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VILLAGE COUNCIL MEETING

TAKEN:

February 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

MOLNAR MUNGUÍA
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1 MAYOR LICASTRO: It's 5:30. Thank you
2 for coming. I'll ask the clerk to call the roll,
3 please.

4 MR. GALLAGHER: Good evening everyone.
5 Ms. Beckenbach? 17:30:38

6 MS. BECKENBACH: Here.

7 MR. GALLAGHER: Mr. Binford?

8 MR. BINFORD: Here.

9 MR. GALLAGHER: Mr. Bolton?

10 MR. BOLTON: Here. 17:30:40

11 MR. GALLAGHER: Ms. Brownrigg.

12 MS. BROWNRIGG: Here.

13 MR. GALLAGHER: Mr. Mateyo?

14 MR. MATEYO: Here.

15 MR. GALLAGHER: Mr. Semersky? 17:30:43

16 MAYOR LICASTRO: Thank you. Before we
17 begin with the agenda, I'd like to make an
18 announcement. Next Thursday the 26th at 5:30 at
19 the Bratenahl Community Center, we are going to
20 have a special meeting of Council to hear from 17:31:02
21 Judge Lillie the results of the investigation
22 regarding the evidence room. So that's next
23 Thursday, 5:30, at the Community Center.

24 We have the minutes from the January
25 meeting would someone like to make a motion to 17:31:20

1 approve?

2 MS. BECKENBACH: I so move.

3 MAYOR LICASTRO: Is there a second?

4 MS. BROWNRIGG: Second.

5 MAYOR LICASTRO: Any discussion? 17:31:26

6 MR. BOLTON: We didn't get them, did we?

7 MAYOR LICASTRO: Yeah, this afternoon.

8 MR. BOLTON: Oh, this afternoon. I'm
9 sorry, I didn't see them.

10 MAYOR LICASTRO: All in favor of the 17:31:36
11 motion?

12 Ayes: 3.

13 MR. BINFORD: I abstain. I didn't get
14 them.

15 MAYOR LICASTRO: We'll do them next 17:31:44
16 month. So we'll just put that on as a table for
17 now.

18 MS. BROWNRIGG: John, can I ask Jim, can
19 we always get them in that format that you sent
20 them today? That saves a lot of paper. 17:31:59

21 MR. GALLAGHER: Yes.

22 MS. BROWNRIGG: That would be great.

23 MAYOR LICASTRO: So we'll mark it at
24 tabled. We'll discuss them at the meeting in
25 March. Before I give the Mayor's court report, 17:32:08

1 I'd like to bring you up to speed. We made some
2 changes. We had a court meeting before last
3 night's Mayor's Court session where we made some
4 adjustments to the fines and court costs.

5 Again, we find that other communities 17:32:34
6 have higher court costs and higher thresholds than
7 does Bratenahl. Cleveland, for example, has a
8 court cost of \$135, ours prior to last night were
9 95. So effective March 1, we're changing the court
10 cost to \$105. We also changed the threshold for 17:32:53
11 OVIs, that's the old DUI, the threshold minimum
12 fine will be \$700. That, again, is well below what
13 other communities charge.

14 So we're trying to keep pace with
15 other communities, not to be the most expensive, 17:33:08
16 but not to be the lowest. Those changes will go
17 into effect. Actually, the fine on OVI went into
18 effect last night. The new court cost will go into
19 effect on March the 1st.

20 For the month of January, the 17:33:24
21 Treasurer received \$320 for Mayor's Court; the
22 Village of Bratenahl, \$11,493; the Treasurer of the
23 State of Ohio, \$2,011; another payment to the
24 Treasurer of the State of Ohio for \$425.

25 (Whereupon, Mr. Semersky entered the 17:33:35

1 conference room.)

2 MAYOR LICASTRO: Welcome, Mr. Semersky.

3 MR. SEMERSKY: My apologies, sir.

4 MAYOR LICASTRO: Not a problem. And the

5 Village of Bratenahl Court Computer Fund, \$771. 17:33:42

6 Any questions on this?

7 MR. MATEYO: Excuse me, are they down

8 significantly from last year?

9 MAYOR LICASTRO: They are down about

10 \$6,000 from last year. A lot of that is 17:33:55

11 attributed to the horrendous weather we had in

12 January. There were fewer cars on the road and

13 they were amazingly going at slower speeds. Any

14 other questions? Thank you.

15 Under correspondence I have several 17:34:13

16 items. One of which I'm happy to announce that

17 Bratenahl has been awarded the status of Tree City

18 U.S.A. It's awarded by the Arbor Day Foundation.

19 We will be receiving a plaque that mentions this

20 award. And kudos to the Shade Tree Commission and 17:34:31

21 Ms. Hlad for their efforts to keeping the Village

22 green. It's actually a very competitive award.

23 Not that many are given out during the course of a

24 year. I don't know how many, but we got ours.

25 I also received two CDs from the Board 17:34:47

1 of Health regarding disaster planning and an
2 influenza concern. Now, you've heard me talk
3 before about the great influenza, a wonderful book
4 written by John Barry talks about the 1918 pandemic
5 where almost 100 million people worldwide were
6 killed in that great influenza.

17:35:08

7 That's why the Board of Health has
8 such a great concern about the avian flu and
9 different strains of flu, because it's really only
10 a question of when, unfortunately, one of these
11 strains of flu virus changes genetically and
12 becomes something that medicine can't cure.

17:35:22

13 So each of them is about 20 minutes in
14 length. I've viewed both. There are some good
15 lessons for us to take three steps, learn, prepare,
16 and act. And if anyone on Council or the public
17 would like to see these CDs, I have them available
18 at your disposal. Any questions on that? Thank
19 you.

17:35:36

20 I also have an update from NOPEC
21 regarding gas purchases. Now, gas prices have been
22 dropping and these rates reflect that. There are
23 now rates as of February 12 starting in March will
24 be \$10.88 a metric cubic foot, and that's through
25 May of 09. From June of 09 to October of 09,

17:35:50

17:36:14

1 they'll be reduced to 8.99 a metric cubic foot.

2 November through December of 09, \$8.42 a metric
3 cubic foot.

4 They're also in the form of a letter
5 going to offer residents a variable rate. If 17:36:30
6 anyone thinks it's to their advantage, that mailing
7 should be going out in the next week or so. Keep
8 in mind we in Bratenahl are members of the NOPEC
9 consortium. It's in communities across Northeast
10 Ohio that belong to this consortium. It's a way to 17:36:46
11 pool our resources and come up with better rates on
12 both electricity and natural gas. Any questions on
13 that? Raj.

14 Raj: I thought I noticed that Dominion
15 is at nine eight. And I thought we were going to 17:37:01
16 be below nine eight.

17 MAYOR LICASTRO: This is a Dominion
18 rate, but it's negotiated through NOPEC. And the
19 rate was not include the carrying costs, so you
20 have to look at more than just that line item on 17:37:12
21 the bill.

22 Raj: I'm looking at cubic foot. I just
23 got the bill. 10.58 and I'm looking for a drop
24 down to nine something because that's where the
25 industry is right now. 17:37:24

1 MAYOR LICASTRO: NOPEC actually
2 negotiated this rate.

3 Raj: This is up from what it was this
4 month.

5 MAYOR LICASTRO: I don't think that's 17:37:31
6 true, Raj, but I don't know. They negotiated
7 this rate several months ago. Mr. Galvin.

8 MR. GALVIN: I'm a little puzzled by the
9 whole thing. The price of natural gas if you
10 follow it is probably as low as it's been in 17:37:45
11 many, many years, yet we're paying about 10.88
12 through NOPEC. What is wrong with this picture?
13 I don't understand it. We should be paying, you
14 know, in the neighborhood of seven to eight
15 dollars. 17:38:03

16 MAYOR LICASTRO: And that will be
17 reflected going forward, but the rate we're
18 paying now was negotiated several months ago when
19 rates were higher.

20 MR. GALVIN: I'm not saying it's your 17:38:14
21 fault.

22 MAYOR LICASTRO: It would be to my
23 credit if it was really low, but the rates they
24 have now were negotiated more than six months ago
25 when th e rates were higher. I think it is going 17:38:21

1 down, which is a good thing, but your point is
2 well-taken.

3 MR. MEZA: This is based on futures so
4 like airlines that buy fuel in advance, six
5 months in advance. Probably we're paying higher
6 rates because of the negotiations way back.

17:38:34

7 MAYOR LICASTRO: Thank you. Yes, Carla.

8 MS. LICASTRO: I got a phone call two
9 days ago offering me lower rates than I'm
10 currently paying. It was another provider, but
11 the NOPEC would be the best rates available?

17:38:51

12 MAYOR LICASTRO: Well, there's always
13 cheaper rates. Keep in mind that anyone here is
14 a member of NOPEC if you don't opt out. Everyone
15 has the opportunity to opt out of this program.

17:39:07

16 And if you feel it's to your advantage to
17 negotiate your own rates with a different
18 provider, certainly I encourage you to do so.
19 You're in unless you do opt out. So if you do
20 think there's a better rate out there, pursue it,
21 and then call NOPEC and tell them you want out.

17:39:21

22 MS. BROWNRIGG: And then let us know.

23 MAYOR LICASTRO: Anyone else? Thank
24 you. Under Mayor's report, the Leadership
25 Cleveland update, Leadership Cleveland met last

17:39:41

1 week. It was absolutely fascinating. We met at
2 the Cleveland Food Bank. Many of you have seen
3 the structure on the Marginal at 152nd Street.
4 The theme was about human services, so we met
5 there, we went to the West Side Catholic Center 17:39:57
6 and saw how Cleveland is one of the most generous
7 communities in helping the underprivileged. The
8 numbers out of the food bank are staggering.
9 They go through 21 million pounds of food in the
10 course of a year and distribute that food over a 17:40:13
11 seven-county area.

12 The source is the federal government,
13 the state government, local producers and donations
14 from people such as us. That 21 million pounds of
15 food translates into 17 million meals in the course 17:40:28
16 of a year. Moreover, their kitchen there prepares
17 over 4,000 meals a day. So any sort of a soup
18 kitchen or shelter that serves meals to the
19 underprivileged probably emanates from the
20 Cleveland Food Bank. It's one of the largest food 17:40:46
21 banks of its kind in the entire nation and does
22 just a real bang up job.

23 The West Side Catholic Center, which
24 is located near St. Ignatius, has been around 30
25 years. They, too, help the underprivileged. They 17:41:00

1 offer shelter for people who are homeless. They
2 distribute, for example, 55,000 bags of clothing to
3 people that were in need. It was interesting, we,
4 as a group, had our lunch there. I dare say for
5 most of us it's the first time we've had our lunch 17:41:19
6 in a soup kitchen, hopefully the last, but it was a
7 real eye opener. And the testimony given by the
8 people that had been helped directly by these
9 organizations was absolutely amazing.

10 People that had been homeless for 20 17:41:32
11 years or had addictions to controlled substances or
12 just had their life in a shambles had a complete
13 turnaround because of the contribution of
14 organizations like the Food Bank and the West Side
15 Catholic Center, so kudos to them. It was really 17:41:50
16 good to see firsthand. You know, oftentimes we in
17 this community get fixated on the negative.
18 Certainly there's, unfortunately, a lot of negative
19 to focus on, but this really talked about some of
20 the positive things this community is doing and I 17:42:04
21 wanted to share that with you. Any questions?
22 Thank you.

23 A legislative report. There are a
24 couple of things I'd like to share. First of all,
25 you've been reading about the Medical Mart. 17:42:17

1 There's been an ongoing dialogue as you know. The
2 county commissioners selected Mall C as the
3 preferred site. Now, keep in mind that is
4 dependent upon the foundation at Mall C being
5 intact. If the foundation is not intact, it could 17:42:37
6 easily cost another 108 to 140 million dollars to
7 construct it at this site.

8 That being said, the Mayors and Mayors
9 Association with the approval of Commissioner Hagan
10 are going to be looking at plan B in case plan A 17:42:54
11 does not come to fruition. Specifically the Tower
12 City site. Now, we're not recommending that over
13 the other. It's really the commissioner's job to
14 do so, but we're going to be at least preparing an
15 option if plan A indeed doesn't seem suited or is 17:43:11
16 not financially feasible.

17 Moreover, Mayor Jackson made a point
18 that I think you'll find interesting. One of
19 things the commissioners didn't consider is the
20 value of the public auditorium and the Convention 17:43:25
21 Center. Their proposal called for them to be
22 gifted to the county. Mayor Jackson, and I think
23 rightfully so, feels they have a value and that the
24 county should indeed pay a reasonable cost to
25 acquire these historic properties. So that's sort 17:43:42

1 of an update of where we are. It looks like it's
2 going to happen, and hopefully soon. Cleveland is
3 in dire need of this necessary influx of new
4 revenue and new construction. And certainly the
5 fact that we've been without a modernized
6 convention center works to our disadvantage as
7 well. This will be an ongoing dialogue with Mayors
8 and Managers and I'll keep you posted. Any
9 questions on that? Thank you.

17:44:02

10 As far as legislative, there's three
11 items that were broached by the General Assembly
12 last year, but not brought to fruition. The county
13 government restructuring, Mayor's Courts and
14 asbestos legislation. I'll talk about the first
15 two.

17:44:15

17:44:25

16 There still is an ongoing effort to
17 restructure county government. I think the lead
18 will be taken by the Mayors & Managers Association
19 to find a better way than the sort of archaic rural
20 based form of government that we have with
21 commissioners. I'll let you know how that
22 transpires, but I think at some point in time it
23 will behoove this region to come up with a form of
24 government at the county level that is more
25 efficient, is more economical and even the

17:44:40

17:44:54

1 commissioners themselves agree there's a terrible
2 waste of dollars at the county level that should be
3 handled differently. So that will again be
4 discussed in the chambers at the General Assembly
5 and by other organizations as well. Any questions 17:45:04
6 on that? Thank you.

7 And as long as Thomas Moyer is the
8 chief justice in Ohio, Mayor's Courts will continue
9 to be one of his targets. We dodged a couple
10 bullets last year. As you know, we lobbied very 17:45:21
11 strongly for their retention. Our point and
12 rejoinder to Justice Moyer's objection is to target
13 the Mayor's Courts that do not operate efficiently,
14 that do have issues with jurisdiction and function.
15 We don't. 17:45:40

16 If any of you attended a Mayor's
17 Court, this side of the bench or the other, you'll
18 find we operate in a very professional manner
19 thanks to Tom Rein our prosecutor, Julie Kreiner
20 our clerk, and everyone involved. Hopefully 17:45:55
21 they'll continue to listen to that message. They
22 listened last year, but it's never a given. We
23 will keep a close eye on this because it's not just
24 an issue of money, it's an issue of safety and home
25 rule. And we think that the courts that operate 17:46:09

1 efficiently should be retained. Any questions on
2 that? Yes.

3 MS. BACCI: Should the citizens do
4 anything?

5 MAYOR LICASTRO: Absolutely. Write your 17:46:25
6 legislature, write your representative, offer
7 your opinion, write your senators. Certainly
8 you've heard mine and a lot of other mayors share
9 that. Unfortunately, communities like Linndale
10 don't help the cause where 80 percent of all of 17:46:36
11 their revenue comes from Mayor's Courts.

12 In fact, there was a bill introduced
13 to eliminate the Mayor's Court in Linndale which
14 the amendment was removed. Any help you can give
15 us in this regard will be appreciated. Revenue for 17:46:49
16 Mayor's Court in Bratenahl usually exceeds \$300,000
17 and more importantly it puts our officers in the
18 street to make certain that we as a community are
19 safe.

20 If you came to court last night, I was 17:47:02
21 sharing this with Mary and Greg, we had 95
22 Defendants, eight OVIs, 15 driving under
23 suspensions and a whole lot of people that claim
24 they weren't going nearly as fast as they actually
25 were. I think we had three or four that were well 17:47:18

1 over 90 miles an hour. So it's a necessary purpose
2 and, acting Chief Dolbow, would you like to comment
3 on this?

4 SERGEANT DOLBOW: I'm proud of my guys
5 for stepping up to the plate and doing their
6 jobs. We had 296 traffic tickets since my last
7 report.

17:47:31

8 MAYOR LICASTRO: Thank you. Of course,
9 unfortunately, our officers are at most risk when
10 on the freeway doing traffic stops. In fact,
11 most injuries and fatalities to officers in this
12 country are during traffic stops. It's a very
13 dangerous place to be. We had an officer
14 thankfully only slightly injured, Officer
15 Rodriguez, a week before last he was while parked
16 on Eddy Road, was struck by another car. So it's
17 a dangerous world out there. And Mayor's Court
18 at least allows us to reap the benefit of our
19 efforts which we think is important. Any
20 questions? Thank you. Thank you, Laura.
21 Whatever help you can give us would be great.

17:47:42

17:48:00

17:48:15

22 An ODOT update, you'll be pleased to
23 know we did contact.

24 FEMALE VOICE: I saw that.

25 MAYOR LICASTRO: That really is kudos to

17:48:29

1 Mr. Zalar. Joe, stand up. We often take for
2 granted --

3 MR. ZALAR: Can you see me?

4 MAYOR LICASTRO: Mr. Zalar wore that so
5 we wouldn't take for granted his presence. 17:48:45

6 Certainly the effort they make to plow the snow,
7 to clean the sidewalks is often overlooked, but
8 it was Mr. Zalar at my suggestion that kept on
9 the Court Community Service to come out, because
10 once the snow melted, I don't know if you saw the 17:48:59
11 Eddy Road ramp, it was absolutely horrendous.

12 Kudos to Mr. Zalar for his efforts. We've asked
13 Court Community Service to come out twice a week,
14 not twice a month, but twice a week. Now, it's a
15 question of manpower, but at least the suggestion 17:49:13
16 is in front of them.

17 For those of you who are unaware, we
18 contract with the Court Community Service. These
19 are misdemeanor offenders from the Cleveland courts
20 that are given community service in lieu of a fine 17:49:25
21 to do things like pick up the litter and garbage
22 that probably some of them threw out their car
23 windows. So it seems only fair that they're out
24 there doing what should be done. So, again, Joe,
25 thank you for your efforts. 17:49:40

1 MR. ZALAR: That ends my report.

2 (Laughter.)

3 MAYOR LICASTRO: Succinct as always, Mr.
4 Zalar. Thank you. Well, is that all you have to
5 say since we're jumping to department reports? 17:49:51

6 MR. ZALAR: I don't want to get stuck in
7 the mud here, but I ordered another 100 ton of
8 salt just to be on the safe side. Even if we
9 don't use it, we'll still have it for next year.
10 We're ready for spring. We're itching to get 17:50:07
11 outside. All the equipment is ready to go.

12 MAYOR LICASTRO: We've been working very
13 frugally to keep the use of salt down since
14 there's a short supply. We're within our
15 allotment. Plus, you might have been reading in 17:50:19
16 the paper about Cleveland's effort to have a no
17 idling policy for city-owned vehicles. We
18 already instituted that with both police and
19 service vehicles. If they're not in the vehicle,
20 it's turned off so they're not wasting gasoline 17:50:32
21 and polluting the environment. Sergeant Dolbow.

22 SERGEANT DOLBOW: January 22 through
23 February 17 we had a total of three felony
24 arrests, six misdemeanor arrests, six warrant
25 arrests, 23 driving under suspension arrests, 13 17:50:50

1 OVI arrests, a total of 33 towed vehicles, we had
2 21 motor vehicle accidents, 13 false alarms, zero
3 fire alarms, zero assistance needed calls, we had
4 23 911 calls, 13 of which were false, 10 of which
5 we rendered assistance and, again, we issued 296
6 traffic tickets.

17:51:20

7 MAYOR LICASTRO: Thank you. Just an
8 FYI, if you mistakenly dial 911 and it happens
9 often, we respond regardless. The feeling is
10 that if someone is under duress and can't speak
11 freely, we need to know that. So if you dial it
12 by mistake and wonder why we call, actually we
13 will call and show up anyway, it's a way to be
14 certain that there's not shenanigans going on
15 that we're not aware. A false 911 elicits a
16 response even if you tell them it was the grand
17 kid that did it. We show up regardless. Any
18 questions for Sergeant Dolbow? Mr. Jamieson.

17:51:37

17:51:52

19 MR. JAMIESON: Thank you, Mayor. The
20 building department, there were eight inspections
21 performed in the month of January, 81 contractor
22 registrations and five new building permits.
23 That would conclude my report.

17:52:09

24 MAYOR LICASTRO: Thank you. In April of
25 this year, we will pick up again with the outside

17:52:22

1 inspections. The phase one has been done. The
2 notices will be sent out as soon as the weather
3 breaks to give people reasonable opportunity to
4 address the violations. Again, understand this
5 is not about being punitive, it's about making
6 certain people are aware of what needs to be
7 addressed and we'll be giving them ample time to
8 respond.

17:52:34

9 Phase two will begin immediately
10 thereafter and by the end of the year we should
11 have all three phases, all three sections of the
12 Village complete and all the notices mailed. Is
13 that correct?

17:52:46

14 MR. JAMIESON: That is correct.

15 MAYOR LICASTRO: Any questions? Thank
16 you. Julie, do you have anything?

17:52:56

17 MS. KREINER: No, I'm good.

18 MAYOR LICASTRO: Ms. Kesselem, our
19 treasurer, do you have anything to add?

20 MS. KESSELEM: No.

17:53:08

21 MAYOR LICASTRO: Moving to Committee
22 reports, finance.

23 MS. BROWNRIGG: We did not meet.

24 MAYOR LICASTRO: Public improvements.

25 MR. SEMERSKY: Public improvements did

17:53:15

1 not meet.

2 MAYOR LICASTRO: Legislative.

3 MR. MATEYO: A legislative meeting was
4 called to order on Monday, February 2. Agendas
5 were circulated beforehand. Unfortunately, there 17:53:22
6 was not a quorum, so we could not transact any
7 business, but it is scheduled for the first
8 Monday in March. The initiative this year is
9 going to be the wind power initiative. We met
10 with Bill Mason, the Cuyahoga County prosecutor, 17:53:37
11 who also heads the Great Lakes Energy Development
12 Task Force and we're pursuing that.

13 If anyone has any interest or
14 knowledge, free time, please, we'd love to have you
15 come to meeting. We'd love to have your input and 17:53:52
16 see if we can't have Bratenahl on the map with an
17 on land wind turbine. Thank you.

18 MAYOR LICASTRO: Any questions of Mr.
19 Mateyo? Ms. Meade.

20 MS. MEADE: Do we know how the stimulus 17:54:05
21 package may impact any of that?

22 MR. MATEYO: If you have an idea, tell
23 me.

24 MAYOR LICASTRO: I can respond to that.
25 There are dollars allotted for this project and 17:54:14

1 that's why we think our timing is good to pursue
2 this. As Mr. Mateyo has said in the past, it's
3 federal property, federal dollars spent on
4 federal property for a project we think makes
5 perfect sense. On that basis alone we're going 17:54:27
6 forward. I mentioned to Mr. Mateyo there's a
7 couple of residents that have expressed an
8 interest to come forward and help.

9 MR. MATEYO: I don't know if that's the
10 stimulus package, but CEI has a mandate from the 17:54:41
11 governor of the State of Ohio to spend X percent
12 of their revenues on alternative power. They may
13 not like it, but when the governor tells you you
14 will, that just seems to me to fit right into our
15 palm, but trying to go to the department of the 17:54:56
16 United States Government has not been easy. With
17 the Mayor's help, we'll get there.

18 MAYOR LICASTRO: Thank you, Mr. Mateyo.
19 Any more questions? Public safety.

20 MR. BINFORD: Safety did not meet. 17:55:10

21 MAYOR LICASTRO: Community Affairs.

22 MS. BECKENBACH: Community Affairs met
23 on January 27. We had three items on the agenda.
24 The first one being a dog ordinance, which a
25 resident had made a request that was supported by 17:55:25

1 two additional residents to change the current
2 dog ordinance by removing all words referring to
3 Pit Bulls as vicious dogs. Three residents spoke
4 to either strengthening the existing ordinance or
5 certainly keeping the current ordinance as
6 written. Both those that would like the
7 ordinance changed and those that would like the
8 ordinance to either remain the same or be
9 substantially strengthened, presented much
10 discussion and documentation.

17:55:40

17:55:52

11 Presentations included records arguing
12 for stricter enforcement including studies from
13 Akron, Lakewood, Toledo, and case law from the Ohio
14 Supreme Court. Those that wished to remove the
15 term Pit Bull presented material from the Animal
16 Society Institute and the American Kennel Club.

17:56:05

17 Mr. Binford moved to recommend that
18 the Committee revisit this ordinance after
19 additional study and research. Seconded by Mr.
20 Bolton and passed unanimously.

17:56:17

21 The second item on the agenda was
22 signage for the Recreation Commission. As a
23 liaison to the Recreation Commission, Mrs.
24 Beckenbach presented a request to the Community
25 Affairs Committee regarding additional

17:56:30

1 permanent/semi-permanent signage at four Village
2 locations: The entrance to the Village by DCMA,
3 Bratenahl Road by the bridge, Eddy Road and the
4 entrance to the Village by the Easterly Water
5 Treatment Plant. This new signage would be used
6 expressly for marketing community events.

17:56:44

7 Mr. Bolton moved that because the
8 current community attitude toward any new signage,
9 this Committee recommends that the Recreation
10 Commission upgrade the existing signs at the
11 Community Center, and continue to use the large
12 sign at the Center, the Lamplighter, fliers, and
13 the Village website and word of mouth to market
14 their events. Seconded by Mrs. Beckenbach, passed
15 unanimously.

17:56:57

17:57:11

16 Public use of Village Green Space was
17 number three. A resident asked about the future of
18 walking trails in the Green Space areas of the
19 Village. This would enable our residents to enjoy
20 a natural resource that provides a unique habitat
21 for plant and animal life that the residents can
22 enjoy and embrace.

17:57:26

23 The Village has a conservation
24 easement with the Lan Conservancy and CELCP. Under
25 this easement, the Village is permitted to add only

17:57:38

1 pervious trails and the trails may be no wider than
2 six feet. The Village must also work with the
3 Western Reserve Land Conservancy consultants when
4 laying out the trails. Discrete small signage
5 along the trails is also permitted under the CELCP. 17:57:52

6 The Conservancy utilizes geographical
7 information systems technology to identify large
8 critical resource areas connected by corridors of
9 protected properties in their mapping and will
10 provide us with the final trail mapping. No 17:58:08
11 parking was recommended in the easement document
12 since we have street parking.

13 Residents suggested that we contact
14 the Nature Works Partnership and ODNR Nature Works
15 for advice and the possibility of forming a 17:58:20
16 partnership for funding.

17 Security was discussed. Mayor
18 Licastro said t hat if we add pervious trails in
19 any public space, that the area would need to be
20 patrolled. He also suggested that we discuss this 17:58:32
21 matter with the Bratenahl Land Conservancy
22 regarding feasibility, cost, et cetera.

23 Mrs. Beckenbach moved that we
24 collaborate with the Bratenahl Land Conservancy
25 Board to determine the plan that the Village might 17:58:45

1 wish to consider. George Mateyo will also be
2 included as the liaison to the Land Conservancy.
3 Seconded by Mr. Binford, passed unanimously. That
4 is my report.

5 MAYOR LICASTRO: Any questions? Ms. 17:58:58
6 Meade.

7 MS. MEADE: Mary, regarding the dog
8 ordinance, I believe residents you were talking
9 about Pit Bulls specifically, but I thought the
10 request was to remove the breed specific 17:59:09
11 language.

12 MS. BECKENBACH: That was the breed
13 specific language, Pit Bulls.

14 MS. MEADE: Well, there were a conflict
15 on three different breeds.

16 MS. BECKENBACH: That was one of them.
17 I can't remember the other ones.

18 MS. MEADE: So are you okay with saying
19 that it's removing the breed specific language as
20 opposed to just Pit Bulls? 17:59:25

21 MS. BECKENBACH: The request was made
22 for just Pit Bulls.

23 MS. MEADE: I was there and I had
24 requested remove the breed specifically.

25 MS. BECKENBACH: Well, the request from 17:59:35

1 the resident that initiated this to me personally
2 was Pit Bulls only.

3 MS. MEADE: So could we broaden it?

4 MAYOR LICASTRO: Are you making that
5 request now to eliminate all three? 17:59:43

6 MS. MEADE: No. It was at the meeting I
7 made the request. I just wanted her minutes to
8 reflect that it was a little more broad based.
9 It may have started at the initial request, but
10 it was asked to be broader. 17:59:53

11 MAYOR LICASTRO: Well, if it wasn't
12 heard then, I think we heard you now. So if
13 you're requesting that this Council consider
14 removing all three, you made your request.

15 MS. MEADE: Then on the signs for the 18:00:05
16 Rec Commission, I believe there was also
17 discussion that until -- I think another reason
18 that was listed to table the signs in the interim
19 is because not knowing the future of the
20 Community Center until year end, it might be 18:00:20
21 premature to go ahead with those signs if we
22 didn't know what the future of the building might
23 be. And I didn't hear that reflected. Was that
24 a fair portrayal of one of the comments?

25 MS. BECKENBACH: I frankly don't 18:00:35

1 remember, but that would fall into it, but it was
2 recommended at this point not to pursue the
3 signage.

4 MS. MEADE: Thank you.

5 MAYOR LICASTRO: Anyone else? 18:00:49
6 Recreation Commission.

7 MS. GALLAGHER: We did meet regarding
8 Community Center usage. We're still keeping an
9 eye on the boiler. We did recently as in two
10 weeks ago put on a new thermostat indicator. It 18:01:04
11 was just \$600, not a big deal. However, we are
12 getting three quotes from various different
13 vendors should we ever have a problem with the
14 boiler and we won't have to wait, we will have
15 three quotes ready to go should we need to 18:01:24
16 replace that.

17 Current and new activities that we are
18 in the process of doing. We continue to do the 55
19 Plus Group on a monthly basis. We also have the
20 Recreation Commission brochure 2009 calendar event 18:01:37
21 that is currently at the printer and will be out
22 this week, so there will be copies at the Community
23 Center and also Village Hall we'll be giving them
24 out to residents through the mail and various
25 activities. 18:01:53

1 Third Thursday wine activities are
2 still going on. We had one in January, we have one
3 tomorrow that's actually closed at this point, but
4 we do have our final one in March. It's the third
5 Thursday, so if anybody wants to come to the March 18:02:08
6 one, please do so.

7 Also, Tuesday, February 24 we have a
8 speech by Ms. Beth Mooney, who is the second in
9 command at Key Bank, and it's free to all
10 residents, but certainly anybody who would like to 18:02:23
11 attend please call and just put your name on the
12 list. I appreciate that. It's at seven o'clock at
13 the Community Center.

14 Upcoming events and, again, everyone
15 will get a brochure with this, but just if you want 18:02:36
16 to mark your calendars, our Easter brunch is April
17 11. Memorial Day parade will be May 25. Our 4th
18 of July celebration is July 3 with the rain date
19 being July 5. Our Halloween event is October 30.
20 Christmas in the Village, December 20. We recently 18:02:56
21 reviewed our bylaws and we are now in full
22 compliance with the bylaws. And we recently added
23 June Mancuso so we have a full compliment of
24 commissioners.

25 Our budget is currently on track. And 18:03:14

1 that concludes my report.

2 MAYOR LICASTRO: Thank you, Ms.
3 Gallagher. Any questions of Steph?

4 MR. MATEYO: I have a question vis-a-vis
5 the boiler. I know it will be very expensive, 18:03:24
6 God forbid, if it goes, but considering that the
7 building is we don't know what the future will
8 be, do the people who are coming in and making
9 bids to potentially look at it, are they aware
10 it's just to keep the thing going? I hate to 18:03:39
11 spend 50 grand to have to put a new one in there
12 and then find out that we're not going to use it
13 for what we thought we were.

14 MS. GALLAGHER: Absolutely. We are just
15 doing anything to keep it going. And the only 18:03:53
16 reason we're having three bids now is if
17 something should happen to it and if it would be
18 in the middle of the winter, if anything would
19 happen and I hope nothing would, but if something
20 would and it would be in the summer, it wouldn't 18:04:10
21 be a problem. But if it would be mid-February
22 and we would have to do something immediately, we
23 don't want to have to wait and go through 30, 60,
24 90 days for that bid process. We would like to
25 have those bids done. 18:04:26

1 And actually as of last meeting, I
2 just wanted one little update. In fact, Mayor
3 McKeon I think mentioned we had said that we were
4 having a few problems with the boiler. We were
5 concerned about it and the Mayor had mentioned that 18:04:38
6 he didn't think that the boiler was all that old,
7 which is actually true.

8 However, when we had to replace this
9 thermostat a few weeks ago, I asked our current
10 vendor who is actually really a good guy who is 18:04:55
11 doing a good job for us, not charging much at all.
12 I said to him, this boiler is not that old. Why
13 are we having problems with it? He indicated that,
14 yes, that's true the boiler isn't that old. When
15 we purchased the boiler, it wasn't the top of the 18:05:09
16 line, which is not a big deal, but it's a Dunkirk
17 brand. He said, it's not a big deal, but that was
18 not an incredibly expensive high-end boiler. And
19 as a result of that, there were some rusting
20 through and that's why we're having a few problems. 18:05:26

21 Now, we could go another two decades
22 without having to replace it and I'm hoping that's
23 the case, but we are having minor irritation and
24 minor things, but, yeah, we would never move to do
25 anything unless we absolutely would have to and 18:05:40

1 maybe that won't occur, but in case, we're ready.

2 MAYOR LICASTRO: Mr. Bolton?

3 MR. BOLTON: Two or three things. You
4 might talk to Mr. Bierut about the way to obtain
5 bids. Two things jump out, perhaps one 18:05:53
6 alternative is get two smaller boilers, so that
7 if one of those failed, you're not without. And
8 the third thing is probably the most common
9 reason why pipes and boilers rot out is there are
10 mixed metals in the line. You might have them 18:06:06
11 look to see if there's some copper somewhere in
12 the system which will cause a problem with black
13 pipe.

14 MS. GALLAGHER: I'll take note of that.
15 And also a lot of it is rusted through. The 18:06:16
16 water, there was leakages and you can look at the
17 boiler and tell that as well. But there's many
18 different ways of looking at it.

19 MAYOR LICASTRO: Dr. Spano.

20 DR. SPANO: What's rusted through, the 18:06:31
21 boiler itself or the return pipes?

22 MS. GALLAGHER: Joe.

23 MR. ZALAR: The actual cores, they've
24 actually rusted themselves closed is what they've
25 done. The biggest problem that we're having is 18:06:45

1 the influx of fresh water that is what is -- it's
2 eating it alive is what it's doing. We've
3 actually solved that problem, slowed that process
4 down, but a lot of it has to do with the age of
5 pipes in there. As we find them, they're
6 replaced.

18:07:01

7 DR. SPANO: Do you treat the water?

8 MR. ZALAR: No, the water is not
9 treated.

10 DR. SPANO: Isn't the boiler constructed
11 in sections?

18:07:09

12 MR. ZALAR: They are. They're actually
13 put together on site.

14 DR. SPANO: Right, in sections. What
15 I'm getting at is usually one or two sections
16 start to leak, I can tell you that from
17 experience. They can be dismantled and sections
18 replaced or sections repaired as opposed to
19 whatever it is for a home boiler, you can repair
20 these boilers by welding up a section or
21 replacing it.

18:07:19

18:07:34

22 MR. ZALAR: Right.

23 MAYOR LICASTRO: Ms. Meade.

24 MS. MEADE: Stephanie, I was asking her
25 if she promoted one of her events and she said

18:07:49

1 she did. I missed it.

2 MAYOR LICASTRO: Anyone else?

3 Raj: Mr. Mayor, I thought that a number
4 of years ago that Council and the Village took on
5 the responsibility of that building totally. I 18:08:05
6 don't understand why the Rec Commission now is
7 involved with maintenance that I was there when
8 Council said they were to take charge of that
9 totally and not put it on the back of the Rec
10 Commission's budget or the Rec Commission itself. 18:08:19

11 MAYOR LICASTRO: Council has changed
12 that. Anyone else? Ms. Bacci.

13 MS. BACCI: I don't know if there are
14 infrastructure, building infrastructure grants,
15 maybe there's something out there for all the 18:08:38
16 buildings rather than knocking them down and
17 starting all over, someone could do some research
18 and look to see if there's anything we can do in
19 that place.

20 MAYOR LICASTRO: The end of 09 certainly 18:08:48
21 gives us options on the Community Center we do
22 not now have. We bought it for a dollar. I
23 think it was on Mayor McKeon's watch. And that
24 mandated that we keep in its present form and use
25 through the end of 09. 18:09:02

1 At the end of this year, we do have
2 options with the Community Center. I'm not
3 recommending any particular one, but given that
4 option, it's something I think we will discuss when
5 we convene our future search, which we're looking
6 at early June for that. I need more dialogue and
7 discussion before that happens. Right now we're
8 looking at early June to reconvene to discuss
9 things like the future of the Community Center.

18:09:13

10 MR. STEPHAN: Is it possible we can
11 repair the boiler and make it more energy
12 efficient at the same time and get some of the
13 energy efficiency money that's available from
14 city, county, private corporations, state,
15 federal government to cover the cost of repair?

18:09:27

18:09:43

16 MAYOR LICASTRO: We can certainly
17 explore that. Thank you. Anyone else? Thank
18 you. Planning Commission.

19 MR. BINFORD: The planning Commission
20 met on January the 28th here at Village Hall at
21 5:30. All members present. Under new business
22 there were three items, the commission looked at
23 a proposal from 120 Hamlet Court for a new
24 residential home. There was no one present
25 representing that applicant and, therefore, that

18:09:57

18:10:14

1 item was tabled.

2 There was an application for a new
3 residential home on sub lot 8A in the Colony. This
4 was the first time it came before the Commission,
5 so it was simply referred to D.B. Hartt &
6 Associates for a review of whether or not it's in
7 conformance with our zoning laws. And the same
8 applies to an application for the Gwinn Estate with
9 regard to replacement of the current gates and
10 entrances.

18:10:27

18:10:41

11 Under old business this was the fourth
12 meeting at which we considered a request from
13 Sign-Lite to take a look at a proposal for to --
14 really represents four billboards on their property
15 on the other side of the Shoreway. After having
16 reviewed it, as I mentioned this being the fourth
17 meeting, and as most of you know the current zoning
18 ordinance prohibit billboards in Bratenahl, the
19 Planning Commission passed unanimously a resolution
20 to take no action to change the existing ordinance.

18:10:57

18:11:15

21 A resident present requested that
22 Council review the ordinance and we'll see that
23 that's on the item under item nine under old
24 business tonight.

25 MAYOR LICASTRO: And that being said,

18:11:29

1 Greg, perhaps at this time you should defer that
2 matter to Committee for further discussion.

3 MR. BINFORD: What Committee?

4 MAYOR LICASTRO: Probably Public
5 Improvements I would think. I'm seeing some
6 nods, except from Mr. Semersky. (Laughter.)

18:11:39

7 MR. SEMERSKY: Sure.

8 MAYOR LICASTRO: Is there a second for
9 that motion?

10 MS. BECKENBACH: Second.

18:11:50

11 MAYOR LICASTRO: Discussion of the
12 motion?

13 MS. MEADE: Could you explain what's
14 happening? If the resolution was not to change
15 the ordinance, now going to Rick's Committee,
16 what does that mean?

18:12:00

17 MAYOR LICASTRO: Just like a resident
18 asked us to review the ordinance regarding dogs,
19 this is a request by the resident to review the
20 ordinance regarding billboards and that's done in
21 Committee.

18:12:12

22 MS. MEADE: Thank you.

23 MAYOR LICASTRO: Any further questions
24 or comments? All in favor of the motion?

25 Ayes: 6. Nays: 0.

18:12:21

1 MR. BINFORD: That concludes my report.

2 MAYOR LICASTRO: Shade Tree Commission.

3 MS. BECKENBACH: Shade Tree Commission
4 did not meet.

5 MAYOR LICASTRO: We just dispensed with
6 old business very succinctly. Thank you, Mr.
7 Binford. Moving to new business, 3442.

18:12:30

8 MS. BECKENBACH: I'd like to introduce
9 ordinance number 3442 for suspension, an
10 ordinance to make additional appropriations for
11 current expenses and other expenditures and
12 further amending temporary appropriations
13 ordinance number 3436.

18:12:44

14 MR. BINFORD: Second.

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

18:12:56

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 MS. BECKENBACH: I'd like to introduce
5 ordinance number 3442 for passage. 18:13:08

6 MR. BINFORD: Second.

7 MAYOR LICASTRO: Mr. Gallagher, would
8 you explain this, please?

9 MR. GALLAGHER: As we know, we
10 instituted a tow release charge. Many other 18:13:15
11 municipalities have that. We charge \$20 to do
12 the paperwork to get your car back from the
13 towing company. That money began about the same
14 time that we started the MDT in the cars, the
15 computers. And that \$20 offsets the cost of the 18:13:35
16 air cards and the physical equipment.

17 MAYOR LICASTRO: So this establishes --

18 MR. GALLAGHER: Well, it's funds we
19 established last year. I left the line item off
20 when we did the appropriations last month. 18:13:47

21 MAYOR LICASTRO: I see. Any questions
22 of Mr. Gallagher? Mr. Bolton.

23 MR. BOLTON: Will this be typically cars
24 that break down on the highway?

25 MR. GALLAGHER: Drivers under 18:13:58

1 suspension, drunks, whatever reason the police --

2 MR. BOLTON: For the person who's towed,
3 do they pay the towing fee of \$150?

4 MR. GALLAGHER: They pay a towing fee
5 and a lot charge for how long it sits there in
6 addition to the \$20 for us to release the car.

18:14:12

7 MR. BOLTON: My next question is if it's
8 a fairly large number like \$150 more, does the
9 Village already receive portions of that money?

10 MR. GALLAGHER: No, that goes to the
11 towing company.

18:14:27

12 MAYOR LICASTRO: The \$20 is to cover the
13 cost of the paperwork. Mr. Gallagher is correct,
14 every time we have an OVI or a suspension, we tow
15 the car. So in the course of a month, we might
16 have 25 to 30 tows.

18:14:39

17 MR. GALLAGHER: We had 33 in January
18 with crappy weather.

19 MAYOR LICASTRO: Yeah, including
20 accidents and breakdowns. Thank you, Mr.
21 Gallagher. Roll call on passage, please.

18:14:48

22 MR. GALLAGHER: Ms. Beckenbach?

23 MS. BECKENBACH: Aye.

24 MR. GALLAGHER: Mr. Binford?

25 MR. BINFORD: Aye.

1 MR. GALLAGHER: Mr. Bolton?
2 MR. BOLTON: Aye.
3 MR. GALLAGHER: Ms. Brownrigg?
4 MS. BROWNRIGG: Aye.
5 MR. GALLAGHER: Mr. Mateyo?
6 MR. MATEYO: Aye.
7 MR. GALLAGHER: Mr. Semersky?
8 MR. SEMERSKY: Aye.
9 MR. GALLAGHER: Thank you.
10 MR. BINFORD: I'd like to introduce for 18:15:04
11 suspension ordinance number 3443 to Pay Claims in
12 the total amount of \$507,526.19.
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. BINFORD: I'd like to introduce for
5 passage ordinance number 3443 and declaring the
6 same to be an emergency, Pay Claims in the total
7 amount of \$507,526.19.

18:15:28

8 MS. BECKENBACH: Second.

9 MAYOR LICASTRO: Discussion or
10 questions? Mr. Mateyo.

18:15:39

11 MR. MATEYO: I just have some on the
12 very last page, professional service for November
13 24 through February of 19,950?

14 MR. GALLAGHER: Yes.

15 MR. MATEYO: And for Taft Stettinius for
16 the month of December only for \$27,000.

18:15:53

17 MAYOR LICASTRO: No, I think that's two
18 months, December and January. That's a misprint.

19 MR. MATEYO: Is that about where it's
20 been? It just seems like a lot.

18:16:10

21 MR. GALLAGHER: We've had a lot going
22 on.

23 MR. MATEYO: Do they give you a bill?

24 MAYOR LICASTRO: Absolutely it's
25 itemized. And the \$19,950 is for Dick Lillie.

18:16:19

1 MR. MATEYO: I understand.

2 MS. MEADE: How much was the bill for
3 Mr. Lillie?

4 MAYOR LICASTRO: \$19,950. Anyone else?
5 Mr. Bolton. 18:16:35

6 MR. BOLTON: I see there are a number of
7 Ohio Peace Officer Training Academy. Is this for
8 research vocation or are we training future
9 part-time or full-time?

10 SERGEANT DOLBOW: That's in-house 18:16:53

11 training out of our training budget. We have to
12 bring another officer into the firearms

13 instructor realm, you have to be certified with

14 OPOTA. One of them is for jailer. We have to

15 appoint an officer to take over our jail 18:17:06

16 administrative duties. There's a lot of courses

17 that are mandated by the state that they have to

18 have. And those are stretched out through the

19 next several months. And that will come out of

20 our budget as they are billed to us. 18:17:19

21 MR. GALLAGHER: And I'd like to point

22 out that Sergeant Dolbow got us a \$2,000 grant

23 for additional training.

24 MAYOR LICASTRO: One thing we've done in

25 the last several weeks is we've hired four new 18:17:29

1 part-time officers. We always have some
2 attrition on the part-time ranks. Acting Chief
3 Dolbow brought these candidates to my attention.
4 We interviewed them and found four to be very
5 capable. And some of that training is for those
6 new officers.

18:17:42

7 We use part-timers here in Bratenahl
8 to minimize our overtime costs or not eliminate, so
9 we have a pool of eight or 10 part-timers that give
10 us significant hours in the course of a given
11 month. As I said, some of the part-time officers
12 have left for positions elsewhere, so this was an
13 effort to replenish the ranks if you will. Anyone
14 else? Ms. Brownrigg.

18:17:56

15 MS. BROWNRIGG: I have a question about
16 the cell phone reimbursement for the Chief. How
17 does this apply if he's on leave? And are we
18 liable for any other expenses while on leave?

18:18:11

19 MR. GALLAGHER: Well, yeah, he's salary.
20 He's on paid leave.

18:18:25

21 MS. BROWNRIGG: He's salary, yeah, but I
22 meant expenses.

23 MR. GALLAGHER: It's part of his salary
24 package.

25 MAYOR LICASTRO: This is a contractual

18:18:30

1 agreement. And the fact that he's on a paid
2 administrative leave, it was recommended by the
3 attorneys we make this payment. Mr. Mateyo?

4 MR. MATEYO: One more, the bill to
5 Scottsdale Insurance for a lawsuit, \$2,447, I'm
6 not aware of that. I hadn't heard of that. 18:18:41

7 MAYOR LICASTRO: We talked about this
8 before. There's a federal lawsuit pending in
9 court regarding the Ironpours that targets
10 members of the Board of Zoning Appeals. It's 18:18:59
11 been ongoing for a while.

12 MR. MATEYO: Okay. Fair enough.

13 MS. BROWNRIGG: We have defibrillators
14 here and at the Rec Center?

15 MAYOR LICASTRO: We have them in each 18:19:13
16 car and at the Rec Center and there's one here at
17 Village Hall. We do train officers on their use
18 and have to upgrade batteries. Have we ever had
19 to use those?

20 SERGEANT DOLBOW: A couple of times. We 18:19:25
21 have one at the Community Center, one here in the
22 Village Hall and we have one accessible to us to
23 take out to emergency calls. We have learned
24 through just routine maintenance that some of the
25 pads were two years expired. I didn't want that 18:19:39

1 liability, so I re-upped that.

2 MAYOR LICASTRO: Anyone else on Council?

3 Ms. Robins.

4 MS. ROBINS: The \$19,950 for the Lillie
5 internal investigation, is that the total amount
6 that's been paid so far?

18:19:58

7 MAYOR LICASTRO: The contractual
8 agreement caps all expenses at 35,000. We won't
9 know until it's complete what the final bill is.

10 MS. ROBINS: So far it's 19,950?

18:20:09

11 MR. GALLAGHER: No, it's 24.

12 MAYOR LICASTRO: There was a payment
13 made last month.

14 MS. ROBINS: So it's 24,000?

15 MR. GALLAGHER: So 24,950, whatever the
16 change is, yes.

18:20:17

17 MS. ROBINS: Is that an itemized bill?

18 MR. GALLAGHER: Yes, it is.

19 MS. ROBINS: Is that available for
20 public viewing or not?

18:20:26

21 MR. GALLAGHER: It will be.

22 MS. ROBINS: Is it now?

23 MR. GALLAGHER: No.

24 MAYOR LICASTRO: I think the fact that
25 it's an ongoing investigation it will be

18:20:33

1 privileged until the investigation is complete.

2 MR. CORNETT: That's correct. And we'd
3 have to take a look at the legal issue. It's
4 attorney/client privilege basically in terms of
5 the bills, but it's as of now. 18:20:44

6 MS. ROBINS: Even if it's paid with
7 public funds?

8 MR. CORNETT: Not as of now, because
9 it's an ongoing investigation.

10 MS. ROBINS: So after the investigation 18:20:56
11 is complete, would that change?

12 MR. CORNETT: It could, yeah.

13 MAYOR LICASTRO: Thursday's meeting is
14 going to be an opportunity to hear the results of
15 the investigation. 18:21:08

16 MS. MEADE: So does it mean it's closed
17 for that meeting?

18 MAYOR LICASTRO: I would think once we
19 hear the results of the investigation it will be
20 complete. 18:21:15

21 MS. ROBINS: So the records will be
22 available after that?

23 MAYOR LICASTRO: If I understand
24 correctly, a copy of the report at that time will
25 be a public record and will be available. 18:21:23

1 MS. ROBINS: And the itemized bill will
2 be available, because the court will be finished,
3 is that correct?

4 MR. CORNETT: At that point that's an
5 issue that we're going to have to take a look at 18:21:33
6 legally. I don't believe that that ends the
7 investigation, because in reality when an
8 investigation ends, after any matters have been
9 concluded that could have arisen out of that
10 investigation is just that. 18:21:46

11 Once Council decides what to do with
12 the information that's been provided with that by
13 the investigation, when that has been fully fleshed
14 out and gone through, then at the end of that time
15 the investigation, in essence, will probably be 18:21:58
16 fully concluded.

17 MAYOR LICASTRO: At some point in time
18 it will be a matter of public record. I can't
19 determine when that is.

20 MR. CORNETT: Right. But as of right 18:22:07
21 now we can't put a date on that, because the
22 investigation is not just over, in essence, when
23 Mr. Lillie presents his findings or provides a
24 report to Council, because Council then has to
25 take that determination and determine and the 18:22:18

1 Mayor will have to determine what happens next.

2 So once that has been fully completed
3 and all avenues have been fully, I guess, fleshed
4 out, then at that point it will most likely be a
5 public record. 18:22:35

6 MAYOR LICASTRO: Ms. Meade.

7 MS. MEADE: This fee that we are talking
8 about, the 24,950, is that Mr. Lillie's fee as
9 well as his expenses to date?

10 MR. GALLAGHER: Yes. 18:22:48

11 MS. MEADE: Then for the four new
12 part-time officers, when you say new, does that
13 mean to replace four old part-time officers that
14 are no longer here or are some replacing and some
15 brand-new? 18:23:07

16 MAYOR LICASTRO: Yes.

17 MS. MEADE: Can you tell me the mix?

18 MAYOR LICASTRO: Some are replacing and
19 some are new. We lost three part-timers on the
20 departments and we've hired four. It's not just 18:23:18
21 the fact that they leave. We find that some
22 officers no longer make hours available to us.
23 And when we call them for service, they're not
24 available. So again, it always helps to have
25 perhaps one or two more part-timers than we need. 18:23:34

1 The expense is minimal, but it gives us
2 flexibility with staffing.

3 SERGEANT DOLBOW: We have an officer out
4 on extended injury leave. We don't know when
5 he'll come back.

18:23:46

6 MAYOR LICASTRO: That's Officer
7 Rodriguez.

8 SERGEANT DOLBOW: Depending on how his
9 therapy or his surgery will go, we had a couple
10 of officers that gained full-time employment,
11 chose to stay with us part-time, but their hours
12 have been cut back drastically. So we needed to
13 fill those gaps.

18:23:55

14 MAYOR LICASTRO: We like to have the
15 same eight or 10 group of part-timers so they're
16 familiar with the Village, we don't have to tell
17 them where Burton is. They just know where it is
18 because they're here in the Village. If you
19 notice through the years you'll see some of the
20 same faces in the part-time crew and you'll see
21 some new ones. It's just a way of doing
22 business. We're always careful to have one or
23 two more than we need in case.

18:24:08

18:24:21

24 MR. BOLTON: Mayor, I apologize to you
25 and Council, but I have an appointment and have

18:24:32

1 to go. And if it wouldn't be inappropriate,
2 could we vote on the Pay Claims?

3 MAYOR LICASTRO: I think you're calling
4 the question, Mr. Bolton?

5 MR. BOLTON: If that would be all right. 18:24:42

6 MR. GALLAGHER: Ms. Beckenbach?

7 MS. BECKENBACH: Aye.

8 MR. GALLAGHER: Mr. Binford?

9 MR. BINFORD: Aye.

10 MR. GALLAGHER: Mr. Bolton?

11 MR. BOLTON: Aye.

12 MR. GALLAGHER: Ms. Brownrigg?

13 MS. BROWNRIGG: Aye.

14 MR. GALLAGHER: Mr. Mateyo?

15 MR. MATEYO: Aye.

16 MR. GALLAGHER: Mr. Semersky?

17 MR. SEMERSKY: Aye.

18 MR. GALLAGHER: Thank you.

19 MAYOR LICASTRO: Mr. Bolton was kind
20 enough to mention that he had a prior engagement. 18:24:55

21 Thank you for staying as long as you did, Mr.
22 Bolton. Have a nice evening.

23 MR. BOLTON: Thank you.

24 (Whereupon, Mr. Bolton left the
25 meeting room.) 18:25:04

1 MAYOR LICASTRO: We did end that
2 quickly. Was there another question on Pay
3 Claims? Dr. Spano.

4 DR. SPANO: No, not on Pay Claims. Do
5 we have any idea on when we can expect to hear
6 from the BCI's investigation? Will it in any way
7 correlate with Mr. Lillie's?

18:25:10

8 MAYOR LICASTRO: I can't comment on
9 that. I don't know.

10 DR. SPANO: You haven't heard anything
11 from them?

18:25:24

12 MAYOR LICASTRO: I do not have an
13 ongoing dialogue with BCI. I know that their
14 investigation is still underway. They're still
15 conducting it and so is Mr. Lillie.

18:25:35

16 DR. SPANO: Mr. Lillie early on had
17 indicated that I think the phrase he used was
18 close working relationship with them so that
19 perhaps he would be able to shed some light on
20 that question.

18:25:47

21 MAYOR LICASTRO: Perhaps, Doctor. But
22 because it is an independent investigation, none
23 of us have really had an ongoing dialogue with
24 Mr. Lillie as well. Perhaps we'll hear that on
25 Thursday.

18:25:57

1 DR. SPANO: All his ancillary assistance
2 that he had asked for, I think his computer
3 expert to former FBI experts, they're all
4 included in that twenty-four nine and change that
5 was quoted?

18:26:10

6 MR. BINFORD: Yes.

7 DR. SPANO: So that's the total number
8 thus far and it's going to obviously be higher
9 than that.

10 MAYOR LICASTRO: I don't know if that's
11 obvious or not. We'll find out Thursday. Mr.
12 Stephan.

18:26:16

13 MR. STEPHAN: Has Mr. Lillie delivered
14 his report to someone in the Village?

15 MR. BINFORD: No.

18:26:26

16 MAYOR LICASTRO: None of us have seen
17 it. We're all going to hear it for the first
18 time on Thursday.

19 MS. MEADE: I think he --

20 MAYOR LICASTRO: I think you missed
21 that, Paul, you came in late. Next Thursday at
22 5:30.

18:26:36

23 MR. STEPHAN: No, I have that down. I
24 didn't know if there would be any information
25 available prior to preparation with questions or

18:26:43

1 whatever.

2 MAYOR LICASTRO: We're all going to hear
3 the results for the first time next Thursday.

4 MS. MEADE: Are we under new business or
5 any other topic? 18:26:55

6 MAYOR LICASTRO: We're certainly at the
7 end of the meeting. Yes, Ms. Meade.

8 MS. MEADE: I know I asked previously
9 and I wondered if it could be answered at this
10 time. What's been causing the delays in the 18:27:05
11 investigation from the original timeline that was
12 proposed?

13 MAYOR LICASTRO: If you read in the
14 paper, there's 205 days and counting for the
15 county commissioners, 51 days for the governor of 18:27:15
16 Illinois. These things take time. I can't speak
17 for Mr. Lillie. I'm certain in his effort to be
18 thorough and complete he's taking whatever time
19 is necessary. Yes, Ms. Meade.

20 MS. MEADE: I heard, I was wondering if 18:27:33
21 you could clarify according to the law how for
22 notices, for posting public meeting notices, what
23 does the law require both the Ohio and the
24 Bratenahl codified ordinances?

25 MAYOR LICASTRO: Ms. Meade, we really 18:27:57

1 have discussed this at length. They're standing
2 meetings that are posted on a monthly basis
3 including ARB. Those meetings are called
4 special. May I respond, please? I know you're
5 concerned over the legality of one meeting. The
6 question was asked. Everyone answered indeed it
7 was a legal posting. There is a process. If
8 you'd like to discuss that with Mr. Cornett or
9 perhaps your own attorney, you're certainly
10 welcome to do so.

18:28:12

18:28:25

11 MS. MEADE: I would just like to know
12 where the postings are supposed to be.

13 MR. CORNETT: There is an ordinance,
14 there's a Bratenahl codified ordinance that
15 covers the posting for the meetings, whether a
16 special meeting or a regular stated meeting.
17 It's laid out in the actual Bratenahl codified
18 ordinances. It's in section, I think it's like
19 121, something along those lines.

18:28:34

20 MS. MEADE: If you tell us so we know, I
21 guess my question is Village bulletin board and
22 the Village box along Lake Shore Drive?

18:28:47

23 MR. CORNETT: I don't even know. I'm
24 not even sure if all eight boxes are a part of
25 it.

18:28:59

1 MAYOR LICASTRO: Six.

2 MS. MEADE: There's seven on Lake Shore.

3 MR. CORNETT: But under the codified
4 ordinances, I don't think it's that extensive. I
5 think because those codified ordinances were
6 passed many years ago that there may have been
7 additional boxes put up since that time. And in
8 the codified ordinances I think they specified
9 four or something along those lines.

18:29:07

10 MS. MEADE: So some of the boxes and the
11 Village Hall bulletin board?

18:29:17

12 MR. CORNETT: I believe the Village Hall
13 bulletin board.

14 MR. GALLAGHER: Village bulletin board,
15 the corner of Lake Shore and Eddy Road, the
16 corner of Lake Shore and Bratenahl Road, the
17 corner of Lakeshore and Lake Shore Drive and
18 that's it.

18:29:23

19 MAYOR LICASTRO: Yes, Ms. Meade.

20 MS. MEADE: I would like to discuss it
21 further, because it wasn't posted at those
22 locations.

18:29:33

23 MAYOR LICASTRO: Ms. Meade, you keep
24 asking the same question. The answer does not
25 change. The meeting was legally posted. And the

18:29:47

1 fact that you don't prefer the answer, I really
2 can't speak to that. Again, if you have issues,
3 we've spent at your request to this Council and
4 community since February through early January
5 regarding legal fees and time for staff have
6 exceeded \$5,000 in expense.

18:30:08

7 Now, that's tax payer dollars. And I
8 think we worked very hard to answer your questions.
9 But if you don't like the answer, it doesn't
10 necessarily mean the answer is going to change if
11 you keep asking the same questions. Ms. Robins.

18:30:26

12 MS. ROBINS: I don't know if anybody
13 else feels this way, but I don't feel like that
14 was an answer. Perhaps I could ask it in a
15 different way. When a public meeting is posted,
16 if it's only posted at Village Hall, is that a
17 legal meeting?

18:30:38

18 MR. CORNETT: Yes, it can be. And
19 because at times it depends on exactly what
20 happens if the procedures corrected at a meeting,
21 then there is case law that says even if there's
22 an improper notice or an improper posting of
23 notice, that is still a valid meeting. It can
24 still be a valid meeting. Valid actions can be
25 taken and authorized and be upheld in a court of

18:31:00

18:31:13

1 law at a meeting such as that.

2 MS. ROBINS: So from what you said then,
3 you said an invalid posting, that would suggest
4 that public meetings don't have to be posted if
5 there's no --

18:31:28

6 MR. CORNETT: No, that would not --

7 MAYOR LICASTRO: Certain meetings are
8 posted as standing meetings.

9 MR. CORNETT: Correct. First of all, a
10 standing meeting or a regular meeting is one that
11 is generally known throughout the community as
12 happening on the third Wednesday of every month.
13 Now, that can be posted in the beginning of the
14 year in a spot and left there. And now if that
15 periodically gets taken down or lost, then
16 periodically when the Village is made aware of
17 that they can re-post it.

18:31:35

18:31:50

18 However, it does not invalidate any
19 meetings that go on during the time that this
20 notification has fallen down or it disappears.

18:32:02

21 MS. ROBINS: So if a meeting is not
22 posted in the boxes, in any of the boxes, it
23 might be posted here, but if it's not posted in
24 any of the boxes, is that still a valid meeting?

25 MR. CORNETT: It can be.

18:32:17

1 MAYOR LICASTRO: It is our effort to
2 communicate as much as possible the meetings,
3 their topic, which is the agenda, posting boxes,
4 here at Village Hall and on the web. We make a
5 good faith effort to do it for every meeting 18:32:30
6 whether it's a standing meeting or not.

7 MR. CORNETT: Correct. And it's my
8 understanding that when the Village is made aware
9 of if certain postings have not posted or if
10 they've disappeared or taken down, as soon as 18:32:42
11 they can in a reasonable amount of time after
12 notification, they put the postings back up.

13 MAYOR LICASTRO: Ms. Bacci.

14 MS. BACCI: I think there's a bunch of
15 people here that are concerned about billboards. 18:32:55
16 And since it's now been referred to Mr.
17 Semersky's Committee and probably most of these
18 people don't have a clue when those committees
19 meet, can you tell us when your Committee will
20 meet? 18:33:06

21 MR. SEMERSKY: It will be in March. And
22 I'll make sure I let Jim and Merele know this
23 week.

24 MS. BACCI: What day of the week do you
25 usually meet? 18:33:17

1 MR. SEMERSKY: I don't have a standing
2 meeting.

3 MAYOR LICASTRO: Committee meetings
4 don't have standing dates. That's Planning
5 Commission, Rec Commission, Council. 18:33:22

6 MS. BACCI: How will interested people
7 learn about that so that they can come and let
8 him and his Committee know their thoughts?

9 MAYOR LICASTRO: If you call Ms.
10 Ehleringer and let her know you'd like to be 18:33:36
11 notified, we'll be glad to do so and then you can
12 spread the word. Yes, sir.

13 MARVIN SCHULER: Further to that, I
14 would like to just on the off chance that this
15 meeting doesn't get posted properly or whatever, 18:33:51
16 I'd just like to inform you that I am against the
17 billboard. I think the billboards as we have
18 them here are too much. And the ordinance was
19 properly and with foresight was brought forth by
20 the Village and should not be changed. 18:34:10

21 MAYOR LICASTRO: Would you identify
22 yourself?

23 MR. SCHULER: Marvin Schuler.

24 MAYOR LICASTRO: You're not the only one
25 that feels that way. That's why we have an 18:34:21

1 ordinance that says that.

2 MR. SCHULER: Just to educate myself,
3 what is the process of the Committee's
4 deliberations and report? Does it go back to the
5 Council? 18:34:40

6 MAYOR LICASTRO: Yes. Committees make
7 recommendations, Council makes decisions. Just
8 like with the dog ordinance, when they're done
9 deliberating, they being the Community Affairs
10 Committee, done deliberating any potential 18:34:52
11 changes, they will bring those recommendations to
12 Council and Council will decide if the ordinance
13 should be changed. Same process will happen with
14 the billboard, if there are any recommendations.

15 You know, ladies, if you have this 18:35:07
16 many questions, I suggest you submit them in
17 writing before the meeting rather than prolong
18 these procedures. We ask you just give them to us
19 in writing and we'd be glad to respond.

20 MS. ROBINS: We tried to do that and you 18:35:20
21 never respond.

22 MAYOR LICASTRO: Try again.

23 MS. BECKENBACH: I'd like to move for
24 adjournment.

25 MS. MEADE: No, I have questions. 18:35:29

1 That's what the public meeting is for.

2 MAYOR LICASTRO: How many more questions
3 do you have, Ms. Meade?

4 MS. MEADE: I want to enter this on the
5 record, it's from another resident against 18:35:35
6 billboards.

7 MAYOR LICASTRO: Bring it to the
8 Committee.

9 MR. CORNETT: That's for the Committee,
10 yeah. 18:35:41

11 MS. MEADE: For Bill Nottingham, and
12 then I would like to ask questions regarding the
13 East 130th (inaudible), if you can give us more
14 information about that project.

15 MAYOR LICASTRO: I don't think we have 18:35:50
16 it at hand. If you'd like to discuss that with
17 Ms. Beckenbach, it's her committee.

18 MS. BECKENBACH: I'm not on that.
19 That's Brenda.

20 MS. BROWNRIGG: No. 18:35:59

21 MAYOR LICASTRO: Mr. Semersky.

22 MS. MEADE: And the cost.

23 MR. SEMERSKY: If you get me your
24 questions, I'll get them answered.

25 MAYOR LICASTRO: Did you have something 18:36:08

1 in closing, Ms. Robins?

2 MS. ROBINS: About the Village website,
3 is somebody paid to maintain that?

4 MAYOR LICASTRO: Yes.

5 MR. GALLAGHER: No. No. Somebody is 18:36:16
6 paid to host it.

7 MS. ROBINS: How much are they paid per
8 year?

9 MR. GALLAGHER: \$1,200.

10 MS. ROBINS: How do you know what's the 18:36:29
11 difference between hosting and maintaining?

12 MR. GALLAGHER: She physically puts it
13 up there, she designed it. She does not do day
14 to day work on the calendar. I actually do the
15 updates on the calendar. 18:36:44

16 MS. ROBINS: So everything that should
17 be on the calendar goes through you first before
18 it goes to her?

19 MR. GALLAGHER: Yes. Or the building
20 department if it's a building department issue. 18:36:53

21 MAYOR LICASTRO: Ms. Kesselem.

22 MS. KESSELEM: That's my point.

23 Whenever I check it, I don't go to the post in
24 the Village, I look to the web page and pull up a
25 calendar and I have not had any problems. Most 18:37:01

1 of the meetings are all right there. And if I
2 see one not posted, so unless somebody doesn't
3 have a computer and doesn't have access to the
4 web, I think that would be a preferred choice to
5 make sure about meetings.

18:37:15

6 MS. ROBINS: I've done exactly the same,
7 Sarah, and oftentimes the website is not being
8 accurate.

9 MAYOR LICASTRO: Well, if you haven't
10 refreshed your computer or updated it, that can
11 happen.

18:37:23

12 Ladies, I know we are in adjournment.
13 If you have additional questions, see us after the
14 meeting. Thank you very much for coming everyone.

15 (Meeting adjourned at 6:37 p.m.)

18:37:28

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