

BRATENAHL VILLAGE  
BRATENAHL VILLAGE HALL  
411 BRATENAHL ROAD  
BRATENAHL, OHIO 44108  
216.681.4266  
Fax 216.681.3811

VILLAGE COUNCIL MEETING

TAKEN:

NOVEMBER 18, 2009

5:30 P.M.

PRESENT:

MAYOR JOHN LICASTRO

MARY BECKENBACH

GREGORY BINFORD

WILLIAM BOLTON

RICHARD SEMERSKY

GEORGE MATEYO

BRENDA BROWNRIGG

ADAM CORNETT, ESQ.

Nancy L. Molnar, RPR

1                   MAYOR LICASTRO: It's now five  
2 o'clock. I'd like to call the meeting to order  
3 and have the clerk call the roll, please.

4                   MR. GALLAGHER: Good evening. Ms.  
5 Beckenbach?

6                   MS. BECKENBACH: Here.

7                   MR. GALLAGHER: Mr. Binford?

8                   MR. BINFORD: Here.

9                   MR. GALLAGHER: Mr. Bolton?

10                  MR. BOLTON: Here.

11                  MR. GALLAGHER: Ms. Brownrigg?

12                  MS. BROWNRIGG: Here.

13                  MR. GALLAGHER: Mr. Mateyo?

14                  MR. MATEYO: Here.

15                  MR. GALLAGHER: Mr. Semersky?

16                  MR. SEMERSKY: Here.

17                  MR. GALLAGHER: Thank you.

18                  MS. BECKENBACH: I'd like to move to go  
19 into executive session for the purpose of  
20 discussing pending and threatening litigation.

21                  MAYOR LICASTRO: Second?

22                  MR. BINFORD: Second.

23                  MAYOR LICASTRO: Thank you. Roll call,  
24 please.

25                  MR. GALLAGHER: Ms. Beckenbach?

1 MS. BECKENBACH: Aye.

2 MR. GALLAGHER: Mr. Binford?

3 MR. BINFORD: Aye.

4 MR. GALLAGHER: Mr. Bolton?

5 MR. BOLTON: Aye.

6 MR. GALLAGHER: Ms. Brownrigg?

7 MS. BROWNRIGG: Aye.

8 MR. GALLAGHER: Mr. Mateyo?

9 MR. MATEYO: Aye.

10 MR. GALLAGHER: Mr. Semersky?

11 MR. SEMERSKY: Aye.

12 MR. GALLAGHER: Thank you.

13 MAYOR LICASTRO: We'll be done by 5:30.

14 (Whereupon, Council went into executive

15 session.)

16 MS. BECKENBACH: I move that we return

17 to open session.

18 MR. BINFORD: Second.

19 MAYOR LICASTRO: Roll call, please.

20 MR. GALLAGHER: Ms. Beckenbach?

21 MS. BECKENBACH: Aye.

22 MR. GALLAGHER: Mr. Binford?

23 MR. BINFORD: Aye.

24 MR. GALLAGHER: Mr. Bolton?

25 MR. BOLTON: Aye.

1 MR. GALLAGHER: Ms. Brownrigg?

2 MS. BROWNRIGG: Aye.

3 MR. GALLAGHER: Mr. Mateyo?

4 MR. MATEYO: Aye.

5 MR. GALLAGHER: Mr. Semersky?

6 MR. SEMERSKY: Aye.

7 MR. GALLAGHER: Thank you. We're in  
8 open session.

9 MAYOR LICASTRO: Council received the  
10 minutes from the October meeting. Is there a  
11 motion to approve?

12 MR. BINFORD: So move.

13 MR. MATEYO: Second.

14 MAYOR LICASTRO: Any discussion? All in  
15 favor of the motion? 21:06:08

16 Ayes: 6. Nays: 0.

17 MAYOR LICASTRO: The Mayor's Court  
18 Report for October is as follows: The County  
19 Treasurer received \$865; the Village of Bratenahl  
20 \$25,181; Treasurer of the State of Ohio \$6,198;  
21 and the court computer fund \$1,770. 21:06:08

22 We have had to revamp the manner in  
23 which we charge fees to meet the mandates of House  
24 Bill number one. Basically, we have \$5 in fees and  
25 have to change the way we report the monies to the 21:06:08

1 BMV. So that's just a quick summation of that.

2 Any questions on that?

3           There being none, moving on. I was at  
4 the Board of Health for a meeting last week, week  
5 before last, an update on H1N1. H1N1 is different 21:06:08  
6 than seasonal flu. The shots being offered now are  
7 seasonal flu shots. H1N1 is only being given to  
8 high-risk individuals, mostly pregnant women is  
9 what I've heard in Cuyahoga County. Today I was  
10 there. They inoculated 1,500 pregnant women, which 21:06:08  
11 was a sight to behold, and healthcare workers.  
12 Basically, they said if you get the flu now, you've  
13 got H1N1. The seasonal flu has not hit yet.

14           We have two waves of H1N1. They think  
15 it will back off and perhaps come back in the 21:06:08  
16 colder months. But right now, again, the vaccines  
17 are for seasonal flu. H1N1 is only for high-risk  
18 groups. Any questions on that? Thank you.

19           We have several members of Northeast  
20 Ohio Regional Sewer District here today. We have 21:06:09  
21 the director Julius Ciaccia. We have Frank  
22 Greenland. What is your title, Frank?

23           MR. GREENLAND: Director of watershed  
24 programs.

25           MAYOR LICASTRO: Thank you. You'll have 21:06:09

1 to introduce the others.

2 MR. GREENLAND: Elliot, our director of  
3 engineering construction is here, John Barren and  
4 Tim O'Rourke from our program management office  
5 are also with us.

21:06:09

6 MAYOR LICASTRO: Thank you. There's two  
7 subjects I've asked Northeast Regional to broach  
8 today in a 15-minute time frame. Basically, as  
9 you know from prior meetings, Northeast Regional  
10 is looking to take over the stormwater management  
11 program, which is now to be done locally by  
12 communities. There's a lot of merit in that and  
13 that will be part of Frank's presentation.

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14 The second thing they'll discuss today  
15 is the terminus of the tunneling project for the  
16 stormwater overflow, which is a half a billion  
17 dollar project that will take place over the next  
18 20 years. There's tunneling going on right now  
19 across Ohio, Northeast Ohio, for this purpose.

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20 The idea is to take stormwater  
21 overflow, put it in tunnels underground and  
22 eventually send it to the treatment plant to be  
23 treated as sewage water, because sewers are  
24 designed for when there's a rain event, the  
25 sanitary overflows in the storm and you flush raw

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1 sewage into streams and the lake. This project  
2 became critical to Bratenahl because initially  
3 White City Beach and that area was designated as a  
4 possibility for the terminus of the tunneling  
5 project.

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6 The director came to the Village to  
7 Council meeting and said that after much discussion  
8 and urging on our part, the terminus of the  
9 tunneling project would be on the Nine Mile site  
10 across the Shoreway next to the Sign-Lite Company.

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11 There was some discussion I had with  
12 Director Ciaccia where he indicated the pump  
13 station might indeed be on the White City site. He  
14 has agreed. His engineers concur. I hope we'll  
15 hear today that, too, will be on the Nine Mile  
16 site. That's a great thing.

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17 This is a multi-year project. And my  
18 concern and all of our concern with the devastation  
19 that would occur to the east end if this project  
20 wasn't sited south of the Shoreway. It is. That's  
21 a recap of what we're about to hear. Mr.  
22 Greenland, the floor is yours.

21:06:09

23 MR. GREENLAND: I brought some handouts.  
24 I'm going to be very brief on the stormwater  
25 management program and then we'll move into the

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1 CMS issue. I've given you the handouts for  
2 public meetings that we're currently conducting.  
3 We'll talk about the details of our proposed  
4 stormwater management program just very briefly.  
5 You're aware of our responsibilities on the  
6 wastewater site. The Mayor has indicated the  
7 combined sewer overflow responsibility. We have  
8 responsibilities for large interceptor sewers to  
9 take wastewater from Bratenahl and 62 communities  
10 to our treatment plants.

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11 We operate the easterly plant, which is  
12 adjacent to you, as well as southerly and  
13 westerly. And we were given the responsibility  
14 to develop and implement a program to manage  
15 stormwater issues intercommunity stormwater  
16 issues across this region. And we have been  
17 working steadily towards the development of the  
18 plan to satisfy that court ordered mandate.

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19 And what we are now -- where we're now  
20 at is we have developed a program, developed a  
21 revenue stream or an idea of the revenue stream,  
22 how we would pay and fund this program, and we're  
23 talking at public meetings about the details.  
24 And in short, the program was to design device  
25 solutions for what the judge called

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1 intercommunity drainage issues, plus stormwater  
2 and sanitary across the district.

3           When I say intercommunity stormwater,  
4 I'm talking about flooding, stream flooding,  
5 stream erosion, stream water quality issues. So 21:06:09  
6 when we look at Bratenahl, Nine Mile Creek, I've  
7 heard about erosion and flooding issues,  
8 Shawbrook, Dugway Brook, these are all examples  
9 of large regional stormwater networks that the  
10 district would take responsibility for both in 21:06:09  
11 terms of operation and maintenance, routine  
12 operation and maintenance inspection, monitoring  
13 and capital improvement, planning, designing and  
14 constructing improvements to solve problems  
15 across the region. 21:06:09

16           In terms of the funding for the program,  
17 we have looked at what other stormwater utilities  
18 do nationally. Many or most were charged based  
19 on the amount of impervious area on your  
20 property. Impervious area, on your typical 21:06:09  
21 residential lot, rooftops, driveways,  
22 outbuildings, parking areas, impervious,  
23 stormwater runs off, so we use satellite imagery,  
24 county auditor records to determine the  
25 imperviousness of each property across our entire 21:06:09

1 service area.

2           When you boil it all down, to do the  
3 things we want to do in terms of improvements,  
4 controlling erosion and flooding, operating and  
5 maintaining the system, the proposed fee for 2010  
6 is \$4.75 per month for the average residential  
7 lot in terms of imperviousness. We're going to  
8 tier that charge. We're proposing to tier that  
9 charge, small, medium, and large residential.

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10 And this information is in this handout.

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11           In terms of the timeline for the  
12 program, we have developed a draft code of  
13 regulations, our title five, it's out to all the  
14 communities. Bratenahl's officials have a copy.  
15 We're inviting comments over the next month.

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16 We're going to consolidate comments and propose a  
17 final title five, a title to our Board in January  
18 of 2010, for their adoption, it's our board of  
19 trustee that must adopt the program.

20           In terms of actual implementation, we  
21 would not be able to build in earnest for  
22 stormwater until probably July of 2010. We work  
23 with Cleveland Water primarily as our billing  
24 agent. And for them to accommodate all the data  
25 that we need done to get into their system to

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1 bill for stormwater, that's mid 2010, but many of  
2 the activities have already begun. We're  
3 supporting watershed groups and watershed support  
4 grants and a number of other things. So we're in  
5 the business, but we really want to ramp up our  
6 role mid 2010, really that's the short story on  
7 stormwater.

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8           MAYOR LICASTRO: Talk about credits that  
9 are available.

10           MR. GREENLAND: Credits. Certainly for  
11 both residential and for large property owners,  
12 the lots of imperviousness can generate a healthy  
13 fee. We're going to incorporate in credits into  
14 the equation to incentivize property owners to do  
15 what we think we need to do across the region,  
16 which is manage stormwater on site and reduce  
17 water quality problems and water quantity  
18 problems in terms of stormwater discharge.

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19           So for residential properties, we're  
20 going to work on the details, but we will offer  
21 up to 25 percent off the residential stormwater  
22 bill for activities by the homeowner to improve  
23 quality or reduce quantity stormwater. We'll  
24 make it very clear to the homeowner and have that  
25 on our website exactly what you would need to do

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1 to do so.

2           The larger properties, reductions of  
3 quantity, up to 50 percent of the bill can be  
4 reduced. Things that improve quality of the  
5 discharge of stormwater, 25 percent and these are 21:06:10  
6 added. So for large parcels, up to 75 percent of  
7 the fee could be reduced through actions on  
8 behalf of that property owner. We are proposing  
9 to charge schools. They are generating  
10 stormwater, but we recognize the burden, so we're 21:06:10  
11 going to offer an additional 25 percent credit to  
12 school for educational programs geared at  
13 watershed management, stormwater management,  
14 environmental education.

15           And we know that the district has to 21:06:10  
16 play a leading role for developing materials to  
17 make it easy for schools and school boards to  
18 make that happen. They have to put the programs  
19 on the curriculum, but we'll work to develop the  
20 programs for the schools. So the schools can 21:06:10  
21 receive up to 100 percent.

22           MAYOR LICASTRO: The reason I mention  
23 that is some of our legislation is a bit  
24 antiquated. It says, for example, gutters have  
25 to tie into stormwater. I mean, one of the 21:06:10

1 things they offer here is rain barrels, for  
2 example, as a way to reduce stormwater runoff.

3 So next year we need to look at our  
4 ordinances, Mr. Mateyo, in your legislative  
5 committee to see what we can do to streamline  
6 them and make them more green and more akin to  
7 what this program intends to accomplish.

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8 Any questions for Mr. Greenland?

9 MS. BECKENBACH: You provide guidelines  
10 for that?

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11 MR. GREENLAND: We're working on a  
12 credit policy and we'll make it available to the  
13 communities and to the residents. It will tell  
14 people what they have to do, the criteria, the  
15 application procedures.

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16 MAYOR LICASTRO: Let me mention that if  
17 you walk the stream beds here in our community,  
18 in our community there are open streams.

19 Elsewhere they might be culvert, but Bratenahl  
20 they're open stream with wildlife, et cetera.

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21 Some of the culverts streams have debris piled up  
22 to block the entrance. That's the kind of stuff  
23 Northeast is going to take to clean up. There  
24 are pictures in here where people have taken old  
25 washers and dryers and put them along the stream

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1 bed to try to prevent erosion. That's the kind  
2 of thing this program should eliminate. So it  
3 really is about thinking green and thinking about  
4 the streams as open viable entities, not just  
5 storm sewers.

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6 MR. GREENLAND: Right.

7 MR. BOLTON: I have a bunch of  
8 questions. I'll try not to take too long on a  
9 variety of issues. Who pays? Does the homeowner  
10 pay or does the community pay based upon the  
11 individual homeowners?

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12 MR. GREENLAND: All the personal owners,  
13 the property owner.

14 MR. BOLTON: Because you can understand  
15 money is very tight right now for all  
16 communities.

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17 MR. GREENLAND: Right.

18 MR. BOLTON: How is agriculture treated?  
19 We don't have any agriculture in our community,  
20 but I wondered if by taxing impervious surfaces  
21 agriculture is exempt.

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22 MR. GREENLAND: Agriculture would be  
23 exempt if there are no buildings. It's all on  
24 impervious, so they're treated like a residential  
25 lot. They calculate how much impervious area on

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1 the property and that generates the charge.

2 MR. BOLTON: Is the opposite true for  
3 manufacturing and industrial which would have  
4 large covered surfaces and pavement?

5 MR. GREENLAND: The same thing, it's all 21:06:10  
6 impervious area. We have satellite imagery and  
7 aerial photography for most properties and we use  
8 auditor records, so we know based on the  
9 satellite imagery how much roof tops and  
10 driveways and we can digitize and calculate that 21:06:10  
11 by parcel.

12 MR. BOLTON: That's great. Because the  
13 reason I asked is I was involved in the writing  
14 of our ordinance for the stormwater management.  
15 And at that time the EPA required ordinance did 21:06:10  
16 not address industrial. And so I think it should  
17 be, because they're a larger proportion of runoff  
18 than the individual homeowner.

19 In 19 -- I think it was 97 and 2001, the  
20 NEORS D tested the creeks for chemicals and in 97 21:06:10  
21 or 98 there was a hexavalent chromium found in  
22 Nine Mile Creek, which was cleaned up. Is there  
23 any chance if you take this over there will be  
24 more frequent testing? And we've had problems in  
25 Dugway Creek with medical waste. I know there 21:06:10

1 have been actions taken, but what would you be  
2 doing going forward?

3 MR. GREENLAND: The short answer is yes.  
4 We're ramping up resources to take on this  
5 challenge. One of the areas is our water quality 21:06:10  
6 and industrial surveillance area and our  
7 analytical service area. And we want to have  
8 more targeted testing and analysis streams to  
9 work with community efforts, our efforts, gauge  
10 the success of projects and look for problems in 21:06:10  
11 the field. So we will continue to do that and I  
12 do see that program ramping up.

13 MR. BOLTON: Thank you for humoring me  
14 on that.

15 MAYOR LICASTRO: Mr. Mateyo. 21:06:10

16 MR. MATEYO: Two questions. One, how  
17 would this affect the Haskell collapse or the  
18 culvert that happened two or three years ago; and  
19 number two, very different, we have an  
20 educational facility this way I guess it is, it's 21:06:10  
21 called the Board of Ed which is highly  
22 impervious, a lot of parking lots. Are they  
23 going to pay?

24 MAYOR LICASTRO: Barbara Byrd-Bennett  
25 Teaching Center he's talking about. 21:06:10

1 MR. GREENLAND: That's a great question  
2 and I cannot answer it today. I don't know how  
3 the Board of Education building factors into  
4 schools.

5 MR. MATEYO: That's a lot of parking 21:06:10  
6 lot.

7 MR. GREENLAND: I don't know the answer  
8 to that. It's clearly a school, dedicated  
9 school. Kindergarten through 12, but that's a  
10 good question. We'll have to review that. 21:06:10

11 MAYOR LICASTRO: His other reference was  
12 to a stormwater culvert that collapsed, actually  
13 Shawbrook, on private property.

14 MR. GREENLAND: Shaw, because and  
15 remember it's intercommunity problems so 21:06:10  
16 obviously East Cleveland flows and some Cleveland  
17 flows are coming your way. Shaw is an example of  
18 that. The District would assume responsibility  
19 for Shaw.

20 MR. MATEYO: That's a good selling 21:06:10  
21 point.

22 MAYOR LICASTRO: Ms. Brownrigg.

23 MS. BROWNRIGG: Is there anything  
24 written, will there be anything written into your  
25 program that prevents that impervious service fee 21:06:10

1 from becoming a revenue stream to fund other  
2 projects? You mention the credit.

3 MR. GREENLAND: That's a great question.  
4 And I want to be very clear, because there's been  
5 a lot of these type of questions across all the 21:06:10  
6 communities. The District has well-established  
7 plans on the wastewater side where its treatment  
8 plants, interceptor sewers, all the facilities  
9 are underground. We're going to talk a little  
10 bit about a combined sewer overflow program 21:06:10  
11 today. That program was developed through a  
12 number of studies and we are discussing details  
13 of the program with EPA now.

14 So the combined sewer overflow program  
15 will be well-documented and it will be funded 21:06:10  
16 under the wastewater revenue stream. Similarly,  
17 on the stormwater side or conversely on the  
18 stormwater side, we will be developing stormwater  
19 master plans by watershed area. You will have  
20 representatives on watershed advisory committees 21:06:10  
21 as we develop those plans and after we develop  
22 those plans, and we will develop a detailed  
23 capital improvement summary for stormwater  
24 projects that we will undertake. And the  
25 District in its bookkeeping, there will be a 21:06:10

1 separate revenue stream dedicated to stormwater  
2 in our budget.

3 So we're definitely separating any  
4 wastewater related goes to the wastewater fee.  
5 This is dedicated resources for separate storm  
6 problems along streams. 21:06:10

7 MS. BROWNRIGG: And it's written that  
8 way?

9 MR. GREENLAND: Yes, it's in our  
10 financial policies. 21:06:10

11 MALE VOICE: At the onset, we may have  
12 to use some of our wastewater funds to kick off  
13 this program, but we'll account for and refund it  
14 back to the wastewater, but they will be  
15 segregated accounts is our intention to set it up  
16 that way. 21:06:10

17 MAYOR LICASTRO: Okay. We need to hear  
18 about the engineering project, but let's take  
19 some questions from the audience. Dr. Robins.

20 MR. ROBINS: Yeah, there's been an  
21 ongoing debate relative to the EPA, that 20-year  
22 expectation that they have for I believe the  
23 sewer project. And 30-year expectation by the  
24 Sewer District.

25 How does that EPA discussion of 20 years 21:06:10

1 versus 30 years impact the wastewater plan.

2 MR. GREENLAND: Well, it has an obvious  
3 impact. The duration of time we have to  
4 construct projects will dictate how much capital  
5 per year. We're not there yet. The discussions  
6 continue, so we don't know if it's 20, 25 or 30.

21:06:10

7 MR. ROBINS: Were the finances reported  
8 based on 20 years or 30 years?

9 MR. GREENLAND: The finances in our rate  
10 study, the current negotiations really don't  
11 impact the current rate picture. It is the  
12 future rate picture out in 2012 and beyond that  
13 will be impacted.

21:06:10

14 MALE VOICE: I'll make it clear. This  
15 is on the wastewater side now, this is not on the  
16 stormwater side that we're talking about here.  
17 And on the wastewater side, the plan that we  
18 submitted to the government was a 30-year plan.  
19 So all of our financing to date is on a 30-year  
20 basis. They're trying to ratchet it down to 20  
21 year, so that's yet to be determined.

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21:06:10

22 MAYOR LICASTRO: I think you told me  
23 they even mentioned 18.

24 MALE VOICE: They mentioned 15. Now  
25 it's up to 20.

21:06:10

1           MAYOR LICASTRO: All of this is because  
2 of the 1970 EPA law that really is mandating we  
3 clean up our lakes and streams. Dr. Spano.

4           DR. SPANO: Those homes that tie into  
5 the city stormwater sewer system, will they be  
6 paying a fee as well? 21:06:10

7           MR. GREENLAND: All the program will --  
8 everyone within our wastewater service area  
9 boundary will be included in the stormwater  
10 management program with broad regional benefits. 21:06:10

11           DR. SPANO: You had mentioned they could  
12 take to get credits. What could they possibly do  
13 if they're already doing all that can be done to  
14 get a credit?

15           MR. GREENLAND: I don't understand the 21:06:10  
16 question. They'll be billed for stormwater.  
17 We'll outline some credit mechanisms on the  
18 residential and on the larger parcel side of  
19 things. So they're going to get a bill for  
20 stormwater, but their bill can be reduced through 21:06:10  
21 measures. Some of them may already be doing  
22 those measures. And in their credit application  
23 they'll have to supply the information to outline  
24 what they're doing, we have to review it, and  
25 they'll get credits for past practices. 21:06:10

1 DR. SPANO: My question is if they're  
2 already tied into the stormwater system that you  
3 folks then take over and treat, what more can  
4 they possibly do?

5 MR. BIERUT: Maybe I can jump in. I 21:06:10  
6 think that, correct me if I'm wrong, I think the  
7 way you're going to get a credit is by  
8 disconnecting from the stormwater sewage and  
9 utilizing rain barrels. It's the opposite of  
10 what you think. 21:06:10

11 MR. GREENLAND: There's a lot of waste.  
12 We need to play a role with the property owners  
13 to give them ideas on ways you can do that, but  
14 I'll give you an example. Charlotte, North  
15 Carolina, huge shopping, huge parking lot 21:06:10  
16 drainage everywhere. And what they did was take  
17 the middle of the parking lot and construct  
18 facilities to allow the stormwater to infiltrate  
19 in the soil, dramatically reduce the volume of  
20 water coming off that property, improved the 21:06:10  
21 quality. So under our program they'd be eligible  
22 for a 75 percent credit. That's one example.  
23 There's many times other examples.

24 FEMALE VOICE: How do you charge a place  
25 like Bratenahl Place, it's a high-rise with all 21:06:10

1 those units?

2 MR. GREENLAND: We have the impervious  
3 area for Bratenahl Place. We will by property  
4 owned, the parcel owner, so we'll know Bratenahl  
5 Place has so much square footage of impervious  
6 area and the bill will go to the property.

21:06:10

7 MAYOR LICASTRO: Ms. Meade.

8 MS. MEADE: The water department has  
9 just launched the new billing system. And if  
10 this is coming, if it will appear on the new  
11 billing system, will stormwater be a new line  
12 item?

21:06:10

13 MR. GREENLAND: Yes.

14 MAYOR LICASTRO: Will the CSO or the  
15 wastewater, if there's a fee, will that be a  
16 separate line item?

21:06:10

17 MALE VOICE: That's to be determined.  
18 There's been some discussion about whether we  
19 should have a new line item called federal  
20 mandate and put that on or whether we should just  
21 lump it in the total wastewater bill, but we  
22 haven't decided that yet.

21:06:10

23 MS. MEADE: Before tonight's meetings I  
24 think there was some earlier discussion. Will  
25 Bratenahl -- I'm not sure if this might be the

21:06:10

1 overflow or not, will Bratenahl roads itself and  
2 all of that get a bill as well so the will the  
3 Village?

4 MR. GREENLAND: No, there are a few  
5 exemptions. Roads, they're not charging public 21:06:11  
6 roads. Private roads serving not a public  
7 purpose are part of the impervious area.  
8 Municipal nonself-supporting properties will not  
9 be charged for stormwater. We're being  
10 consistent with the court and what we've done 21:06:11  
11 with wastewater. Railroad right-of-ways will not  
12 be charged. And any amount of imperviousness on  
13 a property less than 400 square feet will not get  
14 billed, so that's the local. Those are the only  
15 exemptions. 21:06:11

16 MS. MEADE: No public roads. So if we  
17 have homeowners associations, those roads will be  
18 and then it would be divided by all the owners  
19 within that community?

20 MAYOR LICASTRO: Right, they're private 21:06:11  
21 roads.

22 MS. MEADE: Did I understand like this  
23 building would be exempt, this municipality.

24 MR. GREENLAND: Yes.

25 MS. MEADE: When the water quality sends 21:06:11

1 -- I know the water department does a lot of  
2 testing. Are there ways you can partner or does  
3 the EPA mandate that you do your own testing?

4 MR. GREENLAND: We do partner with a  
5 number of entities on testing. We have an 21:06:11  
6 analytical services department that does a lot of  
7 or all the test that we're required to do. And  
8 we work in partnership with watershed groups,  
9 communities, boards of health to do additional  
10 sampling analysis across the region. And that's 21:06:11  
11 a program we're going to expand. And we're  
12 having discussions with those groups and EPA,  
13 national park service and a whole host of other  
14 parties.

15 MS. MEADE: I didn't know if it would 21:06:11  
16 help save money to hook together.

17 MR. GREENLAND: We're trying to broaden  
18 the information, make it useful to the community  
19 and reduce the cost.

20 MALE VOICE: I have been with Cleveland 21:06:11  
21 Water for 30 years. It's a totally different  
22 testing, totally different testing that's done  
23 there than what we do here in the District.

24 MAYOR LICASTRO: Okay. Could the  
25 engineers now speak to the other matter we have? 21:06:11

1           FEMALE VOICE: I brought you handouts  
2 here. I'm Heather, I'm the director of  
3 engineering and construction for the Northeast  
4 Ohio Regional Sewer District. I'm going to be  
5 really brief and talk a little bit about some of 21:06:11  
6 our long-term control plan projects for the  
7 combined sewer overflow. A program that the  
8 District has here in Bratenahl currently and its  
9 future potential impacts.

10           What I just passed out here shows you an 21:06:11  
11 overview of our easterly CSO system, including  
12 the Euclid Creek Tunnel, which is depicted in  
13 navy. It's the line in navy just north of  
14 Bratenahl and through Bratenahl showing our  
15 dewatering pump station at one point had been 21:06:11  
16 considered for White City Beach as the Mayor  
17 mentioned earlier, as well as the Nine Mile site.  
18 Those two yellow dots on your map there depicting  
19 the location. This is just to give you kind of  
20 an overview of where the District was in its 21:06:11  
21 original CSO planning.

22           Second page shows a close up of the  
23 White City Beach property and the original  
24 long-term control plan location for the tunnel  
25 dewatering pump station for the Euclid Creek and 21:06:11

1 Dugway tunnel system. This is not moving  
2 forward. This was just put in there to give you  
3 a perspective of what it would have been had it  
4 moved forward.

5           When the District committed to relocate 21:06:11  
6 the tunnel of the dewatering pump station on the  
7 third sheet, you'll see the tunnel dewatering  
8 pump station is sited at the Nine Mile Creek  
9 property. This is going to be a very busy piece  
10 of property during our long-term control plan 21:06:11  
11 construction activities.

12           Starting in the center of the map is a  
13 box down toward the bottom says construction  
14 schedule. There are projects that are needed to  
15 support this long-term control plan that start as 21:06:11  
16 soon as October of 2010. And that first project  
17 is with Cleveland Public Power to come and bring  
18 in a substation that we can use to power our  
19 tunnel boring machine and the pump station when  
20 it ultimately goes on line. 21:06:11

21           Subsequent to that or actually in  
22 parallel to that is Euclid Creek Tunnel is  
23 expected to begin construction in October of 2010  
24 as well. Euclid Creek Tunnel is depicted in blue  
25 here and the tunnel shafts are indicated in 21:06:11

1 orange. Subsequent to that we will start the  
2 construction of the tunnel dewatering pump  
3 station on or around October of 2011. That's  
4 when the site really starts getting busy. That  
5 construction will continue through 2014 for both  
6 Euclid Creek and the tunnel dewatering pump  
7 station.

21:06:11

8 Then in 2014 we will start-up the Dugway  
9 tunnel system depicted in yellow, the lighter  
10 shade of yellow on here, shows you where that  
11 tunnel is going to be located. That's expected  
12 to be completed in 2019. So that gives you the  
13 full picture of the Nine Mile site and all the  
14 activities that are going to be taking place here  
15 as part of our long-term control plan.

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16 Now, as we are negotiating with the U.S.  
17 EPA and the Department of Justice on our  
18 long-term control plan, things such as 20-year  
19 versus 30-year schedule, things such as are the  
20 tunnels large enough, are the pump stations big  
21 enough. One subject that could affect Bratenahl  
22 that comes up in our discussion is the federal  
23 government's desire to have treatment on the  
24 combined sewer overflow from our easterly  
25 wastewater plant, which even under our proposed

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1 plan will continue to overflow into Lake Erie on  
2 a more frequent basis than the feds or the state  
3 would like to see.

4           So as such, they have asked us to  
5 consider putting in a high rate treatment 21:06:11  
6 facility for the combined sewer overflow at the  
7 easterly plant, which would be placed on the  
8 White City Beach location. Now, that's the last  
9 and final figure in your graphic here package,  
10 but I want to be clear this is something we're 21:06:11  
11 negotiating that's on the table with the feds and  
12 the state and it is not a dewatering pump  
13 station, this is a settling basin type of  
14 facility that could very much, the bulk of it  
15 could be subsurface and subgrade so that the line 21:06:11  
16 of issues and things we might have had concern  
17 about won't be as severe if we have to go with  
18 this kind of configuration, but we will need to  
19 continue that dialogue with the feds and with the  
20 state on what exactly the system will look like, 21:06:11  
21 how big it is. And then it will be a while  
22 before we get into detail design. As you can see  
23 if we do do this, construction is not scheduled  
24 to start until September of 2016.

25           So there will be a design period prior 21:06:11

1 to that in which, of course, residents of  
2 Bratenahl will have an opportunity to contribute  
3 to the design process and understand what this  
4 might ultimately look like, but we wanted to  
5 bring it before you today and say that it is  
6 something that's currently on the table as part  
7 of our negotiations and make you aware of it.

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8           MAYOR LICASTRO: Keep in mind that White  
9 City Beach, which used to be available and  
10 accessible to the public, no longer is. I mean,  
11 all we really have left is the sight lines. For  
12 the people that live on Lakeshore Boulevard and  
13 across from White City Beach, having a view of  
14 the lake is important. It's important to all of  
15 us who drive Lakeshore Boulevard and I trust  
16 everybody in the room does.

21:06:11

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17           So if you have to construct something  
18 there, the lower the better; the more subgrade  
19 the better; the less impact there is of sight  
20 line the better; and the less disruption there is  
21 in trucks is critically important to the Village.  
22 East and west you're only talking about three  
23 miles from one end of the Village to the other.  
24 We're small enough that a huge project that would  
25 be disruptive would be devastating to the entire

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1 community. I urge you to do just that. Have an  
2 ongoing dialogue about that and if indeed it  
3 happens, try to make it as Bratenahl friendly as  
4 possible.

5 FEMALE VOICE: Absolutely, Mayor. You 21:06:11  
6 can see it's about a two-year period. That's a  
7 significantly shorter period of disruption than  
8 is going to be experienced down on the Nine Mile  
9 site for all the activity that will be taking  
10 place down there. That's a nine-year disruption 21:06:11  
11 with a significant structure remaining after  
12 construction is completed versus what we're  
13 talking about for the high rate treatment at the  
14 easterly plant there on White City Beach would be  
15 much shorter construction frame. The engineers 21:06:11  
16 would be in much better control over what the  
17 final structure might look like and we believe  
18 would be below grade. We will be engaging  
19 Bratenahl in that process.

20 MAYOR LICASTRO: Questions from Council? 21:06:11  
21 Anyone from the audience. Yes Mr. Stephan.

22 MR. STEPHAN: They're not numbered, but  
23 I believe it's page 4. What's the height of the  
24 chemical building and the height of the screen  
25 building shown on this diagram? 21:06:11

1 FEMALE VOICE: These are just conceptual  
2 footprints at this point in time to show the  
3 potential area that they would be. We haven't  
4 set any grades. Obviously we haven't even agreed  
5 to build this yet with the agency. At such time 21:06:11  
6 that we are mandated to construct this, then we  
7 would start a preliminary design process to look  
8 at those and certainly with the sensitivity of  
9 line of sight issues here in Bratenahl. We will  
10 try to keep those as low as possible, possibly 21:06:11  
11 take them underground when we can.

12 MS. BECKENBACH: Do they have to be on  
13 that particular site? Can they be moved, just a  
14 hypothetical questions, back on the other side of  
15 the freeway or that kind or no? 21:06:11

16 FEMALE VOICE: These wet weather  
17 facilities would need to be located near where  
18 the lake, where the overflow occurs in order to  
19 be effective. And I also would like to add that  
20 this technology that we're proposing is our 21:06:11  
21 technology, not the government's preferred  
22 option. This is something that we believe we can  
23 do via gravity without a significant amount of  
24 pump and power consumption verse some of the  
25 technology that the government is pushing on to 21:06:11

1 us, which would be power intensive and require  
2 pumps and possibly more above ground facilities.  
3 So we are taking those things into consideration.

4 MALE VOICE: We don't agree we should  
5 have to do this at all, number one. Number two, 21:06:11  
6 this is a counter to a proposal they have on the  
7 table. We think this is a better solution than  
8 what they have. If we have to do something, this  
9 is a better solution than what they have.

10 MS. BECKENBACH: I find it intriguing 21:06:11  
11 that you go across the country and Ohio or at  
12 least the Lake Erie shoreline to be the only one  
13 nobody cares about or wants to preserve or is  
14 valued not only for recreation, but certainly for  
15 property values and access and preservation of 21:06:11  
16 the waterway if nothing else and it's too bad.

17 MAYOR LICASTRO: Thank you.

18 MS. BECKENBACH: But thank you for your  
19 proactiveness.

20 MAYOR LICASTRO: Mr. Stephan. 21:06:11

21 MR. STEPHAN: Overall conceptually, the  
22 name Stormwater Management System implies less or  
23 no contamination and flooding to me. And if  
24 there's no contamination and no flooding by the  
25 year 2016, might it be evident that there's no 21:06:11

1 need for this overflow treatment facility at  
2 White City Beach?

3 MR. GREENLAND: Well, the programs  
4 really are separate. We're talking about stream  
5 flooding primarily and the stormwater management 21:06:11  
6 program. We're talking about stream flooding  
7 issues. When we talk about overflows from  
8 combined sewer systems, we're talking about  
9 overflows that occur in the sewer system.

10 There's a combined sewer system and 21:06:11  
11 combined means stormwater and sanitary sewage in  
12 one pipe in this area and a lot of Cleveland,  
13 really. So they're really distinct systems. One  
14 is more of a wastewater system that happens to  
15 convey some stormwater. Stormwater program is 21:06:11  
16 really geared more at streams, stream  
17 preservation, stream improvements.

18 MR. STEPHAN: So the stormwater  
19 management program will not eliminate stormwater  
20 in the sanitary sewers? 21:06:11

21 MR. GREENLAND: It is not designed to  
22 deal with that. It's more designed to deal with  
23 the flooding and erosion problems that are  
24 occurring along our streams.

25 MALE VOICE: It will help over time. It 21:06:11

1 should help. And that's kind of the conundrum  
2 we're in with the government is that we see a  
3 future here of more on site stormwater  
4 management, which is going to reduce the amount  
5 of stormwater going into the combined sewers, but 21:06:11  
6 they don't see that necessarily. To them, that's  
7 all theoretical at this point and they're  
8 mandating.

9 MR. GREENLAND: We see some incidental  
10 benefits from the stormwater program, but I would 21:06:11  
11 call them incidental. We see some other  
12 potential opportunities if we better manage  
13 stormwater in a combined sewer area, but those  
14 efforts will not eliminate that overflow that  
15 we're talking about at the easterly plant. There 21:06:11  
16 will always be a need to deal with that  
17 situation, because it's the tail end of a large  
18 system.

19 MAYOR LICASTRO: What they do is they  
20 reduce the amount of water that has to be treated 21:06:11  
21 from 30 million to 20 million to 10 million to  
22 eight million gallons. That's what it does, but  
23 you can't eliminate all of it. Wish we could,  
24 but the reduction is what they're looking for,  
25 Paul. 21:06:11

1 All right. Well, we're going to move on  
2 with the agenda. Thank you, it was very  
3 flattering to the entire hierarchy of Bratenahl  
4 today. I hope someone is minding the store.  
5 This will be an ongoing dialogue. I always said  
6 through the years the NEORS is one of the most  
7 cooperative agency with which Bratenahl deals.  
8 Thank you very much for coming tonight.

21:06:11

9 (Applause.)

10 MAYOR LICASTRO: Moving on. Thank you  
11 for your patience. As I said, these streams end  
12 in Bratenahl. What happens to them I think is  
13 important to all of us. The election recap.  
14 Certainly we know who won. Congratulations to  
15 those that did. There's a couple here today.

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16 MS. BECKENBACH: All three.

17 MAYOR LICASTRO: All four are here.  
18 Thank you. Keep in mind that traditionally  
19 Bratenahl does their public official swearing in  
20 ceremony on January 1. It's scheduled for 10:00  
21 o'clock in the morning at the Community Center.  
22 Judge Jones has agreed to again preside. If you  
23 can't be there, Mr. Stephans, we'll get you at a  
24 later date, but for everyone else we hope to see  
25 you there.

21:06:11

21:06:11

1           If you also notice, except for issue  
2 two, Bratenahl, the way Bratenahl voted pretty  
3 much mirrored what happened in the county and the  
4 state. In Bratenahl issue two did not pass. It  
5 did pass state-wide. That's the one that sets up  
6 a panel to regulate poultry and livestock.  
7 That's the only one that went contrary to the  
8 manner in which the villagers voted.

21:06:11

9           I have a brief legislative report. And  
10 in the same vein, Mr. Gallagher and I met with  
11 Robin Belcher, our state representative. She  
12 represents district ten, wards five, seven,  
13 eight, 10 and 13 and 16 in Cleveland and the  
14 Village of Bratenahl. She replaced Eugene Miller  
15 who left his position as a state rep and became a  
16 Cleveland city council person.

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17           We talked about several things that  
18 you've heard mentioned here before. Oil and gas  
19 regulation, we do have a couple gas bills in  
20 the Village. The way the law reads now, the  
21 state is taking over the manner in which they're  
22 regulated. Really, we think eroding of home rule  
23 and local control. There are a couple bills  
24 pending in the senate from senator Tom Niehaus  
25 and Senator Tom Grendell that look to amend this

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1 to return some local control to local  
2 communities. Safety being our biggest concern.

3 The way the law now reads, there's very  
4 little done in terms of safety concerns by ODNR,  
5 the regulatory agency. There's also a bill  
6 pending to change the way the telecom industry is  
7 compensated. This is being driven by AT&T. The  
8 cable companies are looking at this with great  
9 interest because we don't charge AT&T a franchise  
10 fee. We charge cable companies a franchise fee.

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11 How much do we charge them a year?

12 MS. BROWNRIGG: \$30,000.

13 MAYOR LICASTRO: \$30,000. So the cable  
14 companies are looking at this. If the laws are  
15 rewritten and are deemed to be favorable to AT&T,  
16 the cable companies might try to jump on the band  
17 wagon and get their franchise fees or the fees  
18 they're charged for each pole reduced. We'll  
19 keep you posted.

21:06:12

20 The big discussion in Columbus, of  
21 course, is the budget. There is still is 900  
22 million dollar shortfall. The video lottery  
23 terminals might, if they come back to the floor,  
24 might help reduce that burden. The bigger  
25 concern we have is the next biannual, which is

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1 years 11 and 12. The state budget's about 52 to  
2 53 billion dollars. Only about 25 billion of  
3 that is discretionary. Most of the other monies  
4 are pass-through monies. And right now in that  
5 discretionary income there's about a five to  
6 seven billion dollar projected deficit in years  
7 11 and 12.

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8 They're having a hard time filling a 900  
9 million dollar hole. I don't know how they're  
10 going to fill a five to seven billion dollar  
11 hole. This is particularly important for us, of  
12 course, as tax payers as they look for other  
13 options of taxes and for our local government  
14 fund. We garner about \$71,000 a year of direct  
15 monies from the state that's already on the radar  
16 for 11 and 12. And it's been reduced from -- it  
17 was a 120,000 five or six years ago.

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21:06:12

18 MR. GALLAGHER: It was 130 when I  
19 started.

20 MAYOR LICASTRO: Thank you, Mr.  
21 Gallagher. It's been reduced to 71. So again,  
22 stay tune, because this certainly affects  
23 Bratenahl. The other thing that could go through  
24 the General Assembly very quickly is not allowing  
25 texting while driving. I know Cleveland has an

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1 ordinance. It makes me crazy to see people doing  
2 that while they're driving. And that's a very  
3 quick recap of legislative issues. Any questions  
4 on those? Thank you.

5 Chief Dolbow brought to me a proposal 21:06:12  
6 that he garnered that's called a LEAP proposal.  
7 Rich, talk about this, please.

8 CHIEF DOLBOW: I didn't bring that  
9 package with me. Basically, you're talking about  
10 the counseling program? 21:06:12

11 MAYOR LICASTRO: Yes.

12 CHIEF DOLBOW: One of my goals when I  
13 became Chief was to look for a means to provide  
14 counseling for the Village employees, primarily  
15 the police officers. This would cover a 21:06:12  
16 multitude of areas. If an officer is going  
17 through some type of posttraumatic stress related  
18 to the job, I would have the means to send him  
19 for counseling, such as that accident that we  
20 suffered with a few years back. It affected this 21:06:12  
21 department deeply.

22 And rather than put the cost and burden  
23 on each individual to seek counseling on his own,  
24 we've come up with a package. It's kind of like  
25 an insurance plan for counseling. It would cover 21:06:12

1 domestic problems at home if there's issues  
2 there. It could cover behavioral problems with  
3 employees where I feel that maybe they're  
4 suffering some sort of stress, and I might be  
5 able to mandate they seek counseling and that  
6 counselor would report back to me the findings  
7 and allow us to move forward either with a  
8 discipline or training that type of thing.

21:06:12

9 The package is roughly \$1,800 and it  
10 covers every Village employee to include our  
11 service and even our clerks here. I just thought  
12 it was a well --

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13 MS. BECKENBACH: Is that per year?

14 CHIEF DOLBOW: That's per year. Other  
15 agencies throughout the Cuyahoga County area are  
16 using it. And I did a little research in that  
17 area and everyone I spoke to that has that  
18 program in their department says it's a wonderful  
19 package deal. And it covers all the family  
20 members as well, their spouse, their children.

21:06:12

21 If their children are experiencing issues at  
22 school, bullying or drugs and alcohol, anything  
23 that arises in that household that that officer  
24 or Village employee works at. They would be able  
25 to participate in the program.

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1           MAYOR LICASTRO: And there's no cap. I  
2 mean, it doesn't say you're allowed 20 sessions  
3 or 30, it has no cap, as many as are needed in  
4 the course of a year is covered by the \$1,800. I  
5 reviewed the proposal. I would suggest one of 21:06:12  
6 two things. Either it's referred to safety for  
7 further discussion or if Council thinks the  
8 program has merits based on the Chief's  
9 recommendations, we can jump in right now. Mr.  
10 Mateyo. 21:06:12

11           MR. MATEYO: I just have a question. If  
12 we pay it, does Village Council or the residents  
13 bear a responsibility, not the employee of the  
14 Village, but for their child. That's not been  
15 our business. If an employee comes in, an 21:06:12  
16 officer comes to you, I can understand that. If  
17 they have a child or grandchild that needs  
18 assistance, is that our responsibility and are we  
19 getting into an area that we're exceeding our  
20 bounds? 21:06:12

21           MAYOR LICASTRO: We can discuss it in  
22 committee. Certainly under healthcare, the  
23 employee and family is covered by the insurance.  
24 I think this is modeled in the same manner, Mr.  
25 Mateyo, is the way I understand the proposal. 21:06:12

1 MR. BINFORD: Who underwrites this?

2 CHIEF DOLBOW: Cleveland Clinic is  
3 pretty much in charge of it. And they have a  
4 large staff of counselors that would be involved  
5 in it. It's much like going to an attorney, have 21:06:12  
6 attorney/client privilege there. If they seek  
7 counseling on their own for an issue at home with  
8 their child or their spouse or if they're  
9 experiencing some type of stress, I obviously  
10 wouldn't be privy to that information. If I see 21:06:12  
11 behavior problems here with my staff, I can  
12 interject and say I think you need to go talk to  
13 a counselor. Then I would get a report back  
14 because that would be a disciplinary or a  
15 training issue that I would need to address. 21:06:12

16 MR. BOLTON: I was going to say it  
17 sounds like a terrific idea, a wonderful program,  
18 a very good price. I do know the finance  
19 committee is concerned about going forward and I  
20 wondered if it could be considered as a part of 21:06:12  
21 next years budget. It could be referred to  
22 budget with the intent that Council says it  
23 sounds like a good program.

24 MAYOR LICASTRO: I think it really  
25 should be put to safety first and they can 21:06:12

1 explore all details of the proposal and make sure  
2 it's really what we need and certainly the  
3 expense can be considered by finance, but it's  
4 hard to find a program that's this cost effective  
5 for less than \$2,000 to have the counseling  
6 available.

21:06:12

7 As the Chief mentioned, there's been  
8 several occasions in the last few years we could  
9 have used some professional counseling for our  
10 employees. Ms. Brownrigg.

21:06:12

11 MS. BROWNRIGG: Do the other communities  
12 who use this program have guidelines on how it  
13 can and cannot be used against the municipality?  
14 For instance, if you terminated the person who  
15 was not referred to this program.

21:06:12

16 CHIEF DOLBOW: We still have our  
17 policies and procedures in place that would cover  
18 us in all that. If anything, that would help in  
19 that process because we have offered that  
20 employee one more avenue of help, training,  
21 assistance, guidance, that type of thing. It  
22 would almost take us out of that liability loop,  
23 because we've offered them one more opportunity  
24 to seek help and change whatever the behavioral  
25 problem is.

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21:06:12

1 MS. BROWNRIGG: Will we always offer it  
2 before termination?

3 CHIEF DOLBOW: It depends on the  
4 circumstance.

5 MR. CORNETT: If we're talking about 21:06:12  
6 liability and we're talking about potential  
7 liability for what may or may not be said during  
8 counseling, using it against an employee,  
9 discipline or any time an employee may be subject  
10 to discipline must be taken on those facts of the 21:06:12  
11 case. And personal health information at times  
12 depending on what it may be confidential, there's  
13 patient/doctor confidentiality and privileges  
14 associated with that.

15 Before we start talking about using this 21:06:12  
16 as a potential tool in aiding us in disciplining  
17 individuals or employees, et cetera, that would  
18 have to be flushed out, fleshed out. As of now,  
19 I don't think that's really something that we can  
20 say would be aided as a tool in disciplining Or 21:06:12  
21 offer us the ability to terminate employees.

22 MS. BROWNRIGG: I was thinking more of  
23 an employee suing us because we didn't offer it  
24 to him and we offered it to someone else.

25 MR. CORNETT: Well, to the extent the 21:06:12

1 program is offered to employees, my assumption  
2 would be that everyone can take advantage of it  
3 if they're an employee of the Village. They  
4 would have the option to do so. Whether they do  
5 it or not would be voluntary.

21:06:12

6 CHIEF DOLBOW: This is for their use.  
7 The only time I step in is if I see a behavioral  
8 problem. My goal is to help the individual, not  
9 use it as a tool to get him out the door, but to  
10 seek a change in their behavior, to aid them in  
11 any way possible. And this package would help  
12 the whole department and counsel in that area.

21:06:12

13 MR. CORNETT: It's really not uncommon  
14 in safety forces to have something dealing with  
15 counseling, especially when there's force  
16 involved. That's almost mandatory in some  
17 departments where you have to go beyond paid  
18 leave, in essence, and speak with the counselor  
19 to discuss the situation.

21:06:12

20 MS. EGAN: Rich, when you say Village  
21 employee, do you mean the service department?

21:06:12

22 CHIEF DOLBOW: Yes. Every paid employee  
23 with the Village. I think it covers up to 50 and  
24 we're pretty close to that number.

25 MAYOR LICASTRO: Ms. Egan.

21:06:12

1 MS. EGAN: Is that \$1,800 a year per  
2 person?

3 CHIEF DOLBOW: No, that's the whole  
4 package. It's an insurance program. Whether you  
5 use it or not, it's there for them. We may only 21:06:12  
6 use it 10 percent, but for the dollar I think  
7 it's well worth it.

8 DR. SPANO: There's no deductible? That  
9 sounds cheap.

10 CHIEF DOLBOW: That's for the package 21:06:12  
11 deal.

12 DR. SPANO: No deductible.

13 CHIEF DOLBOW: No, sir.

14 MR. ROBINS: I wanted to fully support  
15 the concept. I've had a lot of experience with 21:06:12  
16 this myself and my employees benefited  
17 tremendously and it actually paid for itself.

18 CHIEF DOLBOW: Exactly.

19 MR. ROBINS: But what I would ask is  
20 what's the current insurance coverage? I'm 21:06:12  
21 surprised that isn't already covered under our  
22 policy. And so to the extent there may be some  
23 duplication there, it would be important to  
24 understand that. If we don't have any such  
25 coverage, then that's a huge hole in our 21:06:12

1 responsible management of our employees and we  
2 definitely need that coverage for our employees  
3 and their families.

4           MAYOR LICASTRO: Good point. Someone  
5 refer this to committee, please. 21:06:12

6           MS. BECKENBACH: I so move.

7           MR. BINFORD: Second.

8           MAYOR LICASTRO: All in favor of the  
9 motion.

10           Ayes: 6. Nays: 0. 21:06:12

11           MR. ROBINS: What's our current  
12 insurance, do we know?

13           MAYOR LICASTRO: I don't know, Doctor.

14           MR. GALLAGHER: It includes some  
15 counseling. I am not conversant enough to answer 21:06:12  
16 this question fully.

17           MR. ROBINS: That will come out in  
18 committee.

19           MAYOR LICASTRO: In the due diligence,  
20 right. Speaking of insurance, Mr. Gallagher and 21:06:12  
21 I attended a seminar today for an organization  
22 called OMERESA. OMERESA is a Council of  
23 government that is a consortium that pulls  
24 employees from public entities to get two things  
25 regarding healthcare; flexibility and 21:06:12

1 affordability. This is based in Southeast Ohio.  
2 It's been gradually moving further and further  
3 north. They have 35,000 employees that are part  
4 of this consortium. There's no charge to belong.

5 We are looking at this as a possibility  
6 for our healthcare costs as a way to reduce them.  
7 They've had basically no increase in healthcare  
8 costs in the last five years. And for those of  
9 you that have dealt with third-party

10 administrators, Medical Mutual, et cetera, et  
11 cetera, typically the first year we're in their  
12 program, it's a great rate. The second year,  
13 they hit us with a five and 10 percent increase.  
14 The third year it's a 35, 40 percent increase.

15 And this is something we found other  
16 municipalities experience as well. This would  
17 eliminate those spikes in costs. You can bring  
18 in your own provider as long as they're one of  
19 nine, nine major ones in Ohio, because you can  
20 bring in your own broker. You don't have to have  
21 a broker. It's self-funded. So the monies that  
22 are paid in premiums are there for the community  
23 to use.

24 There's a stop loss for claims over  
25 \$35,000. It looks to be -- we spent two years in

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1 the Mayors & Managers looking for options like  
2 this. And we're presenting this to that group,  
3 the 345 communities that comprise Cuyahoga County  
4 as an option to consider and I trust the Village  
5 will do as well. It looks to be a really good  
6 option for us.

21:06:12

7 Do you have anything to add to that, Mr.  
8 Gallagher?

9 MR. GALLAGHER: No. We'll be reviewing  
10 it as part of our annual renewal, which happens  
11 in April.

21:06:12

12 MAYOR LICASTRO: One final things is  
13 that the members of land conservancy and  
14 residents that have concern spent Saturday  
15 morning in the two Green Space parcels, the  
16 Bratenahl bird sanctuary and Bratenahl Green  
17 Space preserve and spent two hours picking up  
18 trash. And I mean trash. 55 gallon drums,  
19 corrugated metal, it was beyond belief. We have  
20 a pile of trash at service we were glad to leave  
21 for Mr. Zalar. Are you back there, Joe? He's  
22 not there. Probably from the width of this room,  
23 halfway up the windows and as far out as where  
24 Mr. Bolton is sitting. Just a huge amount of  
25 trash. And then Mrs. Brewer was kind enough to

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1 invite all 18 of us over her house for a nice  
2 luncheon. It was a bonding experience.

3 In the same vein, Keith Sutton, many of  
4 you have met Keith, has developed a 10-year plan  
5 for those parcels to eliminate invasive species,  
6 to make them more people friendly, and work with  
7 the state on drawing up this document. It's  
8 being reviewed by members of the Bratenahl Land  
9 Conservancy. There's some tweaking that needs to  
10 be done. I hope eventually it comes to Council  
11 for presentation. He also has some creative ways  
12 to fund it. Everything he's doing and Brenda  
13 knows, because Keith is her neighbor, he's doing  
14 it gratis to the Village because of his passion  
15 for the Village itself and Green Space in  
16 particular.

21:06:12

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17 We're going to be doing those cleanups  
18 periodically. For example, there was a front end  
19 of a car in one of these parcels we couldn't  
20 move. I urge you to come. It was a lot of fun.  
21 It's a beautiful day and for a good purpose. Any  
22 questions on that?

21:06:13

23 Okay. Before we begin the department  
24 reports, the clerk has asked for some time for a  
25 brief presentation. Mr. Gallagher.

21:06:13

1 MR. GALLAGHER: Thank you, Mr. Mayor.  
2 As you're all aware, we've been going through our  
3 biannual audit the past few months. If you're  
4 not aware, I don't know where you've been, but  
5 we're at a point in the process now where we're  
6 going to be scheduling the post audit meeting  
7 with the auditor's office. And much of what they  
8 discuss seems to be final enough that I'd like to  
9 give you all an idea of what they've come across.

21:06:13

10 The report will be final after the post  
11 audit meeting. Until then, it still remains  
12 privileged information. There's some of the  
13 information, there are seven findings, six of  
14 which are findings for recovery. Half of them  
15 involve employees. I will not be naming the  
16 employees, so if you have questions for me, don't  
17 make that one of them.

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18 Half of the findings involve improper  
19 use of public funds as defined by the auditor's  
20 office. In general, the Village is allowed to  
21 expend its funds in any way that it deems  
22 reasonable. There is one caveat that the  
23 auditor's office has issued. And that is that  
24 public monies may never be used for the purchase  
25 of alcoholic beverages. With the wine tastings

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1 and the art show and the retirement party, it's  
2 three different findings the Village did do that.  
3 And the auditor is finding that we need to return  
4 \$1,958 to the Village treasury.

5           Items two and three in those findings, 21:06:13  
6 the retirement party and the art show, the money  
7 has been returned. All of it. The finding  
8 regarding the wine tasting parties is a little  
9 short. We've recovered all but \$325 of that  
10 money. So if you enjoyed those wine tastings, 21:06:13  
11 please feel free to contribute to defraying that  
12 \$325. I'll accept checks or cash. You'll get a  
13 receipt.

14           Those are the three nonemployee related  
15 findings. The first employee related finding is 21:06:13  
16 a payroll overpayment, which has to do -- goes  
17 all the way back to 2005 with a longevity  
18 increase that was applied. The employee thought  
19 it hadn't been applied some years later, we  
20 looked for it, we couldn't find it. The 21:06:13  
21 auditor's looked harder than we did and they  
22 found it. So the longevity increase was applied  
23 twice. The total amount of that overpayment,  
24 over the course of those four years is \$12,870.  
25 Almost \$10,000 of that comes from the 05/06 era. 21:06:13

1 The auditor's office will be sending letters to  
2 that employee asking for a repayment schedule for  
3 that money.

4 The fifth finding was something that we  
5 are still disputing with the auditors. It 21:06:13  
6 involves the retirement settlement with an  
7 employee. They're maintaining it's a sick pay  
8 payment to which the employee was not entitled.  
9 We maintain it was a structured settlement. And  
10 the amount of that was \$2,100. It's not defined 21:06:13  
11 the standing of that.

12 The final employee finding involved  
13 seven different employees and had to do in the  
14 course of their contracts at the end of the year,  
15 employees may purchase five holidays that they 21:06:13  
16 have not taken through the course of a year.  
17 Seven employees took advantage of that program  
18 over the course of 07 and 08. We calculated  
19 their payment by dividing their bimonthly salary  
20 by two, figuring that was five days. Well, it's 21:06:13  
21 bimonthly, it's not every two weeks, so it's  
22 slightly off. The auditor has recommended that  
23 we go with 40 hours times their rate, which would  
24 give exactly five days. We've adopted that.

25 Of those seven employees, one is repaid 21:06:13

1 in full, five are on payment plans that will  
2 result in complete repayment by the end of the  
3 year, and we're waiting on the response from the  
4 seventh.

5           The seventh finding was nonrecovery 21:06:13  
6 related and had to do with appropriations  
7 exceeding the CER, which is a no no and really  
8 had to do with CERs not being updated as quickly  
9 as they wanted after reappropriation ordinances  
10 are passed. We made policy changes there to 21:06:13  
11 cover that.

12           Those are the seven findings that will  
13 most likely wind up in their final report. In  
14 the management letter they made comments on four  
15 different areas. One of them is a repeat of the 21:06:13  
16 appropriations not exceeding the CER. For those  
17 of you who don't know, CER is the Certificate of  
18 Estimated Resources that the county auditor sends  
19 to us, which is our target for revenues from  
20 them. We're not allowed to spend more money than 21:06:13  
21 they're going to give us nor planning to and  
22 that's the background on that.

23           In the management letter they identified  
24 some deposits that took too long between the time  
25 that they entered this building and got to the 21:06:13

1 bank. The vast majority of those issues had to  
2 do with the time lag we had between Christian  
3 leaving the building department and Mary coming  
4 into the building department, some of the money  
5 had accumulated. That issue is obviously  
6 resolve. There were a couple others that we've  
7 instituted policies and procedures to ensure that  
8 that doesn't happen.

21:06:13

9 The other references in the management  
10 letter have to do with better policies and  
11 procedures for cell phone and credit card usage.  
12 And we're working on drafts of those to present  
13 to the auditors at the post audit meeting to get  
14 their approval.

21:06:13

15 And in conjunction with those policies  
16 and procedures that we're frankly a little light  
17 on, we have asked another side of the auditor's  
18 office to come in. There's a performance audit  
19 division. We're requesting a proposal they come  
20 in and look at all of our systems, our policies  
21 and procedures HR, fleet management, fleet  
22 maintenance. All of our systems they will review  
23 and give us an idea of are we in compliance with  
24 what is considered the nebulous best practices  
25 and, if not, what they will recommend to get

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1 there. And that ends my report.

2 MR. ROBINS: Will the post audit meeting  
3 be a public one?

4 MR. GALLAGHER: It will not. It's a  
5 privileged meeting. It will include the clerks 21:06:13  
6 office, the Mayor, current Council. I have the  
7 question in to the auditor to see if Council  
8 elect will be invited to the meeting. They have  
9 not answered yet. We're looking at the first  
10 full week in December. 21:06:13

11 MAYOR LICASTRO: One second. Questions  
12 from Council? Mr. Bolton.

13 MR. BOLTON: I'd like to thank Mr.  
14 Gallagher for the presentation for the Mayor  
15 making it possible. I think the expedition and 21:06:13  
16 the transparency of the audit is welcomed.

17 MAYOR LICASTRO: Just to comment.  
18 Certainly no one prefers errors. We have a lot  
19 of talent and dedication in the clerk's office.  
20 We're disappointed there were errors and it's a 21:06:13  
21 surprise that they occurred, but we trust the  
22 people that handle our finances and I'm certain  
23 that the monies will be recovered. Ms. Meade.

24 MS. MEADE: Jim, the things you just  
25 went over, for the next issue, if I have 21:06:13

1 questions, are you willing to review this and  
2 make sure that it's accurate to the extent that  
3 you can share what you just disclosed?

4 MR. GALLAGHER: What I just gave you,  
5 yes. 21:06:13

6 MS. MEADE: Would it be appropriate to  
7 call it preliminary then at that point, findings?

8 MR. GALLAGHER: Yes.

9 MS. MEADE: Rather than final.

10 MR. GALLAGHER: Everything is 21:06:13  
11 preliminary until the final.

12 DR. SPANO: Will they be made public  
13 once it is final?

14 MR. GALLAGHER: Yes.

15 MAYOR LICASTRO: The audit is actually 21:06:13  
16 put on the Internet.

17 MR. GALLAGHER: It's on the state  
18 auditor's website as soon as we sign off on it.  
19 I will point out that on every audit I've seen  
20 going back to before I was here, the first 21:06:13  
21 finding at every audit was that we have to  
22 readjust our funds. We didn't have that finding.

23 MAYOR LICASTRO: Good news, Mr.  
24 Gallagher. Anyone else? Thank you. Chief.

25 CHIEF DOLBOW: October 22 through 21:06:13

1 November 17, Bratenahl Police Department had five  
2 felony arrests, seven misdemeanor arrests, eight  
3 warrant arrests, 26 driving under suspension  
4 arrests, eight OVI arrests, 42 vehicles were  
5 towed, 17 motor vehicle accident reports were  
6 taken. We had 12 false alarm drops. We had  
7 three fire alarms. We had a total of 20 911  
8 calls, five of which were false, 15 we rendered  
9 assistance. And we had a total of 268 traffic  
10 tickets issued.

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21:06:13

11 MAYOR LICASTRO: Any questions for the  
12 Chief? Ms. Meade.

13 MS. MEADE: Chief, have there been any  
14 new hires since our last issue, part-time or  
15 full-time?

21:06:13

16 CHIEF DOLBOW: Michael Pollock has been  
17 hired full-time. I'm not sure when we made that  
18 public.

19 MAYOR LICASTRO: We talked about that  
20 last meeting.

21:06:13

21 MS. MEADE: P-O-L-L.

22 CHIEF DOLBOW: P-O-L-L-A-C-K.

23 MS. MEADE: Was he part-time and hired  
24 or was he a newcomer?

25 CHIEF DOLBOW: He sought full-time

21:06:13

1 employment elsewhere and he wanted to come back  
2 home so we made that possible for him. He was  
3 assessed. I think that was announced.

4 MAYOR LICASTRO: Yes, we reported that.  
5 Remember Ellen Berger was on the committee. 21:06:13

6 MS. MEADE: I think I have Elliott in my  
7 last meeting. So that's my big remembrance was  
8 Elliott.

9 MAYOR LICASTRO: We are interviewing  
10 candidates for part-time officer and part-time 21:06:13  
11 dispatcher. We do that on a regular basis.

12 MS. MEADE: So there's no openings; or  
13 there are openings and when you find someone you  
14 fill them?

15 MAYOR LICASTRO: We don't wait for there 21:06:13  
16 to be openings just in case. There's always  
17 part-time officers who seek full-time employment  
18 elsewhere or they cease to give us hours. So we  
19 interview for those positions on an ongoing  
20 basis. We also have limited lockers, equipment 21:06:13  
21 and Chief Dolbow and I have a deal if we were to  
22 hire a couple part-timers and he has to eliminate  
23 a couple that aren't producing, aren't giving us  
24 hours, so we keep a reasonable number of  
25 officers. 21:06:13

1 MR. STEPHAN: Chief, were any of those  
2 incidents you've identified in your report home  
3 burglaries?

4 CHIEF DOLBOW: Not to my knowledge. To  
5 my knowledge, we haven't had any this month since 21:06:13  
6 the last reporting.

7 MAYOR LICASTRO: What he mentioned last  
8 Council meeting was there a couple break ins  
9 taking HD TV's. That seems to be a really hot  
10 issues. They come in, take the HD TV. The homes 21:06:13  
11 were property secured. If you have an HD TV or  
12 anything else, please lock your homes. I know  
13 people feel safe here. That's a wonderful thing,  
14 but again be careful. Mr. Zalar.

15 MR. ZALAR: Just a short report. Our 21:06:13  
16 second part of our sewer and catch basin cleaning  
17 has been completed. We had 100 catch basins  
18 cleaned and vac'd, totaling about 15 yards of  
19 material. As you know, we are continuing with  
20 our leaf collection. And mother nature has been 21:06:13  
21 on our side this year, so I believe we're hitting  
22 our target date cutoff is December 1. Everything  
23 looks really good.

24 The last bit has to do with recycling.  
25 I believe Mr. Robins asked me about batteries. 21:06:13

1 Alkaline batteries, as long as you don't collect  
2 them all and do it all at once, they can be  
3 thrown in the trash. My answer, those type of  
4 batteries, those can be recycled. If you go on  
5 the solid waste district website, it says what to  
6 do on the home page right next to what to do, you  
7 click on that, click on batteries, it tells you  
8 exactly what batteries, where you can dispose of  
9 them.

21:06:13

10 MS. KESSELEM: Do you collect them?

21:06:13

11 MR. ZALAR: We can. It's nice because  
12 we have boxes. People are bringing paint on a  
13 regular basis. We get one or two cans here and  
14 there. We have computers there. Batteries, I  
15 don't have a problem, we'll just take those down  
16 to the auto parts store because that's what we do  
17 with the big ones.

21:06:13

18 MAYOR LICASTRO: Basically, including  
19 waste oil, if you want to know what to do with  
20 it, call Mr. Zalar. He accumulates it and when  
21 the county does their yearly or biannual pickups,  
22 he takes the items down.

21:06:13

23 MR. ZALAR: The more you bring in, the  
24 Village actually gets money back for the oil, so  
25 bring it in. Fill up that tank down there.

21:06:13

1           MAYOR LICASTRO: Careful what you wish  
2 for. I must say this, I say this every fall, it  
3 needs to be said again, it is a yeoman's effort  
4 what service does to collect leaves in this  
5 Village. We have a lot of trees. The number of  
6 leaves is actually absolutely overwhelming. A  
7 round of applause for Joe and his staff. He sees  
8 leaves in his sleep.

21:06:13

9           (Applause.)

10          MAYOR LICASTRO: Mr. Jamieson.

21:06:13

11          MR. JAMIESON: Thank you, Mayor. For  
12 the month of October, the building department  
13 performed 13 inspections, registered five new  
14 contractors, issued a total of 11 building  
15 permits, and that included two certificates of  
16 compliance or occupancy. And prior as we wrap up  
17 our exterior maintenance program, there's a lot  
18 of extension letters going out and being  
19 received. And most people are waiting now until  
20 the spring when the weather isn't a factor.

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21          MAYOR LICASTRO: I think these numbers  
22 aren't accurate, but I think there were about 180  
23 violation letters sent out initially. There were  
24 about 90 or 100 second violation letters sent out  
25 and about 40 or 50 third violations, so people

21:06:13

1 are really fixing their property. If you drive  
2 down Foster Avenue, it looks like a new street.  
3 It's amazing. I know there's been some angst  
4 with this. We have people who think it's too  
5 much government, kind of walks the line if you  
6 ask me, but the program is working. People are  
7 taking to heart our suggestions and our following  
8 suit and this program will be ongoing.

21:06:13

9 Any questions for Mr. Jamieson? Ms.  
10 Meade.

21:06:13

11 MS. MEADE: General question, if a  
12 garage exceeds 20 by 20 size, can footers, are  
13 those acceptable to coat or do they have to  
14 actually do a full foundation?

15 MR. JAMIESON: The 400 square feet is  
16 the threshold. If you're 400 or less, you can do  
17 a floating slab on a concrete or Monday  
18 legislative thick pour as long as it's a stick  
19 frame. Anything over 400 you have to put a  
20 36-inch footer completely around.

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21 MS. MEADE: So footer meaning just the  
22 corners?

23 MR. JAMIESON: No, continuous footer.

24 MS. MEADE: What I would consider a  
25 foundation?

21:06:13

1 MR. JAMIESON: Yes.

2 MS. MEADE: Thank you.

3 MR. JAMIESON: You're welcome.

4 MR. KESSELEM: Is there any way to let  
5 the villagers know those third person violators  
6 in the Village so that some of these streets will  
7 know that action really is being taken on some of  
8 these major homeowners that aren't acting on?

21:06:13

9 MAYOR LICASTRO: Yeah, it's a matter of  
10 public record. You can call the building  
11 department.

21:06:13

12 MR. JAMIESON: There's been a lot of or  
13 several garages replaced that had been down for a  
14 long time. And I know this program was the  
15 impetus for that as well as front porch  
16 replacement, siding. And I think Foster is a  
17 perfect example of how successful this program  
18 is.

21:06:13

19 MAYOR LICASTRO: Thank you. Manny.

20 MANNY: Couple years ago I brought the  
21 subject up and I never got an answer. The two  
22 ugly signs, one at Wenden Court, the other by  
23 Newport, as you're driving down here in the  
24 summer you don't see them, but in the winter,  
25 it's horrible. It looks like Painesville. We're

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1 worried about the street lights coming into the  
2 Village, gas lights over here, and there we have  
3 signs like that.

4           MAYOR LICASTRO: That's a good question.  
5 You're allowed temporary signs for real estate,  
6 but those have been up for a while and are  
7 looking pretty ragged.

21:06:14

8           MANNY: It's Wenden Court and Newport.

9           MAYOR LICASTRO: We will contact the  
10 associations and express your concern. I think  
11 it's well taken. Thank you.

21:06:14

12           MR. KESSELEM: It is in the ordinance  
13 that they don't need to remove them until more  
14 than 75 percent --

15           MAYOR LICASTRO: But they also have to  
16 maintain them and they're looking pretty ragged.  
17 Thank you. Moving to committee reports.  
18 Finance.

21:06:14

19           MS. BROWNRIGG: Finance committee met.  
20 Present were myself, Mr. Mateyo, Mr. Gallagher,  
21 Mayor Licastro, Mr. Bolton and newly elected  
22 officials Mr. Kesselem, Mr. Stephan and there  
23 were residents present as well. The meeting took  
24 place on November 16 at 5:30 at Village Hall. It  
25 was called for a primary discussion of 2010

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1 appropriation. The discussion was without the  
2 benefit of having the 2010 preliminary CER, and  
3 this next paragraph goes to explain exactly what  
4 Mr. Gallagher explained, what the CER is and why  
5 it's necessary for us to have it before we can  
6 actively seriously talk about the appropriation  
7 for the coming year. Until we get it, we don't  
8 know what kind of revenue streams we're looking  
9 at.

21:06:14

10 Talks centered around the decline in  
11 carryover entering into 2010. The carrying  
12 entering over into 2009 was approximately  
13 \$529,000. \$364,000 of which was set aside for  
14 restricted use. The set aside dollars were for  
15 general operating line items. And with an  
16 anticipated carryover into 2010 of approximately  
17 \$210,000, there will be an operating budget  
18 deficit in 2010 for approximately \$319,000. The  
19 anticipated deficit was caused in part by an  
20 approximately \$200,000 decline in income tax  
21 revenue, an approximate \$120,000 in extra legal  
22 fees, and an approximate \$60,000 decline in  
23 mayor's court revenue.

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24 Per the county, Mayor Licastro indicated  
25 that the deficit will increase because for the

21:06:14

1 first time in decades the Village tax duplicate  
2 has declined to the tune of 7.6 million dollars.  
3 It will result in a \$34,207 reduction in inside  
4 millage revenue. Did I get that right?

5 MR. BOLTON: Yes. 21:06:14

6 MS. BROWNRIGG: In addition to the  
7 deficit, continuing talks in the state  
8 legislature of eliminating mayor's courts, estate  
9 tax revenue, and local government distributions,  
10 which you mentioned, the Mayor mentioned earlier. 21:06:14  
11 With the estate tax revenue, it cannot be  
12 estimated, but local government and mayor's court  
13 elimination could hit us in the area of \$300,000  
14 to produce a delta of approximately \$300,000.

15 There was consensus on the need for 21:06:14  
16 additional operating revenue for 2010 and beyond.  
17 Options were discussed, including variations of  
18 voter approved increases that can be generated by  
19 renewing or reissuing the levy set to expire at  
20 the end of 2010. This would increase stability 21:06:14  
21 for 2011 and beyond. Options for the 2010  
22 included ballot initiatives in March for an  
23 increase in income tax rates, a reduction of  
24 income tax credit rates by ballot initiative or  
25 by Council, and cost reductions in areas such as 21:06:14

1 line item reductions, layoffs, salary reductions  
2 and salary freezes.

3           March ballot initiatives create urgency  
4 since intentions have to be filed with the county  
5 in January. While recognizing the urgency, 21:06:14  
6 participants also acknowledged the imperative of  
7 engaging residents in the process. The future  
8 search project slated for January 2010 --

9           MAYOR LICASTRO: February.

10           MS. BROWNRIGG: Was it February? 21:06:14

11           MAYOR LICASTRO: February.

12           MS. BROWNRIGG: -- was recommended as a  
13 possible option.

14           Mr. Mateyo requested the clerk provide a  
15 number of personnel employed by the Village, 21:06:14  
16 categorized by full and part-time employment.

17           After some confusion regarding the  
18 preparation of 2010 preliminary line item  
19 appropriations, it was agreed that upon  
20 completion of projections by the clerk's office, 21:06:14  
21 with input from department heads, copies would be  
22 forwarded to the committee members for review  
23 before the next finance committee meeting for  
24 discussion and changes. Based on committee  
25 approval of the line items, a summary by fund 21:06:14

1 will be recommended to Council for approval.

2           The finance committee will meet again on  
3 December 14, which might change based on some  
4 other things that have come to light. At which  
5 time, we hope to have the CER so we can make some  
6 more finalized and less tentative projections at  
7 2010 appropriations.

21:06:14

8           The meeting was adjourned at about  
9 quarter to six, quarter to seven, I think.

10           MAYOR LICASTRO: Any questions from  
11 Council? Dr. Robins.

21:06:14

12           MR. ROBINS: Not a question, just a  
13 comment, because I know everybody is interested.  
14 The total legal expenses now are as of today's  
15 pay claims are \$188,000, so we're rapidly coming  
16 to the 200,000 that was talked about earlier.  
17 The original appropriation was 79,000.

21:06:14

18           MAYOR LICASTRO: Mr. Bolton.

19           MR. BOLTON: Mr. Mayor, I'd like to make  
20 a motion related to finance report. Should I  
21 make it now or under new business?

21:06:14

22           MAYOR LICASTRO: You can do it now.

23           MR. BOLTON: Okay. I very much  
24 appreciated the clarity of your presentation.  
25 Whereas, the finance committee anticipates a

21:06:14

1 deficit in fiscal year 2009; and whereas, the  
2 finance committee anticipates a greater deficit  
3 in fiscal year 2010; and whereas, the cumulative  
4 size of these deficits, if not properly  
5 anticipated, could adversely affect the services  
6 of the Village of Bratenahl; and recognizing that  
7 villagers expect the existing level of services  
8 that property values -- and that property values  
9 in the Village are intertwined with the level of  
10 services, I would like to move that all  
11 nonessential expenses be deferred until the  
12 passage of a new appropriations budget by  
13 Council. These expenses are to include any and  
14 all capital items and any existing contracts  
15 would be cancelled or terminated, as may be the  
16 case, unless the Village shall incur a financial  
17 loss in such cancellation or termination.

21:06:14

21:06:14

21:06:14

18 In the circumstances of a financial  
19 penalty, the Mayor shall bring such contract and  
20 penalty to the next Council meeting for review  
21 and consideration.

21:06:14

22 MAYOR LICASTRO: Is there a second? Mr.  
23 Bolton, given the time of year, I don't think we  
24 really have much pending out there. The sewer  
25 cleaning is done, other things like that are

21:06:14

1 done. I think right now --

2 MR. BOLTON: There are no pending  
3 contracts then?

4 MAYOR LICASTRO: I can't recall any off  
5 the top of my head. I don't believe so. I know 21:06:14  
6 we have a couple cars on order, police cars, but  
7 that's already done. I can't think of anything  
8 off the top of my head. Certainly we are being  
9 as frugal as we possibly can. We don't have any  
10 expenditures out there. 21:06:14

11 MR. BOLTON: I was thinking is there  
12 \$160,000 going for the Eddy Road lights?

13 MAYOR LICASTRO: That has not been  
14 committed.

15 MR. BOLTON: That one that comes to 21:06:14  
16 mind.

17 MR. MATEYO: Can we discuss without --  
18 we have a finance committee. We have a clerk. I  
19 have nothing against that. I just don't know  
20 what more we can do than what we have already 21:06:14  
21 done. I don't want to tie-up people being able  
22 to do the current operating business. We go over  
23 Pay Claims, we go over the legal, whether you  
24 agree or not, we go over all the finance and the  
25 budget. I don't know what that does other than 21:06:14

1 say, hey, let's be careful. I believe as a  
2 member of the finance committee, I think we are  
3 careful.

4 MR. BOLTON: I appreciated your remarks  
5 at the finance committee meeting. The background 21:06:14  
6 here I cut out about half of what I had to say,  
7 is that I ran some numbers and I was very  
8 sobered. And Brenda's report showed a carryover  
9 of \$560,000 going down to 210, which is a major  
10 loss. Next year's loss is larger so that my 21:06:14  
11 projections show that by the middle of the year  
12 the well may run dry. I don't know if that's  
13 correct or not, because as the finance committee  
14 said, we don't have final numbers and we don't  
15 have accurate numbers yet, but given a very 21:06:14  
16 negative projection, I just wanted to be sure  
17 that we've done everything we could to preserve  
18 as much capital as we could. I had no hidden  
19 agenda.

20 MAYOR LICASTRO: Mr. Bolton, a request 21:06:14  
21 would be sufficient. You don't really have to  
22 make a formal motion. You can if you want, but  
23 we're being -- we attend those meetings, we're  
24 aware of what's going on. We're being as frugal  
25 as we can. We still have to operate. I really 21:06:14

1 can't think of any pending contracts that are out  
2 there.

3 MR. BOLTON: That's great.

4 MS. BROWNRIGG: I just wanted to  
5 encourage, Bill, if you're going to make that 21:06:14  
6 kind of a request, that if we could have an  
7 opportunity to anticipate it and maybe look at  
8 some of the things you're asking us or we  
9 temporarily shut down, I'm not ever comfortable  
10 doing a blanket situation like that. So I think 21:06:14  
11 your wording said all, any and/or all, and that's  
12 kind of harsh.

13 So Merele has made a very virtuous  
14 attempt to go through line items to see what was  
15 under spent in terms of line item objects this 21:06:14  
16 year, in terms of what we can probably tweak here  
17 and there. And come up with a pretty reasonable  
18 number, but to cancel everything would be  
19 frightening.

20 MR. BOLTON: The problem here is this is 21:06:14  
21 the Sunshine Law. I wish I could have called  
22 everybody and talked about it, but under the  
23 Sunshine Law I'm prohibited from doing that.

24 MS. BROWNRIGG: I think the Sunshine  
25 Law, correct me if I'm wrong, I don't think it 21:06:14

1 bans distribution of information. It bans  
2 discussion and decision making. You could have  
3 said I'm going to present this at the meeting and  
4 give us a chance to take a look and see what kind  
5 of issues we might be addressing. That kind of a  
6 blanket policy I think it would be good.

21:06:14

7           MAYOR LICASTRO: Because it's hard off  
8 the top of our heads to think what would apply.  
9 Again, cars are already a done deal. There's not  
10 really much out there, Mr. Bolton.

21:06:14

11           MR. BOLTON: That's great news. I just  
12 wanted to be sure.

13           MAYOR LICASTRO: We don't have the means  
14 right now. We're being cautious.

15           MR. MATEYO: I don't want to keep it  
16 going, but seeing that all three new Council  
17 people starting are here. I would encourage, I  
18 know they were all here and you showed up at  
19 finance, but finance for the next six, nine, 24  
20 months is going to be very important. We know  
21 when the finance committee meetings are going to  
22 be and they're open. And it seems to me that is  
23 going to go just as far as any thought that  
24 everybody puts their two cents in, puts their  
25 nose into it and we can save two cents.

21:06:14

21:06:14

21:06:14

1 MS. BROWNRIGG: I'm going to make one  
2 comment. It's off the cuff, but I think the  
3 finance committee meeting on Monday was one of  
4 the best we had. Everyone in that room was  
5 looking at that problem in terms of what does the  
6 Village need. It was very refreshing. It was a  
7 great meeting and we moved forward very rapidly  
8 because everyone was focused on solving that  
9 problem. That was great.

21:06:14

10 MAYOR LICASTRO: Subsequent to that  
11 meeting, I agree with your statement, I have met  
12 with the department heads and asked them to  
13 develop a frugal budget for next year. Not just  
14 a wish list, but I've asked them to tighten their  
15 belts and cover whatever possible, even looking  
16 at options we might not prefer. I emphasize a  
17 lot of the things Ms. Brownrigg said were  
18 discussed in finance were just that, discussion.

21:06:14

21:06:14

19 We didn't propose a tax increase, we  
20 didn't talk about laying off specifics, we just  
21 talked about all options.

21:06:14

22 MS. BROWNRIGG: Until we get the CER,  
23 all we can do is talk.

24 MAYOR LICASTRO: It should be early  
25 December. Mr. Robins.

21:06:14

1           MR. ROBINS: A couple of things. The  
2 CER talking about the revenue side we can talk on  
3 the expense side in advance of the finite item,  
4 but in addition to that, at one time there was  
5 great concern about burying the wires on Eddy  
6 Road and to have that done by year end. And did  
7 Council approve yes or no the approximately  
8 \$100,000 expenditure for burying the wires on  
9 Eddy Road?

21:06:14

10           MR. MATEYO: No.

21:06:14

11           MAYOR LICASTRO: Ms. Meade.

12           MS. MEADE: I wanted to comment to  
13 Brenda. I think the meeting that what's also  
14 helpful for the residents is when there are  
15 copies made available. And I'll reinforce I  
16 mentioned that Monday, if we can have access and  
17 get those by email as soon as they're available,  
18 I think that will help, too, for those who want  
19 to participate and have input to have access to  
20 that information as well, so I found that  
21 helpful. Thank you.

21:06:14

21:06:14

22           MAYOR LICASTRO: Any other questions?  
23 So, Mr. Bolton, we'll just let your motion hang  
24 think.

25           MR. BOLTON: It's just a request. You

21:06:14

1 transformed it into a request. May I transform  
2 it to a request?

3 MAYOR LICASTRO: You may, sir. And we  
4 take the request to heart and any suggestions.  
5 You guys are here on Council. You're in the 21:06:14  
6 trenches with us. Any suggestions you have on  
7 where we can cut, we're open to.

8 MS. MEADE: One more question on Eddy  
9 Road. If you just said that you did not believe  
10 that that \$100,000 for burying the lines was 21:06:14  
11 approved, if it was approved a couple months  
12 back, if I went back and it was during Council  
13 meeting, then what would happen?

14 MAYOR LICASTRO: Well, unless monies are  
15 allocated, it's a moot point. 21:06:14

16 MR. SEMERSKY: I think if you look at  
17 the minutes, we approved the concept, but  
18 referred it to finance to see if it was feasible  
19 to be done or not and finance determined it's  
20 not. 21:06:14

21 MS. MEADE: Thank you.

22 MAYOR LICASTRO: That's right.

23 MR. SEMERSKY: I think we approved it in  
24 concept, but only if we could pay for it.

25 MS. BROWNRIGG: This is something I want 21:06:14

1 to make a point of. I think our confusion on  
2 that is that when the motion was made, there was  
3 so much discussion between the time the motion  
4 was made and the time we voted on it, I think  
5 some people got confused about what we were  
6 actually voting on. And it probably would be a  
7 good idea to restate the motion just before we  
8 vote on it so everybody is absolutely sure,  
9 because I was a little confused.

21:06:14

10 MAYOR LICASTRO: Given Mr. Bolton's kind  
11 request, we're not going to bury wires on Eddy  
12 Road.

21:06:14

13 MS. BROWNRIGG: That I know.

14 MR. KESSELEM: Is there an expiration on  
15 that request?

21:06:14

16 MAYOR LICASTRO: We keep getting that  
17 threat from CEI about their engineering cost, Mr.  
18 Kesselem. I don't know the answer to that  
19 question.

20 MR. KESSELEM: How about as a legal  
21 matter for the Village Council, is there an  
22 expiration for that so that goes back to finance  
23 at some point next year?

21:06:14

24 MAYOR LICASTRO: Until finance comes up  
25 with a suggestion that Council approves the

21:06:14

1 monies, it's conjecture. Right now maybe burying  
2 the wires at this point in time is not a real  
3 good idea perhaps. Thank you. Public  
4 Improvements.

5 MR. SEMERSKY: Public Improvement did 21:06:14  
6 not meet.

7 MAYOR LICASTRO: Legislative.

8 MR. MATEYO: A regularly scheduled  
9 legislative meeting was held November 2, 2009 at  
10 Village Hall at 5:30. In attendance was 21:06:14  
11 Chairperson George Mateyo, committee member  
12 Beckenbach, as well as a number of different  
13 residents from the Village of Bratenahl.

14 The agenda concerned Village signage,  
15 real estate signage, political signage, 21:06:14  
16 noncommercial signage, measurements thereof as it  
17 pertains to Ohio Revised Code and specific  
18 Bratenahl issues. The permit process for  
19 noncommercial signage would require permits as  
20 well as other and various sundry uses, obviously 21:06:14  
21 the Community Center being one. General  
22 discussion was then held on a possibility of  
23 requesting from ODOT for deer crossing signage as  
24 well as the building department progress  
25 regarding any and all situations for Sign-Lite. 21:06:14

1 The meeting was adjourned at 6:20 p.m.

2 MAYOR LICASTRO: Thank you, Mr. Mateyo.  
3 Any questions? Dr. Robins.

4 MR. ROBINS: Mr. Jamieson at the last  
5 meeting, Council meeting, you mentioned that 21:06:14  
6 Sign-Lite had been cited, but you didn't say  
7 exactly what for. In talking to Adam, he  
8 explained what the citation was for, which was,  
9 for the interest of the audience, was for the  
10 size of the sign that's against the building, 21:06:14  
11 which cannot exceed 75 square feet in total  
12 signage and also its projection above the top of  
13 the building. But nothing has been said or dealt  
14 with regarding that derelict trailer that is so  
15 unsightly and obviously further compromises the 21:06:14  
16 total signage.

17 MR. JAMIESON: The derelict trailer, the  
18 sign on the derelict trailer is not -- it's a  
19 temporary sign. It's on a trailer that he uses  
20 for storage. 21:06:14

21 MS. ROBINS: It's been there for years.

22 MAYOR LICASTRO: That's how people get  
23 around the law. Because it's on a trailer and  
24 can be moved, it's deemed temporary. You see  
25 them all over the area. It's a way people 21:06:14

1 circumvent the law. The fixed sign, there's no  
2 doubt about its permanence. I don't like the  
3 trailer either.

4 MR. ROBINS: Ask him to move it and it  
5 will fall apart. 21:06:14

6 MAYOR LICASTRO: You should see the  
7 response we got on the fixed sign.

8 MR. KESSELEM: What about the graffiti  
9 on the wall of the building and the grounds  
10 themselves, the broken brick, you know, grounds 21:06:15  
11 that they have.

12 MR. JAMIESON: Believe it or not, there  
13 was some progress made from what it was to what  
14 it is now and we're going to revisit it in the  
15 springtime. 21:06:15

16 MAYOR LICASTRO: Thank you. Safety.

17 MR. BINFORD: Safety did not meet.

18 MAYOR LICASTRO: Community affairs.

19 MS. BECKENBACH: Community affairs did  
20 not meet, but we will meet next week. 21:06:15

21 MAYOR LICASTRO: Recreation Commission.

22 MR. GALLAGHER: Dr. Mitchell sent me a  
23 report. She can't be here tonight. She sends  
24 her apologies and asked me to read the following:  
25 November 2009 commission update. Community 21:06:15

1 Center usage securities and maintenance, no  
2 issues. Number two, new activities launched  
3 and/or planned, check the Lamplighter or website  
4 for details in the coming months. Current  
5 updates on past events, Club 55 Group continues,  
6 check the Lamplighter or call the center for  
7 details. Therapeutic massage, call the center  
8 for an appointment.

21:06:15

9 Upcoming appointments, Christmas in the  
10 Village, December 20. There will be a Santa,  
11 carriage rides, live music with singing, buffet  
12 from noon to three.

21:06:15

13 Budget: Current budget on track. 2010  
14 budget it says presented to finance committee in  
15 November, but under revision due to change in tax  
16 receipts from levy, approximately \$11,000 less in  
17 property tax that has to deal with what Ms.  
18 Brownrigg discussed in her report. It affects  
19 the recreation levy as well. Will submit to  
20 committee and Council for review and approval in  
21 December.

21:06:15

21:06:15

22 Respectfully submitted Maureen Ann  
23 Mitchell, chair. If you have any questions, I  
24 don't have the answer.

25 MAYOR LICASTRO: Sounded like listening

21:06:15

1 to the 11:00 o'clock news, Mr. Gallagher. It was  
2 well-delivered. Planning Commission.

3 MR. BINFORD: Planning Commission did  
4 not meet, nor is it scheduled to meet this month.

5 MAYOR LICASTRO: Nor in December. Shade  
6 Tree Commission. 21:06:15

7 MS. BECKENBACH: Shade Tree Commission  
8 did not meet.

9 MAYOR LICASTRO: And for those that are  
10 concerned, I'm sure you are, Ronni Hlad is  
11 struggling, so keep her in your prayers, please. 21:06:15

12 Moving to old business, ordinance 3460,  
13 the posting ordinance. Third reading.

14 MS. BECKENBACH: Introduce ordinance  
15 3460 for passage, an ordinance amending section  
16 125.01 and section 125.06 of the codified  
17 ordinances of the Village of Bratenahl related to  
18 the posting and notification of public meetings. 21:06:15

19 MR. BINFORD: Second.

20 MAYOR LICASTRO: Mr. Gallagher, do you  
21 want to comment on this? 21:06:15

22 MR. GALLAGHER: Not particularly, but I  
23 will. There are a couple of changes that have  
24 gone into this ordinance. Two of them rather  
25 major, I suppose. One is that we are equating 21:06:15

1 the Village website with a newspaper general  
2 circulation within the Village for the purposes  
3 of posting ordinances and general notices.

4 We changed the posting requirements.

5 The Ohio Revised Code suggest that we post in the 21:06:15  
6 five most public places in the Village. I took a  
7 tour of the posting boxes and I added a sixth, so  
8 we've got the bulletin board here, we're going to  
9 put a bulletin board at the Community Center.

10 The third one is at the corner of Lakeshore and 21:06:15  
11 Eddy right by the Towers. The fourth one is at  
12 the east end of the Village, oddly enough in  
13 front of the Bolton residence, listed as a  
14 Lakeshore Boulevard in front of 12717 Lakeshore  
15 Boulevard. 21:06:15

16 And the fifth one is at the west end in  
17 front of 9721 Lakeshore Boulevard at the corner  
18 of Lakeshore Boulevard and Burton and six being  
19 the website. I think that covers the major  
20 changes. Adam, do you want to add to that? 21:06:15

21 MR. CORNETT: I would like to add. What  
22 Jim had said is the Revised Code suggests that  
23 ordinances are posted in the five most public  
24 places within the Village. And that's what we're  
25 trying to layout, but when we talk about equating 21:06:15

1 the Village's website with the newspaper of  
2 general circulation, there is an older proviso  
3 condition that says ordinances can either be  
4 posted in the five most public places or  
5 published within a newspaper of general  
6 circulation within the municipality. That's from  
7 1953. So it's a little bit old and outdated.

21:06:15

8           And what we would like to do and I can  
9 see other municipalities moving forward and doing  
10 this, is that every municipality basically has a  
11 website. Nowadays if they want information, they  
12 go to the website. So while the Revised Code can  
13 say you can post in these five different areas or  
14 publish within a newspaper of general  
15 circulation, what we're saying for that simple  
16 purpose of publishing ordinances and resolutions,  
17 something along those lines, even notices, that's  
18 what the website will be used for and it can be  
19 equated to a newspaper of general circulation  
20 within the Village based on the fact that I  
21 assume that a lot of residents in the Village go  
22 to the website for information.

21:06:15

21:06:15

21:06:15

23           Ms. Meade, I know you do. It's a very  
24 popular spot to actually find out information as  
25 to what's happening within the Village and what

21:06:15

1 the Village has recently done at Council  
2 meetings, et cetera. We're trying to modernize  
3 the way we do things, but we will also be posting  
4 these ordinances and resolutions that are passed  
5 at Village Council at the public boxes throughout  
6 the Village.

21:06:15

7 MAYOR LICASTRO: Any questions? Mr.  
8 Stephans.

9 MR. STEPHAN: Just one. I note on page  
10 2, item six, cancelled is spelled with two Ls and  
11 on page 3 in section A, it's spelled with one L.  
12 I think the consistency would help. I have two  
13 other points.

21:06:15

14 MR. GALLAGHER: On this ordinance?

15 MR. STEPHAN: Will the other posting  
16 locations be removed?

21:06:15

17 MR. GALLAGHER: Yes.

18 MR. STEPHAN: Thirdly, there's a  
19 reference on --

20 MR. GALLAGHER: Excuse me, Paul, where  
21 are you? I don't see an item six.

21:06:15

22 MAYOR LICASTRO: You mean F six?

23 MR. STEPHAN: F six. Sorry. And the  
24 other.

25 MR. GALLAGHER: They're both acceptable,

21:06:15

1 but okay.

2 MR. STEPHAN: The other question I have  
3 on page 2 and E, paragraph E, there's definition  
4 of oral notification. And I read the ordinance  
5 for the code and the only reference I found  
6 throughout to oral notification was for the news  
7 media. And I wonder if because there's no other  
8 use of oral or reference to oral notification, if  
9 that in any way relieves the Village of not oral  
10 notification, of ignoring that. I just imagine  
11 there are a lot of phone calls you get, Jim, or  
12 others here in the building regarding has a  
13 committee meeting been cancelled or is it going  
14 to meet or whatever.

21:06:15

21:06:15

15 If it's not a frequently used medium, I  
16 have a little bit of trouble understanding why  
17 it's given such a special place in the ordinance.

21:06:15

18 MR. GALLAGHER: It's part of the  
19 definition section. We're not using oral  
20 notification as proper posting, it's just part of  
21 the definition.

21:06:15

22 MR. CORNETT: And I believe that this  
23 oral notification section is part of the original  
24 ordinance, which I think was passed a long time  
25 ago. And the codified ordinances could have been

21:06:15

1 revised at some point. There could have been  
2 more references to oral notification that have  
3 been deleted and it's just this definition wasn't  
4 removed. I don't think that it would, you know,  
5 hurt the Village legally in any way if someone  
6 called up and asked if a Council meeting or  
7 finance meeting whatnot and we told them that it  
8 was cancelled. I don't think it has an effect.

21:06:15

9 MR. STEPHAN: What it actually did was  
10 raise my expectation hoping to see some kind of  
11 oral notification for these meetings or for  
12 cancellations or whatever and I found none.

21:06:15

13 MR. CORNETT: Sure. I think anyone can  
14 call Village Hall to the extent the meeting's  
15 been cancelled.

21:06:15

16 MAYOR LICASTRO: People call all the  
17 time.

18 MR. CORNETT: Merele, Jim whoever is  
19 here tells them that. Mrs. Robins.

20 MS. ROBINS: At the bottom of page 2,  
21 item A under special meetings, according to the  
22 open meetings act, which is part of the Sunshine  
23 Law, it's required that public bodies give  
24 24-hour notice of special meetings to media  
25 outlets and individuals who request notification.

21:06:15

21:06:15

1 I don't see anything in this regarding that.

2 Have I just missed it?

3 MR. CORNETT: No, most likely it's not  
4 there. However, that doesn't change the law.

5 The Village is still required to do that. Just 21:06:15  
6 because it's not --

7 MS. ROBINS: Can it be put in here?

8 MAYOR LICASTRO: It's redundant. It's  
9 part of the Ohio Revised Code.

10 MS. ROBINS: What else isn't in here 21:06:15  
11 that's in the Revised Code?

12 MR. CORNETT: A whole lot.

13 MR. BOLTON: Why are we doing it?

14 MR. CORNETT: The reason why we do this  
15 is because we're not a chartered Village. 21:06:15

16 There's a chartered municipality and a  
17 nonchartered municipality. And chartered  
18 municipalities have all of, in essence, what's  
19 set out in the Revised Code in the chart.

20 Nonchartered municipalities are governed by the 21:06:15  
21 Revised Code with limited home rule ability. And  
22 that home rule ability is spelled out in the  
23 ordinances. And so whatever is not included in  
24 the ordinances, the Village looks to the Revised  
25 Code as the governing law. 21:06:15

1           So since the 24 hours is not included in  
2 here, the Village or since there's nothing that  
3 states, in essence, how you provide notice for  
4 special meetings, we would have to look to the  
5 Revised Code to that in terms of the requirements  
6 and it would be 24 hours. The Village is --  
7 whether we put it in here or not, in essence, we  
8 have to do 24 hours.

21:06:15

9           MS. ROBINS: Thank you.

10           DR. SPANO: So this is supplementing the  
11 Revised Code.

21:06:15

12           MR. CORNETT: Correct.

13           DR. SPANO: Not superseding it.

14           MAYOR LICASTRO: No, we can't.

15           MS. MEADE: Since there were some  
16 changes that had never been reviewed previously  
17 and this is being called a third reading, I don't  
18 know if because there are going to be some  
19 changes, I don't know if you go back to the  
20 calling it a first reading or do you have  
21 extended reading like a fourth and a fifth, but  
22 some of my comments when I read it, the paragraph  
23 that both of you had alluded to, when it says  
24 it's the best source for information, best, maybe  
25 we can say a source for information.

21:06:15

21:06:15

21:06:15

1 MR. CORNETT: Which paragraph is that?

2 MS. MEADE: The fifth, where it says the  
3 best source of information. I think if we put a  
4 source. I think that's subjective.

5 MR. CORNETT: The whereas is more 21:06:15  
6 legislative history. It doesn't become part of  
7 the ordinance. So it is subjective to a certain  
8 degree and so you can take out best, to be a  
9 source of information.

10 MS. MEADE: When it talks about 21:06:15  
11 reviewing the website the same as a newspaper, my  
12 only question or concern regarding that phrase is  
13 there are some residents in the Village that  
14 don't have a computer. And so if you're trying  
15 to get information, if you're comparing it to a 21:06:15  
16 newspaper, the Village, the local government does  
17 not have its own newspaper it issues. And that's  
18 why More Bratenahl can't just do an online  
19 publication, because we're sensitive to residents  
20 who don't have access to a computer or want a 21:06:15  
21 computer. So I think saying it's the same as is  
22 somewhat misleading and won't really cover all  
23 residents in the truest sense of the word.

24 MR. GALLAGHER: Not all residents get  
25 the paper, either. It's a general circulation. 21:06:15

1 MR. CORNETT: Correct.

2 MS. MEADE: Right. But like, for  
3 example, More Bratenahl mail to all homes.

4 MR. CORNETT: General circulation  
5 doesn't mean that every resident gets it. This 21:06:15  
6 is the way the Revised Code spells it out. It  
7 doesn't mean every resident gets it. It means  
8 it's generally available. It's like the Plain  
9 Dealer. Not every resident gets it, but you have  
10 an option to buy it, I guess. So and that's the 21:06:15  
11 purpose is so the Village can post or provide  
12 easier access to this.

13 MAYOR LICASTRO: We need to come to  
14 conclusion here. Mr. Kesselem.

15 MR. KESSELEM: A lot of weight is being 21:06:15  
16 put on this website that we have for this  
17 Village. Who or where do we receive the data  
18 that tells us from the hosting company the  
19 traffic flow that comes to our website?

20 MAYOR LICASTRO: We get it from the web 21:06:15  
21 host.

22 MR. KESSELEM: Who's observing that to  
23 see compared to the population of our Village,  
24 how much, is it one person hitting it three times  
25 a day? Is it 20 people? I mean, you can tell 21:06:15

1 from that data where that traffic is coming from?  
2 So we need to know what that is. Do we have a  
3 meter count on our website? Do we know how many  
4 hits we have a day on it? I think a lot is being  
5 banked upon our website as a publishing thing. I  
6 hope in the coming years that I can make that  
7 happen for us.

21:06:15

8 MS. BECKENBACH: We're looking forward  
9 to it.

10 MR. KESSELEM: But it's something that  
11 at this point we're putting a lot of weight on a  
12 website that we're not quite sure if anything  
13 other than a group of 20 really look at that  
14 thing.

21:06:15

15 MR. GALLAGHER: We get calls from that  
16 20 that makes it a good place to leave stuff.

21:06:15

17 MR. CORNETT: We are including the  
18 website, but not necessarily putting a lot of  
19 weight on the website in that we are now going  
20 above and beyond. We are now posting in six  
21 different areas across the Village. So the  
22 website is being included, but not being solely  
23 relied upon. The reason why it's being included  
24 is simply to move into the next generation.

21:06:15

25 MR. BINFORD: I'd like to call the

21:06:15

1 question.

2 MS. MEADE: I have more questions and  
3 comments regarding the Village.

4 MAYOR LICASTRO: There's been a request  
5 from Council in favor of the calling the  
6 question. All in favor of calling the question?

21:06:15

7 MR. ROBINS: It's inappropriate.

8 MS. MEADE: You need to listen.

9 MAYOR LICASTRO: Then Council can vote  
10 no. All in favor of the calling the question.

21:06:15

11 MR. BINFORD: Aye.

12 MAYOR LICASTRO: All right. It failed.  
13 What would you like to ask?

14 MS. MEADE: Thank you, Council. On page  
15 2, section D when it talks about Shade Tree

21:06:15

16 Commission is omitted and probably should be  
17 included. Under F when it says post means to  
18 post in an area accessible, I know we ran into  
19 this before when we had the eight listings or  
20 however many there were. There was a question of

21:06:15

21 does post, again, there's a 24-hour notice that's  
22 supposed to go along with this. And there's a  
23 question does it mean that all of them have to be  
24 posted to be a valid meeting or do only one? And  
25 I think that should be clarified and maybe it is

21:06:15

1 in the Ohio Revised.

2 MR. CORNETT: That's in the Ohio Revised  
3 Code. I know you discussed this 24 hours.  
4 However, that is not a requirement for note  
5 regular meetings and should not, in essence, be 21:06:15  
6 put in based on the fact that there could be  
7 legal issues associated with that, but that  
8 answer that or the question you're asking is  
9 answered by the Ohio Revised Code.

10 MS. MEADE: It never got answered 21:06:15  
11 though. So is one posting out of six suffice as  
12 a valid meeting?

13 MR. CORNETT: It may be an improperly  
14 noticed meeting, but actions taken at that  
15 meeting may still be valid. So it can be a gray 21:06:15  
16 area and you get into case law as to the facts of  
17 the case, the action that's taken, whether it's,  
18 you know, so I can't -- unfortunately in the law  
19 I'm sure you know I can't say yes or no because  
20 there's a huge gray area. 21:06:15

21 MS. MEADE: So the short answer is one  
22 could suffice.

23 MR. CORNETT: In probably special  
24 circumstances. However, that is certainly not  
25 the intent of the Village. If all say everything 21:06:15

1 was posted and all the boxes were knocked down by  
2 something or the vandals took them and the  
3 meeting went forward.

4 MS. MEADE: So worst case it's improper,  
5 it's not illegal? 21:06:16

6 MR. CORNETT: Correct.

7 MAYOR LICASTRO: Is there a motion to  
8 amend to include Shade Tree Commission under  
9 municipal body?

10 MS. BECKENBACH: The Shade Tree 21:06:16  
11 Commission is a -- I'm just --

12 MR. CORNETT: This can be tabled.

13 MAYOR LICASTRO: He's already typed it  
14 in.

15 MS. MEADE: I have additional comments. 21:06:16  
16 I did read this.

17 MAYOR LICASTRO: Is there a motion to  
18 include Shade Tree Commission under municipal  
19 body?

20 MS. BROWNRIGG: So move. 21:06:16

21 MAYOR LICASTRO: Second.

22 MR. BINFORD: Second.

23 MAYOR LICASTRO: All in favor of the  
24 change?

25 Ayes: 6. Nays: 0. 21:06:16

1           MAYOR LICASTRO: Thank you. Ms. Meade.

2           MS. MEADE: Under F, in the indented  
3 paragraph, I know when we were at the meetings we  
4 talked about that the 24 hour would be required  
5 as of now it's reading as reasonable efforts, so 21:06:16  
6 I was just wondering if other discussion occurred  
7 outside of the meeting which prompted this  
8 language change.

9           MR. CORNETT: My recommendation is 24  
10 hours is not included based on legal 21:06:16  
11 implications.

12           MS. MEADE: So why even have it if it  
13 doesn't mean anything?

14           MR. CORNETT: Well, reasonable efforts  
15 will be taken. If no efforts were taken, those 21:06:16  
16 wouldn't be deemed reasonable. However,  
17 reasonable efforts will be taken. Anything above  
18 that in reality is not required by the law and  
19 should not be included in the ordinance.

20           MS. MEADE: In G it says publish means 21:06:16  
21 published, which doesn't really make sense. So  
22 publish means inputting or uploading information?

23           MR. CORNETT: That's incorrect.

24 Published by putting the information on the  
25 website, information or documents on the 21:06:16

1 Village's official website or published once in a  
2 newspaper of general circulation within the  
3 municipality. So reading it in context,  
4 published means by putting it on the website.

5 Now, if I can add a technical terms like  
6 uploading or downloading, I think that's  
7 unnecessary. I think a general meaning by  
8 putting it on the website is better.

21:06:16

9 MR. BOLTON: Can I make a suggestion?

10 MR. CORNETT: Certainly.

21:06:16

11 MR. BOLTON: I see Ms. Meade has a  
12 number of good, but technical questions. I  
13 wonder if we can pass the ordinance and have the  
14 two of you talk and if there are any items which  
15 appear to be materially different, then we can  
16 review it at the next Council meeting instead of  
17 keeping the audience.

21:06:16

18 MAYOR LICASTRO: There's not many left.

19 MR. CORNETT: As I said before, if  
20 Council is uncomfortable and would like to review  
21 it themselves, it can always be tabled.

21:06:16

22 MS. MEADE: It's the first time any of  
23 this has appeared in this version.

24 MS. BECKENBACH: We discussed this at  
25 three meetings.

21:06:16

1 MR. KESSELEM: No, this is just lately.

2 MS. MEADE: Some of this language --

3 MR. CORNETT: We can table it.

4 MAYOR LICASTRO: We can table it.

5 MS. MEADE: It's been changed. 21:06:16

6 MR. KESSELEM: That's what it's listed  
7 as, but these changes are just this first time  
8 now.

9 MS. MEADE: These are changes that  
10 appear tonight. 21:06:16

11 MR. CORNETT: It's been modified all the  
12 way along from the first reading to the second  
13 reading to the third reading. So there's been  
14 modifications all the way along on every step of  
15 the way, because it's a work in progress. 21:06:16

16 MAYOR LICASTRO: It can be adjusted in  
17 the future.

18 MS. MEADE: So this is the first time  
19 the public got to see it to discuss it.

20 MAYOR LICASTRO: It can be changed in 21:06:16  
21 the future, it can be tabled now, it can be  
22 passed. What's Council --

23 MS. MEADE: I do have two more points  
24 when I read this. On page 3 when it talks under  
25 section A, when it talks about a person can file 21:06:16

1 a written request with the clerk specifying, it  
2 doesn't really have a time frame identified.

3 MR. CORNETT: I don't think it should.  
4 First of all, this is part of the old ordinance,  
5 but it's better not to include a time frame just 21:06:16  
6 based on the general reading, because what you  
7 don't want to do is put specific information  
8 there. It's better to have --

9 MS. MEADE: Vague.

10 MR. CORNETT: Yes. 21:06:16

11 MS. MEADE: Here's my question with  
12 that. If it's an email you can give the 24-hour  
13 notice, but if somebody is asking to be noticed  
14 by regular mail and you had to mail something to  
15 them and there's no time frame, then, you know, 21:06:16  
16 they can miss deadlines before they receive  
17 notification. So that's why time frame came up  
18 to me, that again, it's got to be good for the  
19 residents as well as government, which is my same  
20 wish the point of C, such requests maybe be 21:06:16  
21 modified or extended only by filling a complete  
22 new request with the clerk. How often? Daily,  
23 monthly, annually?

24 MR. CORNETT: Depends how long the  
25 request is. 21:06:16

1 MS. MEADE: That's my point. Since  
2 there's nothing in there, it seems like it raises  
3 a question.

4 MR. CORNETT: That would be dependent  
5 upon the individual request. 21:06:16

6 MS. MEADE: So those are my comments.

7 MR. CORNETT: I think those are fair.

8 MAYOR LICASTRO: It's been moved and  
9 seconded for passage. Roll call for passage,  
10 please. 21:06:16

11 MR. BOLTON: It was also moved to table.

12 MAYOR LICASTRO: I didn't hear a second  
13 to that.

14 MR. BOLTON: Oh, all right.

15 MAYOR LICASTRO: Roll call for passage,  
16 please. 21:06:16

17 MR. GALLAGHER: I'd like clarification  
18 before we do passage. I also took out best  
19 source and called it a source of information in  
20 the fifth whereas. Can we leave it that way? 21:06:16

21 MR. CORNETT: That's fine. The whereas  
22 clauses are not part of the -- this is more  
23 legislative.

24 MR. GALLAGHER: So for Council's  
25 information, I made the change Ms. Meade 21:06:16

1 requested.

2 All right. Ms. Beckenbach?

3 MS. BECKENBACH: Are we on passage?

4 Aye.

5 MR. GALLAGHER: Mr. Binford?

21:06:16

6 MR. BINFORD: Aye.

7 MR. GALLAGHER: Mr. Bolton?

8 MR. BOLTON: Aye.

9 MR. GALLAGHER: Ms. Brownrigg?

10 MS. BROWNRIGG: Aye.

21:06:16

11 MR. GALLAGHER: Mr. Mateyo?

12 MR. MATEYO: Aye.

13 MR. GALLAGHER: Mr. Semersky?

14 MR. SEMERSKY: Aye.

15 MR. GALLAGHER: Thank you.

21:06:16

16 MR. CORNETT: To the extent that this is  
17 also unworkable in practice that the Village  
18 finds, Jim can bring it up and we can modify it.

19 MAYOR LICASTRO: Absolutely. It's a  
20 huge improvement over what we had.

21:06:16

21 Moving to new business, Pay Claims.

22 MR. BINFORD: I'd like to introduce  
23 Ordinance Number 3466 Pay Claims in the total  
24 amount of \$206,734.18 and declaring the same to  
25 be an emergency.

21:06:16

1 MS. BECKENBACH: Second.

2 MAYOR LICASTRO: Roll call on  
3 suspension, please.

4 MR. GALLAGHER: Ms. Beckenbach?

5 MS. BECKENBACH: Aye. 21:06:16

6 MR. GALLAGHER: Mr. Binford?

7 MR. BINFORD: Aye.

8 MR. GALLAGHER: Mr. Bolton?

9 MR. BOLTON: Aye.

10 MR. GALLAGHER: Ms. Brownrigg? 21:06:16

11 MS. BROWNRIGG: Aye.

12 MR. GALLAGHER: Mr. Mateyo?

13 MR. MATEYO: Aye.

14 MR. GALLAGHER: Mr. Semersky?

15 MR. SEMERSKY: Aye. 21:06:16

16 MR. GALLAGHER: Thank you.

17 MR. BINFORD: I'd like to introduce  
18 ordinance number 3466 for passage.

19 MS. BECKENBACH: Second.

20 MAYOR LICASTRO: Discussion? Mr.  
21 Mateyo. 21:06:16

22 MR. MATEYO: Under Carnegie Auto Body  
23 10,952, I wonder if there's some -- what it was.

24 MR. ZALAR: That's our service

25 department dump truck, the one that we're 21:06:16

1 keeping, 99. We had a new dump body put on it  
2 with a hoist and a salt spreader.

3 MR. MATEYO: Thank you.

4 MAYOR LICASTRO: It was cheaper than  
5 replacing the truck, Mr. Mateyo. Anyone else on  
6 Council? Mr. Robins. 21:06:16

7 MR. ROBINS: Yeah, Joe, this is for you  
8 and for Rick Dolbow. Rick Dolbow, excuse me, I  
9 noticed in the appropriation status report line  
10 items under uniforms there hasn't been much  
11 spent. There's a total of about \$9,000, eight,  
12 \$9,000. I know historically when I was on  
13 Council those expenditures came at the end of the  
14 year. 21:06:16

15 My question is do you gentlemen  
16 anticipate the spending of the money that's in  
17 the budget for uniforms? 21:06:16

18 MS. EHLERINGER: May I answer that?  
19 When we pay out the uniform allowance, it goes  
20 through the payroll system. In order to do that,  
21 I have to move the money from the line item that  
22 says uniform into the line item that says  
23 payroll. That's the only way I can do it through  
24 the accounting system. And so we appropriate  
25 money under uniforms, but when it's spent I move 21:06:16

1 that line item into the payroll system to spend  
2 it.

3 MR. ROBINS: Is part of the reason for  
4 that because it's contractually obligated?

5 MS. EHLERINGER: Because it's  
6 contractually obligated and because we still have  
7 to pay Medicare on those monies. We don't charge  
8 other taxes, but we are still obliged to pay  
9 Medicare, so it has to go through the payroll  
10 system.

21:06:16

21:06:16

11 MR. ROBINS: So what you're saying is it  
12 will be spent.

13 MS. EHLERINGER: It will be spent.

14 MAYOR LICASTRO: Ms. Meade.

15 MS. MEADE: Can someone just give some  
16 explanation behind the Lakeshore Boulevard  
17 \$70,000 expenditure?

21:06:16

18 MAYOR LICASTRO: That's the bond, isn't  
19 it?

20 MS. EHLERINGER: That's the bond.

21:06:16

21 MAYOR LICASTRO: That's the bond for the  
22 Lake Shore improvement.

23 MS. MEADE: Which was?

24 MAYOR LICASTRO: Done in the 80s and  
25 renewed in the 90s.

21:06:16

1 MR. KESSELEM: Is that the paving?

2 MAYOR LICASTRO: It's the resurfacing of  
3 Lakeshore Boulevard.

4 MR. ROBINS: I had one more question if  
5 Pat is done. It's just a detail, but I saw the  
6 fire protection services for 41,000. Do we pay  
7 that quarterly?

21:06:16

8 MS. EHLERINGER: Not exactly.

9 MR. GALLAGHER: That's the setup.

10 MS. EHLERINGER: The setup is to pay it  
11 quarterly, but when they give us the bill, they  
12 usually don't provide us with a bill until after  
13 the end of the first quarter. So the first bill  
14 is due in June, the second is due in August, the  
15 third is due in like October and the last one is  
16 due in December, so we're paying the fourth  
17 quarter bill right now. It's due December 15, so  
18 we have to pay it.

21:06:16

21:06:16

19 MR. ROBINS: Historically I think it was  
20 about 160,000 for the whole year. I think they  
21 raised it 170,000.

21:06:16

22 MAYOR LICASTRO: It's more than 170 plus  
23 so.

24 MR. ROBINS: So are we done?

25 MS. EHLERINGER: We'll be done with

21:06:16

1 that. In prior years the City of Cleveland was  
2 not tidy about their invoicing, so we got, the  
3 entire invoice came usually in November or  
4 December, so we paid it at the end of the year.

5 MR. ROBINS: That's the other reason I 21:06:16  
6 was asking to make sure we weren't going to get  
7 an unpleasant surprise. Thank you.

8 MAYOR LICASTRO: Anyone else? There  
9 being no further question, roll call for passage,  
10 please. 21:06:16

11 MR. GALLAGHER: Ms. Beckenbach?

12 MS. BECKENBACH: Aye.

13 MR. GALLAGHER: Mr. Binford?

14 MR. BINFORD: Aye.

15 MR. GALLAGHER: Mr. Bolton? 21:06:16

16 MR. BOLTON: Aye.

17 MR. GALLAGHER: Ms. Brownrigg?

18 MS. BROWNRIGG: Aye.

19 MR. GALLAGHER: Mr. Mateyo?

20 MR. MATEYO: Aye. 21:06:16

21 MR. GALLAGHER: Mr. Semersky?

22 MR. SEMERSKY: Aye.

23 MR. GALLAGHER: Thank you.

24 MAYOR LICASTRO: That ends the agenda  
25 and a very long meeting. Anyone else on Council? 21:06:16

1 Anyone else in the peanut gallery? Ms. Meade,  
2 how many do we have today?

3 MS. MEADE: I did not count. My first  
4 question is for Rick.

5 MAYOR LICASTRO: How many questions do 21:06:16  
6 you have?

7 MS. MEADE: I did not count.

8 MR. ROBINS: It doesn't matter.

9 MR. CORNETT: It does matter.

10 MAYOR LICASTRO: Can't you give us a 21:06:16  
11 courtesy to let us know how many there are?

12 MS. MEADE: I didn't count. A few.

13 Rick, in August you had talked about the  
14 Roediger property name wasn't resolved yet. I  
15 didn't know if a new name has been approved. 21:06:16

16 MR. SEMERSKY: It has not. I'm trying  
17 to get the Roedigers and the Western Reserve Land  
18 Conservancy to be able to do it at the December  
19 meeting before Council so we can get that  
20 resolved. 21:06:16

21 MS. MEADE: Has the property transferred  
22 to Bratenahl yet?

23 MR. SEMERSKY: Yes.

24 MS. MEADE: Mary, if you're chairing  
25 Future Search, you said the dates are February -- 21:06:16

1           MAYOR LICASTRO: She wouldn't be  
2 chairing. There's a steering committee.

3           MS. MEADE: She said she was going to be  
4 the point person for that project at the last  
5 meeting. I want to confirm dates February 26, 27  
6 and 28? 21:06:16

7           MS. BECKENBACH: Correct.

8           MS. MEADE: And are there any other  
9 details that you can share with the public?

10          MS. BECKENBACH: Not at this point. 21:06:16

11          MS. MEADE: John, do you happen to know  
12 what month the reconstruction was completed, the  
13 reconstruction for the police investigation that  
14 Julie did, what month it was done, if it was  
15 April, May? 21:06:16

16          MAYOR LICASTRO: I can't recall. You  
17 mean the reconstruction of the evidence book?  
18 Why don't you ask Ms. Kreiner?

19          MS. MEADE: Julie? Do you know about  
20 what month that that was completed if it was  
21 April, May or could you find out if you don't  
22 know and let me know? 21:06:16

23          MS. KREINER: I don't know off the top  
24 of my head, but I have the exact date.

25          MS. MEADE: I just need a month. 21:06:16

1 MS. KREINER: I'll get it for you. It's  
2 been a while.

3 MS. MEADE: John, yesterday and today I  
4 had residents are asking what the total costs are  
5 for the Bratenahl investigation and we have the 21:06:16  
6 numbers from Lillie and there was a report. I'm  
7 trying to get the total number that Taft has been  
8 paid so I can add the Taft items that pertain to  
9 the Falzone portion and add it to the Lillie  
10 portion and report the total amount. 21:06:16

11 And because it wasn't captured as a  
12 specific public record, it hasn't been -- it's  
13 been -- my request has been denied. So my  
14 question is since I know that the legal -- Taft  
15 supplies detailed statements. And I understand 21:06:16  
16 I'm not entitled to the details, I'm just asking  
17 for a total, but that itemization exists, would  
18 the Village provide it as a nonrecord?

19 MAYOR LICASTRO: I've asked Merele as a  
20 courtesy to go through the bills and come up with 21:06:16  
21 that.

22 MS. MEADE: Any idea when that might be  
23 available?

24 MAYOR LICASTRO: I don't know.

25 MR. CORNETT: That will be subject to 21:06:16

1 discussion with our office.

2 MS. MEADE: May I ask why you wouldn't  
3 provide that total?

4 MR. CORNETT: To the extent that  
5 information is inextricably intertwined with 21:06:16  
6 other information that may not deal with the  
7 Falzone or other, say, general Village business,  
8 I think it would be an inaccurate estimate. And  
9 if that's going to be the case then I would  
10 decline to provide any type of estimate. 21:06:16

11 MS. MEADE: But if it lists Falzone  
12 related, doesn't it breakout from investigation  
13 and then if it's anything --

14 MR. CORNETT: I am not going to comment  
15 on the way we provide our legal bills. 21:06:16

16 MS. MEADE: Okay.

17 MAYOR LICASTRO: How about two more,  
18 Pat?

19 MS. MEADE: How about I am done, even  
20 better. 21:06:16

21 MS. BECKENBACH: I move to adjourn.

22 MR. SEMERSKY: Second.

23 MAYOR LICASTRO: We are adjourned.

24 Happy Thanksgiving, everyone.

25 (Meeting concluded at 8:06 p.m.) 21:06:16