

RECORD OF PROCEEDINGS

VILLAGE OF PLYMOUTH SPECIAL SESSION

Held September 16, 2022

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The Village of Plymouth convened in Special session on September 16, 2022 at 5:56PM in person and streamed live on Facebook. President Pro-Tem Broderick called the meeting to order with the following members and visitors present:

Mrs. Susan Moore	Present	Mr. Matthew Patrick	Present
Mr. Richard Hurlles	Present	Ms. Susan Broderick	Present
Mr. Jeffrey Brown	Present	Mrs. Hannah Carter	Absent

EMPLOYEES: *DiAnn Jamerson, MMC, Fiscal Officer; James Burton, Administrator; and Rebekah Fearing, Tax/Court Clerk.*

Visitors and other employees: *None*

Motion to excuse.

It was moved by Mr. Brown and seconded by Mr. Hurlles to excuse Councilwoman Carter.
Motion carries 5-0 **Motion 1**

President Pro-Tem Broderick stated the meeting was being held to discuss the purchase of the Dump truck and possible legislation allowing for the purchase.

Mr. Patrick stated he found a 2021 F350 DRW 4x4, with a 9' bed and a 9'2" Power-V DXT plow. He stated he sent the information to all the council members but Susan Moore because he did not have her number. It has 400 miles on it. He originally wanted \$69,700.00 but Mr. Patrick talked him down to \$63,000.00. The gentleman had a business and the partner decided to walk away from the partnership and he was selling the truck. The current owner paid \$500.00 extra to have a special feature put on the blades. This is an F350 not a F550.

He stated if a better deal could be found that's good. He stated it has a 9' bed which would save us from having to get the leafbox fixed.

Administrator Burton stated the 350 comes with a residential V plow. We need a commercial plow. The F350 does not hold enough salt to cover the town in one trip. It would cause multiple trips. But if the Council will not approve the 5500, he found a new 2022 Chevy Silverado 3500 HD Chassis Cab work truck 4WD regular cab. It has 6.6L V8 Gas engine, includes steel bed and work box (Tool box), Snow Plow prep package, and upfitter switches, and is white. The price on the website was approximately \$60,000.00. He has a call into the dealership to see what the cost for the Village would be. The final price could be lower. He is also waiting on some calls back regarding a plow.

Discussion took place on the plows. The different sizes 9' vs. 10', v-plows vs. regular. Administrator Burton stated there was a change made from the size of the truck previously ordered from a 5500 to a F350.

Mrs. Moore stated a municipality does not usually buy from individuals.

The Fiscal Officer stated her and the Administrator had spoke to the Solicitor regarding the process to purchase the truck Mr. Patrick found. She handed out the letter from the Solicitor it was as follows:

1. In Ohio, ownership of vehicles is strictly by title. Until the truck is titled into the Village's name, it does not own the truck.
2. If the title is in a business name, then a determination must be made as to the type of business. For instance, it might be a corporation, limited liability company, or partnership. Depending on the type, there will be a necessity for the business to provide written evidence of the right to sell, such as a Director's Resolution or Member/Partner Consent. Until and unless there is agreement within the business organization, the required authorized signature cannot be obtained or relied upon for a clear title.
3. The financial status of the business should be checked. If the business is financially stressed and now in bankruptcy/receivership or goes into bankruptcy within 90 days of sale, then the sale could be viewed as an attempt to avoid creditors. This results in the return of the truck and possible loss of payment. I am not a bankruptcy attorney, but this matter should be looked into.

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4. If the truck is financed, then a written payoff from the bank/finance company should be provided by the seller. The seller must request this. The written payoff should provide a sum certain by a specific date.

5. The seller will probably not be able to provide any warranties. Likely there will be separate manufacturer warranties on the truck and add-on's such as the bed, plow and salt spreader. Transfer of warranties should be verified. Also full disclosure to the manufacturer should be confirmed. Secondhand ownership or certain uses could void a warranty. All warranties should be in writing and transferred to the Village by the manufacturer, not by the seller.

6. If the seller holds title by a Memorandum of Title, then inquiry should be made as to the expected length of time the bank/finance company can provide a clear title. It may take several weeks before this is completed.

Discussion took place as to why the 5500 was needed over the F350

Ms. Broderick stated this should have went to service committee first.

Additional discussion on the plow also stated v-plows are for parking lots. The only V plow the Village had was on the Dodge truck. There was a question on the size of the plow that was purchased last October. It was stated it was a 10' western commerical plow. There is a difference between a residential and commerical plow.

Mr. Patrick then called the owner of the truck. The owner stated it was a Boss commerical V-plow. It was 9'2" power DVT (stainless steel) plow. He gave additional information on his truck and said it was owned by the partnership.

It was stated this truck would be considered used because it was previously titled even though it only had 400 miles.

Administrator Burton stated when using a V plow that had extra flaps the snow still comes over the top. He also stated they are not good on the road.

Ms. Broderick stated we need all the information on both vehicles.

Mrs. Moore stated she would also like to have more information. She also stated the original truck the Village was going to purchase was a 5500.

Ms. Broderick stated we need the best truck for the job/jobs needed. She also stated again a service meeting should have taken place on the truck.

Administrator Burton stated he felt there should be a service meeting once per month. But we have not had one lately.

Mr. Hurles asked since we have the freightliner and the 450, will the 350 work.

Administrator Burton stated as long as we watch how it is used. And how much salt and load we carry in it.

It was agreed to get all the information and meet again. The Fiscal Officer is to send an email to Mr. Patrick with the information from the Solicitor that will be needed to for the purchase of the truck, and he will send it to the seller. They will meet again to discuss.

Administrator Burton is to get the specs for the plows and the cost of the truck he found and when the plow will be available.

Additional discussion took place.

It was decided that once we get all the information, a decision will be made.

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Motion to adjourn

It was moved by Mr. Patrick and seconded by Mrs. Moore to adjourn at 6:55PM.

Motion carries 6-0

Motion 2


DiAnn Jamerson, MMC, Fiscal Officer


Susan Broderick, President Pro-Tem

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.