

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday, November 17, 2008 7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, November 17, 2008, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council, Mrs. Carol Steiner, presiding, the meeting was called to order at 7:00 p.m.

Mrs. Steiner led the Pledge of Allegiance.

The following members were present and responded to roll call: Mrs. Janie Geis, Mr. Christopher Scott, Mrs. Karen Fuller, Mrs. Carol Steiner, Mr. Richard Hite, Mr. James Richardson, and Mr. Gerald Jones.

Roll call of Council - 7 members present 0 members absent

Mrs. Steiner called for a motion to amend the agenda for Fire Chief Moledor to make his presentation at this time.

Mrs. Fuller made a motion to amend the agenda, seconded by Mr. Hite.

Roll call to amend the agenda: Yes 7 No 0

Chief Moledor stated he would like to make a periodic report and receive feedback from Council. There are no problems to report. Everything seems to be working on the Cuyahoga Falls end of things for Fire/EMS service to Village residents.

Chief Moledor asked for comments from Council.

Mayor Hovey stated that he has received 6 or 7 phone calls from residents who were all very happy with Cuyahoga Falls.

Mr. Heydorn stated from his home he can hear the sirens from Station #2. There was an incident down the street from his house and the response time from Cuyahoga Falls was only a few minutes. And they showed up with two fire trucks.

Chief Moledor stated the typical response team for any kind of structure fire consists of two fire engines; a ladder truck as well as an engine, a paramedic unit and a shift command vehicle.

Chief Moledor introduced Assistant Fire Chief Fred Jackson. They work very closely together. If Chief Moledor is not available, contact Assistant Chief Jackson.

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The statistics for Silver Lake as of November 13, 2008 are as follows:

40	emergency calls
17	non-emergency calls
1	call cancelled en route

A total of 58 calls in the Village so far.

The breakdown of the 58 calls received are as follows:

39	EMS
19	Service/fire related

Chief Moledor stated the Fire Department is giving residents magnets with Silver Lake emergency numbers printed on them on almost every call they go on.

Chief Moledor gave Chief DeMoss the Cuyahoga Falls Emergency Operation Plan.

Chief DeMoss stated the Mayor is ready to begin a review with a committee on November 26, and they certainly want the Cuyahoga Falls model available so Silver Lake can be on the same page as Cuyahoga Falls.

Chief Moledor and Chief Jackson run the Emergency Management Program for Cuyahoga Falls and will offer the Village whatever assistance they would like or need.

Chief Moledor stated Cuyahoga Falls did run a CPR class for everyone in the Silver Lake Police Department.

Chief Moledor asked for questions.

Mrs. Steiner asked what the time of response has been.

Chief Moledor stated the turnout time (the time the call is received until the time the employee is in the truck) is 49 seconds. The time in route (time it takes to get to the home) is 4 minutes and 11 seconds. Total response time of 5 minutes.

Mrs. Steiner asked if there is a standard response time in the industry.

Chief Moledor replied there really isn't a standard, but they like to say under ten minutes. There isn't much they can do about changing the drive time. Where Cuyahoga Falls saves time is when the call comes in they know they have to get up and get out and get to their routes.

Mrs. Steiner asked if there has been any trouble with trains.

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Chief Moledor replied no.

Mrs. Geis stated she witnessed Cuyahoga Falls Fire/EMS in action and they were very impressive with the way they handled the situation.

Chief DeMoss asked if calls from Silver Lake are tracking where Cuyahoga Falls estimated they would be.

Chief Moledor replied yes. He would like to report on a quarterly basis or as often as Council deems necessary.

Mr. Jones stated he believes semi-annually would be sufficient.

Chief Moledor stated all of the Knox boxes have been changed to Cuyahoga Falls. Knox boxes are located on the outside of businesses and contain a key to the building for entrance by firefighters during an emergency

Council thanked Chiefs Moledor and Jackson for attending.

Mrs. Steiner asked if there were any additions or corrections to the minutes of the November 3, 2008, Council meeting.

There being none, the minutes were approved as sent.

Mrs. Steiner asked Mrs. Teresa Spohn, Clerk-Treasurer, for the reading of any pending legislation that is up for a first reading.

ORDINANCE NO.: 105-2008 AN ORDINANCE TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE, COUNTY OF SUMMIT, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Ordinance No.: 105-2008 to the Finance and Appropriations Committee.

RESOLUTION NO.: 106-2008 A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE FIRE HYDRANTS AND FIRE HYDRANT PARTS FROM TRUMBULL SUPPLY FOR THE VILLAGE OF SILVER LAKE SERVICE DEPARTMENT, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 106-2008 to the Finance and Appropriations Committee.

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RESOLUTION NO: 107-2008 A RESOLUTION DECLARING A REAL AND PRESENT EMERGENCY AND PROVIDING FOR THE REPAIR, IN THE DEPARTMENT OF PUBLIC SERVICE, OF GRINDER PUMPS AT 3079 SILVER LAKE BOULEVARD, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 107-2008 to the Public Improvements Committee.

RESOLUTION NO.: 108-2008 A RESOLUTION RE-APPROPRIATING MONIES FROM CERTAIN DIVISIONS OF CERTAIN FUNDS TO OTHER DIVISIONS OF THE SAME FUND AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 108-2008 to the Finance and Appropriations Committee.

RESOLUTION NO.: 109-2008 A RESOLUTION AUTHORIZING A PAYMENT FOR THE RENTAL OF A CHIPPER AFTER A SIGNIFICANT WINDSTORM ON SEPTEMBER 14, 2008, AND A PAYMENT FOR AN INSURANCE DEDUCTIBLE FOR DAMAGE TO THE SAME CHIPPER FROM THE APPROPRIATED LINE ITEM FOR CONTINGENCIES IN THE GENERAL FUND, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 109-2008 to the Finance and Appropriations Committee.

RESOLUTION NO.: 110-2008 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF DAVID BARSTOW TO FILL A VACANT APPOINTED POSITION AS A MEMBER OF THE PARK BOARD OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2009, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Resolution No.: 110-2008 to the Personnel and Public Affairs Committee.

RESOLUTION NO.: 111-2008 A RESOLUTION AUTHORIZING THE PAYMENT OF CERTAIN CLAIMS. \$ 90,418.38

Mrs. Steiner assigned Resolution No.: 111-2008 to the Finance and Appropriations Committee.

ORDINANCE NO.: 112-2008 AN ORDINANCE ACCEPTING FOR THE VILLAGE OF SILVER LAKE, OHIO, AN EASEMENT ON CRYSTAL PARK PROPERTY FOR THE USE OF VILLAGE-OWNED VEHICLES AND AUTHORIZING THE MAYOR TO EXECUTE MUTUAL COVENANTS FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A VEHICLE TURN-AROUND THEREON, AND DECLARING AN EMERGENCY.

Mrs. Steiner assigned Ordinance No.: 112-2008 to the Public Improvements Committee.

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Mrs. Steiner asked if there were any comments or questions from the audience.

There being none, Mrs. Steiner called upon Mr. Gerald Jones, Planning, Zoning, and Insurance Committee, to lead discussion on items on the agenda pertinent to his committee.

PLANNING, ZONING, AND INSURANCE COMMITTEE

Mr. Jones made a motion to amend Ordinance No.: 63-2008 as discussed in committee earlier this evening. Amendments are as follows:

In the first whereas clause, strike: ~~*the fundamental right of citizens to express their political views requires.*~~

After regulations, strike: ~~*and.*~~ Add the words: *are required; and.*

The second whereas clause, strike: ~~*however.*~~

Mr. Hite seconded.

Roll call on amendment: Yes 7 No 0

Mrs. Steiner stated the draft ordinance for the delinquent payment of bills will be in the Planning, Zoning, and Insurance Committee.

Mrs. Spohn stated slight changes need to be made to the language in the utility billing payment and disconnection policy.

Mrs. Steiner assigned the other draft ordinance to the Personnel and Public Affairs Committee.

Mrs. Spohn stated there is currently no NSF charge for returned checks in areas other than utility payments, such as; parking fines, zoning, etc. The bank charges the Village for the NSF and this is a way the Village can recoup the money.

Mrs. Steiner called upon Mr. Christopher Scott, Finance and Appropriations Committee, to lead discussion on items on the agenda pertinent to his committee.

FINANCE AND APPROPRIATIONS COMMITTEE

Mr. Scott stated Ordinance No.: 105-2008 is an ordinance form of the 2009 budget. Mr. Scott asked for questions.

There being none, Mr. Scott indicated Ordinance No.: 105-2008 will be treated as a first reading.

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Mr. Scott stated Resolution No.: 106-2008 is to restock the hydrant parts.

Mr. Scott stated there is a hydrant on Highland Drive that needs repaired.

Mrs. Spohn stated someone had backed into the hydrant. Mr. Fenwick will replace the hydrant. Mr. Jones asked if the person's insurance is going to pay for the repair.

Chief stated he was not sure. Mr. Fenwick was going to give her an estimate of the repair costs.

There being no further questions, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 106-2008 this evening.

Mr. Scott stated Resolution No.: 108-2008 re-appropriates monies from the Maintenance & Supply Fund to Contract Services to pay for grinder pump repairs.

There being no questions, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 108-2008 this evening.

Mr. Scott stated Resolution No.: 109-2008 is for the payment of the rental chipper and the damage to the chipper out of the contingency fund at a cost of \$1500.

Mrs. Geis stated the insurance paid a little over \$4700 for the damage to the chipper.

Mrs. Spohn stated there was a \$100 deductible and the \$1400 is for the cost of the rental.

Mr. Scott stated the committee will recommend the adoption of Resolution No.: 109-2008 this evening.

Mr. Scott stated Resolution No.: 111-2008 is for Payment of Claims, \$90,418.38.

The following items were reviewed:

- ◆ All American Carpet Clean – Village Hall and Police Dept. carpets were cleaned.
- ◆ Hudson Drive Hardware- Hydro light to keep the trumpet flowers alive through winter.
- ◆ Lowe's- Microwave, lumber, and rakes.
- ◆ Rim & Wheel Service – Trailer repair parts.

There being no further questions, Mr. Scott stated the committee will recommend the adoption of Resolution No.: 111-2008 this evening.

Mrs. Steiner called upon Mr. Gerald Jones, Public Improvements Committee, to lead discussion on items on the agenda pertinent to his committee.

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PUBLIC IMPROVEMENTS COMMITTEE

Mr. Jones stated the committee will recommend the adoption of Ordinance No.: 63-2008 this evening.

Mr. Jones stated Resolution No.: 107-2008 is for the repair of the grinder pump at 3079 Silver Lake Blvd.

Mr. Heydorn stated this house was built in 1962. The house was built on level with Silver Lake, where Silver Lake Blvd. is way up. In order to get the sewage up to the level of the Boulevard they had to install a pump.

Mr. Jones asked who “they” are.

Mr. Heydorn stated he believes that the Village paid for it. He would assume that the Village did because after the pump was installed it appears the Village has always made repairs it. Presently, we have a tradition of that situation historically being this way.

It is Mr. Heydorns understanding that other situations in the Village have been handled differently. There is another home where the owner installed the pump and the owner maintains the pump. There is also a pump that services three houses. When you talk about servicing three homes you begin to see the public function of this particular pump.

At this point in time, it looks as if the Boulevard home was historically treated as a public improvement. Perhaps in the future Council and the Mayor should determine how it should be treated, should it remain public or be turned over to the property owner.

Mr. Jones asked if the pump was already replaced.

Mrs. Spohn replied yes.

Mr. Jones asked if the homeowner called the Village.

Mrs. Spohn stated there is a red light at the end of the driveway that is activated when the pump needs serviced.

Mr. Heydorn stated maintaining the pump is a practice the Village has gone through for some time. It should be re-examined. There isn't anything that can be done about this particular contract. The work has already been done and the Village owes the money.

Mrs. Spohn stated Mr. Fenwick wants to get rid of the maintenance part of these pumps. He doesn't believe it is a public purpose, it should belong to the homeowner.

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Mrs. Steiner asked why it was handled in this way.

Mr. Heydorn replied it needed to be handled quickly.

Mr. Jones asked how this will be resolved in the future.

Mr. Heydorn responded Council will pass a resolution or an ordinance that abandons the public improvement to the property owner.

Mayor asked if this is the only property the Village would do this for.

Mr. Heydorn stated to his understanding the Village does not maintain the other pump. The pump that services three homes, in his opinion, can be justified as a public improvement, but if the Village continues to maintain it then there should be an easement for the maintenance.

Mayor asked if there would be an assessment for the pumps maintenance.

Mr. Heydorn stated the only way you can assess it is if it is a public improvement. The way to establish it as a public improvement is to obtain an easement so this particular improvement is clearly within the hands of the public domain.

Mr. Jones noticed on the invoice that the purchase order was only for \$4000. What does this mean?

Mrs. Spohn stated the original purchase order was for \$4000.

Mr. Jones stated he has a bit of a problem paying for this for a private residence.

Mr. Heydorn stated the problem at this time is that the Village contracted for the repair of the pump.

Mrs. Steiner stated she would like to talk to Mr. Fenwick about this. She is uncomfortable with it if the Village is not being consistent with other homeowners.

Mrs. Geis asked if the Village could assess the homeowner.

Mrs. Spohn stated to assess this particular item the Village would have to go through the assessment process.

Mr. Heydorn stated it is not really the subject of an assessment.

Mrs. Fuller asked if we have any recourse.

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Mr. Heydorn stated essentially the Village has contracted with the company to have the project done.

Mr. Jones asked why we didn't tell the homeowner to replace the pump and then bring it before Council.

Mr. Heydorn stated if the Service Department is confronted with an emergency that has been done a certain way for several years, they would act upon it. This is exactly what the Service Department had to do at the time.

It can't be expected to treat this in some other fashion other than how it was historically treated.

Mrs. Fuller asked if anyone questioned why the Village was maintaining this particular pump and not others over the years.

Mrs. Spohn stated she believes Mr. Fenwick is questioning this now because the bill was so high.

Mr. Jones stated the ship date on the bill is November 5. If Council waits until the next meeting when Mr. Fenwick is available to answer questions and they decide to pay it, it will still be within the 30 days.

Mr. Scott asked if Council was going to decide not to pay. He agrees the Village should not do this anymore, but the bill has to be paid. The services were already rendered.

The homeowner was under the impression the Village was going to repair the pump because the Village always has.

Mrs. Steiner stated she would like to ask Mr. Fenwick what kind of arrangement was established between the Village and the homeowner.

Mayor stated Mr. Fenwick probably is not aware because he was not here at the time the arrangement was established. He was probably going on past practice of what has been done and acting in good faith, as this is what the Village has always done. He brought this to Council for it to be examined so there isn't this problem in the future.

Mr. Hite stated he would like to hear from Mr. Fenwick also.

Mr. Jones stated Resolution No.: 107-2008 will be treated as a first reading.

Mr. Jones stated Ordinance No.: 112-2008 is for the easement at Crystal Park property to use as a turn around for the service vehicles and police vehicles.

Mr. Heydorn stated this establishes a nice formal arrangement.

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Mayor stated the way the agreement is written the Village is responsible to care for the work that was done only as long as the Village decides to use it. If, in ten years, the Village decides there is a better place to turn around then we would just give it back to them and the Village has no further responsibility for it.

Mr. Jones stated the committee will recommend the adoption of Ordinance No.: 112-2008 this evening.

Mrs. Steiner called upon Mrs. Fuller, Personnel and Public Affairs Committee, to lead discussion on items on the agenda pertinent to her committee.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE

Mrs. Fuller stated Resolution No.: 110-2008 appoints Mr. David Barstow to the vacant appointed Park Board position.

Mayor stated there were three persons interested in the position. Each person spoke with Mr. Bob Zimmermann, Park Board Chairman. Mr. Zimmermann recommended Mr. Barstow for the position and Mayor agreed. Mr. Barstow should be at the next Council meeting to be sworn in.

Mrs. Fuller stated the committee will recommend the adoption of Resolution No.: 110-2008 this evening.

Mrs. Steiner continued with the agenda.

Public Improvements Committee – Mr. Gerald Jones, Chairman

Mr. Jones stated Resolution No.: 107-2008 will be treated as a first reading.

Mr. Jones stated Ordinance No.: 63-2008 was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Jones, seconded by Mr. Hite.

Roll call on adoption: Yes 7 No 0

Mr. Jones stated Ordinance No.: 112-2008 was discussed in committee earlier this evening and is ready for adoption.

Mr. Jones moved to suspend the rule that legislation be read at three meetings for Ordinance No.: 112-2008, seconded by Mr. Hite.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Jones, seconded by Mrs. Fuller.

Roll call on adoption: Yes 7 No 0

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Finance and Appropriations Committee – Mr. Christopher Scott, Chairman

Mr. Scott stated Resolution No.: 105-2008 will be treated as a first reading.

Mr. Scott stated Resolution No.: 106-2008 was discussed in committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rule that legislation be read at three meetings for Resolution No.: 106-2008, seconded by Mrs. Fuller.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Scott, seconded by Mrs. Fuller.

Roll call on adoption: Yes 7 No 0

Mr. Scott stated Resolution No.: 108-2008 was discussed in committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rule that legislation be read at three meetings for Resolution No.: 108-2008, seconded by Mr. Hite.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Scott, seconded by Mr. Jones.

Roll call on adoption: Yes 7 No 0

Mr. Scott stated Resolution No.: 109-2008 was discussed in committee earlier this evening and is ready for adoption.

Mr. Scott moved to suspend the rule that legislation be read at three meetings for Resolution No.: 109-2008, seconded by Mr. Jones.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mr. Scott, seconded by Mr. Jones.

Roll call on adoption: Yes 7 No 0

Mr. Scott stated Resolution No.: 111-2008 was discussed in committee earlier this evening and is ready for adoption.

Motion to adopt by Mr. Scott, seconded by Mrs. Fuller.

Roll call on adoption: Yes 7 No 0

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Personnel and Public Affairs Committee – Mrs. Karen Fuller, Chairman

Mrs. Fuller stated Resolution No.: 110-2008 was discussed in committee earlier this evening and is ready for adoption.

Mrs. Fuller moved to suspend the rule that legislation be read at three meetings for Resolution No.: 110-2008, seconded by Mrs. Geis.

Roll call on suspension: Yes 7 No 0

Motion to adopt by Mrs. Fuller, seconded by Mr. Jones.

Roll call on adoption: Yes 7 No 0

SPECIAL COUNCIL COMMITTEES

Mrs. Geis stated the Park Board is reviewing plans for a memorial entranceway to the Arboretum. The plan they are looking at will cost about \$40,000. It seems like it would be a lot of maintenance. It is going to be funded by people purchasing the bricks.

Mayor suggested Mrs. Geis remind the Park Board they need to go to the Planning Commission with any designs they approve.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey stated Santa Claus is coming to the Silver Lake Christmas tree lighting on December 7, 2008, at 4:30 p.m. He would like to see everyone there.

Mayor stated there were many questions that went unanswered because Mr. Fenwick was not available for this evening’s Council meeting. The reason there is not a representative reporting for Mr. Fenwick is because they would be getting overtime for attending the meeting. Mayor has asked Mr. Fenwick and Chief DeMoss to provide him with their report if they cannot attend a meeting.

Mayor stated the meeting to look at the gas well last Thursday was cancelled. He is going to inform Mr. Beck that Council is not interested in pursuing this unless it can be out of the well situation dealing with Cuyahoga Falls. There is some new technology that virtually guarantees there will never be any problem with the water well system in Cuyahoga Falls.

Mrs. Fuller asked if there is new technology since the last time Mr. Beck presented at Council.

Mayor replied Mr. Beck stated there have been some new developments where the possibility of contamination would be virtually impossible.

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Mr. Jones stated Council has already been through all of presentations and there was a potential that the Village would maybe receive \$30,000 from this. The issue is going to be raised again and the same people are going to attend and the Cuyahoga Falls Water Department is going to be against it again. He doesn't see how we are going to get anywhere.

Mrs. Steiner agreed but does understand there are some new Council members who are interested in hearing the presentation.

Mr. Hite stated he is interested in hearing a presentation. This is going to become a bigger and bigger issue because of our economics.

Other members of Council also expressed interest in hearing a presentation.

Mayor stated he would invite Mr. Beck to make a presentation to Council.

Mayor wished everyone a Happy Thanksgiving.

Mr. Robert Heydorn, Solicitor, had no report.

Chief Gary DeMoss stated he recently received information regarding mandates. Traffic citations will have to be scrapped because Cuyahoga Falls court is now changed to Stow. He is looking into pricing.

A Federal Regulation goes into effect on November 24, 2008, that requires a highly visible safety vest for anyone who works out in the street. The vests are a very bright lime green. To save money the Village is ordering with the City of Barberton.

The network printer that was installed is working very well. Approximately 4,000 copies have been run so far. The ink cost savings is huge. This should pay for itself within a year and a half.

Chief supplied Council with a breakdown of the Police Department overtime. Holiday, training, and court is where the majority of overtime is needed. (Copy attached to the original minutes).

Chief gave Council a wage and benefit survey. (Copy attached to the original minutes).

Mrs. Teresa Spohn, Clerk-Treasurer, had no report.

Mrs. Steiner asked what was going on with the smoke detectors.

Mr. Heydorn stated he will contact Cuyahoga Falls regarding the liability issue.

There being no further comments, Council adjourned at 8:36 p.m. until the next regularly scheduled Council meeting on Monday, December 1, 2008, at 7:00 p.m.

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APPROVED:

Carol Steiner, President of Council

ATTEST:

Teresa M. Spohn, Clerk-Treasurer
s:council/2008 minutes/11-17-08 Council meeting.doc
prepared by: Margaret Tussey