

RECORD OF PROCEEDINGS

VILLAGE OF PLYMOUTH

Committee before Council

Held January 10, 2023

Page 1 of 2

The Village of Plymouth convened in Committee on January 10, 2023 at 6:51PM in person. Fryman called the meeting to order with the following members and visitors present:

Mrs. Susan Moore	Present	Mr. Matthew Patrick	Present
Mr. Richard Hurles	Absent	Mrs. Hannah Carter	Present
Mr. Jeff Brown	Present	Ms. Susan Broderick	Present

EMPLOYEES: *DiAnn Jamerson, Fiscal Officer; Tom Hintz, Police Chief; James Burton, Administrator; Rebekah Fearing, Tax/Court Clerk.*

Mayor Fryman stated the three resolutions tonight are housekeeping items. She will go over them briefly in case anyone has questions.

GovDeals

We do this annually to allow us to sell unused or unneeded items on the online auction site.

EPA – grant for amplified listening device

This is to authorize the Administrator to apply for grant funding through the EPA for an amplified listening device. The grant would be for up to \$10,000.00.

Administrator Burton stated if we had a good quality device it would save time and money by allowing us to search for the leak and not waiting for someone to be called in from a leak location company.

EPA – grant for generator

This is to authorize the Administrator to apply for grant funding through the EPA for a generator for the water distribution system. The grant would be for up to \$50,000.00. Any overage would come from Village funds.

Administrator Burton stated this generator would be for the water pump station by the Cemetery in New Haven. Burton stated if the electric goes out like it did during the ice storm in 2005, this would allow for continued water service.

He will try to get other quotes if we are awarded the grant.

Mr. Patrick stated that Plymouth Locomotive is currently in negotiations with Ashland railway regarding the installation of the spurs. Patrick stated he would like to be moved sometime in the spring.

Mr. Patrick also asked about the situation with Plymouth Hardware.

Solicitor Burton stated he reviewed the information regarding the liability for possible water/sewer utility overcharges. As he saw it there are two parts to the issue. 1) his responsibility as the owner and 2) Village responsibility.

Burton stated Ohio municipal corporations have a limited liability. There is a distinction between government functions and proprietary functions. The liability is determined by the Ohio revised code chapter 2744. Statute 2744.05 places a limitation of two years for making a claim. The entity is not liable unless it can be shown that the Village action 1) had malicious purpose 2) done in bad faith or 3) wanton or reckless manner.

As he looked at the facts there is common ownership of the 2 buildings. Burton stated he does not see any malicious conduct or bad faith or wanton or reckless behavior. He stated it is fact based. As for who is at fault, needs to be determined.

Mr. Patrick and Ms. Broderick stated it was probably both. Broderick stated what she heard from the owner and what she was told by Deb was several Administrators ago it was shut off and Deb was told to ignore the question of billing. Mr. Shank stated that his wife pays the bills and he didn't realize it was being paid.

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Page 2 of 2

It was stated it has not been billed since April. Mr. Patrick stated aren't we admitting guilt since it is not being billed now. Patrick also asked if the Village could reimburse or give him credit to to the owner for the statue of limitations.

Solicitor Burton stated we could out of moral obligation. Patrick stated he felt we should settle on the two year period. Burton stated we could on the basis of moral obligation.

Committee adjourn at 7:08PM.


DiAnn Jamerson, MMC, Fiscal Officer

All formal actions of the Village of Plymouth concerning and relating to the adoption of resolutions and/or motions passed at this meeting were adopted in a meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.