

Burton Village Joint Council and BPA Meeting  
Minutes  
November 12, 2019

Visitors: Todd Hicks, Jennell Dahlhausen, Joe Koziol, Richard Frenchie, Bill Brooks, Chip Hess, John Stoddard, Beth McCaffrey, Dennis Caplan, James & Cathy MacNeal, John Manfredi, Ken Burnett, Victoria Katai, Ben Stiegemeier, Amy Patterson, Tom & Cathy Niewulis, Debbie Palmisano.

President Pro Tem Boehnlein called the meeting to order at 7 PM.

**Roll Call:**

Ruth Spanos – Yes, Tom Blair – Yes, Nick Tromba – No, Bonnie Richards – No, Cory Brown – Yes, Charles Boehnlein – Yes, Curt Johnson – Yes, Adam Miller – Yes, Nick Rundo – Yes.

Mr. Boehnlein moved to approve the agenda, seconded by Mr. Blair. By voice vote, all members approved.

Ms. Spanos moved to approve the minutes of October 28, 2019, seconded by Mr. Blair. By voice vote, all members approved.

Ms. Spanos moved to approve the joint meeting minutes of November 6, 2019, seconded by Mr. Boehnlein. By voice vote, all members approved.

Mr. Johnson moved to approve the minutes of the special October 21, 2019, seconded by Mr. Miller. By voice vote, all members approved.

Mr. Johnson moved to approve the joint meeting minutes of November 6, 2019, seconded by Mr. Rundo. By voice vote, all members approved.

**Mayors Report**

The Mayor provided a report by email.

**Fiscal Officers Report**

Mr. Brown moved to pay approved Council invoices, seconded by Mr. Blair. Roll Call: Cory Brown – Yes, Tom Blair – Yes, Charles Boehnlein – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Rundo moved to pay approved BPA invoices, seconded by Mr. Miller. By voice vote, all members approved.

**Cashiers Report**

Ms. Dahlhausen stated there were two requests for penalty abatements. Account 2355 never received her bill in the mail and account 3327 was received but the envelope was delivered to the office torn in half. Mr. Rundo moved to abate \$6.53 from account 3327 and \$15.94 from account 2355, seconded by Mr. Johnson. By voice vote, all members approved.

Ms. Dahlhausen requested to certify accounts 3215-01, 4080 and 4435 to property taxes since the property owners haven't paid the bill. Account 3215-01 is shut off and Accounts 4080 and 4435 are sewer only. Mr. Miller moved to certify accounts 3215-01, 4080 and 4435 to property taxes, seconded by Mr. Rundo. By voice vote, all members approved.

Mr. Tromba arrived at 7:15 PM.

### **Solicitors Report**

Mr. Hicks had nothing to report.

### **Engineers Report**

Mr. Hess would like to do some core testing on Goodwin Ave to analyze how thick the gravel and asphalt is on the current road. He will get quotes from SME for Council.

### **Operators Report**

Mr. Neill provided a letter from ARCADIS for the additional sludge holding tank. Mr. Johnson moved to approve the quote for the additional sludge holding tank at the WWTP in the amount of 552,625.89, seconded by Mr. Rundo. Nick Rundo – Yes, Curt Johnson – Yes, Adam Miller – Abstain

Mr. Neill had some further discussions with Steamer Cap Hydrants LLC for hydrant repairs and they may need to do more repairs than expected. Mr. Neill would like to add to the amount so these repairs can be made if needed. Mr. Johnson moved to approve the quote from Steamer Cap Hydrants LLC not to exceed \$1,800, seconded by Mr. Rundo. By voice vote, all members approved.

Mr. Neill reported that AgriSludge will be coming back in the spring to complete the lagoon cleaning and RCAP is still compiling information for the infrastructure GPS system.

### **Ordinances and Resolutions - Council**

Mr. Boehnlein placed Ordinance 2368-19, authorizing the Mayor and Clerk to enter into an agreement with Thrasher, Dinsmore & Dolan, a legal professional association to serve as the Village's Solicitor for calendar years 2020 and 2021, on third reading. Mr. Blair moved to adopt, seconded by Mr. Tromba. Roll Call: Tom Blair – Yes, Nick Tromba – Yes, Charles Boehnlein – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Boehnlein placed Ordinance 2369-19, to make appropriations for current expenses and other expenditures of the Village of Burton during the fiscal year ending December 31, 2020, on third reading. Mr. Blair moved to adopt, seconded by Mr. Boehnlein. Roll Call: Tom Blair – Yes, Charles Boehnlein – Yes, Cory Brown – Yes, Nick Tromba – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Boehnlein placed Ordinance 2370-19, to approve, adopt and enact the 2019 replacement pages to the Codified Ordinances; and declaring an emergency, on second reading.

Mr. Boehnlein placed Ordinance 2371-19, to establish pay increases for full time employees for Fiscal Year 2020, on second reading.

Mr. Boehnlein placed Ordinance 2372-19A, an ordinance authorizing the Mayor and Fiscal Officer of the Village of Burton to enter into an agreement with the Burton Volunteer Fire Department, Inc. for fire and emergency services from January 1, 2020 through December 31, 2020, on first reading.

### **Resolutions- BPA**

Mr. Johnson placed Resolution 2019-35, amending the Water and Sewer Pipe Standards for the Village of Burton Utilities and declaring an emergency, on first reading.

### **Old Business**

Mr. Boehnlein placed Resolution 2019-36, to establish the services the Village of Burton will provide to certain territory proposed for annexation, upon annexation, and authorizing the Fiscal Officer to file this resolution with the Board of County Commissioners at least twenty (20) days before the date of the annexation hearing, and declaring an emergency, on first reading.

Mr. Hicks wanted to make clear that if this is approved, there would be an understanding that the village will be approving services to Hillside Village and we will no longer be negotiating a JEDD for the school property and a property tax split for the Hillside property.

Ms. Spanos stated she isn't pleased with the outcome of this and would have preferred Council to collaborate on the situation through an agreement with the Township Trustees. At this point the timeline doesn't allow. Mr. Tromba stated they tried and Ms. Spanos agreed.

Ms. Spanos added that it has never been the villages decision to group the school and Hillside issues, but the village would be willing to discuss a JEDD if the Township Trustees are interested.

Ms. Dahlhausen stated the 20 days would fall on November 20<sup>th</sup> and Councils next meeting is November 25<sup>th</sup>. Mr. Boehnlein stated he feels we are pressed for time with this and feels it should be approved this evening to meet the deadline.

Mr. Boehnlein moved to waive further readings on Resolution 2019-36, seconded by Mr. Blair. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Boehnlein moved to adopt Resolution 2019-36, seconded by Mr. Blair. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Ms. Dahlhausen noted there is a date that needs entered in the Resolution for the approximate beginning of services. After discussion, Mr. Hicks and Mr. Hess determined the start of services will be September 1, 2021. Mr. Boehnlein moved to use the date of September 1, 2021 as the

start of services, seconded by Mr. Brown. Roll Call: Charles Boehnlein – Yes, Cory Brown – Yes, Tom Blair – Yes, Nick Tromba – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Boehnlein moved to waive further readings on Resolution 2019-36 as amended, seconded by Mr. Blair. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Boehnlein moved to adopt Resolution 2019-36 as amended, seconded by Mr. Blair. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

Mr. Hess provided some revised figures of tap in fees for Berkshire Schools. The sewer tap in with the current rates would be \$267,276.38 and water would be \$37,486.68. The tap in fee with the previous rate that was increased in July would have been \$96,648.44.

Ms. Spanos pointed out the proposed number of occupants in the school would be 1,480 people and the current population of Burton Village is approximately 1,450. She said she understands they won't be taking showers and living at this location, but this is a large number of users in comparison to residents in the village.

Mr. Stoddard asked which tap in fees the school will be charged since they applied before the sewer rates increased. Ms. Dahlhausen noted the school applied for a water tap in and was told in May of 2019 they needed to request sewer from the county. The county email the Village Engineer in September of 2019.

Mr. Johnson stated tap in fees are a critical part of keeping up with our water and sewer systems, and maintaining our village infrastructure. He feels a reasonable fee should be charged

Mr. Stoddard stated either way the school will have to agree to a payment plan and can make a small payment that their budget currently allows. They would agree to further payments as Hillside Village is built and the additional property taxes come in to the school.

Mr. Rundo asked what their plan is if they aren't permitted to tap in to village water and sewer. Mr. Stoddard stated they will pursue litigation. Mr. Stoddard presented a letter to Council, BPA and Mr. Hicks with a date of when they would like an answer for approval of the water and sewer connection and stated they would leave the meeting so it can be discussed among everyone. Mr. Hicks recommended going into executive session to review the letter since this may end up in litigation. Mr. Rundo stated he would like to continue discussions with the School and asked them to stay and negotiate with Council and BPA so a resolution can be determined.

Mr. Stoddard stated their budget doesn't allow for a tap in fee and they aren't going to go back to the school district with another levy to provide them. Mr. Rundo explained that our tap in fees are for the cost of doing business and they can't be forgiven. Ms. Spanos added that if we don't charge a tap in fee, the burden falls on the village residents.

Mr. Stoddard stated the school feels like they will be double charged since they already paid a tap in fee for the current school and the villages fees are unreasonable.

Mr. Hicks reminded Mr. Stoddard any village resident that currently lives in the village that would request water and sewer for a new home in the village wouldn't be able to transfer tap in fees to the new home. He also pointed out the proposed school is in the township and the village doesn't allow for new tap ins for water and sewer services for properties not annexed into the village.

Mr. Johnson stated there are five townships sending children to the school and the village residents shouldn't be the only ones to pay for the water and sewer tap in fees that the school isn't able to provide.

Options were discussed to provide fees that come in to the school from additional Hillside Village property taxes but they wouldn't have to pay the fees if Hillside Village isn't built. The risk of not being paid for the tap in was discussed as well.

Mr. Johnson stated the tap in fees will be revised after two years of usage to see if they are lower or higher than estimated. Mr. Neill requested taking several samples from the sewer to determine the amount of BOD that he is required to meet EPA standards.

Mr. Boehnlein moved to approve that Mr. Hess can review the plans from the Berkshire Schools once the MOU is agreed upon, seconded by Mr. Blair. Roll Call: Charles Boehnlein – Yes, Tom Blair – Yes, Nick Tromba – Yes, Cory Brown – Yes, Ruth Spanos – Yes. Motion passed.

### **New Business**

Ms. Palmisano stated she would like to contract with VanCuren to complete some additional tree removals in the amount of \$2,500 before the end of the year. If they aren't able to schedule the work, she would like to plant some trees and spend up to \$3,500. Ms. Spanos moved to approve the removal of trees up to \$2,500 or the planting of trees up to \$3,500, seconded by Mr. Brown. By voice vote, all members approved.

### **Public Participation**

Mr. MacNeal, a Troy Township resident, stated he doesn't feel the school has as much support since their recent levy didn't pass by many votes and asked where the school plans to get the money for the tap in fees. Ms. Spanos stated the current meeting was being held for the Village of Burton and Mr. MacNeal could attend a School Board meeting to discuss with them.

Ms. Spanos moved to adjourn, seconded by Mr. Blair. By voice vote, the motion passed. Meeting adjourned at 8:33 PM.

Mr. Johnson moved to adjourn, seconded by Mr. Rundo. By voice vote, the motion passed. Meeting adjourned at 8:33 PM.

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BPA Chairman

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Clerk