

Burton Village Council Meeting
Minutes
August 12, 2019

Mayor Hernandez called the meeting to order at 7 PM.

Visitors: Jennell Dahlhausen, Marcianne Kimpton, Joe Kozial, Bill Brooks, Richard Frenchie, Dan Demko, Rick Smigelski, Ann Wishart, Jack Garner, Ken Burnett, Debbie Demko, Erik Heatwole.

Roll Call:

Council: Ruth Spanos – Yes, Tom Blair – Yes, Nick Tromba – Yes, Bonnie Richards – Yes, Cory Brown – Yes, Charles Boehnlein – Yes.

Mr. Boehnlein moved to approve the agenda, seconded by Mr. Brown. Roll Call: Charles Boehnlein – Yes, Cory Brown – Yes, Bonnie Richards – Yes, Tom Blair – Yes, Ruth Spanos – Yes, Nick Tromba – Yes. Motion passed.

Mr. Boehnlein moved to approve the minutes of July 22, 2019, seconded by Mr. Brown. Roll Call: Charles Boehnlein – Yes, Cory Brown – Yes, Bonnie Richards – Yes, Tom Blair – Yes, Ruth Spanos – Yes, Nick Tromba – Yes. Motion passed.

Mayors Report

The Mayor will be meeting with BCPA soon.

Fiscal Officers Report

Ms. Dahlhausen said the State Auditors began the 2017 and 2018 audit.

Ms. Dahlhausen has been meeting with departments to plan the 2020 budget and projects. She also reminded Council the school submitted plans to the village for water and sewer lines. They submitted a tap in request for water service.

Mr. Blair moved to pay all approved invoices, seconded by Ms. Richards. Roll Call: Tom Blair – Yes, Bonnie Richards – Yes, Charles Boehnlein – Yes, Cory Brown – Yes, Ruth Spanos – Yes, Nick Tromba – Yes. Motion passed.

Ordinances and Resolutions

Mayor placed Resolution 2019-31, adding section 15.18 Social Media Policy to the Employee Handbook and declaring an emergency, on first reading. Mr. Boehnlein moved to waive further readings, seconded by Mr. Blair. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Boehnlein moved to adopt, seconded by Ms. Richards. Roll Call: Charles Boehnlein – Yes, Bonnie Richards – Yes, Nick Tromba – Yes, Cory Brown – Yes, Tom Blair – Yes, Ruth Spanos – Yes. Motion passed.

Old Business

Mayor stated he received a response from the Township Trustees concerning the annexation negotiation for the Hillside property. Trustee Burnett stated the Trustees have requested an agreement to share 50% of the property tax of the Hillside property forever. The Trustees felt this property had always been in the township and once it is annexed it is gone Mr. Burnett added the roads will not need to be maintained by the streets so they don't feel the village should receive a larger percentage of the property tax.

Ms. Spanos said we are not purchasing the property and the owners are requesting annexation. She is concerned because the village would be acquiring this property in the village permanently and we will be responsible for providing services to the property. She wouldn't want to see the village taking on the property with only half of the property taxes and that these residents are retired so we wouldn't be receiving income tax from most of them. Ms. Spanos added the township would receive additional property taxes during the 20-year period through the proposal the village offered the township and doesn't agree with a "forever" agreement because things change.

Mayor stated the proposal to the township for the revenue split was for years 1-3 of 80%, years 4-5 of 52.5%, years 6-12 of 40%, years 13-15 of 27.5%, and years 16-20 of 15%.

Mr. Brown agreed with Ms. Spanos on her comments and that we don't know what the future holds.

Ms. Richards asked how much the current property taxes for the property. Mr. Demko stated its about \$1,300 yearly. Ms. Richards commented that she felt the township would be making a lot more with the agreement presented from the village.

Mr. Boehnlein stated he agrees with Ms. Spanos and stated he doesn't feel 50% is acceptable.

Mr. Burnett added the trustees looked at the Middlefield agreement when making a decision and they are receiving 10% of income taxes as well. Mr. Burnett added the first couple years the tax value won't change much and by his calculations he thinks the township will only receive about 28% of the total taxes overall in the 20 years.

Mr. Tromba agrees with Ms. Spanos. He stated what the village proposed was to try to offer a fair deal for the village and township, and added the village isn't a for profit organization that is trying to make money on this deal. We are looking for what is fair for everyone.

Mr. Blair agrees with Ruth as well.

Ms. Richards reminded everyone the village would provide police services. Mr. Boehnlein added the villages contract with the Fire Department may increase if we acquire this additional property.

Mr. Demko asked Mr. Burnett if there was an addition to the motion concerning annexation. Mr. Burnett stated they also added to the motion there would be no annexation of any township property for 20 years without the Trustees approval.

Mr. Burnett stated the agreement can be changed in the future if the roads end up being maintained by the village. He said this is the townships final offer unless there is additional information that comes up that would prove we were providing services that would require the additional income.

Mr. Demko stated they plan to seek approval from the Commissioners if the village and township can't come to an agreement, which he is told can take from 9 months to one year. Mr. Demko reminded Council change does happen and gave an example of Ledgemont closing and being acquired by Berkshire, as well as Middlefield having issues of passing operating levies.

Mr. Tromba made a motion to reject the final offer of the township for 50% of the property tax and no annexation of township property for 20 years without the Trustees approval, seconded by Mr. Boehnlein. Roll Call: Nick Tromba – Yes, Charles Boehnlein – Yes, Bonnie Richards – Yes, Cory Brown – Yes, Tom Blair – Yes, Ruth Spanos – Yes. Motion passed and the offer from the township was denied.

Mr. Burnett stated water and sewer rates should support the funding for the services so they don't feel this is any additional money needed for the village. The trustees stated if we can provide numbers to them showing that we would need additional income they may change their mind.

The Hillside Village group stated they will be pursuing annexation through the County Commissioners.

Mayor asked the Police Chief if he would need anything additional if the village provided police service to Hillside Village. The Police Chief stated being a retirement community, he doesn't see much potential crime in this area but the Police Department does provide mutual aid to EMS if dispatched in the village.

Mr. Boehnlein would like a legal opinion from Mr. Hicks on the next process and a possible special meeting next week.

Mayor asked Ms. Dahlhausen if Berkshire is looking for a response from BPA for the tap in request. Ms. Dahlhausen stated there is an ordinance in place that we don't extend water and sewer service to properties outside the village without annexation. BPA supports this ordinance. It was mentioned that someone from the school should attend a future meeting to be informed of our requirements. A change to the ordinance is possible if Council decides to do so. Ms. Spanos stated she doesn't support allowing one property because then other properties can request water and sewer services as well.

New Business

There was nothing to report.

Public Participation

There was nothing to report.

Mr. Boehnlein moved to adjourn, seconded by Mr. Tromba. By voice vote the motion passed. Meeting adjourned at 7:58 PM.

Fiscal Officer

Mayor/Council President