

Regular Meeting of Bethesda Village Council

September 24, 2020

Mayor Samantha Burkhead called the meeting to order, Samantha led the Pledge of Allegiance.

Roll Call

Present: Mayor Samantha Burkhead, Administrator Dirk Davis, Solicitor Jeffrey Menoski, Fiscal Officer Ricky Burkhead, Ruth Saffell, Jay Van Horn, Jordan Castello, Rod Miller, Cindy Foose, Carol Merritt
Absent:

Guest(s)

Stephanie Castello, Pete Busack, Linda Reeves, JR Whitley, Alan Stonebreaker, Jason Garzyk, Bill Cox, Sandy Tomolonis, Shirley Lucas, Mindy Blake, Scott Blake, Dick Quinlin, Tim Orr

Reports

The Fiscal Officer E-Mailed Fund Status, Cash Summary by Fund, Fund Ledger, Payroll, Receipt Register & YTD Appropriation status reports to Council Members, Administrator, Fire Chief & Mayor. Jay Van Horn made a motion to approve the August meeting minutes, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Regular Council Meeting Minutes

JP Dutton addressed council and the audience and announced that he is running for Belmont County Commissioner. JP stated that the budgets were lowered by 11% this year and the county is down to 60% staff and three pieces of debt were refinanced. JP stated that a 1.2 million dollar senior services loan was paid off. JP stated that Belmont County is struggling with COVID. JP stated that the county is focusing on water and sewer infrastructure projects and water transmission in the western end of Belmont County. JP stated that the current board has been operating very well and he hopes they can continue to do that. JP stated that an expansion of the county jail is being looked at. Dirk thanked JP for always being involved with Bethesda and seeing what our needs are.

Jason Garzyk informed everyone that he is running for Belmont County Recorder. Jason stated that he is a clerk for St. Clairsville, grew up in Maynard and lives in St. Clairsville. Jason stated that he is passionate about history and geography which will help him fulfill this job.

Cindi Henry informed everyone that she is running for Belmont County Auditor. Cindi stated that she was Richland TWP Clerk for 25 years and she used to train governmental accounting and UAN. Cindi stated that she just finished working eight years for the city of St. Clairsville.

Fiscal Officer Rick Burkhead asked council to approve a transfer of \$5,000 from general to police funds for mayor's court revenues. Jordan Castello made a motion to approve the transfer, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Administrator Dirk Davis presented his monthly report:

- We received the engineering report from Hull for the Virginia Street Ext sewer project. We are looking it over for any corrections.
- The Gail Avenue paving will hopefully be before winter if we can get to it.
- The alley between Chestnut and Maple needs stop signs and they will be installed next week. Dirk stated that he was looking at speed bumps for the alley and not main streets. The total cost of the project was \$27,000 and was about half what it normally would have cost. Dirk asked council to name the alley Pikes Alley.
- Barr surveying has been hired to survey the two proposed streets so that we can get them dedicated and be able to apply for grant funding.
- USDA Grant update, we hope to receive the new trucks by the end of the year.
- The drainage on TJ Schultz alley has been installed with a 12" pipe and three new catch basins were installed. Dirk stated that we appreciate TJ donating his \$1,200 road bond to the project.
- Ohio Labor laws have been hung at the municipal building.
- Dirk stated that sandy Tomolinis has resigned and we need to hire a new janitor. Dirk stated that the job starts at \$10 an hour for six hours a week. Dirk recommended Robert Guthrie from Jerusalem. Robert works at the Epworth center and would be able to stop by to do this job also. Jay Van Horn made a motion to hire Robert for a six month probation, seconded by Carol Merritt, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.
- We have been trying to get new Christmas street lights the last few years as ours are in bad shape. We would like to purchase 40 new lights to put up. Cindi Henry suggested that we talk to Don Smithburger at St. Clairsville High School as they do some lights also. Dirk stated that he is going to get an estimate on what it would take to redo the electrical boxes on the poles. Jordan Castello made a motion to allocate \$5,000 to begin work on the electrical boxes on the utility poles, seconded by Cindy Foose, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Mayor Samantha Burkhead thanked Jay Van Horn, Debbie Mason, Marsha McCormick, Maxine Richards, and Dirk for their help with the Hygiene Kit project that she worked on for the kids.

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Rod Miller made a motion to approve a building permit for a shed and a fence, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Jordan Castello stated that we are going to hold Halloween on October 31st from 5-7:30 and we are not doing a costume contest this year and we are not doing a parade this year either. Jordan stated that there will be a recreation committee meeting on September 28th at 6:00 pm. Jordan stated that anyone who wants to help with packing up candy they are welcome to come help.

Jay Van Horn asked if we could start a Halloween and Christmas decorating contest this year. Jay stated that he would buy the trophies for Halloween. Rick stated that he would buy the Christmas contest trophies. Council agreed and we will organize the contests. Jordan stated that we always used to do one for Christmas but we don't know why we stopped doing it.

Police Chief Pete Busak stated that there were four complaints responded to, one burglary solved, one sexual assault which has been solved, and six citations issued. We started using the two part time officers on weekends for 10 hours a week on Saturdays. Pete stated that he has issued ten citations for non compliance for ordinances which was positively responded to.

Jay Van Horn presented two applications for the Fire Department. First was Zach Gaston for volunteer fireman. Carol Merritt made a motion to approve the application, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes. Second application is for Erica Patten for EMS. Ruth Saffell made a motion to approve the application, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Solicitor Menoski passed out a speed bump installation procedure. Jeff stated that he made a policy that would take 2/3 petition of the people living on the street to install one. Jeff asked council to review it and discuss at the next meeting. Jeff presented some changes to the proposed property maintenance ordinance. Pete stated that he found a person who is certified to inspect houses and they would charge \$100 per inspection. Jeff discussed the new procedures and stated that someone would file a complaint or the village would identify a problem, we would mail a notice of a violation and within 30 days they would attend a hearing at an ordinance committee meeting. Then the individual could file an appeal where it could be brought to council as a whole. JR Whitely asked when in the proceeds does the inspector get involved. A resident asked if there is a fund to help residents who can't make changes due to finances and desperately need help. Samantha stated that she and Dirk are in favor of helping residents when they need it within certain circumstances. Samantha stated that anytime someone needs help they need to come talk to Dirk or her and they can work something out. Jordan stated that this ordinance targets at health and sanitary issues and not aesthetics. A second reading of this ordinance was tabled until next month.

Dirk asked council to increase the sidewalk reimbursement program from \$300 to \$500 to go towards the cost of the replaced sidewalk as concrete has gotten more expensive. Cindy Foose made a motion to increase this to \$500, seconded by Jordan Castello, Jay Van Horn - Yes, Ruth Saffell - Yes, Jordan Castello - Yes, Rod Miller - Yes, Cindy Foose - Yes, Carol Merritt - Yes.

Jeff stated that he is out of town at the time of the next council meeting. Council agreed to move the meeting to October 29th at 6:30. Ordinance committee meeting will be changed to that date as well.

Cindy Foose stated that due to the fact that there is a tie on voting for the police chief and we were going to discuss this again this month. Samantha stated that a couple months ago Cindy and Rod wanted a couple months to think about the situation and it was done that way. Samantha stated that a couple other council members have asked for some time to think about it now as well and she wasn't going to bring up the vote again tonight.

Rod read a statement on the police subject. Rod stated that he rejoined council in January after 4 years away and in January he did not think that Pete was the right man for the job and in July he still wasn't sure he was. Rod stated that he Cindy and Jordan tried to get the Mayor and Pete to communicate. Rod stated that the responsibility lies with both of them. Rod stated that both people are decent people. Rod stated that he decided to be the go between, between Pete and Samantha. Rod stated that he since then things have went well and that Pete has had no issues with Samantha and Samantha has made some progress with changes she wanted to see out of the police department. Rod stated that he thinks Pete may work out as police chief if given the support of the village administration. Rod stated that to those who have issues with Pete, Rod stated that he has received phone calls and complaints from friends and even family with concerns about Pete and Rod has asked them to put their complaints in writing and or come to a council meeting and they have not done either. Rod stated that he cannot back up their statements without proper information. Rod apologized to these people but without documentation he takes someone's job. Rod stated that if complaints continue to come to the mayor that he will still be the go between for Pete and Samantha. Rod stated that if the public has complaints that he would be glad to hear them. Rod stated that he was a supervisor in the restaurant business for four years and he has no problem disciplining someone. Rod stated that just the other day he went into Pete's office and closed the door and told Pete that a problem Rod has isn't going to fly. Rod addressed the people who fear retribution from Pete, Rod stated that there have been plenty of written statements in the past but Rod doesn't feel that Pete is dumb enough to do something to put himself in jail. Rod thanked everyone for listening.

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Derek Roby asked how many times we are going to keep revisiting this as this has been going on for over a year. Mike Flowers stated that the issue is that half of the people are informed and the other half are not. Derek stated that and some people are misinformed. Mike Flowers asked a yes or no question if drugs came up missing from the evidence room. Jordan stated that no they did not and Pete to elaborate. Derek Roby stated that Pete took the drugs from the evidence room and disposed of them in a manner that was correct. Mike stated that there is something sketchy about it. Mike stated that two days ago Pete was on private property and was inside of peoples vehicles without their permission and without a warrant. Samantha asked if they have filed a complaint. Mike stated that the individual did not because they know what Pete is capable of. Chuck Little said that this is all hearsay. Mike stated that this is not hearsay but facts.

Derek asked how many times we are going to postpone this. Samantha stated that the vote is up to council and if they don't want to vote on it tonight it's their call. Derek stated that we are wasting our time.

Cindy addressed Derek and told him that she would prefer he not use bad words when addressing council as it is disrespectful to her and himself. Derek said that it is not. Cindy stated that she understand impatience and that she doesn't enjoy putting the community through this and she respects the people's concerns and issues with Pete. Cindy stated that since the lawsuit has been complete and she has no written documents of complaints that are viable, she can't vote on hearsay information. Cindy stated that she does understand that Mr. Flowers has issues. Cindy stated that she understands that not everyone is going to agree with her. Cindy stated it would be great if we could all get along but it is not always possible. Cindy stated that sometimes employers and employees do not get along. Cindy stated that hopefully each side understanding their positions will come in to play so that there can be some kind of working relationship. Cindy stated that without written documentation she can't go on hearsay and second hand information. Cindy stated that she approves of Officer Busak for police chief.

Solicitor Jeff Mensoki stated that the statute states that the mayor has to offer a recommendation for the police chief and that until she gives a recommendation there is nothing to vote on.

A resident stated that there is a lot of rumors and that one of them is that the Mayor feels threatened by Pete. He asked if there is any truth to that. Samantha stated that she does feel threatened. Mike stated that there are a lot of people in this town that feel that way.

Chuck Little stated that Mike's problem is that he has animosity against Pete. Mike state that is not true. Mike stated that he will take his dogs down to his dad's farm and next month he will still be here next month standing up for the truth and what is right. Mike stated that anyone who would vote for him after he said in a meeting "So what I lied", should resign because they do not have the towns best interest in mind. Mike asked council if that is the type or person they want to vote yes on? Mike stated that he will bring in the two people that saw Pete going through the vehicle. Mike stated that Pete thinks he can do whatever he wants.

A resident asked that if you file a written complaint, it would still be his word against Pete's, so who decides if its right or not, is it still considered hearsay. Samantha stated that if you file a complaint it goes to the police committee and the police committee decides whether your complaint is credible or not.

A resident stated that Pete had personally lied to him about a supposed alley that was going to be put in beside of his house. A lady with him agreed that Pete lies and targets people. The lady asked if Pete was allowed to come onto people's property and take pictures. Tim Orr stated that he thinks he is allowed. Mike Flowers stated that Pete's mentality is that he is the law.

Tim Orr read a statement from Lana Orr his mom who could not be here tonight. Tim stated that his mom's dog, Jack, was taken illegally away from their family for three months. Tim stated that the court has awarded Jack back to the family and he is home where he belongs. Tim stated that the family has found out some information since Jack's return. Tim stated that he found out that Jordan was illegally on their property taking pictures of the dog and the next day BCARL came with Pete, out of uniform and took the dog. Two neighbors say Jordan on their property taking pictures. Tim stated that these people were illegally trespassing on their property and illegally took their dog. Tim stated that there are trespassing signs at the edge of their yard for all to see but they were ignored neither Pete nor Jordan cared about the signs because Pete is the law and Jordan used to be a humane officer. Tim stated that Jordan thinks she is a humane officer but the facts are that she is not any longer. Tim informed Jordan that just because she was once doesn't mean you now are a humane officer. Tim stated that the prosecutor and the judge determined that there was no reason for Jack to have been taken from the family so he was awarded back to the family. Tim stated that the family is still wondering what will be done about the trespassing issues for both Pete and Jordan and also BCARL. Tim stated that him mom wanted to let Jordan Castello and Pete Busak know that if they ever step foot on their property again without a court order they will be arrested. Tim stated that both may still be facing trespassing charges now. Tim stated that Jordan is not a humane officer and have not been for some time. Tim stated that both Jordan and Pete think they can break the law whenever they want to and hide behind the job that she used to do and Pete hiding behind the statement that he is a cop 24/7. Tim stated that Bethesda doesn't need council women, police officer, or council men think they are above the law. Tim stated that they were voted in and they are asking to be voted out. Tim thanked everyone for listening.

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Mike stated that he would like to add to Tim's comments. Mike stated that the day that Pete came to his house and didn't have a search warrant, Jordan was circling around his property during the entire thing. Tim stated that when BCARL came Jordan was circling around as well. Jordan stated that he was actually friends with Sandy. Tim stated that he actually didn't care. Tim stated that there are a lot of coincidences.

A resident stated that Pete brought the animal shelter to her house about a dog. The animal shelter determined that the dog house she had was suitable and the dog was well taken care of. The resident felt like Pete thought the shelter was just going to take the dog. The resident stated that her neighbor has a dog that out in the rain and nothing was ever said to them.

Another resident stated that that he got a complaint about junk cars at the same time Pete lied to him about a new alley being opened. He stated that he spoke to Jordan about all of the other vehicles in town with issues. He stated that Jordan told him that she was compiling a list of all of the vehicles in town. He stated that he questioned her about the trucks sitting on her property and he claimed that Jordan told him that it was a project truck. He stated that the vehicles sitting on her property have been there for years. He stated that everyone can have a project vehicle. He addressed Jordan and said that she is the one making the list but there she sits with vehicles that have say there for many years and no one has ever come after her. Jordan stated that it was insured and had plates. He stated that I'm sure council did a background check on Petes work history and what not. He stated that he knew Pete was fired from Bellaire and from a town above Rayland or somewhere up there. He stated that its currently a three to three vote which means that at least half the administration doesn't want to keep Pete and the mayor feels threatened by him, this should be an open your eyes moment. He stated that he keeps hearing stories and hearsay about things Pete has done. Tim Orr stated that they are stories of corruption.

Mayor Samantha Burkhead stated that bothers her when people bash other people because we are all adults. Samantha stated that she respects that everyone has their opinion and everyone is entitled to their opinion. Samantha stated that people shouldn't attack each other for having different opinions. Samantha stated that before and after she put up the recommendation not to hire Pete, she did not go around to anyone and bad mouth him, proposition them, or run him down. Samantha stated that in fact no one in this crowd has ever heard her say anything bad towards Pete. Samantha stated that she feels that her decision is hers to make and that everyone is entitled to do what they feel is best to do. Samantha stated that everyone is welcome to state their opinion.

A resident stated that Pete fined her son for grass violation for a property that he doesn't own.

Mike Flowers asked if Jeff to explain why the mayor cannot break the tie. Jeff stated that she would be breaking a tie on her own recommendation. Jeff stated that until the mayor and council agree we are stuck at a status quo. Jeff stated that in order to get out of this situation, council would have to agree in favor of the mayor's recommendation.

Alan Stonebreaker stated that we are going to have another Smith on our hands if we keep Pete Busak.

Tim Orr stated that we need someone who this town can believe in.

Mike Flowers stated that he is on probation and that if it's bad now, it will be even worse if his is appointed.

Derek stated that these people went to a bad restaurant and got a bad sandwich.

Cindy stated that it is agreed that we take some more time and out of respect for those council members who asked for more time, we will honor that. Cindy stated that people should be able to say what they need to say but asked that any conversations be respectful.

Motion to pay bills by Jay Van Horn, 2nd by Carol Merritt, with a unanimous vote.
Motion to adjourn by Cindy Foose, 2nd by Jordan Castello, with a unanimous vote.

The next meeting will be Thursday October 29th, 2020 at 6:30 P.M.