

**Council Meeting  
12 July 2010**

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

**Roll Call:** Gerald Rougé – Yes, Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Charles Hauser – Yes.

**Visitors:** Jennell Dahlhausen, Joe Kozial, Judith Beaumier, Chip Hess, Lois Hewitt, Marcianne Kimpton, Curt Johnson, Mary Lambert, Charlie Cadwallader, Mat Mesarchik, Josh Echt, Todd Hicks.

Mayor Blair asked for a moment of silence in remembrance of Mr. Ken Kleve who served the Village many years.

Mayor Blair recognized visitors.

**Police Report:**

Police Chief Smigelski reported that there were 313 activity calls for the month of June, 3 arrests, 40 traffic stops, and 3745 miles were put on the cruisers. Officers worked a total of 783 hours

The Police Department in conjunction with the Burton Volunteer Fire Department and various County agencies, held an emergency drill at the Berkshire Elementary School simulating an explosive devise found on premises.

Safety Town is scheduled for August 11 – 14.

Mr. Hauser asked about the results for the speed check in the Village. Chief Smigelski stated that due to faulty data, the speed check device will have to be set up again on West Center. Results should be available shortly after that data is gathered. Chief Smigelski mentioned that he received several calls from residents on Carlton expressing gratitude for the reduction in speed caused by the machine.

**Engineers Report:** Hess and Associates

Mr. Hess stated that he had nothing to report and turned the floor over to Mrs. Lambert. Mrs. Lambert presented a request to Council to for permission to tap into Village Water and Sewer lines for two parcels in Burton Township on the west edge of the Village. The two properties would have one house each. Burton Township granted permission to Mrs. Lambert to seek the tap-ins with the stipulation that there be no annexation to follow. Mrs. Lambert discussed EPA regulations concerning

availability of sewer lines and the need to be able to tap-in, contending that the EPA ruling meant that the Village would have to let tap-ins happen if the sewer lines were within a defined distance of new property development. Mr. Curt Johnson, Board of Public Affairs, offered the BPA's position as one of being very cautious about once again extending water and sewer service outside the Village without gaining a share of the additional revenue offered by annexation, other than a 25% surcharge in water fees and the associated tap-in fees. Mr. Rougé expressed concern that by providing water and sewer out of the Village once again the Council would be failing to plan for the future. Mr. Rougé noted that the north and south ends of the Village were essentially blocked for development as part of the Village at this time. Mr. Coleman took a neutral position on extending water and sewer to Mrs. Lambert but felt that the former proposed expansions to the north and south of the Village, which were defeated by Village residents, were not comparable to the current request. Mrs. Lambert mentioned that West Street, while abandoned by the Village, was still owned by the Township, thus making annexation difficult. Council discussed. Mr. Hicks recapped the discussion and offered the fact the EPA regulation was designed to allow tap-in into existing water and sewer lines if convenient and only if the owner of the water and sewer lines wanted to offer it. Mr. Hicks further summarized the options before Council. The first would be to approve Mrs. Lambert's request, allowing tap-in without annexation. The second option would be to approve Mrs. Lambert's request provided the properties were annexed into the Village. The third option would be to decline to allow Mrs. Lambert to tap-in because the Village was not interested in annexation or offering service outside the Village at this time.

Mrs. Lillibridge moved to decline to allow Mrs. Lambert to tap-in at this time because the Village was not interested in annexing the property or in offering water and sewer service outside the Village. The motion failed for lack of a second.

Mr. Rougé moved to allow Mrs. Lambert to tap-in to Village water and sewer provided the properties requested annexation. Mr. Ronyak seconded the motion. Roll Call: Gerald Rougé – Yes, Craig Ronyak – Yes, Jeff Coleman – No, Dianne Lillibridge – Yes, Linda Swaney – No, Charles Hauser – Yes. Motion carries.

**Fire Department:** Chief Sestak

Chief Sestak reported that the department responded to 81 calls in June. 43 EMS calls and 1 fire call. 3 of the EMS calls were to Burton Health Care. Calls to date for the year are 396, up from 359 at the same time last year.

Chief Sestak also responded to a letter sent by the Village requesting clarification on the proposed budget. In response to the Village questions posed in the letter the Chief stated that the actual proposed 2011-2012 budget for BVFD is not available at this time but would amount to an increase of \$100,000 over the current budget to cover payroll needs. The Fire Department plans three years out. At this time the move north of town is not going forward. The historic Odd Fellows Hall next to the Fire Department will be paid for in six months and at that time a decision will be made concerning its future. As far as an additional levy was concerned, Chief Sestak mentioned that the Village has to put levies on the ballot. Mr. Paquette explained that there was not enough time to get another fire levy on the ballot for November. Chief Sestak suggested that Council work with the Burton and Claridon Townships to establish a Fire District or Fire Tax District. Council agreed. Mayor Blair asked Chief Sestak to help arrange a meeting. Mr. Hauser stated that he would do the same. Mr. Paquette reminded everyone that the levy proposed was a renewal and that the proposed contract cost presented by the Fire Department would deplete the reserves. The Council committed to try and get a levy on the May ballot that would cover the increased cost and if passed would remove the current levy. Chief Sestak agreed to reduce the cost of the contract for the coming year based until and if the new levy passed.

**Zoning Inspector:** Mike Miller

Mayor Blair reported that Mr. Miller has tendered his resignation. Ms. Dahlhausen will advertise for applicant for the position to be available at the next Council meeting.

**Ordinances and Resolutions:**

Ms. Swaney placed Resolution 2010-12, requesting renewal of the police levy in excess of the 10 mill limitation, on final reading and moved to adopt. Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Charles Hauser – Yes. Resolution 2010-12 is adopted.

Ms. Swaney placed Resolution 2010-13, requesting renewal of the fire levy in excess of the 10 mill limitation, on final reading and moved to adopt. Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Charles Hauser – Yes. Resolution 2010-13 is adopted.

Ms. Swaney placed Ordinance 2200-10, eliminating the requirement that a tree company provide bonding when performing tree maintenance or removal in the Village, final reading and moved to adopt. Mr. Hauser seconded the motion. Roll Call: Linda Swaney – Yes, Charles Hauser – Yes,

12 July 2010 Council

Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Craig Ronyak – Yes. Ordinance 2200-10 is adopted.

Ms. Swaney introduced Ordinance 2201-10, amending Codified Ordinance 913 to allow members of the Tree Commission to serve on more than one Village Board or Committee, and moved to waive further readings. Mr. Rougé seconded the motion. Roll Call: Linda Swaney – Yes, Mr. Rougé – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Motion adopted.

Ms. Swaney moved to adopt Ordinance 2201-10 and Mr. Ronyak seconded the motion. Roll Call: Linda Swaney – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Charles Hauser – Yes. Ordinance 2201-10 is adopted.

Ms. Swaney introduced Resolution 2010-16, authorizing the Fiscal Officer to request an amended certificate of revenues and appropriations.

Mr. Coleman requested discussion. The Kubota zero-turn mower used in the park and on the grounds at the water and sewer plants and street garage has been damaged needs to be replaced or significantly repaired. Three options were presented. Purchase a new Kubota mower for approximately \$11,100, purchase a replacement mower deck for the existing mower for \$3300, or purchase a mower deck shell and use parts from the existing mower for \$2000. Council discussed. Mr. Motil mentioned that new procedures were being put in place to prevent damage to mowers in the future. Mr. Coleman moved to purchase a Kubota ZD326R from Middlefield Farm and Garden and sell the existing mower on Govdeals. Mr. Rougé seconded the motion. Roll Call: Jeff Coleman – Yes, Gerald Rougé – Yes, Dianne Lillibridge – Abstain, Linda Swaney – Yes, Craig Ronyak – No, Charlie Hauser – No. Motion carried.

Mr. Paquette asked that Council waive further readings and pass Resolution 2010-16 today because the mower appropriation is in that resolution and would need to be in place as soon as possible.

Ms. Swaney moved to waive further readings of Resolution 2010-16 and Mr. Coleman seconded the motion. Roll Call: Linda Swaney – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Gerald Rougé – Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Motion passed.

Ms. Swaney moved to adopt Resolution 2010-16 and Mr. Coleman seconded the motion. Roll Call: Linda Swaney – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Gerald Rougé – Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Resolution 2010-16 is adopted.

**Fiscal Officer:**

Mr. Paquette asked for a motion to pay approved bills. Mr. Coleman so moved. Mr. Ronyak seconded the motion. By voice vote the motion passed.

Mr. Paquette asked for discussion and approval of the minutes of 14 June 2010. Mrs. Lillibridge asked for two corrections. On page 2 of the minutes, Committee Reports, Finances, second paragraph should end with the word "met". On page 7, second paragraph, second line, change 'leave' to 'live'. Mr. Ronyak made one correction; page 7, sixth paragraph, the last sentence should read 'Mr. Ronyak changed the Fiscal Officer's job description by deleting the requirement that the Fiscal Officer supervise the Deputy Administrative Assistant.'

Mr. Ronyak moved to accept the minutes as amended. Mr. Hauser seconded the motion. By voice vote the motion passed.

**Committee Reports**

BPA, PLANNING COMMISSION and ARCHITECTURAL REVIEW BOARD, Mr. Rougé;

Mr. Rougé reported that the Architectural Review Board met with Glen Harper for several hours and received information on what was needed to maintain state local government certification.

Mr. Rougé noted that the Planning Commission has not met since the last Council meeting.

BZA, LOCAL GOVERNMENT and BOARD OF REVIEW, Mr. Ronyak;  
Mr. Ronyak had nothing to report.

FINANCES, ECONOMIC DEVELOPMENT COMMITTEE, BCPA, Mrs. Lillibridge  
Mrs. Lillibridge had nothing to report.

TREES and PARKS, GRANTS, HISTORIC DISTRICT ASSOCIATION, Ms. Swaney;  
Ms. Swaney reported that trees were trimmed on Main Street and more quotes are in the works for additional tree trimming and stump removal around the Village.

Ms. Swaney reported that the Village of Burton is still working on the grant monies from the State under the auspices of the Certified Local Government status of the Village.

12 July 2010 Council

Mr. Paquette added that the NOPEC grant for LED lighting in the Park is being written up. Mr. Paquette also asked if Ms. Swaney, Mr. Coleman and Mr. Motil would meet to update the CDBG grant request for modernizing the handicap toilet access and water fountain in the Park.

STREETS and CEMETERY, Mr. Coleman;

Mr. Coleman reported that only one quote was received for curb repair in the Village. Town Country has offered to do the work for \$2600. Mr. Coleman moved to accept the bid from Town Country for curb repair in the amount of \$2600 and Mr. Hauser seconded the motion. Roll Call: Jeff Coleman – Yes, Charles Hauser – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Linda Swaney – Yes, Craig Ronyak – abstain. Motion passed. Mr. Coleman reported that the Village received a quote from GAW Enterprises to stripe the east parking after repairs are completed for \$175. Mr. Coleman moved to accept the quote from GAW for striping in the amount of \$175 and Ms. Swaney seconded the motion. Roll Call: Jeff Coleman – Yes, Linda Swaney – Yes, Dianne Lillibridge – Yes, Gerald Rougé – Yes, Craig Ronyak – abstain, Charles Hauser – Yes.

Repairs on the east parking lot start on Tuesday 13 July.

HEALTH DISTRICT ADVISORY REPRESENTATIVE, FIRE DEPARTMENT, Mr. Hauser; Mr. Hauser had nothing to report.

**MAYORS Report;**

Mayor Blair reminded Council that the open position on Board of Public Affairs and the Zoning Inspector will be advertised with applicants being interviewed at the next Council meeting.

**Old Business:**

Mr. Coleman, discussing the personnel manual, asked Council to consider how long a written warning is held in an employee file and what constitutes a misdemeanor offense. Mrs. Lillibridge mentioned that the line requiring employees to turn in their uniforms was still in the revised manual and should be deleted. It was also decided that employees updating their personal information should report it to the Village 'Office' vice the Village 'clerk'.

**New Business;**

Mayor Blair displayed the certificate of Certified Local Government presented to the Village of Burton.

Mrs. Lillibridge asked if Council needed to have Mr. Hess attend meetings if he had nothing to report, there by saving some money. Council

12 July 2010 Council

discussed with Mr. Hess and presented contractual reasons along with benefits gained in the association with Mr. Hess of having him at meetings.

Mrs. Beaumier asked Council to once again consider a single source for trash pickup in the Village, citing a recent article in the Courier where Russell Township is considering quotes for a single source in the range of \$15 to \$22 per household. Mr. Rougé will look into it.

Mrs. Beaumier also asked Council to require a permit for landscapers similar to the one for snow plow permits. Council declined.

Mrs. Beaumier mentioned that fireworks actually cost \$9000 a year to put on by the American Legion post. And the American Legion in Burton will be holding a steak roast August 14<sup>th</sup>.

Mayor Blair recognized Mat Mesarchik. Mr. Mesarchik read a prepared statement that, in summary, stated that the Village efforts to trim trees did not go far enough and that the trees were a hindrance to business because they blocked signs. Mr. Mesarchik presented copies of studies that recommended highly visible signs to attract business. Council defended the trimming of the trees commenting that the trees were trimmed in accordance with the Tree Commission and a professional arborist for their, the trees, best health. Mr. Mesarchik's request to remove more branches was declined by Council.

Mrs. Lillibridge moved to go into executive session to discuss personnel issues. Mr. Ronyak seconded the motion. Roll Call: Dianne Lillibridge - Yes, Craig Ronyak - Yes, Jeff Coleman - Yes, Gerald Rougé – Yes, Linda Swaney – Yes, Charles Hauser – Yes. Entered executive session at 9:20 PM.

Mrs. Lillibridge moved to leave executive session at 9:29 PM. Mr. Ronyak seconded the motion. Roll Call: Dianne Lillibridge - Yes, Craig Ronyak - Yes, Jeff Coleman - Yes, Gerald Rougé – Yes, Linda Swaney – Yes, Charles Hauser – Yes.

Mr. Ronyak moved to adjourn. Mr. Hauser seconded the motion. Meeting adjourned at 9:30 PM

---

Mayor

---

Fiscal Officer