

**Council Meeting  
13 July 2015**

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

**Roll Call:** Linda Swaney – Yes, Craig Ronyak – No, Tom Blair – Yes, Roberta Dobay – No, Jennell Dahlhausen – Yes, Charles Boehnlein- Yes.

**Visitors:** Jack Garner, Joe Kozial, Debbie Palmisano, Rick Gruber, Rick Smigelski, Marcianne Kimpton, Lisa Hernandez, Sandra Steckly, William Grzywinski, Ann Wishart, M. Berkowitz, Judy Beaumier, Chief Ken Lewis, Jesse Deweese.

Mayor Fischbach recognized visitors.

Mr. Grzywinski registered a complaint with Council about truck traffic on Goodwin Avenue exiting onto North Cheshire. The trucks are still making wide turns to get onto North Cheshire including driving on the tree lawn and sidewalk. Mr. Grzywinski acknowledged that the Village had made an effort to widen the road two feet and put in a concrete curb but the problem was still occurring. Mr. Grzywinski asked if truck traffic or heavy truck traffic could be prohibited on Goodwin because it is a residential area. Chief Smigelski stated that he would look into it but that any restrictions of that nature might not be enforceable since it is a County road.

Mrs. Steckly, citing concerns for her grandchildren, asked if the speed on Goodwin Avenue could be reduced from 35MPH to 25 MPH. Chief Smigelski stated that because Goodwin is a County road and connects to a speed limit of 45MPH immediately outside the Village limits, the Village is prohibited from dropping the speed more than 10 MPH in transition. Chief Smigelski will look into the matter further.

Mrs. Kimpton asked if the Village could remedy the on street parking situation on Goodwin specifically and other streets generally. Chief Smigelski stated that his research with the Village Prosecutor indicates that Council can impose no parking bans as needed. Chief Smigelski did point out that since he has been here there has not been an incident or accident involving a parked car on the road. Some home have short driveways and multiple vehicles that necessitate finding alternate parking.

**Police Report:**

Chief Smigelski reported for the month of Jun 2015. There were 141 calls, one arrest and 56 traffic stops. 3117 miles were put on the police vehicles. There were 488 Full time hours and 237 Part time hours.

**Engineers Report:**

Mr. Hess reported that the Pump Tank and Memorial Drive Waterline projects at the Burton wastewater treatment plant were being finalized. Mr. Hess was reviewing erosion and plot plans for new construction on Colony Lane.

**Arborist Report:**

Ms. Palmisano, Village Arborist, reported that there was no tree damage from the recent storm. Working with the Street Department and Chief Smigelski, 14 trees were removed from various locations in the Village. The Tree Commission did not meet this month due to lack of a quorum.

**Zoning:**

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Mr. Gruber reported on the following:

The McCandles on Peckham received a permit to add a porch

On Huff Avenue Mr. Gruber sent complaint letters regarding junk on the property. This issue was resolved however the two property owners are still working on settling a property line dispute.

Mr. Hiscox requested information about a possible lot split on his property at Seco and Elmar.

Mr. Lawrence received a permit to construct a Pavilion near his pool on the property on West Center Street.

Mr. Hornak inquired about a permit for an addition to LULUTRU on East Park Street and whether he could construct an accessory building in front of the building to sell items.

The later question is being researched by Mr. Gruber

Possible lot split on North Cheshire

Provided permits for new construction for two residences on Colony Lane.

Mr. Gruber followed up on complaints about the Neill property on Carlton regarding tall grass and junk. Complaint letters have not been responded to. Council discussed having the Village mow or having a private contractor do the work. The cost for either would be charged back to the property taxes. No decision was made.

Mr. Finnerty has not responded with any plans for improvement or repair of his property on East Park Street.

Burton Fox Inn (Mr. Imars) and Ms. Briggs are in litigation regarding the disposal and maintenance of their respective property.

### **Fire Department Report:**

Chief Lewis reported that the backup squad had been out of service but was now up and running. The fireworks went off safely at the Fairgrounds.

### **Ordinances and Resolutions:**

Mr. Paquette made Council aware that because there were only four members of Council present, Council cannot waive readings at this meeting.

Ms. Swaney introduced Resolution 2015-15, approving the Fiscal Officer to request an amended Certificate of Resources and Permanent Appropriations from the County Auditor regarding General, Special Revenue and Enterprise Funds, and placed it on first reading.

Ms. Swaney introduced Resolution 2015-16, requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills for a Police levy, and placed it on first reading.

Ms. Swaney introduced Resolution 2015-17, requesting the County Auditor to certify to the taxing authority the total tax valuation of the subdivision and the dollar amount of revenue that would be generated by a specified number of mills for a Fire levy and declaring an emergency, and placed it on first reading.

### **Fiscal Officer Report:**

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Mayor Fischbach asked for a motion to pay approved bills. Mr. Blair moved to pay approved bills and Ms. Dahlhausen seconded the motion. By voice vote, motion approved.

Mayor Fischbach asked for comments or approval of the minutes of 22 June 2015. Ms. Dahlhausen moved to accept the minutes as written. Mr. Boehnlein seconded the motion. By voice vote, motion approved.

### **Mayors Report:**

Mayor Fischbach responded back to an inquiry by the Arborist about a possible fine for tree trimming that the Tree Commission recommended. The Solicitor has informed the Mayor that the decision and fine amount is up to the Council. No action taken at this time.

Mayor Fischbach asked about fireworks shot off at Century Village for a private wedding during the weekend. Chief Lewis mentioned that the wedding party had asked for permission to shoot off fireworks and was denied. The Police responded to a complaint from the Mayor about the fireworks and the wedding party was instructed to stop any further displays.

Mayor Fischbach reported that the Strategic Planning Group met on June 15. Work was proceeding on a survey with four focus areas noted by Mrs. Kirby Date. The next meeting is on 3 August at 9:00 AM in the large meeting room of the Burton Library. The Mayor attended a school consolidation meeting and reported that talks are continuing regarding the merger of Cardinal and Newbury School Districts into the Berkshire School District. There will considerable funds spent on a new school and the mergers.

Mayor Fischbach touched upon the fact that Mr. Imars was contesting the County case against him to repair or raze his property. And Ms. Briggs is an open case.

Mayor Fischbach mentioned that he wanted to review a possible half percent income tax as opposed to a 7 mill Fire Levy or an increased police levy. Mayor Fischbach felt that a 7 mill fire levy was too high.

### **Council Committees:**

BPA and Local Government – C. Ronyak

Mr. Ronyak was not available to report.

BCPA, Newsletter – J. Dahlhausen

BCPA meeting is 17 August in Claridon Township. The newsletter recently went out.

Health District Rep, BZA, Finance – C. Boehnlein

Mr. Boehnlein reported that the BZA was covered by Mr. Gruber. Health District has not met.

Historic District Association, Grants, Century Village – L. Swaney

Founders Day went well. Ms. Swaney thanked the American Legion for their assistance. No Council member has asked for assistance finding a grant. Ms. Swaney and Ms. Dobay are working on a grant for video service on the Village website.

Cemetery, Trees and Parks – R. Dobay

Ms. Dobay was not available to report. Mayor Fischbach noted that the Century Village has not paid admittance tax in several years. Mr. Paquette added, when

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asked, that refunds for the agreed half of Police coverage have been spotty at best for the last few years. Mayor Fischbach stated that Century Village had again approached him for \$100 from the Village for assistance in paying for a tree that was removed. Ms. Dahlhausen noted that tree in question was not in the right of way. Council declined to fund the request. The sign at the Fairgrounds is going in.

Schools, Chamber of Commerce, Planning Commission – T. Blair

Mr. Blair stated that schools consolidation was on track as previously reported. Chamber of Commerce does not meet until September. The Planning Commission has not met. Mayor Fischbach stated that he is calling a joint meeting of the Planning Commission and the Board of Zoning Appeals to discuss zoning changes.

### **Old Business:**

Mayor Fischbach opened a discussion on a proposal to create an ordinance regulating and establishing maintenance standards for property in the Village. Mr. Boehnlein was against any government oversight of property standards. Mr. Blair and Ms. Dahlhausen were open to a discussion of possible solutions regarding junk on the property, although maybe not painting and specific home maintenance. Mr. Boehnlein was asked if he could mark up the Chardon draft ordinance to take out the sections he was opposed to.

Ms. Dahlhausen asked the Mayor to consider revising the evaluation forms for employees.

Ms. Palmisano asked about the process for charging a fine, should one be approved by Council. The Mayor stated that if Council approved a fine a letter would be drafted and delivered by the Police and Ms. Palmisano or mailed certified.

### **New Business:**

Mrs. Beaumier asked for an update on the Log Cabin lawsuit. The Mayor reported that it was still in litigation.

Mr. Boehnlein moved to adjourn and Ms. Dahlhausen seconded the motion. Meeting adjourned at 8:05 PM.

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Mayor/President Pro Tempore

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Fiscal Officer