

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

VILLAGE COUNCIL MEETING

TAKEN:

December 17, 2008

5:30 P.M.

PRESENT:

MAYOR JOHN LICASTRO

MARY BECKENBACH

GREGORY BINFORD

WILLIAM BOLTON

GEORGE MATEYO

BRENDA BROWNRIGG

RICHARD SEMERSKY

STEPHEN O'BRYAN, ESQ.

Nancy L. Molnar, RPR

  
**MOLNAR MUNGUÍA**  
COURT REPORTING, LLC

1           MAYOR LICASTRO:   Okay.  It's 5:30.  I'm  
2 going to ask the clerk to call the roll, please.

3           MR. GALLAGHER:   Good evening everybody.  
4 Ms. Beckenbach?

5           MS. BECKENBACH:   Here.

6           MR. GALLAGHER:   Mr. Binford?

7           MR. BINFORD:   Here.

8           MR. GALLAGHER:   Mr. Bolton?  Ms.  
9 Brownrigg?

10          MS. BROWNRIGG:   Here.

11          MR. GALLAGHER:   Mr. Mateyo?

12          MR. MATEYO:   Here.

13          MR. GALLAGHER:   Mr. Semersky?

14          MR. SEMERSKY:   Here.

15          MR. GALLAGHER:   Thank you.

16          MAYOR LICASTRO:   Thank you for coming  
17 tonight.  Before we begin with our agenda, I'm  
18 sure you're all aware of this, but for the  
19 record, let me make everyone aware that on Monday  
20 of this week we issued a press release, which was  
21 then posted throughout the Village, including on  
22 the web site, that reads as follows:  The  
23 administration of the Village of Bratenahl has  
24 placed Police Chief Paul Falzone on paid  
25 administrative leave pending the outcome of the

1 investigation being conducted by our independent  
2 counsel. Sergeant Richard Dolbow has been  
3 appointed acting Chief of police effective  
4 immediately. Sergeant Dolbow is here with us  
5 tonight. Thank you, Rich. I'm not sure if  
6 you've met Rich before. He's a 14-year veteran  
7 of our department and, again, has been appointed  
8 acting Chief. This action was effective, as I  
9 mentioned, on Monday. And the intention is to  
10 keep Chief Falzone on paid administrative leave  
11 pending the outcome of the investigation.

12 Now, Mr. Binford had a safety meeting  
13 about this subject last night. And I think he'll  
14 give us some details as to the status of the  
15 investigation during his Committee reports, is  
16 that fair?

17 MR. BINFORD: Fine.

18 MAYOR LICASTRO: Thank you. Moving to  
19 the agenda, we have minutes from the November  
20 regular meeting, the November special meeting and  
21 the December special meeting. Please make a  
22 motion to approve.

23 MR. BINFORD: Move to approve them all.

24 MS. BECKENBACH: Second.

25 MAYOR LICASTRO: Any discussion or

1 corrections? Ms. Brownrigg.

2 MS. BROWNRIGG: Yeah, the November 24th  
3 meeting says all member of council were present.  
4 I was not.

5 MAYOR LICASTRO: We tried to give you  
6 glory and you refused.

7 MS. BROWNRIGG: That's right.

8 MAYOR LICASTRO: Thank you. Anything  
9 else? The motion to approve as corrected,  
10 please.

11 MR. MATEYO: So move.

12 MR. BINFORD: Second.

13 MAYOR LICASTRO: Any further discussion?  
14 All in favor of the motion.

15 Ayes: 5: Nays: 0.

16 MAYOR LICASTRO: Thank you. The Mayor's  
17 Court report and in the legislative report I'll  
18 make reference to what happened in the general  
19 assembly this last week, but regardless, for the  
20 month of November, the County Treasurer received  
21 \$430; the Village of Bratenahl, \$29,423; the  
22 Treasurer of the State of Ohio, \$3,057 and a  
23 separate check for \$527; and the court computer  
24 fund, \$1,018. And, of course, we have Mrs.  
25 Kreiner here with us tonight who's our clerk of

1 courts.

2           And I might as well mention it now. The  
3 General Assembly has for years been looking to  
4 eliminate Mayor's courts. They've been doing it  
5 to various degrees of aggressiveness. And  
6 they've been very aggressive in this calendar  
7 year to try to eliminate Mayor's courts  
8 throughout Ohio. I think at last count, do you  
9 remember how many courts there are, Julie?

10           MS. KREINER: 483.

11           MAYOR LICASTRO: 483 Mayor's Courts.  
12 Some courts operate in a very efficient manner,  
13 some do not. If you've had occasion to be here  
14 as a spectator in one of our courts, you'll see  
15 we operate in a very efficient manner, very  
16 professional with a prosecutor, of course Mrs.  
17 Kreiner and et cetera, et cetera.

18           In a last minute effort during the lame  
19 duck session of the General Assembly, they voted  
20 to eliminate Mayor's Courts for communities of  
21 less than 200 people and of more than 45,000  
22 people. This eliminates, among others, the  
23 Mayor's Court in Linndale. Now, mind you, this  
24 has passed the House. It is still pending in the  
25 Senate and the outcome of that has yet to be

1 determined.

2 (Whereupon, Mr. Bolton entered the  
3 conference room.)

4 MAYOR LICASTRO: It is our hope and we  
5 have lobbied very hard with the General Assembly  
6 to get them to back off on eliminating the courts  
7 that do operate properly and do operate  
8 efficiently. I joined in comments to the state  
9 reps and senators to whom I've spoken, including  
10 a trip to Columbus, is if you have a problem with  
11 some of the Mayor's courts that are not acting  
12 properly, eliminate those. Apparently they feel  
13 they have done that. I can't speak for them, but  
14 I think that's at least their intention. And  
15 we'll see if this indeed ends their effort to  
16 eliminate Mayor's courts completely. I hope it  
17 does.

18 Any questions on the report or my  
19 comments? Okay. Jumping to correspondence, I'm  
20 going to ask Bob Gudbranson, who is here on  
21 behalf of the Western Reserve Land Conservancy,  
22 to comment on the bird sanctuary/Rodiger property  
23 update.

24 MR. GUDBRANSON: Thank you, Mayor. I'm  
25 happy to report that on December 11, Western

1 Reserve Land Conservancy took title to the  
2 Bratenahl bird sanctuary property. The Village  
3 has entered into a purchase agreement to purchase  
4 it from Western Reserve Land Conservancy. And  
5 that will be performed when the CELCP money is  
6 available and paid to the Western Reserve Land  
7 Conservancy.

8           We've succeeded in raising the \$650,000  
9 of private donations from the Village, which is  
10 what allowed Western Reserve Land Conservancy to  
11 proceed and take title without reservation for  
12 anything against the Bratenahl Land Conservancy  
13 chapter.

14           I want to thank all of you for your  
15 support, help, guidance. And I think that  
16 concludes, except for the processing of the money  
17 from the CELCP grant, what we have to do to allow  
18 the Village to take title. Steve, I don't know  
19 whether you have any other thoughts as to what  
20 has to be done by the Village or not.

21           MR. O'BRYAN: I think we're in pretty  
22 good shape as long as that money comes in and the  
23 rest of the title work and everything, I think  
24 Mr. Waterhouse has pretty much worked out with  
25 the Conservancy.

1 MR. GUDBRANSON: That's my  
2 understanding. And no one seems to be able to  
3 give us a firm table on when that will happen.  
4 The best guess I've received from Western Reserve  
5 is six months. It just takes time to go through  
6 all the checks.

7 MAYOR LICASTRO: We did receive  
8 paperwork from CELCP late last week that's been  
9 forwarded to Mr. Waterhouse, who is the real  
10 estate attorney in Steve's firm of Taft  
11 Stettinius to review and to allow us to sign the  
12 papers and to move forward.

13 MR. GUDBRANSON: Good. Anybody have any  
14 questions? Again, thanks for your help. Happy  
15 holidays and Merry Christmas. (Applause.)

16 MAYOR LICASTRO: I'd like to make a  
17 comment. Those of you that know Bob Gudbranson  
18 know the manner in which he operates and conducts  
19 himself both privately and publicly. Bob has a  
20 passion for many things, including preservation  
21 of Green Space. And his effort with first  
22 Dale/Ross and now certainly with the acquisition  
23 of this parcel, he has done the Village a huge  
24 favor in protecting these parcels of land in  
25 perpetuity. And just for his own personal

1 efforts and the efforts of the land conservancy  
2 members in Bratenahl, again, I'd like to  
3 congratulate you and thank you for the efforts  
4 you've made, and, of course, the effort the  
5 villagers made to come up with an incredible sum  
6 of money in a very difficult economic time.

7 MR. GUDBRANSON: Thank you. And it was  
8 a great effort on everybody's part, our Board and  
9 many members, of course, the villagers that gave  
10 us the money. Thank you again.

11 MAYOR LICASTRO: Thank you, Bob. In  
12 that same vein we have with us Bill Rodiger.  
13 Bill.

14 MR. RODIGER: We were not allowed really  
15 to talk about this. Even though we were referred  
16 to as Rodiger property, we had a keep quiet  
17 clause in our agreement that they were allowed to  
18 talk to the Village and we were not, so we were  
19 actively trying to help as well. We had a  
20 responsibility to provide first 300,000 in  
21 donations that made this happen. And I don't  
22 know how far the conservancy had worked on naming  
23 the property. One of the things that we were  
24 concerned with when we were doing the donation  
25 and deal with the conservancy. I don't know

1 where that stands with the Village as far as  
2 placing the final name on the property.

3           MAYOR LICASTRO: According to what  
4 Western Reserve has told me, the Village has the  
5 authority to name it whatever they think  
6 appropriate. And you and I have had many  
7 informal conversations. I know your desire  
8 apparently is what you're about to tell us.

9           MR. RODIGER: The family talked about  
10 it. There was a best effort on the part of the  
11 conservancy to allow us to name it. I don't know  
12 what they've done as far as the Village is  
13 concerned.

14           MR. GUDBRANSON: Nothing to my  
15 knowledge, Bill.

16           MR. RODIGER: They did nothing as far  
17 as --

18           MR. GUDBRANSON: The only position I've  
19 heard expressed is that the naming rights were  
20 kind of left to Western Reserve to use their best  
21 efforts. And at this time, they haven't done  
22 anything. And as I've talked to them, they have  
23 said that if somebody wants naming rights, the  
24 consideration should be paid for it; i.e., money.  
25 (Laughter).

1           Now, at this point, I think it's between  
2 Western Reserve who now owns it and you as  
3 seller. Eventually that will become an issue for  
4 the Village as they take title from Western  
5 Reserve.

6           MAYOR LICASTRO: Well, then I'd  
7 recommend let the process play itself out between  
8 you and Western Reserve. And if and when that  
9 does come before the Village, I think it should  
10 be discussed in Committee certainly. So would  
11 someone like to make a motion to refer that to  
12 Committee, probably Community Affairs.

13           MS. BECKENBACH: I move to consider the  
14 naming rights for the Rodiger property and the  
15 Committee will bring it up at a meeting.

16           MR. RODIGER: Will you let me know when  
17 that is?

18           MS. BECKENBACH: Absolutely.

19           MAYOR LICASTRO: Is there a second?

20           MR. BINFORD: Second.

21           MAYOR LICASTRO: Any discussion by  
22 Council? Bill, did you have a comment?

23           MR. RODIGER: Just let me know when it  
24 is.

25           MAYOR LICASTRO: All in favor of the

1 motion.

2 Ayes: 6. Nays: 0.

3 MALE VOICE: On the agenda it says  
4 Bratenahl bird sanctuary, that originated  
5 somewhere. Where did it originate?

6 MAYOR LICASTRO: I think it was out of  
7 discussion with the Western Reserve. I'm not a  
8 trustee of the Western Reserve, but I think  
9 changing that is not that big of a deal, at least  
10 for now.

11 MR. GUDBRANSON: That's where it came  
12 from, Western Reserve. And we understood there  
13 was a provision in the contract that said we  
14 could not, should not designate to call it the  
15 Rodiger property. And that name was adopted in  
16 that intervening period of time to identify what  
17 it was.

18 MR. RODIGER: It's like a temporary name  
19 is what we understood it was, something that  
20 would work.

21 MAYOR LICASTRO: Let your process work  
22 itself out and then it will come to us. Was  
23 there another question? Ms. Bacci.

24 MS. BACCI: So that doesn't have  
25 anything to do with our new sign on Eddy Road?

1 MR. MATEYO: No.

2 MAYOR LICASTRO: Yes, the foundation  
3 signs. The foundation, Brenda.

4 MS. BROWNRIGG: It's just the signs that  
5 are out there now says what the old signs says,  
6 Bratenahl is a bird sanctuary and we wanted to  
7 keep that as part of the new sign. The sign  
8 removed also said that.

9 MS. BACCI: Is that from an official  
10 ordinance or something?

11 MAYOR LICASTRO: We actually are a bird  
12 sanctuary.

13 MS. BACCI: I know we have a lot of  
14 birds.

15 MAYOR LICASTRO: This was done when I  
16 was first on Council many years ago. We are a  
17 bird sanctuary and the signs say that. Again,  
18 thank you to the foundation for donating -- how  
19 many signs were there?

20 MS. BECKENBACH: Four.

21 MAYOR LICASTRO: Four signs that you see  
22 throughout the Village and at the entryway to the  
23 Village. I think they're going to put one up  
24 here at Village Hall. Those are donated by the  
25 Bratenahl Community Foundation.

1           Okay. Thank you very much. Two more  
2 items under correspondence, the first of which is  
3 a NOPEC update regarding natural gas. The  
4 Village of Bratenahl participates in NOPEC, which  
5 is a consortium of communities that pool their  
6 resources to buy both natural gas and  
7 electricity. If you wonder if you're in this  
8 consortium, if you're part of this, unless you  
9 have opted out and chosen not to be in it, you're  
10 in it, which means you buy your gas from  
11 Dominion, you are subject to the rates negotiated  
12 by NOPEC in an effort to try to get more clout in  
13 our purchasing.

14           This notice states as follows: The  
15 rates in December 2008 through May 2009 will be  
16 \$10.88 a metric cubic foot. In June 2009 through  
17 August 2009, they drop to \$9.59 per metric cubic  
18 foot. In September through October of 2009, they  
19 drop further to \$9.27 per metric cubic foot.  
20 Again, these will be the rates you are charged if  
21 indeed you are part of NOPEC. Unless you opted  
22 not to be, we're all in this together. Any  
23 questions on that? Thank you.

24           One item that's on the agenda that just  
25 appeared on my desk today. I got an update from

1 the Army Corps of Engineers regarding the  
2 dredging of Cleveland Harbor. This is done every  
3 couple of years. They dredge the navigation  
4 channels of Cleveland Harbor, Cuyahoga River and  
5 the Old River and the outer harbor channels to  
6 allow the commercial vessels, barges, et cetera,  
7 the freighters that we see to have enough water  
8 to be able to navigate these waterways.

9           The reason we bring this to everyone's  
10 attention is because a few years ago their idea  
11 to dispose of the dredgings was to sort of salt  
12 them along the shores of Bratenahl, which we  
13 thought was a really, really bad idea. We felt  
14 that the dredgings would just end up clogging up  
15 our streams and end up on residents' beaches. So  
16 they backed off on that. And I'm happy to say  
17 that these dredgings, which were, by the way,  
18 approximate 250,000 cubic yards of material, will  
19 be discharged and confined to disposal areas both  
20 10 and 12. Those are the last two disposal  
21 areas. You can see them here inside the break  
22 wall right off of Burke that are the working  
23 disposal areas that they have that are filling up  
24 at a rapid rate. It is their status and concern  
25 that they'll eventually be filled is one of the

1 reasons why the Port Authority is suggesting to  
2 move the Port from down near the stadium to a  
3 site off 55th, because that 200-acre site, which  
4 is not there now, will be constructed in the  
5 lake, if approved, using dredgings from the  
6 harbor and other areas as well.

7           So again, these dredgings will go into  
8 areas 10B and 12. We think that's a good thing.  
9 They will not be salted along the shore and end  
10 up on our beaches. Any questions? Thank you.

11           Under Mayor's report, Leadership  
12 Cleveland, as you know, I'm a participant in this  
13 area's class. And, George, I won't say it.

14           MR. MATEYO: You don't have to.

15           MAYOR LICASTRO: Everybody in Leadership  
16 Cleveland's claims their class is the best. Mr.  
17 Mateyo was the class, was it 18 something?

18           MR. MATEYO: Do you want to read it?

19 (Laughter.)

20           MAYOR LICASTRO: This month's session  
21 was about the Cleveland Municipal School  
22 District. And we toured five high schools that  
23 include the Ginn Academy, Cleveland Central  
24 Catholic and several others whose names escape  
25 me, to see how education is working in the

1 Cleveland area. We read a lot of negative things  
2 about the Cleveland school district of which  
3 Bratenahl is a part. 60 percent of our property  
4 taxes go to support Cleveland Municipal school  
5 district. And it was a wonderful to see the  
6 energy, the excitement, the involvement of these  
7 children. The Ginn Academy is founded by Ted  
8 Ginn, Jr., coach of Glenville, very military in  
9 its regiment. A lot of these children have had  
10 problems, so putting them in a very rigid  
11 environment he feels is in their best interest.  
12 They were just marvelous in their attitude and  
13 excitement.

14 I toured Cleveland Central Catholic  
15 whose principal is Mr. Ertle, a former  
16 administrator at St. Ignatius. The kids were  
17 incredible, bright eyed, involved. Again, we  
18 often read in a lot of publications that things  
19 are terrible in this area. We do have problems,  
20 but there's always reason for hope and reason for  
21 optimism. These five schools I think are just  
22 that, they're a reason for us to remain excited  
23 about the Cleveland school district. And by the  
24 way, Dr. Eugene Sanders, who is a director, is a  
25 resident here at Bratenahl. He lives at

1 Bratenahl Place. He spoke at the Cleveland  
2 Central Catholic about just this, the positive  
3 aspect happening in the Cleveland schools. Any  
4 questions about that?

5           And in that same vein, I received  
6 notification that Colonel Harvey Hopson, who is,  
7 of course, a Bratenahl resident, has been  
8 appointed by Mayor Frank Jackson to the Cleveland  
9 Municipal school district. Larry Davis, who was  
10 a long time member of that organization, he was  
11 chair of the board, also Bratenahl resident,  
12 resigned and Colonel Hopson has been chosen to  
13 replace that vacant seat.

14           The other individual from Bratenahl that  
15 sits in the board is Louise Dempsey, who has been  
16 on the board, I think, for a number of years. So  
17 even though we don't have a lot of children that  
18 attend Cleveland Municipal school district  
19 schools, we do have representation on the board  
20 and congratulations to Colonel Hopson. I'm  
21 certain he'll do a great job.

22           Any questions on that? Thank you.  
23 Department reports. Sergeant Dolbow.

24           SERGEANT DOLBOW: Mayor, we've had seven  
25 felony arrests, nine misdemeanor arrests, 10

1 warrant arrests, 12 DUS arrests, seven DUI  
2 arrests, we towed 22 cars, 11 motor vehicle  
3 accidents reported, and 10 alarms drops, which  
4 were false. And we had one fire alarm. We had  
5 28 total 911 calls, eight of which were false and  
6 the remaining 20 assistance was rendered. And we  
7 also had a total of 135 traffic citations issued  
8 this month.

9           MAYOR LICASTRO: Thank you, Sergeant.  
10 Any questions?

11           MS. MEADE: Can you identify the time  
12 periods in those stats?

13           SERGEANT DOLBOW: November 20 through  
14 December 17.

15           MS. MEADE: Thank you.

16           MAYOR LICASTRO: Thank you. Any  
17 questions? Mr. Zalar, do you have any comments?

18           MR. ZALAR: Just a couple. We're about  
19 90 percent geared up for winter here. We have  
20 received two of our attachments for our bobcat,  
21 our snowplow and our snow thrower. The new dump  
22 truck should be ready within the next week or two  
23 I hope. They're waiting on a few other parts.

24           And I might as well do the tree thing,  
25 too. We did have two tree removals, one here in

1 the back section of the park and one on Brighton.  
2 That was the last wind storm we had. It was  
3 pretty dead and kept damaging the property there,  
4 so we eventually just took that one down. So  
5 that's it.

6           MAYOR LICASTRO: Thank you, Mr. Zalar.  
7 We haven't used a whole lot of salt, have we?

8           MR. ZALAR: No, not at all.

9           MAYOR LICASTRO: Thank you. We're being  
10 very frugal with salt. For those of you who have  
11 not been part of prior meetings, the salt we have  
12 is all the salt we're going to get. There's a  
13 shortage in this part of the country. We have on  
14 order as much as we have used in years past. We  
15 have to make sure it lasts. And Mr. Zalar is  
16 working to that goal.

17           I know a lot of you may have questions  
18 about BFI and their new waste pickup program.  
19 Ms. Beckenbach will deal with that in her  
20 Committee reports, so hold your questions until  
21 then.

22           Mr. Jamieson is not here and so his  
23 report is as follows: For the month of November  
24 2008, there were 15 inspections. There were six  
25 contractor registrations, nine permits issued and

1 one certificate of occupancy. The Architectural  
2 Review Board did not meet in November. There  
3 were no applicants to the Board. The Planning  
4 Commission did meet on December 3. Mr. Binford  
5 will give that report. And the BZA also did not  
6 meet. Any questions on that?

7 Thank you. Moving to Committee reports.  
8 Finance.

9 MS. BROWNRIGG: Finance did not meet.

10 MAYOR LICASTRO: Public Improvements.

11 MR. SEMERSKY: Public Improvements did  
12 not meet.

13 MAYOR LICASTRO: Legislative.

14 MS. BROWNRIGG: Did not meet.

15 MAYOR LICASTRO: Safety. Mr. Binford.

16 MR. BINFORD: Safety met last evening  
17 with all members of the Committee present. The  
18 purpose of the meeting was to provide an update  
19 of the status of the investigation being  
20 conducted by Mr. Lillie. And the information  
21 that I provided last evening is as of Monday of  
22 this week. And as of that time, Mr. Lillie, or  
23 those working directly under his supervision,  
24 which includes a retired FBI agent, have  
25 conducted three extensive interviews with members

1 of the police force. He intends to conduct at  
2 least seven more interviews. Five of those will  
3 be Bratenahl police officers and two of those  
4 interviews will be nonBratenahl police members.

5 The computer expert working for Mr.  
6 Lillie has also completed a successful mirroring,  
7 is the term they use, of the applicable computer  
8 and is currently analyzing that data. Mr. Lillie  
9 has told me that he anticipates delivering a  
10 report to the Village within 30 to 45 days of  
11 last Monday. And that was the only business that  
12 came before the Committee

13 MAYOR LICASTRO: Any questions for Mr.  
14 Mr. Binford?

15 MS. DANIELS: My name is Susan Daniels.  
16 I'm not a resident of Bratenahl. I'm a long time  
17 friend of Chief Falzone. I'm also a licensed  
18 private investigator and have been for 13 years  
19 by the State of Ohio. My concern is I keep  
20 reading in the paper, and I used to work for the  
21 Plain Dealer for 17 years so I can tell you be  
22 careful of what you read in the paper. It keeps  
23 talking about an impartial investigation.

24 My concern is as follows: I am familiar  
25 with Mr. Lillie and he's a very good attorney,

1 but he's also representing Jimmy Dimora in the  
2 problems he's having in Cleveland. Mr. Dimora is  
3 good friends with Sheriff McFaul who, as you all  
4 know, did not like Paul running against him. I  
5 am concerned that there is pressure being applied  
6 possibly to Mr. Lillie. And I don't really  
7 understand. This can't be an impartial  
8 investigation.

9           Also, I personally because of my  
10 experience and have done investigations for so  
11 many years, I was shocked at the price that the  
12 Village is paying for this investigation. I  
13 thought the price exorbitant. This is not a huge  
14 investigation. You're talking about 10  
15 interviews. \$25,000 to do this kind of work  
16 is -- I mean, I wish I could get that kind of  
17 money. I am familiar with the former FBI agent  
18 who is doing the work. I would like to be sure  
19 that Chief Falzone is going to get fair treatment  
20 in this. I'm just not convinced this is an  
21 impartial investigation.

22           MR. BINFORD: As a practicing attorney,  
23 I'd like to respond by saying, number one, I know  
24 Mr. Lillie very well and I've had to practice  
25 with him in the past. I have complete, complete

1 confidence in his impartiality in this matter.  
2 As you know, attorneys represent more than one  
3 client. And the fact that he represents Mr.  
4 Dimora has no bearing whatsoever on this. I can  
5 also tell you that his rate came in at about half  
6 of what I anticipated it being.

7 MS. DANIELS: Well, I know a former FBI  
8 agent who did an investigation in Madison  
9 Township involving their fire chief. And it was  
10 far more extensive than this and came in at less  
11 than \$10,000.

12 MR. BINFORD: Well, Mr. Lillie, in my  
13 opinion, is probably the most qualified person in  
14 this area of the country to do this type of  
15 investigation. And I think he's worth every  
16 nickel.

17 MS. DANIELS: Well, all I would like to  
18 say is if they have any desire to have my  
19 assistance in this, and I am a fair and impartial  
20 investigator, I have a long list of attorneys  
21 that I work for, I will volunteer my time.

22 MR. BINFORD: Thank you.

23 MAYOR LICASTRO: Thank you, ma'am. We  
24 appreciate that and we appreciate your comments  
25 as well and your concerns. Ms. Meade.

1 MS. MEADE: Mr. Binford, when you  
2 described the two nonpolice officers, would that  
3 possibly be dispatchers or other staff of Village  
4 Hall? Can you better describe who the  
5 nonofficers are to be interviewed?

6 MR. BINFORD: I'll just say they have a  
7 nexus to Bratenahl.

8 MAYOR LICASTRO: Anyone else?

9 MR. BOLTON: I don't know whether this  
10 is the time for new business. I do have some  
11 comments about the investigation, perhaps a  
12 motion I'd like to make. Would you prefer I do  
13 that now or later?

14 MAYOR LICASTRO: I think now would be  
15 appropriate.

16 MR. BOLTON: For those who were not at  
17 the meeting last night, I recognize that I had a  
18 difference of opinion, a misconception as to what  
19 the role of the Council and what the role of the  
20 investigator was. And it's a process  
21 misunderstanding that I want to bring out.

22 Council moved to hire a special  
23 independent counsel who was engaged to perform a  
24 thorough investigation for the Village. That is  
25 what was moved. We did not hire an internal

1 investigator. And I'd like to bring the  
2 difference to the attention of Council. I  
3 thought that meant the investigation was to be  
4 independent with the independent counsel  
5 reporting to an Oversight Committee. That's  
6 what's normally meant on the national scene by an  
7 independent counsel.

8           Through my questions and comments in  
9 public meetings that I've either checked or had  
10 checked, I believe that's what I made my  
11 understanding clear. I want to tell you Council  
12 members that's not the way it functions. I'm a  
13 member of the Public Safety Committee, which I  
14 thought was charged with the responsibility of  
15 being the Oversight Committee.

16           The first I learned that the Police  
17 Chief was being placed on paid administrative  
18 leave was around ten o'clock Monday morning when  
19 the Mayor kindly called me to let me know he was  
20 about to issue a press release. Despite being on  
21 the Committee, I had received no prior  
22 information. Despite being on the Committee,  
23 without information, I cannot vouch for the  
24 integrity of the process. Despite being on the  
25 Committee, without any information, I can't tell

1 anyone whether any actions taken were  
2 appropriate. I don't mean to imply that I doubt  
3 them, it's just that I'm not in possession of the  
4 information to make a judgment.

5 I presume the Mayor's determined to take  
6 this action after discussion with Mr. Lillie, the  
7 Village solicitor, Mr. Binford, and perhaps  
8 others. When a Committee is set up in a matter  
9 so serious as to require a special independent  
10 investigator, it places duties on everybody  
11 involved. There are duties of fairness, in  
12 confidentiality to those who are being  
13 investigated. There's a duty to represent the  
14 interest of the Village of Bratenahl and all the  
15 people of the Village to the best of our ability.  
16 Each person involved lends their personal  
17 reputation and Council members collectively bring  
18 their reputation of the Village to the process.

19 How can I, how can Councilman Binford,  
20 how can Council President Beckenbach or any other  
21 Council member place their reputation or the  
22 reputation of the Village on the line if we're  
23 named as part of a Committee, but excluded from  
24 the investigative process? To make clear  
25 Council's intentions one way or another, I would

1 like to make a motion.

2 I would like to make the motion to  
3 retain special independent counsel that was made  
4 on November 19 be amended to include that Council  
5 will perform a thorough investigation independent  
6 of direction by or reporting to any paid Village  
7 personnel or consultant, and make any and all  
8 findings and reports to an independent Committee  
9 designated by Village Council. Do I have a  
10 second?

11 In the absence of a second, I have to  
12 assume that the intention is that this is an  
13 internal investigation and not an independent  
14 investigation. I do not believe this Village  
15 would have voted \$35,000 as a cap for an internal  
16 investigation. I would, therefore, like to move  
17 that the total cost of an internal investigation  
18 be capped at \$7,500.

19 The motion fails a second. I would like  
20 to resign from any responsibilities associated  
21 with the investigation except for being on  
22 Council. Thank you.

23 MR. BINFORD: Steve, could you comment  
24 on the constraints we face under the Ohio Revised  
25 Code.

1 MR. O'BRYAN: I think as Councilman  
2 Bolton, the words that he used that are paramount  
3 and on everybody's mind, certainly have fiduciary  
4 duties to this Village, is that we have to be  
5 fair and impartial and maintain confidentiality  
6 to everyone involved. At the same time, follow  
7 the law that we were all sworn to uphold. And  
8 there are laws that pertain to the operation of  
9 the statutory Village that Bratenahl is. Those  
10 laws deal -- they're in the state statutes.

11 They deal with who has responsibility in  
12 an administration over the police department.  
13 They parcel out that responsibility to various  
14 administrative officials here. They clearly set  
15 forth the duty and obligations of the Council.

16 The Village Council may or may not have  
17 a certain statutory role in the review of any  
18 findings from this independent investigation,  
19 which is what I believe we have commissioned to  
20 be done. And the understanding with the special  
21 investigator is that his investigation is to be  
22 independent, is to review the facts and  
23 circumstances as outlined and report to the  
24 appropriate authorities his findings.

25 And that at all times any substantive

1 determinations, discussions or what have you  
2 would be kept confidential and only to the  
3 appropriate authorities. I've been very  
4 concerned that there not be any dissemination  
5 from Mr. Lillie to anyone who might have to make  
6 determinations later, such as Village Council  
7 persons in the interim or, what shall I say, the  
8 results of one or two interviews or perhaps  
9 impartial information that's been gleaned from  
10 his work on a partial basis. So those are the  
11 constraints that we face.

12 I think the Committee that has been  
13 referred to is what has been a standing Committee  
14 in the Village, which is the Public Safety  
15 Committee, which has policy oversight over some  
16 ramifications of the police department, but the  
17 reporting back was only -- and when we say  
18 oversight, it was only to ascertain and to  
19 provide advice as to where we were in the  
20 investigation from a procedural as Mr. Binford  
21 has pointed out. What's been done procedurally,  
22 not substantive, and when can we expect the  
23 result procedurally, not substantially, not what  
24 has been said by whom, to what or when or what  
25 piece of paper we found on what computer. So

1 that's what we're about. I think we are about an  
2 independent investigation.

3           There's nothing in the law that I'm  
4 aware of that makes the distinction that  
5 Councilman Bolton has made in terms of  
6 independent versus internal. He's going to, as I  
7 understand it, investigate the situation as  
8 charged, as the retention letter requires, and  
9 make the appropriate report when he's finished.  
10 And until that report comes out, that will be  
11 maintained confidential from all officials and  
12 appropriate action will be taken after that,  
13 after it is completed.

14           Keeping in mind, keeping in mind at all  
15 times that everybody has statutory and  
16 constitutional rights here that we need to be  
17 cognizant of. We need to be fair to everyone  
18 involved. And at the same time, we need to  
19 maintain the integrity of the process. I think  
20 that's what we're about. I'm positive that's  
21 what we're about.

22           MAYOR LICASTRO: And if I could just add  
23 to that, this is a very difficult process. And  
24 we are being very careful, very diligent and  
25 thorough to be certain that it is fair and

1 impartial. We are trying to find out the facts,  
2 find out the truth. And when the process is  
3 complete and Mr. Lillie gave us an approximation  
4 of 60 days, I am certain that his recommendations  
5 will be just that, tell us what the truths are,  
6 what the facts are. And at that time we will  
7 take whatever action permanent or temporary is  
8 necessary or appropriate at that time. Chief  
9 Falzone is on paid administrative leave. It's  
10 not more than that. He's not been suspended or  
11 anything else. He's on paid administrative  
12 leave.

13           Despite what Mr. Bolton has said, what  
14 Mr. O'Bryan has said, we are being as careful and  
15 as thorough in handling this in a very, very  
16 sensitive manner to be certain we do it right.  
17 Yes, ma'am.

18           MS. DANIELS: May I read something from  
19 the Plain Dealer? You're talking about being  
20 impartial. This is from an article yesterday.  
21 Richard Lillie, whose law firm is conducting the  
22 Village's internal investigation, said Monday  
23 that circumstances have changed since he  
24 recommended last month to keep Falzone on. All I  
25 can tell you is that the way the investigation

1 has unfolded has caused us to see things in a  
2 different light, he said, adding that he concurs  
3 with Bratenahl's decision to put Falzone on  
4 leave.

5           Now, you're going to tell me after three  
6 interviews that he can make a statement like this  
7 and this is not impartial? This is so damaging  
8 to the Chief. And I think it's blatantly unfair  
9 and it's incredible. I'm amazed that Mr. Lillie  
10 would make a comment like this.

11           MAYOR LICASTRO: Ma'am, if I can just  
12 add to that.

13           MR. O'BRYAN: Mayor, do we want to get  
14 involved? I think these comments can be made  
15 publicly, but to get involved in the debate about  
16 what was said and where in the Plain Dealer.

17           MAYOR LICASTRO: What the Plain Dealer  
18 writes or prints is something that they choose to  
19 write and they choose to print.

20           MS. DANIELS: This is Mr. Lillie, a  
21 quote.

22           MAYOR LICASTRO: Apparently. But  
23 regardless, if you notice, I'm quoted there and I  
24 said nothing like that. I refused to comment. I  
25 refuse to publicly comment now. But we wouldn't

1 involve the time, the effort and the monies to do  
2 this if we weren't certain it was going to be  
3 fair and impartial. The fact that Mr. Lillie  
4 represented Dimora was brought up during the  
5 discussion about his potential hire, it was  
6 disclosed openly and candidly by Mr. Lillie, and  
7 we chose him to do the job.

8           And there's also the Bureau of Criminal  
9 Investigation that is doing their own  
10 investigation. By the time we get to endgame and  
11 I ask your patience, let us get to endgame on  
12 this, let us finish this process, then I think  
13 hopefully we'll all reach a consensus whatever  
14 action we take, if any, at that time is  
15 appropriate. Mr. Mateyo, you had your hand up.

16           MR. MATEYO: I guess my comment to the  
17 Plain Dealer article, you talk about  
18 impartiality. The Plain Dealer had in their  
19 editorial today, Throw Him Out. I think that's a  
20 presumption of guilt and I think our obligation  
21 is not to do that, then we risk a lawsuit from  
22 the Chief. So we're trying to do this every way  
23 we possibly can. The benefit of the doubt is  
24 until proven otherwise. So I think the Plain  
25 Dealer can do whatever they want. Of all the

1 things going on, Bratenahl ought to throw him  
2 out. On what grounds? On their say so? I don't  
3 believe that.

4           MAYOR LICASTRO: The Plain Dealer  
5 criticized me for not firing him.

6           MR. MATEYO: That may be. That is  
7 insulting. That's not the reason we have this  
8 country.

9           MAYOR LICASTRO: If we seem reticent  
10 about comments or details, again this is a very  
11 sensitive process, not only for Chief Falzone but  
12 for the Village. This kind of negative press is  
13 distasteful to all of us. That's why we're  
14 determined to do it right.

15           MS. BROWNRIGG: I'd like to say, Ms.  
16 Daniels, I would love to see you place your  
17 passion in an article in the forum in the Plain  
18 Dealer.

19           MS. DANIELS: You know what, I quit my  
20 subscription to the Plain Dealer about a month  
21 before the election after taking it for four  
22 years. They would never print anything I write.

23           MS. BROWNRIGG: But to say that I'm not  
24 going to send it because they won't print it is  
25 defeatist. I would send them an article letting

1 them know how you feel.

2 MS. DANIELS: I sent an email to who is  
3 in charge there and I sent an email to the  
4 reporter listing my concerns and explaining why I  
5 quit your paper after four years.

6 MAYOR LICASTRO: And now we certainly  
7 understand how difficult and how sensitive and  
8 how careful this process is, I think at this  
9 juncture, let's leave it where it is. Let's move  
10 on with the agenda and yes, let's let the process  
11 play itself out. I'm certain when we get to the  
12 end of it, the consensus will be obvious and  
13 whatever action taken will seem reasonable.

14 DR. SPANO: Mr. Mayor, can I ask you,  
15 please, if Mr. Bolton is being excluded from  
16 getting information that is coming out of this  
17 investigation, can you tell us who is privy to  
18 information that is being discovered as a result  
19 of the investigation on a daily basis?

20 MAYOR LICASTRO: Doctor, again, I'm not  
21 going to comment on the nature of the  
22 investigation.

23 DR. SPANO: I didn't ask you to comment  
24 on the nature of the investigation.

25 MAYOR LICASTRO: I'm not going to go

1 into further details. I don't think it's  
2 appropriate.

3 DR. SPANO: You won't tell the people of  
4 the Village, who paid for the investigation, who,  
5 in fact, is receiving information?

6 MAYOR LICASTRO: The investigation once  
7 complete will be reviewed thoroughly by myself  
8 and Council and our law director to be certain it  
9 is indeed fair and impartial and accurate. We  
10 will take whatever action is necessary.

11 DR. SPANO: You're not answering my  
12 question.

13 MAYOR LICASTRO: That's right, I'm not  
14 going to answer. Community Affairs.

15 MS. BECKENBACH: Community Affairs  
16 didn't meet, but I have an update for the Council  
17 and for the residents here in this room. As of  
18 tomorrow, December 18, every resident in the  
19 Village will have received their two waste  
20 containers. We have only one small association  
21 that is currently not participating in the  
22 Village. So we're almost at 100 percent  
23 participation. There have been some questions  
24 that I am addressing regarding purchasing of  
25 containers and the delivery of more cans than

1 needed, than the two that were originally given  
2 to the residents. Several residents have  
3 contacted me to congratulate all of Council  
4 regarding the dissemination of information, the  
5 timeliness of the delivery, and our commitment to  
6 recycling as a whole. It was a long process but  
7 I am sure that the outcome will be successful.  
8 As everyone knows the goal of this program is to  
9 increase efficiency of the solid waste pickup as  
10 a result of conformity of cans on the streets,  
11 increased awareness of recycling that ultimately  
12 preserve the environment and furthering our  
13 commitment to being a green Village. We will  
14 gather data each year to determine the rate  
15 increase in disposal of recyclable items.

16           And I have two more items I'd like to  
17 talk to you about that are not related to the  
18 rubbish. There seems to be confusion by some  
19 residents concerning the B-Mail program that we  
20 initiated probably six months ago. Therefore, I  
21 would like to suggest by way of a motion that we  
22 temporarily suspend this program until we can  
23 formulate a new process. All notices of meetings  
24 will still be posted in the posting boxes and  
25 available on the Bratenahl web page calendar.

1 Items number three --

2 MAYOR LICASTRO: Wait. Are you asking  
3 for a motion?

4 MR. BOLTON: I so move.

5 MAYOR LICASTRO: Is there a second?

6 MS. BROWNRIGG: Second.

7 MAYOR LICASTRO: Discussion?

8 MR. MATEYO: Are all the meetings on the  
9 calendar?

10 MS. BECKENBACH: Everything is on the  
11 calendar that should be on the calendar.

12 MAYOR LICASTRO: The B-Mail system, we  
13 have to figure out a way to do it better. It's  
14 not functioning. It's just causing aggravation.

15 MS. BROWNRIGG: The cancellation notice  
16 on the finance meeting was B-Mail, but it didn't  
17 go out. I got an email from them saying, oops,  
18 we didn't send that.

19 MS. BECKENBACH: It was on the calendar.

20 MAYOR LICASTRO: We need to bring that  
21 back to square one. So all in favor of the  
22 motion.

23 Ayes: 6.

24 MAYOR LICASTRO: Anyone opposed? Thank  
25 you.

1 MS. BECKENBACH: Item three is that  
2 items that have been requested by residents to be  
3 addressed at a future Community Affairs meeting  
4 are: Access to Bratenahl Green Space Preserve,  
5 which is the Dale/Ross property; B-Mail system;  
6 and a canine good citizens program in conjunction  
7 with reviewing the Village's vicious dog  
8 ordinance. That's my report.

9 MAYOR LICASTRO: I forwarded some  
10 documents to you regarding pit bulls. Dan is  
11 here, I know that's one of his concerns. I'm not  
12 sure if you heard that, Dan, but that's going to  
13 be referred to Ms. Beckenbach's Committee for  
14 discussion. And we ask you to please participate  
15 in that discussion.

16 MALE VOICE: Thank you. I will.

17 MAYOR LICASTRO: Any questions of Ms.  
18 Beckenbach?

19 MR. BOLTON: I just wanted to include  
20 the Bolton household in congratulating the  
21 literature that went out. It was more inclusive.

22 MAYOR LICASTRO: It came out a little  
23 late. We were hoping for about two weeks  
24 earlier.

25 MS. BECKENBACH: It was supposed to be

1 mailed on the day after Thanksgiving. I  
2 apologize to everyone in the Village that it came  
3 out late. I guess it was a postal issue.

4 MR. BOLTON: It was great.

5 MS. BECKENBACH: But everybody got it at  
6 least before the cans are picked up on Monday.

7 MAYOR LICASTRO: If you do have too many  
8 cans, I know I got four for some reason, please  
9 contact Mr. Zalar or Merele and let them know.  
10 BFI will be in the Village to pick up the  
11 additional cans. If you want more cans than you  
12 have, someone can have my two, again please  
13 comment or make the comments to either Merele or  
14 Mr. Zalar.

15 MS. BECKENBACH: Second cans will not be  
16 available for residents until after February.

17 MAYOR LICASTRO: What she said. Thank  
18 you, Mary.

19 DR. SPANO: Mary, you said we're going  
20 to get --

21 MS. BECKENBACH: You are going to get  
22 those. There are quite a few that need them.

23 MAYOR LICASTRO: Did you not get four,  
24 Dr. Spano?

25 DR. SPANO: No, I did not.

1           MAYOR LICASTRO: You got two, I got  
2 four.

3           DR. SPANO: Give me your two.

4           MAYOR LICASTRO: You're welcomed to  
5 them. Ms. Meade.

6           MS. MEADE: Mary, with the cans, if the  
7 contract goes into effect in January, can we  
8 start using the cans now?

9           MR. GALLAGHER: No, the brochure says  
10 January 2. The equipment won't be here.

11          MAYOR LICASTRO: Good question.

12          MS. MEADE: Is there going to be  
13 anything to notify the residents?

14          MR. GALLAGHER: It's in the brochure.

15          MS. BECKENBACH: The flier went out.  
16 There's a whole huge article in the Lamplighter.  
17 And it's my understanding, and I don't know  
18 because I have not been home to see, my cans  
19 don't come until tomorrow. My understanding is  
20 that in the cans was there any literature? No,  
21 none in the literature, okay.

22          MR. GALLAGHER: It says here in the  
23 brochure, residents will not be able to put out  
24 the carts until the first pickup on January 2.  
25 It's kind of hard to misconstrue.

1 MS. MEADE: If they miss that point and  
2 they use them, does that mean BFI will not empty  
3 those containers?

4 MR. GALLAGHER: You'll have to ask BFI.

5 MAYOR LICASTRO: Ms. Bacci.

6 MS. BACCI: Is there going to be ongoing  
7 discussion with the BFI company about fine  
8 tuning? And that's a lot of stuff that we're  
9 going to throw in those cans. It seem to me it's  
10 so labor intensive.

11 MS. BECKENBACH: For whom?

12 MS. BACCI: For the people that are  
13 collecting. To me, that raises the cost. It's  
14 probably going to go to a transfer station and be  
15 sorted. I would like --

16 MS. BECKENBACH: That's the way the  
17 program works across the nation.

18 MAYOR LICASTRO: Actually, it's the  
19 opposite. Using those cans means it's less labor  
20 intensive and less chance for injury for the  
21 worker who is not now picking up the can and  
22 dumping it. It's being done in an automated  
23 manner to reduce the risk of injury. So actually  
24 it makes it cheaper for us in the long run. Did  
25 I misunderstand your question?

1 MS. BACCI: I understand that part, but  
2 I think as a green, very, very green community,  
3 we need to keep talking and finding ways for what  
4 goes into that can to get to where it needs to go  
5 less, you know, that goes on a conveyor belt at a  
6 transfer station somewhere and somebody is  
7 pulling paper out, really separating it. And  
8 we're separating it from trash, but we're not  
9 really separating it to the point that I think we  
10 should be. I know it's a step and you've done a  
11 lot of work and I say thank you to you, but I  
12 literally have barely a bag of trash at home  
13 because I take so many things to different places  
14 in my trips around the county.

15 MS. BECKENBACH: The State of Ohio  
16 program for recycling is thus: We cannot have  
17 BFI or any other hauler within the State of Ohio,  
18 will not do it any other way. Now, so this is a  
19 national movement that every state is trying to  
20 improve to make it easy, certainly easy for the  
21 residents. This is the only proven way across  
22 the country where people are encouraged to put  
23 everything in one can. If I told you you would  
24 have to have 17 bins, which they do in the State  
25 of Colorado, where the people go down to the

1 service department and there's an acre of bins  
2 and the brown bottle goes here, the green bottle  
3 goes here, the white bottle. To ask the  
4 residents of certainly Bratenahl, that will never  
5 happen.

6           MAYOR LICASTRO: We were careful to  
7 partner with the county solid waste district.  
8 They were our advocate. They helped us write the  
9 RFQ. They helped us at all the meetings with the  
10 various different waste haulers to be certain  
11 that everyone knew chapter and verse of this  
12 process. So we involved really all the entities  
13 that are available to us to be certain it doesn't  
14 all end up dumped in a landfill, which is  
15 contrary to our purpose.

16           MS. BECKENBACH: Our contract is one of  
17 the best contracts certainly in Northeastern Ohio  
18 and is being copied currently by about seven  
19 other communities.

20           MS. BACCI: If no one ever demands it to  
21 be better than it is, it will never be better.

22           MAYOR LICASTRO: If you can make  
23 recommendations on how -- wait a second.

24           MS. BECKENBACH: We are doing that with  
25 the county.

1           MAYOR LICASTRO:  If Laura can make  
2       recommendations on what you think would make  
3       sense or make it better, please give them to us  
4       and we'll share it with BFI and whomever.

5           MS. BACCI:  I think there should be an  
6       ongoing discussion with our community with them  
7       to fine tune it.  And I think it's insane to just  
8       throw everything in one container.  It's better  
9       than it was, but --

10          MAYOR LICASTRO:  One reason why we  
11       changed this is the Bratenahl Place residents  
12       thought that they were recycling and everything  
13       was ending up in the same dumpster.  So it's  
14       going to better, but if you come up with a  
15       process, we'd love to share ideas.  Anyone else?  
16       Thank you.  Recreation commission.

17          MS. MITCHELL:  We did meet.  We always  
18       meet.  We welcome everyone to our meeting.  We  
19       are a fun group.  And we run very efficient  
20       meetings, so you won't be there all night long.  
21       However, I ask you to keep our boiler in your  
22       prayers and thoughts, because it's giving us some  
23       trouble and we don't want to have to replace it,  
24       right, Joe?

25          MR. ZALAR:  Right.

1 MS. MITCHELL: Because it would be  
2 expensive to haul out the old boilers and chop  
3 them up and the asbestos. If there's a patron  
4 saint of boilers, light your candles. The 55  
5 Plus Group is underway, so check the Lamplighter  
6 for dates and details. Our Village Christmas  
7 party is this coming Sunday. It's going to be a  
8 beautiful event. It's from 12 to two, brunch, a  
9 live choir will be singing. Santa and Mrs. Claus  
10 will be there and giving away toys to deserving  
11 boys and girls and big people, too. And we will  
12 also have a carriage ride through the Village.  
13 So this is something that they'd probably did 100  
14 years ago out of necessity, we're doing it out of  
15 something nice to do. And that would be a  
16 nominal fee. So when you come in, just put your  
17 name on a list that I'll be taking and I'll check  
18 it twice so you can get on your carriage ride.

19 MAYOR LICASTRO: Is that rain or shine  
20 I'm assuming, rain or snow.

21 MS. MITCHELL: Yeah, the horses don't  
22 mind.

23 MR. BINFORD: What's the date and time?

24 MS. MITCHELL: It's this Sunday the  
25 21st, which is the first day of winter.

1           MAYOR LICASTRO: Yes, solstice.

2           MS. MITCHELL: It's from 12 to 2, good  
3 food, live choir. It was enjoyed by hundreds  
4 last year, so we hope to have an equally good  
5 turnout from all present. This will be something  
6 that will get people's interest up. The third  
7 Thursday wine events are beginning in January on  
8 the third Thursday. Space is limited, so please  
9 call Stephanie Gallagher for a reservation. Wine  
10 at no cost, desserts, cheese and crackers will be  
11 served. It's an educational event. (Laughter.)  
12 They do talk about grapes and these people are  
13 into this stuff.

14           And finally I have a recommendation for  
15 the appointment of a new commission member that  
16 we'd like Council to consider to fill the vacancy  
17 left by Dr. Carlson's retirement from the  
18 commission. And members unanimously voted to  
19 recommend the appointment of Mr. Paul Kesselem to  
20 serve for a three-year term. So I would like  
21 Council's and the Mayor's consideration of that.  
22 And our budget for 2009 has been prepared and  
23 submitted to the Finance Committee for its  
24 review, recommendation and further action as  
25 needed and approval by Council in January of

1 2009. This concludes my report.

2 MS. GALLAGHER: Can I add one thing with  
3 that?

4 MS. MITCHELL: Which one? (Laughter)

5 MS. GALLAGHER: Regarding the horse  
6 drawn carriage event, we were thinking about  
7 initially possibly charging a nominal fee for  
8 that.

9 MS. MITCHELL: We're not going to?

10 MS. GALLAGHER: Correct. Because of the  
11 bad economy, we decided that it would be free for  
12 villagers, but we would ask that everybody bring  
13 a can good for the food bank, a lot of charities,  
14 so we decided to waive the donation if everybody  
15 could just in lieu of that bring a can. We'll  
16 give it to the food bank.

17 MS. MITCHELL: Thanks for telling me,  
18 Steph.

19 MR. GALLAGHER: It's on the web site.

20 MS. MITCHELL: I suppose I should check  
21 that. In terms of publicity, we have difficulty  
22 getting residents to be aware of our events, so  
23 our ad hoc Committee has designed several  
24 prototypes of signs that could be put up in the  
25 Village for consideration by the Planning

1 Commission, right?

2 MAYOR LICASTRO: Probably Architectural  
3 Review Board.

4 MS. BECKENBACH: That's Public  
5 Improvements. Community Affairs.

6 MS. MITCHELL: Because we found that  
7 when we put up the signs for the concerts, we had  
8 a wonderful turnout. People just don't, you  
9 know, out of sight, out of mind.

10 MS. MEADE: Are the signs used temporary  
11 or permanent?

12 MS. MITCHELL: They could be either. It  
13 hasn't been decided. It would have to go through  
14 whoever decides these sign issues. We're just  
15 saying that we're in need of better information  
16 for people, that's all.

17 MS. GALLAGHER: In the process there are  
18 going to be some designs forwarded to Council,  
19 some of which are templates, so they can take a  
20 look at that and determine what's appropriate.

21 MAYOR LICASTRO: Ms. Mitchell made a  
22 recommendation by the Commission regarding the  
23 appointment of Mr. Kesselem. Is there a motion  
24 to do so?

25 MS. BECKENBACH: I move that we accept

1 Paul Kesselem.

2 MR. BINFORD: Second.

3 MAYOR LICASTRO: In discussion, I know  
4 that Mr. Paul Kesselem was a member of the  
5 Commission in the past. It's good to have him  
6 back. Any further comments? All in favor of the  
7 motion?

8 Ayes: 6. Nays: 0.

9 MAYOR LICASTRO: Thank you, Ms.  
10 Mitchell. Planning Commission, Mr. Binford.

11 MR. BINFORD: The Planning Commission  
12 met on December the 3rd with all members present,  
13 except our Mayor, who had a good medical excuse.

14 MAYOR LICASTRO: Is there a bad medical  
15 excuse?

16 MR. BINFORD: Probably. There were two  
17 items on the agenda. One involved a relocation  
18 of a shed located at 13405 Lake Shore Boulevard,  
19 the Malbasa property. They had neglected to  
20 follow the proper code process when they first  
21 erected the shed. They have agreed to relocate  
22 it in accordance with the zoning code. The  
23 Planning Commission approved the relocation be  
24 completed by May the 1st and had referred the  
25 matter to the Architectural Review Board for its

1 approval.

2           The second item on the agenda involved  
3 the proposed Sign-Lite billboards across the  
4 Shoreway at the Sign-Lite property. D.B. Hartt &  
5 Associates reported back on their analysis. They  
6 had done a study of potential sighting of the  
7 light, of the signs and where they would be  
8 viewed and who would see them. Mr. Hartt felt  
9 that they were minimally intrusive.

10           Also present at the meeting were a  
11 significant number of Village residents who  
12 expressed their strong written and vocal  
13 opposition to the erection of those signs. It's  
14 currently before the Planning Commission and will  
15 be deliberated at the Planning Commission's next  
16 meeting in January, which is on the fourth  
17 Wednesday at 5:30 here in Village Hall. That  
18 concludes my report.

19           MAYOR LICASTRO: Thank you, Mr. Binford.  
20 Mr. Bolton.

21           MR. BOLTON: I unfortunately was unable  
22 to attend that meeting. I had a conflicting  
23 meeting on the signage meeting that was moved  
24 from that week prior. Were renderings submitted?  
25 Could we look at renderings submitted prior to

1 the January meeting?

2 MAYOR LICASTRO: They're on file with  
3 the Village department.

4 MR. BOLTON: I guess I'm asking and  
5 officially requesting that a -- do you want me to  
6 come in ask? Usually there's a process, somebody  
7 comes in, takes a while to fine tune.

8 MAYOR LICASTRO: They're easily  
9 accessible. If you can't make it here, we'll  
10 find a way to get them to you, but they're  
11 upstairs.

12 MR. BOLTON: Thank you, Mr. Mayor.

13 MAYOR LICASTRO: Sure. Anyone else?  
14 Ms. Bacci.

15 MS. BACCI: On our payment of claims,  
16 there's a bill regarding the Sign-Lite request  
17 and the study that Mr. Hartt did. I thought it  
18 was kind of odd that we were paying for that.  
19 Usually when people come before the Commission it  
20 seems like they do all the homework and pay for  
21 expenses relating to their request. Can someone  
22 address that issue?

23 MAYOR LICASTRO: Mr. Hartt is the  
24 Village planner.

25 MS. BACCI: Right. I understand that.

1 Seems like we did an awful lot of work and maybe  
2 on behalf of the Commission, so that they could  
3 see what was being proposed, but it just seems to  
4 me that it was backwards. It should have been  
5 the person requesting the billboards pay for the  
6 expenses relating to the request.

7           MAYOR LICASTRO: Mr. Hartt was  
8 responding to our request to give his  
9 professional opinion as to the impact of these  
10 signs, et cetera. He's operated in that  
11 capacity, in that manner, for years and years and  
12 years now. If Council wants to change it in the  
13 future, they certainly can. That's just in line  
14 with what's been happening. Mr. Bolton.

15           MR. BOLTON: You're absolutely right as  
16 someone involved in real estate, developers often  
17 pay, so commercial users typically pay a fee to a  
18 municipality to review their large scale plans  
19 where residents don't. It might be worth  
20 pursuing.

21           MAYOR LICASTRO: Thank you. Shade Tree  
22 Commission.

23           MS. BECKENBACH: Shade Tree Commission  
24 did not meet.

25           MAYOR LICASTRO: Moving to new business,

1 resolution number 854 requesting the county  
2 auditor to advance levy proceeds.

3 MS. BECKENBACH: I'd like to introduce  
4 resolution number 854 for suspension, a  
5 resolution requesting the county auditor to  
6 advance taxes from the proceeds of levies to  
7 section 321.34 of the Ohio Revised Code.

8 MR. BINFORD: Second.

9 MAYOR LICASTRO: Roll call on  
10 suspension, please.

11 MR. GALLAGHER: Ms. Beckenbach?

12 MS. BECKENBACH: Aye.

13 MR. GALLAGHER: Mr. Binford?

14 MR. BINFORD: Aye.

15 MR. GALLAGHER: Mr. Bolton?

16 MR. BOLTON: Aye.

17 MR. GALLAGHER: Ms. Brownrigg?

18 MS. BROWNRIGG: Aye.

19 MR. GALLAGHER: Mr. Mateyo?

20 MR. MATEYO: Aye.

21 MR. GALLAGHER: Mr. Semersky?

22 MR. SEMERSKY: Aye.

23 MR. GALLAGHER: Thank you.

24 MS. BECKENBACH: I'd like to introduce  
25 resolution number 854 for passage.

1 MR. BINFORD: Second.

2 MAYOR LICASTRO: Discussion? Mr.  
3 Bolton.

4 MR. BOLTON: This means that during 2009  
5 taxes that the Village can obtain taxes, it does  
6 not mean in the year 2008 the Village can obtain  
7 taxes applicable to 2009?

8 MAYOR LICASTRO: We passed a similar  
9 resolution in 08. You have to do it every year.  
10 If you don't ask for the money, they don't give  
11 it to you, so we do this every year. No further  
12 questions? Roll call on passage, please.

13 MR. GALLAGHER: Ms. Beckenbach?

14 MS. BECKENBACH: Aye.

15 MR. GALLAGHER: Mr. Binford?

16 MR. BINFORD: Aye.

17 MR. GALLAGHER: Mr. Bolton?

18 MR. BOLTON: Aye.

19 MR. GALLAGHER: Ms. Brownrigg?

20 MS. BROWNRIGG: Aye.

21 MR. GALLAGHER: Mr. Mateyo?

22 MR. MATEYO: Aye.

23 MR. GALLAGHER: Mr. Semersky?

24 MR. SEMERSKY: Aye.

25 MR. GALLAGHER: Thank you.

1           MAYOR LICASTRO: Before we proceed with  
2 the next few ordinances in regard to salaries,  
3 Ms. Brownrigg, would you like to comment on  
4 these, please?

5           MS. BROWNRIGG: Only that we voted on  
6 these last year that we would increase police  
7 salaries and department salaries by three percent  
8 and we have to formalize it. This year we're  
9 trying to do it in December as opposed to doing  
10 it in March, which we have done in the past,  
11 which creates an awful lot of work for our clerk,  
12 because they have to go back and retroactively  
13 recalculate from January 1 through March to pay.  
14 So this year and for future years we'll do it in  
15 December so we can start out in January where it  
16 should be and save an awful lot of time for our  
17 clerk.

18           MAYOR LICASTRO: Thank you, Ms.  
19 Brownrigg.

20           MR. BINFORD: That having been said, I'd  
21 like to introduce ordinance number 3429 for  
22 suspension, an ordinance fixing compensation of  
23 the police department and Village of Bratenahl  
24 and declaring the same to be an emergency.

25           MS. BECKENBACH: Second.

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

3           MR. GALLAGHER: Ms. Beckenbach?

4           MS. BECKENBACH: Aye.

5           MR. GALLAGHER: Mr. Binford?

6           MR. BINFORD: Aye.

7           MR. GALLAGHER: Mr. Bolton?

8           MR. BOLTON: Aye.

9           MR. GALLAGHER: Ms. Brownrigg?

10          MS. BROWNRIGG: Aye.

11          MR. GALLAGHER: Mr. Mateyo?

12          MR. MATEYO: Aye.

13          MR. GALLAGHER: Mr. Semersky?

14          MR. SEMERSKY: Aye.

15          MR. GALLAGHER: Thank you.

16          MR. BINFORD: I would like to move for  
17 passage, ordinance numbers 3429.

18          MS. BECKENBACH: Second.

19          MAYOR LICASTRO: Just for the record,  
20 this is not effective until January 1, 2009.

21 Questions? Comments? There being none, roll  
22 call on passage, please.

23          MR. GALLAGHER: Ms. Beckenbach?

24          MS. BECKENBACH: Aye.

25          MR. GALLAGHER: Mr. Binford?

1 MS. MEADE: Could you just describe for  
2 us what it entails a little bit?

3 MS. BROWNRIGG: I just said it's for  
4 salaries. Each ordinance is for a different  
5 group of people.

6 MAYOR LICASTRO: If you look at the  
7 agenda, the police, dispatchers, service, each  
8 has their own line.

9 MS. MEADE: This is just for the  
10 officers.

11 MAYOR LICASTRO: This is for the police,  
12 yes. Mr. Stephan.

13 MR. STEPHAN: Is the Chief included.

14 MR. GALLAGHER: The Chief has a separate  
15 contract.

16 MAYOR LICASTRO: There being no further  
17 comments or questions, roll call on passage,  
18 please.

19 MR. GALLAGHER: I think we were at Mr.  
20 Binford.

21 MR. BINFORD: Aye.

22 MR. GALLAGHER: Mr. Bolton?

23 MR. BOLTON: Aye.

24 MR. GALLAGHER: Ms. Brownrigg?

25 MS. BROWNRIGG: Aye.

1 MR. GALLAGHER: Mr. Mateyo?

2 MR. MATEYO: Aye.

3 MR. GALLAGHER: Mr. Semersky?

4 MR. SEMERSKY: Aye.

5 MR. GALLAGHER: Thank you.

6 MAYOR LICASTRO: Next item, ordinance  
7 number 3430 for dispatchers.

8 MR. SEMERSKY: I'd like to introduce  
9 ordinance 3430 for suspension, an ordinance  
10 fixing compensation of the police department  
11 dispatchers of the Village of Bratenahl and  
12 declaring an emergency.

13 MS. BECKENBACH: Second.

14 MAYOR LICASTRO: Roll call on  
15 suspension, please.

16 MR. GALLAGHER: Ms. Beckenbach?

17 MS. BECKENBACH: Aye.

18 MR. GALLAGHER: Mr. Binford?

19 MR. BINFORD: Aye.

20 MR. GALLAGHER: Mr. Bolton?

21 MR. BOLTON: Aye.

22 MR. GALLAGHER: Ms. Brownrigg?

23 MS. BROWNRIGG: Aye.

24 MR. GALLAGHER: Mr. Mateyo?

25 MR. MATEYO: Aye.

1 MR. GALLAGHER: Mr. Semersky?

2 MR. SEMERSKY: Aye.

3 MR. GALLAGHER: Thank you.

4 MR. SEMERSKY: I'd like to introduce  
5 ordinance 3430 for passage.

6 MR. BINFORD: Second.

7 MAYOR LICASTRO: Any discussion?

8 MR. BOLTON: I'm going to be bringing  
9 this up in terms of the service department. More  
10 than this, it implies to no existing employees,  
11 but it seems to me that the first year hire rate  
12 is significant. And I would like to request that  
13 these salaries which we're passing apply to  
14 existing employees and a review be made of the  
15 salary wage schedules for new hire.

16 MAYOR LICASTRO: Okay. Thank you. Any  
17 other comments?

18 MS. MEADE: Is this three percent as  
19 well?

20 MAYOR LICASTRO: Yes, they're all three  
21 percent.

22 MR. BOLTON: So the motion will be  
23 amended to apply only to current existing  
24 employees.

25 MR. O'BRYAN: Councilman Bolton, are you

1 moving to amend this ordinance by the deletion of  
2 the first year employee rate; or are you just  
3 suggesting this ordinance can be passed and  
4 Council should review that rate for possible  
5 amendment in the future?

6 MR. BOLTON: I'm suggesting these rates  
7 apply to all existing employees and this entire  
8 rate schedule be reviewed, but with most emphasis  
9 on the early years for future hires. So perhaps  
10 by February there would have been a review in  
11 January of some comparison to other communities  
12 what the skill level here is as opposed to other  
13 communities and whether these are the correct  
14 wages.

15 MR. O'BRYAN: I'm still unclear. You're  
16 not making a motion then to amend this ordinance  
17 as presented, you're just asking for this review  
18 and then you can come back and you can amend this  
19 ordinance after that review; is that what you're  
20 saying?

21 MR. BOLTON: What I'm really saying is  
22 this ordinance should not apply to new hires.

23 MR. O'BRYAN: Well --

24 MR. BOLTON: Do we hire dispatchers  
25 routinely, Mr. Mayor?

1           MAYOR LICASTRO: As the need arises.

2           MR. BOLTON: Do you think we have two  
3 months or will that cause a problem?

4           MAYOR LICASTRO: We hire part-time  
5 dispatchers on not a regular basis, but more  
6 often than we do full-timers.

7           MR. BOLTON: I don't want to impede the  
8 normal functioning.

9           MAYOR LICASTRO: This doesn't apply to  
10 part-time.

11          MR. O'BRYAN: Right, that's what I'm  
12 saying, it wouldn't apply to that.

13          MAYOR LICASTRO: Right now we don't have  
14 a vacancy in full-time dispatchers. I hope we  
15 don't have one any time soon and certainly before  
16 Council is able to review this at your request.

17          MR. O'BRYAN: Just in light of the  
18 comment in terms of the year end and the clerk's  
19 duties, Councilman Bolton, if you would agree  
20 and, Mayor, I suppose if you would concur, we can  
21 go ahead and pass this ordinance as it is.  
22 There's no existing vacancy for a full-time  
23 dispatcher that this would apply to.

24          MAYOR LICASTRO: I won't hire one until  
25 you can review it. How is that?

1 MR. BOLTON: That's fine.

2 MR. O'BRYAN: You can make the  
3 commitment you won't put forth any new hire until  
4 this review has been completed and I think we can  
5 proceed.

6 MAYOR LICASTRO: Just for example, we  
7 lost a full-time dispatcher about a year and a  
8 half ago. She went to Shaker and made almost  
9 twice what we pay them here. Regardless, we can  
10 have this reviewed. Any further comments?

11 MS. BECKENBACH: I have a study made in  
12 2005, four or five, that included, I think, 23  
13 Villages within Northeastern Ohio, comparing pay  
14 and benefits for their employees in the police  
15 department and in the service department. Our  
16 rates are certainly not the highest by any means.  
17 We fall in the middle of the pack, at least in  
18 that year. So I think I'm just making a comment  
19 I think these rates that we pay our employees are  
20 appropriate.

21 MAYOR LICASTRO: But doing a review  
22 every so often is a good idea.

23 MS. BECKENBACH: I agree.

24 MAYOR LICASTRO: Mr. Mateyo.

25 MR. MATEYO: I think the Finance

1 Committee does review the cost analysis. There  
2 is a part-time dispatcher in here in section five  
3 at \$13.11 an hour. Number three, Councilor, I  
4 don't know if I understand where we are, I want  
5 to make sure I don't want to break precedent and  
6 say every time we have this we have to do that.  
7 If we're going to approve the ordinance, don't we  
8 approve the ordinance as read?

9 MR. O'BRYAN: That's what I was  
10 suggesting we do.

11 MR. MATEYO: You, Mayor, volunteered.

12 MR. O'BRYAN: The Mayor just  
13 volunteered.

14 MAYOR LICASTRO: We're not amending the  
15 ordinance.

16 MR. MATEYO: Thank you.

17 MAYOR LICASTRO: Mr. Bolton asked me  
18 informally if I can delay the hire of a full-time  
19 dispatcher, which I don't have pending anyway.  
20 And if an emergency arises and we have to hire  
21 one, we'll talk about it. So any further  
22 comments? Roll call on passage, please.

23 MR. GALLAGHER: Ms. Beckenbach?

24 MS. BECKENBACH: Aye.

25 MR. GALLAGHER: Mr. Binford?

1 MR. BINFORD: Aye.

2 MR. GALLAGHER: Mr. Bolton?

3 MR. BOLTON: Aye.

4 MR. GALLAGHER: Ms. Brownrigg?

5 MS. BROWNRIGG: Aye.

6 MR. GALLAGHER: Mr. Mateyo?

7 MR. MATEYO: Aye.

8 MR. GALLAGHER: Mr. Semersky?

9 MR. SEMERSKY: Aye.

10 MR. GALLAGHER: Thank you.

11 MAYOR LICASTRO: Ordinance number 3431  
12 for service.

13 MR. BOLTON: Well, I want to amend it.  
14 Can I both sponsor it and amend it? This one I  
15 do want to amend. Why don't you propose it, Mr.  
16 Mateyo.

17 MR. O'BRYAN: Let's first introduce it.  
18 It needs to be introduced and then it would be  
19 open, any Council can move to amend the ordinance  
20 at that time and after it receives a second, it  
21 can be discussed and voted on.

22 MAYOR LICASTRO: Are you going to do  
23 this, Mr. Bolton, or not?

24 MR. BOLTON: I asked whether I can  
25 introduce it and subsequently amend it. I'd like

1 to introduce ordinance number 3431, an ordinance  
2 fixing compensation of the service department in  
3 the Village of Bratenahl and declaring an  
4 emergency.

5 MS. BECKENBACH: Second.

6 MAYOR LICASTRO: Roll call on  
7 suspension, please.

8 MR. GALLAGHER: Ms. Beckenbach?

9 MS. BECKENBACH: Aye.

10 MR. GALLAGHER: Mr. Binford?

11 MR. BINFORD: Aye.

12 MR. GALLAGHER: Mr. Bolton?

13 MR. BOLTON: Aye.

14 MR. GALLAGHER: Ms. Brownrigg?

15 MS. BROWNRIGG: Aye.

16 MR. GALLAGHER: Mr. Mateyo?

17 MR. MATEYO: Aye.

18 MR. GALLAGHER: Mr. Semersky?

19 MR. SEMERSKY: Aye.

20 MR. GALLAGHER: Thank you.

21 MR. BOLTON: I'd like to -- I don't  
22 really want to introduce it for passage, because  
23 I want to amend it.

24 MR. O'BRYAN: You're free to make a  
25 motion at this time.

1           MR. BOLTON: I'd like to amend -- the  
2 reason I wish to amend it is the lowest salary  
3 for an unskilled first-year employee of the  
4 service department is over \$34,000 plus pension,  
5 insurance and clothing allowance. I think that  
6 that's substantially about where the market is  
7 for an unskilled person. So I would like to  
8 introduce an ordinance fixing compensation for  
9 the existing employees of the service department,  
10 that's my amendment, existing employees of the  
11 service department of the Village of Bratenahl  
12 and for passage.

13           MS. BROWNRIGG: To what?

14           MR. BOLTON: I'd like to add existing  
15 service department members. I don't want to take  
16 anything from the employees who served, their  
17 long time loyalty, but I'm aware the conditions  
18 are tough and that the Village should do what it  
19 can to save money for the Village.

20           MAYOR LICASTRO: Mr. Bolton, just keep  
21 in mind when finance approved these last year for  
22 a two-year period, they did an exhaustive study  
23 and review of other communities and compensation.  
24 If you recommend they do it again, that's  
25 certainly something they can do. This wasn't

1 done in a manner that wasn't, again, thorough and  
2 complete, but I'm not sure why you're doubting it  
3 now since you really participated in the process  
4 last year.

5 MR. BOLTON: I did. I was on Finance  
6 Committee last year, but I believe conditions are  
7 different, particularly in Northeast Ohio.

8 MS. BROWNRIGG: I have no problem with  
9 amending this again and agreeing to a review of  
10 salaries. If we find out we're where we should  
11 be, that's fine. Putting existing in there I  
12 don't think hurts anything.

13 MR. BOLTON: Thank you. Maybe the study  
14 will come out that that is what communities pay.  
15 It just seems high to me in the private sector  
16 world. That's an extremely good wage for an  
17 unskilled.

18 MAYOR LICASTRO: Unskilled I don't think  
19 really isn't fair, but we don't have to debate it  
20 here.

21 MR. O'BRYAN: I think procedurally this  
22 would only, obviously, these rates would be paid  
23 to the existing employees of the department.

24 MAYOR LICASTRO: Right. Again, we don't  
25 have a pending hire on service.

1 MS. BROWNRIGG: The problem I have here  
2 is that this is not the introduction of salaries,  
3 it's an increase in salaries that -- all we're  
4 voting on is to increase the salaries that  
5 already exist by three percent. I think truly  
6 that this is a separate issue regarding whether  
7 or not our wages are in line. I don't think it  
8 has anything to do with this, other than the fact  
9 that this is three percent over what's being paid  
10 currently.

11 So you can do what Mr. Bolton is asking,  
12 but I really don't think it has much to do with  
13 this. This just gives us the ability to give our  
14 current employees a three percent raise, that's  
15 all this does. That's all this does. It does  
16 not address whether or not wages are where they  
17 should be, it's not intended to address that.

18 MR. O'BRYAN: I think that's exactly  
19 correct. And I guess due to just historic form,  
20 this has set forth, though, ranges as a schedule  
21 for the department. And I suppose it leaves open  
22 the ability that some new hire could be brought  
23 in and they would then, therefore, fit within  
24 this range. So the amendment that's being made  
25 really, I think, is I guess at this point --

1           MAYOR LICASTRO: Allow me to suggest  
2 this: Why don't you pass this, if it's your  
3 desire to do so as written, and then ask for a  
4 moratorium on hiring any more service department  
5 employees or full-time dispatchers until you are  
6 allowed to complete your review. Does that make  
7 sense?

8           MR. O'BRYAN: That would be a more  
9 procedurally appropriate thing to do I think at  
10 this point.

11           MAYOR LICASTRO: Mr. Mateyo.

12           MR. MATEYO: Are you going to remove  
13 existing?

14           MR. BOLTON: No.

15           MR. MATEYO: Before we can vote on it,  
16 I'm not a lawyer, but I want to make sure that by  
17 putting that word in, is the Village in any way,  
18 shape or form exposed to someone coming in,  
19 interviewing and being denied what we have here?

20                   Is there any way that a current employee  
21 could be disenfranchised? That's probably not  
22 the word, in a legal area, Workers' Comp, I think  
23 it's a terribly, I know you can get badly burned.  
24 Before we amend that, I want to make sure if  
25 counsel says it's fine, go ahead, if not, let's

1 hear it.

2 MR. O'BRYAN: Councilman Mateyo, I was a  
3 little concerned about that amendment having some  
4 issue. So I think the proposal on the table is  
5 that Councilman Bolton is satisfied with passing  
6 this ordinance as it is, even though it states  
7 ranges, it would only apply, of course, to  
8 existing employees. And then there's going to be  
9 a substantive motion. There's going to be a  
10 moratorium placed upon any new hires in the  
11 service department until whatever it's going to  
12 say. And, of course, then if there is an  
13 emergency, you know, we had to hire someone, that  
14 could be brought back to the table.

15 MAYOR LICASTRO: Everyone is comfortable  
16 with that?

17 MR. O'BRYAN: I'm more comfortable with  
18 that.

19 MAYOR LICASTRO: So ordinance 3431 will  
20 be introduced in what manner and please read it?

21 MR. BOLTON: As written?

22 MAYOR LICASTRO: As written.

23 MR. BOLTON: As written.

24 MAYOR LICASTRO: Would you read that,  
25 please.

1 MR. BOLTON: I introduce for passage  
2 ordinance number 3431, an ordinance fixing  
3 compensation of the service department of the  
4 Village of Bratenahl and declaring an emergency.

5 MR. O'BRYAN: For the record, you're  
6 withdrawing your motion to amend?

7 MR. BOLTON: And I'm withdrawing my  
8 motion to amend.

9 MR. BINFORD: Second.

10 MAYOR LICASTRO: Do we have to go back  
11 an redo suspension?

12 MR. O'BRYAN: No.

13 MAYOR LICASTRO: Any more discussion?  
14 Roll call on passage, please.

15 MR. GALLAGHER: Ms. Beckenbach?

16 MS. BECKENBACH: Aye.

17 MR. GALLAGHER: Mr. Binford?

18 MR. BINFORD: Aye.

19 MR. GALLAGHER: Mr. Bolton?

20 MR. BOLTON: Aye.

21 MR. GALLAGHER: Ms. Brownrigg?

22 MS. BROWNRIGG: Aye.

23 MR. GALLAGHER: Mr. Mateyo?

24 MR. MATEYO: Aye.

25 MR. GALLAGHER: Mr. Semersky?

1 MR. SEMERSKY: Aye.

2 MR. GALLAGHER: Thank you.

3 MAYOR LICASTRO: Before we proceed with  
4 3432 regarding the intent of Council for  
5 dispatchers and service, is there a motion to put  
6 a temporary moratorium on hiring any more  
7 full-time dispatchers or service department  
8 employees?

9 MR. BOLTON: So move.

10 MAYOR LICASTRO: Is there a second?

11 MS. BROWNRIGG: I second.

12 MR. O'BRYAN: I think we need a date on  
13 that. Just to say temporary moratorium, that  
14 would not really --

15 MAYOR LICASTRO: What date are you  
16 comfortable?

17 MR. BOLTON: Two, three months, what do  
18 you think is feasible from your standpoint?

19 MR. GALLAGHER: March 1, so we can go on  
20 with our permit appropriations.

21 MR. O'BRYAN: We'll need appropriations.

22 MAYOR LICASTRO: Until March 1.

23 MR. BOLTON: Okay.

24 MAYOR LICASTRO: Is that the motion, Mr.  
25 Bolton?

1 MR. BOLTON: Yes, sir.

2 MAYOR LICASTRO: Is there a second?

3 MS. BROWNRIGG: Second.

4 MAYOR LICASTRO: Discussion? All in  
5 favor of the motion.

6 Ayes: 6. Nays: 0.

7 MAYOR LICASTRO: Moving to 3432,  
8 reappropriation.

9 MR. MATEYO: I'd like to introduce  
10 ordinance number 3432 for suspension, an  
11 ordinance to make additional appropriations for  
12 current expenses and other expenditures and  
13 further amending appropriations ordinance number  
14 3394.

15 MS. BECKENBACH: Second.

16 MAYOR LICASTRO: Roll call on  
17 suspension, please.

18 MR. GALLAGHER: Ms. Beckenbach?

19 MS. BECKENBACH: Aye.

20 MR. GALLAGHER: Mr. Binford?

21 MR. BINFORD: Aye.

22 MR. GALLAGHER: Mr. Bolton?

23 MR. BOLTON: Aye.

24 MR. GALLAGHER: Ms. Brownrigg?

25 MS. BROWNRIGG: Aye.

1 MR. GALLAGHER: Mr. Mateyo?

2 MR. MATEYO: Aye.

3 MR. GALLAGHER: Mr. Semersky?

4 MR. SEMERSKY: Aye.

5 MR. GALLAGHER: Thank you.

6 MR. MATEYO: I would like to introduce  
7 ordinance number 3432 for passage.

8 MS. BECKENBACH: Second.

9 MAYOR LICASTRO: Questions, comments,  
10 Mr. Gallagher?

11 MR. GALLAGHER: We're not changing the  
12 final appropriation. We're moving some money  
13 where we had a little bit leftover to some places  
14 where we were a little light. The liability  
15 insurance, that policy ran to the end of the  
16 year. And we purchased an extension to May so  
17 that all our policies come up at the same time.  
18 So that's what that increase is. And the legal  
19 fees, well, we all know what's going on around  
20 here. We needed more money there.

21 MAYOR LICASTRO: Any comments or  
22 questions? There being none, roll call on  
23 passage, please.

24 MR. GALLAGHER: Ms. Beckenbach?

25 MS. BECKENBACH: Aye.

1 MR. GALLAGHER: Mr. Binford?

2 MR. BINFORD: Aye.

3 MR. GALLAGHER: Mr. Bolton?

4 MR. BOLTON: Aye.

5 MR. GALLAGHER: Ms. Brownrigg?

6 MS. BROWNRIGG: Aye.

7 MR. GALLAGHER: Mr. Mateyo?

8 MR. MATEYO: Aye.

9 MR. GALLAGHER: Mr. Semersky?

10 MR. SEMERSKY: Aye.

11 MR. GALLAGHER: Thank you.

12 MAYOR LICASTRO: Ordinance number 3433,  
13 Pay Claims.

14 MS. BROWNRIGG: I'd like to introduce  
15 ordinance number 3433 for suspension, authorizing  
16 Pay Claims and declaring an emergency.

17 MR. BINFORD: Second.

18 MAYOR LICASTRO: Roll call on  
19 suspension, 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.

8 MS. BROWNRIGG: I'd like to introduce  
9 ordinance 3433 for passage.

10 MR. BINFORD: Second.

11 MAYOR LICASTRO: Would you mention the  
12 amount, please?

13 MS. BROWNRIGG: In the amount of  
14 \$93,932.59.

15 MAYOR LICASTRO: Questions or comments?  
16 There being none, roll call on passage, please.

17 MR. GALLAGHER: Ms. Beckenbach?

18 MS. BECKENBACH: Aye.

19 MR. GALLAGHER: Mr. Binford?

20 MR. BINFORD: Aye.

21 MR. GALLAGHER: Mr. Bolton?

22 MR. BOLTON: Aye.

23 MR. GALLAGHER: Ms. Brownrigg?

24 MS. BROWNRIGG: Aye.

25 MR. GALLAGHER: Mr. Mateyo?

1 MR. MATEYO: Aye.

2 MR. GALLAGHER: Mr. Semersky?

3 MR. SEMERSKY: Aye.

4 MR. GALLAGHER: Thank you.

5 MAYOR LICASTRO: Last item on the  
6 agenda, ordinance number 3434.

7 MS. BECKENBACH: I'd like to introduce  
8 ordinance number 3434 for suspension, an  
9 ordinance to provide for the issuance and sale  
10 not to exceed \$375,000 of notes, in anticipation  
11 of the issuance of bonds, for the purpose of  
12 paying a portion of the cost of improving Eddy  
13 Road between certain termini, by providing full  
14 width and depth pavement removal and replacement,  
15 repair of the concrete deck, installation of  
16 curbs, sidewalks and drive aprons, replacement of  
17 the driveway cut-throughs, replacement of tree  
18 lawns, construction of a new median, replacement  
19 of the damaged storm sewer and installation of  
20 lighting improvements, and declaring an  
21 emergency.

22 MR. BINFORD: Second.

23 MAYOR LICASTRO: Roll call on  
24 suspension, 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 MS. BECKENBACH: I'd like to introduce  
14 ordinance number 3434 for passage.

15 MR. BINFORD: Second.

16 MAYOR LICASTRO: Discussion?

17 MR. GALLAGHER: I have executed the  
18 fiscal officers certificate that verifies that  
19 their improvement is at least five years length  
20 and that the notes will not go beyond 20 years.  
21 Mr. O'Bryan has that.

22 MAYOR LICASTRO: Yes, Mr. Bolton.

23 MR. BOLTON: This is a 20-year bond?

24 MR. GALLAGHER: No, it will not exceed  
25 20 years.

1 MR. BOLTON: How long is it?

2 MR. GALLAGHER: It's a note for a year.

3 MR. BOLTON: I saw the six percent and  
4 the market has changed. That's all.

5 MR. GALLAGHER: Right.

6 MAYOR LICASTRO: Anyone else? Roll call  
7 on passage, please.

8 MR. GALLAGHER: Ms. Beckenbach?

9 MS. BECKENBACH: Aye.

10 MR. GALLAGHER: Mr. Binford?

11 MR. BINFORD: Aye.

12 MR. GALLAGHER: Mr. Bolton?

13 MR. BOLTON: Aye.

14 MR. GALLAGHER: Ms. Brownrigg?

15 MS. BROWNRIGG: Aye.

16 MR. GALLAGHER: Mr. Mateyo?

17 MR. MATEYO: Aye.

18 MR. GALLAGHER: Mr. Semersky?

19 MR. SEMERSKY: Aye.

20 MR. GALLAGHER: Thank you.

21 MAYOR LICASTRO: Anyone else on Council?

22 Ms. Kesselem, I see you've joined us, any  
23 comments you'd like to share with us? Thank you.

24 Anyone from the audience? Ms. Meade.

25 MS. MEADE: I have a question regarding

1 the Chief. If he's on paid administrative leave,  
2 if BCI or Mr. Lillie would still have questions,  
3 would he still be required to cooperate with both  
4 investigations with his current status change?

5 MAYOR LICASTRO: Yes.

6 MS. BECKENBACH: Absolutely.

7 MR. BOLTON: I raised at the last  
8 Council meeting whether or not any employee who  
9 did not wish to cooperate with Mr. Lillie's  
10 investigation would have any penalty. And Mr.  
11 Lillie said that there would inevitably be some  
12 who did not cooperate. So my understanding from  
13 that conversation is that there is no penalty for  
14 not cooperating for any employee, regardless  
15 whether it's the Chief or anyone else, not  
16 agreeing to cooperate with Mr. Lillie.

17 MS. MEADE: Thank you.

18 MAYOR LICASTRO: Did that answer your  
19 question?

20 MS. MEADE: I just didn't know with his  
21 change in status if he's still part of the  
22 process.

23 MAYOR LICASTRO: He's still being paid  
24 as an employee of the Village. He's just removed  
25 from the daily operations. Is it Council's

1 intention to go into executive session? No?

2 Okay. Then Ms. Beckenbach.

3 MS. BECKENBACH: I move to adjourn.

4 MAYOR LICASTRO: We are adjourned.

5 Thank you for coming tonight.

6 (Meeting adjourned at 6:55 p.m.)

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