

**Council Meeting  
13 August 2012**

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

**Roll Call:** Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Charles Hauser – No, Brian Johnston – Yes.

**Visitors:** Chip Hess, John Spisak, Judith Beaumier, Mike Sestak, Joe Kozial, Ann Wishart, Marcianne Kimpton, Todd Hicks, Rick Smigelski, Jennell Dahlhausen, Sue Wayman, Jack Garner

**Recognition of Visitors:**

Mayor Fischbach recognized Mrs. Sue Wayman. Mrs. Wayman stated that on behalf of the Burton Chamber of Commerce she was presenting to Chief Smigelski a check in the amount of \$200.00 as a donation to Safety Town.

Mrs. Wayman invited the Village Council and public to a concert and wine event on Saturday in conjunction with Chambers' "Saturday in the Country" event.

Mayor Fischbach recognized Mrs. J. Beaumier. Mrs. Beaumier made a pitch for the 18 August Steak Roast at the Burton American Legion Post.

**Police Report:**

Chief Smigelski reported for July 2012. Officers worked 849 hours, put 2,606 miles on the police vehicles, answered 204 incident calls, made two arrests, and performed 31 traffic stops. The two Auxiliary police officers worked a total of 131 hours unpaid during the month. The Chautauqua event went well. During the month the Department prepared for Safety Town. Safety was conducted the first full week in August and was well attended. 24 Students were there for the program's fifth year. Chief Smigelski and Mayor Fischbach thanked Jennell Dahlhausen, Linda Swaney, the Burton Fire Department and all those fire departments, service agencies and individuals who participated and made the event go smoothly.

Chief Smigelski also noted that as a result of Village participation in the 'Click or Ticket' program and having good documentation, the Village received a portable breathalyzer.

Chief Smigelski also mentioned that all the paperwork for submission of the revised school zones in the Village had been submitted. Mr. Coleman and Chief Smigelski are working on obtaining signs for the new zones to

be put up once the changes are in effect. Mr. Paquette asked about the potential cost of these new signs and what funding needed to be in place. Mr. Coleman reported that he was researching the prices of the lighted zone signs but felt that they would be in the neighborhood of \$3000 each for a total of \$12,000. The cost of the remaining signs will be less. The Geauga Credit Union is taking donation to offset costs. When asked, Chief Smigelski reported that the School Resource Officer funding awaits grant results. If awarded, the position would not start until January 1.

**Solicitors Report:**

Mr. Hicks reported that he had reviewed the Ohio Revised Code regarding the Village request for creation of a Village Recreation Board. A Village only board would require five members, each appointed for a five year term. Two members must be school board members or appointed by the school board. All must be residents of the Village. Alternatively the Village Council could form a committee in line with the style of committee currently used. The committee members could liaison with the Berkshire Rec Association and the School Board and give the Council the information on whether or not to provide funding. Mr. Coleman suggested inviting the three Townships to participate as well. Mayor Fischbach recommended setting a matching funding goal where by the Village would be agreeable to provide a set amount of money if another Township did the same. Mrs. Lillibridge was concerned about using Village funds to pay for activities of nonresidents if the other municipalities in the School District did not participate. Mayor Fischbach appointed Mr. Coleman to liaison with the Berkshire Recreation Board and determine how best the Village could assist them.

**Engineers Report:**

Mr. Hess reported that Council had been provided an estimated cost for replacing the water line on Cook Street along with some storm sewer work and widening the curve onto Hickox at the last meeting and now was looking to find out what Council wanted to do. Council discussed. Mr. Ronyak reported that at the last BPA meeting, BPA had agreed to supply up to \$96,000 for use on the repair. The total cost of the repair would be approximately \$129,000. Mr. Hess stated that the timeline for the work would likely be end of September for engineering and bid documents, October for advertising, awarding of contract in Nov with work to be completed between November 2012 and January 2013. Mr. Ronyak moved to go forward with project and have Mr. Hess conduct engineering and prepare bid documents. Mr. Coleman seconded the motion. Roll Call: Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion is

adopted. Mr. Paquette reported on availability of finances and will present an appropriations increase request at the next meeting. Mr. Hess asked about point repairs. Council discussed. Mr. Paquette reported that only two companies bid on the work. The low bid for the point repairs went to Phil Miller Construction for a total of \$20,950 on nine sites. The repairs on Colony Lane had a low bid from Gradeline Construction at \$4,190. These amounts are currently available split between Water Distribution Repairs (\$11,600) and Street Capitalization (\$13,540). Mr. Johnston moved to accept the low bids of Phil Miller Construction for point repairs and Gradeline Construction for Colony Lane. Ms. Swaney seconded the motion. Roll Call: Brian Johnston – Yes, Linda Swaney – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Craig Ronyak – abstain.

Mr. Hess further noted that the Rapids Road project had tentatively been approved and that the Village needed to pass legislation authorizing the Mayor to go forward. Mr. Paquette stated that he would have legislation prepared at the next meeting. Mr. Hess and Mr. Paquette recommended that Council update the Capital Improvement Plan for submission with the final Rapids Road Issue I request.

**Fire Report:**

Chief Sestak reported for the month of July. There were 21 EMS calls and 2 fire calls in the Village. The Department responded to 20 EMS calls and 11 Fire calls in Burton Township during the same period. Total calls for the year is 368. The Department responded to 73 calls in July. Mr. Johnston asked how many calls went to the nursing home. Chief Sestak estimated that there were 7. Better protocols have been put in place at the nursing home to determine what constitutes a need to call the department.

Chief Sestak noted that the former Odd Fellows Hall next door to the Fire Department is ready to be demolished and that he plans on meeting with the Historic District Review Board. The cost of demolition is \$9,000 although that will go up now by about \$6,000 as asbestos was found and must be removed prior to demolition.

The 2013-2014 Fire Contract will be presented at the end of September. No increase is planned.

**Zoning Report:**

Mr. Spisak reported that he was getting caught up with complaints and requests in the Village. There is a new sign request, a request to add a ramp, and a dispute about a deck over property lines. Chief Smigelski and Mr. Motil were assisting Mr. Spisak by removing signs in the right of

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way when they find them. Mr. Spisak is also working on a lot split on South Cheshire.

**Ordinances and Resolutions:**

Council discussed Resolution 2012-14, amended appropriations. Mr. Paquette recommended holding the resolution until next meeting to adjust the request to meet the changes and charges authorized at this meeting.

**Fiscal Officer**

Mr. Paquette noted that Mrs. Wayman had asked at the beginning of the year for a donation from the Village of \$1,000 to offset the cost of flowers. Mayor Fischbach asked if the Chamber went out for bids for the hanging baskets. Mrs. Wayman did not think so. Two companies, Urban Growers and Eagle Creek Nursery, provide the flowers. Mrs. Wayman offered to bring the request to obtain bids before the Chamber. Mr. Coleman moved to provide \$1,000 to the Burton Chamber of Commerce. Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Craig Ronyak-Yes. Motion passed.

Mr. Paquette stated that there is a budget hearing at the County Auditor's office from 9:30 AM until 10:00AM.

Mr. Paquette noted that with one meeting the month, a strong potential exists for late fees on invoices to the Village. Mr. Paquette requested permission to pay utility bills, credit cards, phone bills, health and life insurance bills and the postage bills.

Mr. Paquette asked for a motion to pay approved bills. Mrs. Lillibridge asked a question about missing purchase orders. Mrs. Lillibridge wanted to know Purchase Orders were being obtained, noting that the Atwell's invoices to Police did not have Purchase Orders. Mr. Paquette explained that in the past we gave individual invoices to each officer but that did not work out. Mayor Fischbach asked Chief Smigelski and Mr. Paquette to get a blanket purchase order set up for Atwell's going forward. Mr. Paquette reminded everyone that even if the Mayor says purchase something you still need to get a purchase order.

Mr. Johnston moved to pay approved bills and Mr. Ronyak seconded the motion. By voice vote, motion approved.

Mr. Paquette asked for comments or a motion to accept the minutes of 9 July 2012. Mrs. Lillibridge noted one change, add a 'd' to cause on the last sentence of the fourth page. Mrs. Lillibridge moved to accept the

minutes as amended. Mr. Johnston seconded the motion. By voice vote, motion passed.

**Mayors Report:**

Mayor Fischbach reported that Ms. Dahlhausen has been nominated to attend Leadership Geauga. The cost is \$1,500, with Ms. Dahlhausen paying \$150 and the Village picking up the remainder. Mr. Johnston moved to allow Ms. Dahlhausen to attend Leadership Geauga and fund the Village portion. Mr. Ronyak seconded the motion. Roll Call: Brian Johnston – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes.

Safety town was a great success.

The Street Commissioner was out of town last week and the Mayor reported that he spent some time with the Street Department. The Mayor noted that while he was initially against getting a new truck this year, ongoing problems with the current red dump truck have led to a reevaluation of that position. The red dump truck had been in Preston's garage being fixed until this week. It is now back in Preston's because there is another problem. Mayor Fischbach stated that he instructed Chief Smigelski to apply for a state bid contract purchase of a new truck. Because of a short deadline the Mayor had to have this done before Council met. However this doesn't mean that the truck has been purchased. The Mayor asked Council to authorize the purchase of a cab and chassis under state government contract because of condition of the red truck and the lead time needed to purchase a new one. Mr. Ronyak moved to purchase a new dump truck to replace the red dump truck. Mr. Coleman seconded the motion. Roll Call: Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion adopted.

Chief Smigelski recommended the purchase of a snow plow at this time also. Council discussed. Chief Smigelski stated that the low bid was a Boss plow, 9.5 feet wide at around \$5,000. Mr. Paquette stated that he was unable to verify funds available at this time because he had not seen the quotes before Council met. Mr. Coleman moved to have Chief Smigelski purchase the plow. Mr. Ronyak seconded the motion. Roll Call: Jeff Coleman – Yes, Craig Ronyak – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion adopted. Mr. Ronyak and Mrs. Lillibridge commented that they would like more time in the future to review purchases before they come to Council.

**Committees**

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BZA, Board of Public Affairs: Mr. Ronyak

Mr. Ronyak reported that BZA had not met and that the discussion at the BPA meeting centered around the Cook Street repairs and the point repairs as already discussed.

BCPA, Fire, Cemetery, Local Government: Mrs. Lillibridge

Mrs. Lillibridge reported that the BCPA meeting will be on Thursday, 16 August 2012 and hopefully will have enough members present to discuss a possible fire district. The Cemetery Board met on 11 July with Mr. E. Bollinger and found some acceptable alternative to the trees he lost at the cemetery. As reported earlier, the Fire contract will be done by September and the cost will remain the same.

Streets and Health District: Mr. Hauser

Mr. Hauser was not available to report.

Community Grants, Historic District: Ms. Swaney

Ms. Swaney stated that Safety Town was successful. The contract for the intensive level study grant of the National Historic District has been awarded Yolita Rausche. A start up meeting will be held Wednesday afternoon at 4 PM in the Village Office.

Trees and Parks, Berkshire Schools, Planning Commission: Mr. Coleman

Mr. Coleman stated that he will have costs for school zone flashing lights at the next meeting.

Mr. Coleman attended the Tree Commission meeting in August. Mr. Jason Knowles of Knowles Municipal Forestry had a presentation for the Commission. Mr. Knowles promoted trees as valuable assets to the Village. The Tree Commission expressed a desire to purchase a software program from Mr. Knowles that tracked the trees and their condition. The cost is \$1800. The amount is not currently in their budget. Mr. Paquette recommended that the Tree Commission create a 2013 budget that includes this purchase. Mr. Paquette offered to attend a Tree Commission meeting or meet with Tree Commission members to assist in developing a budget for next year.

Finances, Police representative, Historic District Architectural Review

Board: Mr. Johnston

Mr. Johnston reported that there was no recent meeting of the Historic District Review Board and that the Finances were being handled by Mr. Paquette.

### **Old Business:**

No old business was discussed.

**New Business:**

Ms. Swaney asked if there were any complaints regarding the chicken ordinance. This would constitute the one year review of the ordinance as promised when it was put in place. There were no issues reported.

Mr. Coleman asked about the Burton Fox Inn and Mayor Fischbach stated that he had spoken with realtor recently and she had alluded to a possible sale.

Mrs. Lillibridge expressed her dislike of the current Council meeting schedule during the summer and would like to see Council return to two meetings a month every month. Council briefly discussed. Mr. Paquette noted that the schedule change was by ordinance so any change back would also have to be by ordinance. Mr. Paquette will draft legislation to return to regular schedules during the summer, starting next year.

Mrs. Beaumier asked if any headway had been made on the log cabin/Chamber of Commerce contract with the Village. Mayor Fischbach stated that he and Mr. Hicks were still working on it.

Mr. Ronyak moved to adjourn and Ms. Swaney seconded the motion. Meeting adjourned at 8:08 PM.

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Mayor

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Fiscal Officer