on other boards which the county gives money to and he does not see a difference. Wetherill stated the difference is that there is not possible litigation. Winsett stated that he still feels he should be the appointment to finish out McMican's term with the help of the other two candidates.

LTRSD board member Ingram stated that Decker works overnight out of town and he is concerned he will not be able to make all of the meetings. Decker responded that he sets his own schedule and he would work around the meeting.

Ebert made a motion to appoint Winsett. Bunner asked Winsett if he would change the direction of what is currently being done. Winsett stated absolutely not. Cochenour stated that he feels the good will out weigh the bad.

Kroeger agreed that the good would out weigh the bad, but explained that a conflict of interest can be a real problem especially if there are law suits involved. He further stated that it is possible that board members can be held liable.

Shelton stated that the decision to make the next payment to LTRSD will have to be voted on before the next appointment. By ordinance half of the payment is made in May so it will have to be voted on in April. Kroeger stated that the council could just change the ordinance.

Feige asked the council what happened with the arbitration. Spaetti told him that the arbitration needs to be offered to the sewer board.

Kroeger stated that he hoped that Feige and Decker stay involved even if Winsett is appointed, because another appointment will need to be made in April.

Spaetti stated that in the packet was a letter from the Friends of Richland in support of a system being put in Richland.

Ebert made a motion to appoint Winsett to the LTRSD Board. Cochenour seconded. All in favor with Winsett abstaining. Spaetti told Winsett that the council hopes he will work with the board.

Ebert made a motion to adjourn. Bunner seconded. All in favor. The meeting was adjourned at 8:26 am.

County Council,

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President

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Attest:

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Cindy Shelton, Auditor

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