

**Council Meeting
29 May 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 – Yes, Brian Johnston – Yes.

Visitors: Jack Garner, Joe Kozial, Ann Wishart, Marcianne Kimpton, Rick Smigelski, Jennell Dahlhausen, Todd Hicks.

Police Report:

Chief Smigelski reported for April 2012. There were 211 incidents for the month, 3 arrests and 54 traffic stops. Police worked 708.5 hours and put 2406 miles on the police cruisers.

Chief Smigelski presented to Council the current proposal for a School Resource Officer. The current JAG LE Grant is available to fund the program. The grant pays 75% of the total the first and second year and reduces to 70% in the third year. The cost of the School Resource Officer (SRO) will be split between Berkshire Board of Education, Claridon Township, Burton Township, Troy Township and Burton Village. The School district will pay 50% of the costs with the remaining 50% split amongst the four municipalities. Berkshire, Claridon, Troy and Burton Township have all committed to the program. The amount everyone pays will be reduced by the amount of the grant, if we obtain it. Chief Smigelski provided a packet of information covering the SRO to Council. The packet gave some background on the need for an SRO and the duties the SRO will be responsible for. The primary goal of the SRO will be education. In the first year the SRO will be based in Berkshire High School. The SRO and the school will develop a curriculum and job description.

This is a special duty position and the officer will only be assigned to work in the school. The SRO will receive training tailored to the position. Chief Smigelski asked Council for a motion and letter of commitment. Mr. Paquette will draft the letter. Mrs. Lillibridge moved to support and fund the School Resource Officer and the submission of a grant request. Ms. Swaney seconded the motion. By voice vote motion passed without dissent. Mr. Paquette will draft the letter of commitment.

Solicitor:

Mr. Hicks had nothing to report.

Ordinances and Resolutions:

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Ms. Swaney placed Resolution 2012-11, requesting that the Director of the Ohio Department of Transportation extend the school zone designation for Berkshire Elementary school to include the crosswalk on State Route 87 at Baird Street, on second reading.

Ms. Swaney placed Resolution 2012-12, requesting that the Director of the Ohio Department of Transportation extend the school zone designation for Berkshire High School to a distance of 300 feet from the current school boundaries as it fronts on adjacent streets, on second reading.

Ms. Swaney placed Ordinance 2244-12, amending the Burton Village Traffic Control Map by revising the school zone around Berkshire High School for the purpose of establishing reduced speed limits during restricted hours and declaring an emergency, on second reading.

Ms. Swaney placed Ordinance 2243-12 on second reading. Correction: Ordinance 2243-12 was adopted on 14 May 2012.

Ms. Swaney placed Ordinance 2245-12, adopting a Tax Budget for 2013, on second reading.

Fiscal Officer

Mr. Paquette asked for a motion to pay approved bills. Mrs. Lillibridge moved to approve payment and Ms. Swaney seconded the motion. By voice vote, motion passed.

Mr. Paquette asked for comments or a motion to accept the minutes of 23 April 2012. Mrs. Lillibridge moved to adopt. Mr. Johnston seconded the motion. By voice vote, motion passed.

Mr. Paquette reported that the Geauga County Fair Board received the revenue sharing contract last month.

Mr. Paquette will be contacting the Seasonal Labor applicants, Nick Coleman and Brandon Voskion, this week.

Congressman LaTourette will be meeting with the Mayor and interested Council members to update them on possible federal and state funding sources. The meeting will be at Punderson State Park on 12 June 2012 at 9 AM.

Mayors Report:

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Mayor deferred to the end of the meeting.

Old Business:

Criteria for Arbor Day Bricks. Mayor Fischbach stated that he has the criteria for the Arbor Day Brick selection process and will provide to the Tree Commission at the end of the meeting.

Tractor Purchase: Mr. Paquette reviewed the possible tractor options and noted that based on the quotes provided the lowest price was the Kubota from Middlefield without the addition of the hydraulic chute rotation at a cost of \$19,925. Council discussed and asked Mr. Hauser for his recommendation. Mr. Hauser stated that based on the quotes provided he saw no reason not to go with the lesser priced Kubota tractor also. Mr. Hauser moved to accept the quote from Middlefield Farm and Garden for a Kubota B3000HSDC tractor with snow blower for \$19,925. Mr. Ronyak seconded the motion. Roll Call: Charles Hauser – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Brian Johnston – Yes, Linda Swaney – Yes. Motion is adopted.

Goodwin Peckham Road. Mayor Fischbach discussed with Council the repair of the Goodwin Road washout, from Peckham Road west along Goodwin. The cost of the repair is estimated at \$18,000. However Mayor Fischbach and Mr. Hauser discussed with Mr. Hess and the County Engineer and arrived at the idea of including the repair with the larger Goodwin job and the Rapids Road project. Mayor Fischbach recalled that he had asked that these projects all be combined as one and submitted for state funding. Mr. Ronyak thought that the Village was asking for them separately. Mr. Hess had asked at the last meeting that the Council decide which project they wanted to submit. Mr. Hess was not available at this meeting to answer questions. Council will finalize at the next meeting.

Cutting tree lawn grass. Mayor Fischbach opened a discussion concerning his decision to mow the grass on the tree lawns in front of businesses in the Main Street area and his request to repair the paving in the alleyway to the west of the building. Mayor Fischbach stated that the grass was being cut by the Village primarily for the Chautauqua event. The owners of the buildings were either cutting the grass on different schedules or sometimes not at all. The Solicitor confirmed that the street right of way extended up the doors of the businesses. The Village has the prerogative to maintain the tree lawns if it needs or wants to. Ms. Swaney asked if this would be an annual operation or just for this year. Mayor Fischbach asked to see how it turned out and then decide. Mayor Fischbach pointed out that Huntington Bank and the Geauga Credit

Union are maintaining their lawns and working with the Village to correct problems. Mr. Ronyak asked how certain places could be chosen to have their tree lawns maintained while others are asked to care for the area themselves. Mr. Ronyak wanted to know when the Village draws the line. Mayor Fischbach asked Council to give the program the summer to see how it worked out and then see if it should be continued. Mr. Coleman added that he felt the mowing program was implemented wrong, but the goal is a correct one.

Paving the Alleyway. Mayor Fischbach recognized the Council's concern with paving a private alleyway. Mayor Fischbach noted that he had informed Council at an earlier meeting of his intention to have the alleyway on the west side of the Main Street business area repaired as a health and safety issue. Mayor Fischbach stated that it was his intention to go back to the property owners with the cost and ask them to pay their share. Mr. Hicks noted that Mr. Hess had reported the alleyway to be private property, albeit with a public purpose. Mr. Hicks noted that the Village had two options; ask the property owners to alleviate the problem or face litigation; or repair the alleyway under a special assessment to those businesses. Mr. Hicks expressed concern over the idea of paving first and then asking for payment. Council discussed the problems associated with paving a private road. Mayor Fischbach was concerned about possible liability over use of the alleyway. Mr. Hicks pointed out that by repairing the alleyway the Village may be perceived as having assumed some of the liability rather than avoiding lawsuits. Mr. Johnston suggested that the Mayor should meet with property owners. Mayor Fischbach agreed to meet with the owners as the best course of action.

Mayor Fischbach asked about the status of the CDBG Grant. Mr. Hauser reported that the Village presents on June 7 to the County Commissioners.

New Business:

Nothing was brought up.

Mayors Report:

Mayor Fischbach commented on a report in the newspaper that questioned his authority. Mayor Fischbach reported that he met with the County Common Pleas Court Judge to clarify his authority as Mayor. A Village Mayor, by statute, is the Administrator, Executive Officer and Chief Law Enforcement Officer of the Village. The Mayor appoints officials to committees with the approval of Council and carries out the laws, rules and regulations as set forth by Council. Mayor Fischbach asked Council to contact him with questions before speaking to the paper and assured them that he was doing his best to work with them for the Village.

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Ms. Dahlhausen mentioned to Council that the Community Shred Day and Electronic Device Collection Day are 16 June 2012 in the rear Library Parking lot.

Ms. Swaney moved to adjourn and Mr. Ronyak seconded the motion. Meeting adjourned at 8:32 PM.

Mayor

Fiscal Officer