

**Burton Village Council
24 August 2009**

Mayor Blair called the Council meeting to order at 7:00 PM.

Roll Call: Judy Beaumier, No, Gerald Rouge, Yes, Linda Swaney, Yes, Darren LaForce, Yes, Jeff Coleman, Yes, Craig Ronyak, Yes.

Visitors: Dianne Lillibridge, Joyce Blair, Marcianne Kimpton, Jennell Dahlhausen, Jane Koroshes, Lee Koroshes, Chip Hess, Josh Echt, Richard Smigelski, Todd Hicks, Mike Lester, Judy Lester, Mike Sestak, Vicki Katwica, Ken Kleve, Brian Johnston, William Clark, Joe Kozial, Jack Garner, Mike Miller, Jim Dvorak.

Police Report:

Chief Smigelski presented to Council the report for the month of July. In July officers responded to 278 activity calls, put 4476 miles on the police cruisers, made 19 traffic stops and wrote 6 citations. The Police Department will be participating in CASA on 12 September at the Geauga County Historical Society Century Village from 11- 2PM. Some the Safety Town equipment and set up will be displayed. Safety Town was held in early August. Chief Smigelski stated he has received sponsorship from a number of area businesses and Claridon, Burton and Troy Townships. These donations make it so that no child who wants to attend is turned away for economic reasons. This year there were 33 kids who attended. They participated in a number of programs including RAD Kids, 911 safety, Fire safety demonstrations and a helicopter landing. Wal-Mart made a \$1000 donation this year.

Fire Chief Report:

Chief Sestak came before Council to ask for a one time increase to the operational fund of the Burton Volunteer Fire Department (BVFD). The increase would go towards the purchase of a new crew response vehicle intended to replace the existing crew vehicle and eventually the Brush Fire truck. The total cost of the new vehicle would be split between Burton Village, Burton Township and Claridon Township. The new vehicle is a 1 ton Dodge crew cab with a diesel engine. The Village's portion would be \$14,000. This includes the purchase and outfitting of the vehicle. Council discussed. Council made clear that this was not part of the regular contract. Mr. Paquette informed Council that if they wished to contribute they would need to make a motion tonight and then pass a resolution at the next meeting to obtain an amended certificate of revenue and appropriations.

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Mr. Coleman moved to increase the 2009 budget by \$14,000 and to provide those funds to the BVFD for the purchase of a new crew vehicle as a one time operational need. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Darren LaForce – No, Craig Ronyak – Yes. Motion passed.

Solicitor Report:

Mr. Hicks had nothing to report.

Engineer Report:

Mr. Hess reported that the North Cheshire project was substantially complete. There is a punch list of items to complete and Mr. Hess will follow up with the company to see that they are completed. D.B. Bentley has submitted a pay request and the Mayor signed off. Mayor Blair asked if the crack sealing was being done. Mr. Hess responded that crack sealing was a separate contract and would be handled with Mr. Motil. Mr. Coleman asked if Mr. Hess had looked at the flow of water off the roadway. Mr. Hess stated that he had been out looking around during the last big rainstorm and noted that most of the water flowed off the road correctly. There were only two areas that need to be addressed.

Zoning Inspector Report:

Mr. Miller noted that he had issued three permits and met with several resident and business owners to address issues and possible permits. Gas town USA wants to put up a different sign and covering at the station. The Historic District is also looking at this.

There is a possible restaurant going in at the Apple Butter properties.

Ordinances and Resolutions:

Mr. Coleman moved to adopt Ordinance 2182-09, amending section 121.01 of the Codified Ordinances, so as to allow one meeting per month in June, July and August. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Darren LaForce – No, Craig Ronyak – Yes. Ordinance 2182-09 is adopted.

Mr. Coleman place Ordinance 2184-09, amending the amount the Mayor can charge for a Mayors Permit Bond, on second reading.

Mr. Coleman introduced Ordinance 2185-09, amending the membership requirements for the Planning Commission, and moved to waive further readings. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Darren LaForce – Yes, Craig Ronyak – Yes. Motion carried.

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Mr. Coleman moved to adopt Ordinance 2185-09 and Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé – No, Darren LaForce – Yes, Craig Ronyak – Yes. Ordinance 2185-09 is adopted.

Mr. Coleman moved to adopt Resolution 2009-19, adopting the National Incident Management System for the Village. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Darren LaForce – Yes, Craig Ronyak – Yes. Resolution 2009-19 is adopted.

Fiscal Officer Report:

Mr. Paquette asked Council for a motion to pay all approved bills. Mr. Coleman so moved. Mr. Rougé seconded the motion. By voice vote, Council approved.

Mr. Paquette asked Council if there were any comments or changes to the 27 July minutes. There being none, Mr. Paquette asked for a motion to adopt the minutes as written. Ms. Swaney moved to adopt the minutes as written. Mr. LaForce seconded the motion. By voice vote, motion approved.

Mr. Paquette reported the following:

County Budget Commission met on 18 August 2009. Treasurer Hitchcock recommended that the Village reduce the amount collected for the Fire Levy for one year because of the amount in carryover. There was an overall reduction in state and county support. Planning the 2010 Budget should start now. I would like to give the Department heads the draft budget by 1 September. I am asking for a response by 30 September.

Reducing the collected amount of taxes for the Fire Levy requires that Council pass a resolution amending the certification of taxes and asking that for the next fiscal year taxes be collected at a lower rate. This does not void the passed levy which goes back into full effect the next year, unless you opt to do this again. Figures for the amounts to be collected using 2, 2.5, 3, 3.5 and 4 mills vice the full 4.75 were provided to Council. We will have \$156,000 carryover at the end of 2010. Council discussed and will take up again at the next meeting.

Linda McKinney resigned as crossing Guard. Mr. Paquette noted that Chief Smigelski is working on finding a replacement.

Capital Improvement Plan – the Mayor is going to call a meeting.

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Regarding the proposed revised Personnel Manual, Mr. Paquette asked if Council wanted him to write an ordinance.

Allen Wozniak spent \$41.56 for lunch while on the road and asked for reimbursement. Personnel manual allows for \$30.00, which is what I will allow. Mr. Wozniak asks that because of the confusion and unfamiliarity with the Manual, that he might receive the entire amount. Council deferred to the current Personnel Manual amount of \$30.00 or \$15.00 per person.

Finance Audit started 17 Aug. The auditors are projecting an ending date of 10 September.

Permissive tax was received from Geauga County. The money for D. B. Bentley's first pay request will come from Permissive Tax, Water Distribution and Street Capital.

Next Chamber of Commerce meeting is Sep 10 2009. Gilbert Goldberg District Director of the Small Business Administration is the speaker.

Mr. Paquette asked Council if Village attendance at the Geauga County Safety Council is still desired. Village is not eligible for the 2% refund. Cost is \$15 per luncheon. Council deferred and chose not to take up the subject at this meeting.

Mr. Paquette reported that Mr. Kleve has proposed a 5% or \$1.00 increase in the base rate of water per quarter. A resolution will go before BPA at the next meeting.

Old Business;

Mayor Blair swore in Mr. Rougé to be a member of the Historic District Review Committee and the Planning Committee. Mayor Blair swore in Linda Swaney as a member of the Tree Commission.

Mayor Blair noted that he had received a request for a donation from a group that provides stuffed bears to Police and Fire Departments in the county for distribution to children in stressful situations. Council discussed. Ms. Swaney moved to provide a donation from the Village at the single donation level. Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Gerald Rougé – Yes, Darren LaForce – Yes. Motion passed.

Mayor Blair thanked the contractors and Mr. Hess for the great work done on North Cheshire.

Old Business:

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Ms. Dahlhausen addressed Council with regards to the collection of delinquent income taxes in the Village. Over 30 taxpayers remain delinquent. Last year several people took advantage of the penalty abatement opportunity the Village and CCA offered. The list before Council represents the remaining individuals. Council has the option of taking these individuals to Court. Council discussed this option with Mr. Hicks. Each individual would have to be a separate filing. Mr. Coleman moved to have Mr. Hicks draft and file lawsuits against all delinquent tax payers owing amounts over \$2,000.00. Mr. LaForce seconded the motion. Roll Call: Jeff Coleman – Yes, Darren LaForce – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Craig Ronyak – Yes. Motion passed.

Mr. Rougé asked about an update on the JEDD. Ms. Swaney reported that over the last year a lot of information was gathered on the JEDD as an alternative to annexation. As it stands right now, Kent State is the only remaining viable property in the JEDD, the fire department and Berkshire School projects being on hold. Ms. Swaney recommended that the JEDD be placed on hold at this time. Ms. Swaney stated the framework is in place should any condition change the landscape including plans for the Fire Department and/or school. The JEDD could be easily be readdressed at the time. Ms. Swaney asked Mayor Blair to let her know if the Village hears of any upcoming changes.

Mr. LaForce estimated that numerous employees at Kent State were parttime but, he stated that this was just a guess.

Mr. Rougé noted that when water went outside of the Village to Kent State there was talk of annexation but nothing happened.

Mr. Rougé expressed his opinion that the Village was not using its only bargaining tool, water, effectively enough. Council debated the pro's and con's of the issue. Ms. Swaney and Mr. Coleman felt that supplying water was a separate issue to the JEDD and Mr. Rougé felt that it was an integral part of bargaining for the JEDD. Mayor Blair explained that he also felt that this was not the time to push this through. Mr. Rougé reiterated his desire to see that this issue remained in front of Council.

Mr. Coleman presented an option to Council to purchase a Cab and Chassis from Magnam Truck in Lima Ohio for \$24,265 and a corresponding dump bed for \$5,999. The Street Department had thoroughly researched the purchase going through local and internet vendors to find a vehicle. Mr. Paquette received the go ahead from the State Auditor to purchase in this fashion. Mr. Coleman noted that there will some additional expense switching to central hydraulics and adding a plow but the cost will remain well below the initial projected amount of \$60,000 plus. The new truck will eventually replace the white pickup truck. Mr. Coleman moved to purchase a Cab and chassis from Magnam truck for \$24265

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and a dump bed for \$5,999. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Darren LaForce – Yes, Craig Ronyak – Yes. Motion passed.

New Business;

Mr. Coleman presented several quotes for various street repair jobs. Quote one was for full depth repair to an area in front of the Fire Station, on Spring Street, Cook Street, Garden Street and Goodwin Avenue. L.A. Rose had the lowest quote at \$15,200.

Quote two was for crack sealing the Main Street parking lots and some crack sealing on Indian Ridge. Ronyak Paving had the lowest quote at \$5,000.

Quote three was for curb repair at a variety of areas around the Village. Town and Country Paving had the lowest quote at \$1,350.

Quote four was for chip and sealing Kirtland Street. The job was awarded to GAR Paving as the low bidder at \$5,918. Mr. Coleman reported that he made a judgment call to get this work done because of time constraints. Mr. LaForce and Mr. Ronyak questioned the type of material used in the work and asked that in the future all Council be kept in the know about these jobs, even if it is just notification that something must be done right away.

Council discussed the quotes and the best way to proceed. Mr. Paquette reported that funds were available.

Mr. Coleman moved to accept Quote One for \$15,200 from L. A. Rose. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé –Yes, Darren LaForce – Yes, Craig Ronyak – Abstain. Motion Passed.

Mr. Coleman moved to accept Quote Two for \$5,000 from Ronyak Paving. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé –Yes, Darren LaForce – Yes, Craig Ronyak – Abstain. Motion Passed.

Mr. Coleman moved to accept Quote Three for \$1,350 from Town and Country Paving. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Gerald Rougé –Yes, Darren LaForce – Yes, Craig Ronyak – Abstain. Motion Passed.

Mr. Coleman moved to accept Quote Four as performed by GAR Paving for \$5,918. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman –

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Yes, Linda Swaney – Yes, Gerald Rougé –Yes, Darren LaForce – No, Craig Ronyak – Abstain. Motion Passed.

Mr. Coleman brought to Council's attention the fact that a new flex pole stop sign will be installed in place of the stop dummy at the intersection of North Park and North Cheshire. In addition another pedestrian crossing sign is being purchased for the new crosswalk at Goodwin/Ford across North Cheshire.

Mr. Coleman asked for Council's approval on accepting a quote from Newbury Painting Company to sandblast and paint the dump truck bed as part of maintenance. Mr. Coleman moved to accept the Newbury quote in the amount of \$1,650. Mr. Ronyak seconded the motion. Roll Call: Jeff Coleman – Yes, Craig Ronyak – Yes, Linda Swaney – Yes, Gerald Rougé – Yes, Darren LaForce – Yes. Motion passed.

Mr. Coleman reported that Mr. Motil has been working with a resident concerning a trip hazard on the sidewalk at his property. The resident, Mr. Hollingsworth, had work done on his gas main by Dominion East Ohio. The sidewalk was disturbed and has since settled. Mr. Hollingsworth has been advised that it is his responsibility to repair. Dominion has been contacted about the repair but slow to respond. The date to finish repairs is today but an extension will probably be in order. Mr. Coleman will follow up.

Mr. Coleman read excerpts from Mr. Motil's report to Council. Mr. Motil noted that North Cheshire repaving went well. The Cemetery fence prep work was completed. Leaf collection in the Park will be in-house this year.

Mr. Paquette relayed a request from Ms. Holly Lynn that Council consider putting up a bike rack uptown. Mr. Paquette will refer to Mr. Motil for options.

The annual Scarecrows display is returning to Burton and the Chamber of Commerce requested permission to use the park to display some scarecrows. By voice vote, Council approved the use of the Park.

Ms. Swaney reported that an apartment owner uptown was upset because of the loss of a potential renter when said renter could not find space to park during a Wednesday night car show. Mr. Koroshes added that the car show also often blocks the post office access. Chief Smigelski noted that he had not received any complaints until now but would look into it.

Mr. Lester, a resident from Colony Lane, complained that the Street Department had trimmed some poison sumac and poison oak from the

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side of the road opposite him and left the dead and fallen brush. Mr. and Mrs. Lester feels it detracts from their property and would like it cleaned up. Mr. Coleman will look into it.

Ms. Swaney moved to adjourn. Mr. Ronyak seconded the motion.
Meeting adjourned at 9:00PM

Mayor _____

Fiscal Officer _____