

**Council Meeting
11 June 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 – No.

Visitors: Lee Koroshes, Jane Koroshes, Chip Hess, John Spisak, Judith Beaumier, Mike Sestak, Joe Kozial, Ann Wishart, Marcianne Kimpton, Kim Hotchkiss, Bob Hotchkiss, Ben Hotchkiss, Amanda Tovar, Ti Carenas, Jaina Gandolfi, Bill Thompson, Bonnie Thompson, G. Thompson, Jared Flynn.

Recognition of Visitors:

Mayor Fischbach recognized Amanda Tovar and Jaina Gandolfi along with their students. Ms. Tovar briefly explained the mission of their group was to give students from around Geauga County an opportunity to learn real world job skills and get hands on experience. Mayor Fischbach commended the students for their work in the Village helping with the park beautification project. Mr. Hauser and Mrs. Beaumier also expressed their appreciation. Mayor Fischbach presented certificates of appreciation to those students and teachers present as well as to those who could not be here. Ms. Tovar and Ms. Gandolfi thanked the Village for giving the students an opportunity to help.

Police Report:

Chief Smigelski reported for May 2012. Officers worked 790.5 hours, put 2,265 miles on the police vehicles, answered 211 incident calls, made two arrests, and 68 traffic stops.

On Memorial Day, traffic was stopped on the Village square for a short time without incident to allow for the parade and event.

The Department provided Auxiliary Officers at no cost to the Village for the After Prom event.

The JAG/LE grant was submitted on time and a response is expected in October.

Mayor Fischbach asked after the bike accident. Chief Smigelski reported that there was no serious injury.

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Mayor Fischbach asked if Chief Smigelski intended to start work on the CERT program next. Chief Smigelski explained that CERT was a Civilian Emergency Response Team trained and used in emergencies. Similar teams are in place in Bainbridge and other communities. The Chief thought an eight person team would be ideal.

Chief Smigelski and Ms. Swaney talked about the upcoming Safety Town scheduled for the second week of August. Chief Smigelski stated that he had lined up several speakers and demonstrations for this year's event.

Mrs. Kimpton asked about removing junk people have placed on their tree lawns with for sale signs. Chief Smigelski stated that he would wait and see if the items were removed by the next trash pickup and then take action to have it cleared.

Solicitors Report:

Mr. Flynn had no report.

Engineers Report:

Mr. Hess reported that he attended the Infrastructure meeting today and, based on the recommendation of the committee, asked that the Council authorize him to submit an Issue 1 OPWC grant request for Rapids Road and the Elmar Seco waterline replacement. The Infrastructure committee also suggested that the water line on Cook Street be replaced using Village funding.

Mr. Ronyak moved that Mr. Hess submit an Issue 1 OPWC grant request for Rapids Road and the Elmar Seco waterline replacement. Mr. Hauser seconded the motion. Roll Call: Craig Ronyak – Yes, Charles Hauser – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes. Motion passed.

Mr. Coleman asked if Mr. Hess was going to start work immediately on the engineering aspects of request. Mr. Hess stated that he would probably begin doing some work because it increased the points total toward getting the grant. Mr. Coleman noted that by Village Ordinance, the cost of proposed engineering required that the Village go out for bids for engineering services. Mr. Hess and Mr. Flynn noted that Ohio Revised Code does not allow for bids for service work. Service work selection, like engineering or solicitor, is based upon qualifications. Mr. Flynn and Mr. Coleman will look into the matter further.

Fire Report:

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Chief Sestak reported for the month of May. There were 17 EMS calls and 3 fire calls in the Village. The Department responded to 17 EMS calls and 3 Fire calls in Burton Township during the same period. Total calls for the year is 246. The Department responded to 46 calls in May.

Chief Sestak reported that instead of selling the third squad vehicle, the Department had applied for a Community Development Block Grant to convert the squad into an ambulance capable of handling bariatric patients. The squad would be available to any community in the County as a shared service. Mayor Fischbach asked if the vehicle was in good enough shape for the work. Chief Sestak stated that there were some overhaul costs involved but it could be done.

Chief Sestak noted that the former Odd Fellows Hall next door to the Fire Department is awaiting remediation and then would be torn down, providing a demolition permit is obtained from Zoning and the Historic District Review Board. The Odd Fellows Hall has been condemned by the County.

Mr. Coleman asked Chief Sestak for assistance in setting up a meeting with the municipal entities and fire departments who might be interested participating in a Fire/Fire Tax District. The Fire Tax District would have its own board and would contract with the fire department, controlling the tax funds. Chief Sestak thought it would be best if one of municipalities handled the negotiations from now on.

Zoning Report:

Mr. Spisak reported that the owners of the Burton Family Restaurant (formerly Belles American) have requested permission to install a hookah pipe on the patio area. Mr. Spisak stated that he didn't know of any prohibitions in Village ordinances for this type of activity. Mayor Fischbach asked Mr. Flynn to investigate.

Ordinances and Resolutions:

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 final reading and moved to adopt. Mrs. Lillibridge seconded the motion. Roll Call: Linda Swaney – Yes, Dianne Lillibridge – Yes, Jeff Coleman - Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Resolution 2012-11 is adopted.

Ms. Swaney placed Resolution 2012-12, requesting that the Director of the Ohio Department of Transportation extend the school zone designation

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for Berkshire High School to a distance of 300 feet from the current school boundaries as it fronts on adjacent streets, on final reading and moved to adopt. Mrs. Lillibridge seconded the motion. Roll Call: Linda Swaney – Yes, Dianne Lillibridge – Yes, Jeff Coleman - Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Resolution 2012-12 is adopted.

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 final reading and moved to adopt. Mrs. Lillibridge seconded the motion. Roll Call: Linda Swaney – Yes, Dianne Lillibridge – Yes, Jeff Coleman - Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Ordinance 2244-12 is adopted.

Ms. Swaney introduced Resolution 2012-13, requesting tax advances for the second half real estate tax collection on July 6th and July 13th and declaring an emergency, and placed it on first reading. Ms. Swaney moved to waive further readings. Mrs. Lillibridge seconded the motion. Roll Call: Linda Swaney – Yes, Dianne Lillibridge – Yes, Jeff Coleman - Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Motion passed.

Ms. Swaney moved to adopt Resolution 2012-13. Mrs. Lillibridge seconded the motion. Roll Call: Linda Swaney – Yes, Dianne Lillibridge – Yes, Jeff Coleman - Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Resolution 2012-13 is adopted.

Fiscal Officer

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

Mr. Paquette asked for comments or a motion to accept the minutes of 29 May 2012. Mayor Fischbach asked for one change in the last sentence of the Mayors Report on page four. Sentence should read “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. Mr. Coleman moved to accept the minutes as amended. Mr. Ronyak seconded the motion. By voice vote, motion passed.

Mayors Report:

Mayor Fischbach reported that the sidewalk replacement through the park had encountered difficulties and appeared to be beyond the capabilities of the Street Department employees to complete. Council

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discussed options with the Mayor, Mr. Hauser and Mr. Ronyak recommending that an outside contractor be brought in to complete the work before Chautauqua this July. The work must be completed as the job has already been started. Any costs beyond what is available in the Sidewalk Capitalization fund will be covered by the General Fund Contingency line item.

Mr. Ronyak moved to hire a contractor to do the sidewalk in the park for an amount not to exceed \$18,000. Mr. Hauser seconded the motion. Roll Call: Craig Ronyak – Yes, Charles Hauser – Yes, Jeff Coleman – Yes, Dianne Lillibridge – No, Linda Swaney – Yes. Motion passed.

Mayor Fischbach complemented the Police Department and Chief Smigelski on their performance at the Memorial Day parade.

Mayor Fischbach also complemented Mr. Nick Coleman, seasonal laborer, for the outstanding job he was doing.

Committees

BZA, Board of Public Affairs: Mr. Ronyak

Mr. Ronyak reported that Board of Zoning Appeals has not met.

Mr. Ronyak asked Mrs. Beaumier to comment on the BPA meeting. Mrs. Beaumier mentioned that the Board was considering an extended sewer line along East Center to pick up two or three properties on the north side that do not currently have sewer access. Mrs. Beaumier also mentioned that the Bed and Breakfast proposed for the Talcott property immediately outside the Village on Rapids Road had been given conditional permission to tap into the Village sewer provided that they agree to request annexation into the Village upon request. Circumstances have changed and the property is now preparing to be a single family home. BPA has asked that owner come back before them. BPA wants them to request annexation immediately because of the change in plans to a single family home.

Mayor Fischbach noted that the County has determined that the Village is owed approximately \$20,000 in bed taxes collected in the Village. The Village will receive the back fees over two years and going forward will receive its portion of the taxes collected. The Village is able to pass its own Bed tax that would be on top of the taxes paid to the County and the State.

Mr. Ronyak reported that, as previously discussed in the Engineers report, the Infrastructure Committee met. The Goodwin Street Project is slated application in 2013.

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BCPA, Trees, Cemetery, Local Government: Mrs. Lillibridge
Mrs. Lillibridge reported that the BCPA meeting will be next month. The Cemetery is getting a plaque to be dedicated on Founders Day. The Tree Commission has set Founders Day as June 17. Tables will be setup to pass out information and Mayor Fischbach will be presenting Arbor Day bricks. The criteria for selecting Arbor Day brick recipients have an additional category to cover recipients like the Chautauqua event.

The Tree Commission would also like anyone removing a tree from the right way to obtain a Mayors Permit. The next Tree Commission meeting is on August 6th.

Mr. Koroshes asked if those trees currently marked for removal will be taken down prior to Chautauqua. Ms. Dahlhausen stated that the Village was trying to get it done and has two contractors assigned.

Ms. Swaney noted that the Historic District Association would like the 10 year residency requirement in the Village removed from the Arbor Day brick criteria.

Mayor Fischbach read criteria for Arbor Day brick recipients as follows;

- A resident of the Berkshire Community

- A contributor to local government service for a minimum of two years' service

- A Humanitarian or Financial Contributor to the Village of Burton or Berkshire Community.

- Academic or Scholastic Achievement on a State or National Level

- A Berkshire Student Appointment to any United States Military Academy

- A significant event in the Village of Burton or an anniversary.

Mr. Coleman moved to accept the Arbor Day brick recipient criteria as read. Ms. Swaney seconded the motion. By voice vote, motion adopted.

Streets and Health District: Mr. Hauser

Mr. Hauser reported that the beautification of the Village public areas was proceeding nicely. Mr. Hauser restated earlier comments about the great job Nick Coleman was doing for Streets. Mr. Hauser noted that the sidewalk in the park had been discussed and taken care of.

Community Grants, Historic District: Ms. Swaney

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Ms. Swaney stated that Safety Town is indeed the second week of August. Founders Day, as reported by Mrs. Lillibridge, will have a speaker from the Ohio Historical Society to present the Cemetery historical marker. The Historic District Association and the Historic Review Board are working together to develop a pamphlet to help home owners and business owners with resources for maintaining and developing their property in the historic district.

Mr. Hauser reported that he and Mr. Paquette had attended the Commissioners meeting on 7 June and made a presentation requesting Community Development Block Grant money for ADA rehab of the Village Park restroom.

Fire Department, Berkshire Schools, Planning Commission: Mr. Coleman
Mr. Coleman stated that he is trying to setup ground work for discussions concerning Fire tax district.

Mr. Coleman is following up on the flashing light for the school crossing on North Cheshire.

The Berkshire Rec Board will be invited to the next Council meeting to discuss revitalizing the Village joint recreation board. Mr. Coleman asked Mr. Flynn how quickly the Board could be funded and put together. Mr. Flynn didn't think there would be too much delay and the Village could just appropriate funds.

Mayor Fischbach stated that he recognized the time constraints on Mr. Coleman and decided to have Mrs. Lillibridge handle the Fire Committee and Mr. Coleman to the Tree Commission. Mrs. Lillibridge asked to remain on the Tree Commission and pass the Cemetery Board to Mr. Coleman. The Mayor stuck to his original plan.

Finances, Police representative, Historic District Architectural Review Board: Mr. Johnston
Mr. Johnston was not available to report.

Old Business:

The tractor bid, previously discussed and accepted, was found to be insufficient to meet the requirements of the Village having a rear mounted snow blower vice a front mounted one. All the other quotes remained valid. Mr. Paquette reviewed each one noting that the only difference was an after-market cab on the John Deere selection versus a factory cab on the Kubota's. Council discussed.

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Mr. Hauser moved rescind the Middlefield Farm and Garden quote accepted at the last meeting. Mr. Ronyak seconded the motion. Roll Call: Charles Hauser – Yes, Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes. Motion passed.

Mr. Ronyak moved to accept the Middlefield Farm and Garden quote for a B3000HSDC tractor with front mounted snow blower and hydraulic chute rotation as quoted for a price of 21,925. Mr. Coleman seconded the motion. Roll Call: Craig Ronyak – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes, Charles Hauser – Yes. Motion passed.

New Business:

Mr. Hauser reported that the Village Office sign in front of the Library has completely deteriorated and needs to be replaced. Mr. Hauser will contact Willowleaf Sign for suggestions on replacement.

Mrs. Beaumier asked is the Village Council had acted on Mr. Rouge's suggestion to set aside \$200,000 for a Village Office. Mayor responded that Council voted not to do that however Council will be meeting in the near future to discuss usage of the inheritance funds.

Mrs. Lillibridge moved to go into executive session to discuss personnel issues. Mr. Coleman seconded the motion. Roll Call: Dianne Lillibridge – Yes, Jeff Coleman – Yes, Linda Swaney – Yes, Craig Ronyak – Yes, Charles Hauser – Yes. Council entered executive session at 8:35 PM.

Mr. Ronyak moved to leave executive session at 8:55PM. Mr. Hauser seconded the motion. Roll Call: Craig Ronyak – Yes, Charles Hauser – Yes, Jeff Coleman – Yes, Dianne Lillibridge – Yes, Linda Swaney – Yes.

Mr. Coleman moved to adjourn and Mr. Ronyak seconded the motion. Meeting adjourned at 8:56 PM.

Mayor

Fiscal Officer