

BRATENAHL VILLAGE  
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VILLAGE COUNCIL MEETING

TAKEN:

FEBRUARY 17, 2010

5:30 P.M.

PRESENT:

MAYOR JOHN LICASTRO

MARY BECKENBACH

THOMAS McDONALD

GEORGE MATEYO

WILLIAM BOLTON

ANDREW KESSELEM

PAUL STEPHAN

ADAM CORNETT, ESQ.

Nancy L. Molnar, RPR

 **MOLNAR & MUNGUÍA**  
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1           MAYOR LICASTRO: Before we begin, Mr.  
2 Gallagher and Mr. Zalar are unable to attend  
3 tonight, so Merele is stepping in to do what  
4 she's about to do and that's please call the  
5 roll.

6           MS. EHLERINGER: Good evening. Ms.  
7 Beckenbach?

8           MS. BECKENBACH: Here.

9           MS. EHLERINGER: Mr. Bolton?

10          MR. BOLTON: Here.

11          MS. EHLERINGER: Mr. Kesselem?

12          MR. KESSELEM: Here.

13          MS. EHLERINGER: Mr. Mateyo?

14          MR. MATEYO: Here.

15          MS. EHLERINGER: Mr. McDonald?

16          MR. McDONALD: Here.

17          MS. EHLERINGER: Mr. Stephan?

18          MR. STEPHAN: Here.

19          MS. EHLERINGER: Thank you.

20          MAYOR LICASTRO: You received a copy of  
21 the minutes for January. Is there a motion to  
22 approve?

23          MR. MATEYO: So move.

24          MAYOR LICASTRO: Is there a second?

25          MS. BECKENBACH: Second.

1           MAYOR LICASTRO: Any changes,  
2 corrections? There being none, all in favor of  
3 the motion.

4           Ayes: 6. Nays: 0.

5           MAYOR LICASTRO: Thank you. The Mayor's  
6 Court Report for January, the County Treasurer  
7 received \$510; the Village of Bratenahl \$15,770;  
8 the Treasurer of the State of Ohio, \$3,916; and  
9 the court computer fund \$1,010. Any questions on  
10 that? Thank you.

11           Under correspondence, we received last  
12 week a moral claim for Marietta Roby who was  
13 injured in a fall at the Community Center in  
14 December of 2008. Now, this is a vehicle that  
15 residents can use to get reimbursement from the  
16 Village for expenses they've incurred for various  
17 reasons.

18           I sent this to Mr. Cornett to review;  
19 and it is now here for Council to consider. If  
20 Council would indeed grant this claim, the  
21 process would involve asking Mr. Cornett to  
22 prepare a resolution, which could be considered  
23 and debated further at the next Council meeting.

24           Mr. Cornett, do you want to weigh in on  
25 this, please.

1           MR. CORNETT: Certainly. As the Mayor  
2 said, moral claims are a vehicle by way certain  
3 residents can have expenses be paid by the  
4 Village. It should be done in rare occasions  
5 obviously. And while it's not unprecedented, the  
6 Village has done it before. And usually it's  
7 done when the Village doesn't have a legal  
8 obligation to pay what the resident is asking  
9 them to pay, but has a moral obligation where  
10 they're morally obligated to pay what the  
11 resident is asking to be paid.

12           In this case, Marietta Roby has  
13 submitted a moral claim based upon the fact that  
14 she evidently tripped and fell at the gymnasium  
15 at the recreation center and I guess she injured  
16 herself. She incurred about \$500 in medical  
17 fees, medical expenses. And as a result, she's  
18 simply asking the Village to pay for those  
19 medical expenses.

20           Whether or not the Village would be  
21 legally obligated to pay that amount at this  
22 time, she hasn't -- she's just simply asking the  
23 Village to do it out of its moral obligation. I  
24 don't think anything else has been asserted.  
25 Whether it gets asserted later on, that remains

1 to be seen, but as of now, I took a look at the  
2 information and she submitted all the necessary  
3 documentation in order to show these amounts were  
4 actually incurred by her. And that now, in  
5 essence, it's up to the Village and Council  
6 members to determine whether or not this amount  
7 should be paid.

8           The process can be -- the Council  
9 members can suggest that I prepare a resolution  
10 and that that resolution can be debated and  
11 discussed at the next Council meeting. Whether  
12 or not it's passed at that time will be up to  
13 members of Council. So you can authorize me to  
14 prepare a resolution approving the moral claim  
15 and then review the information that's been  
16 submitted to you at that time, think about it and  
17 then next Council meeting you can discuss and  
18 debate whether or not this claim should be paid.  
19 If you decide the claim shouldn't be paid, that  
20 can be voted down at the time the resolution is  
21 considered.

22           MAYOR LICASTRO: These resolutions  
23 typically have additional language protecting the  
24 Village against any further claims of this  
25 incident, which is something to consider. And

1 certainly that would be part of the resolution  
2 prepared by Mr. Cornett.

3 MR. BOLTON: Would you care for a motion  
4 or discussion? I do not know Mrs. Roby, although  
5 I know other members of her family. I came  
6 prepared to say no and feel that the amount is  
7 reasonable, that it was well-documented, that the  
8 fact that you were there and witnessed it and  
9 helped, Mr. Mayor, is a confirmatory factor. I  
10 would like to move that it be paid subject to  
11 complete release of the Village from any further  
12 claim.

13 MAYOR LICASTRO: So that means prepare a  
14 resolution stating that?

15 MR. BOLTON: I was just going to make a  
16 motion. If the process is to --

17 MR. CORNETT: You would need a  
18 resolution in order to actually pay the moral  
19 claim. What I can do is I can prepare a  
20 resolution with the conditions that you had  
21 stated and that can be a motion if someone  
22 seconds.

23 MS. BECKENBACH: I'll second the motion.

24 MAYOR LICASTRO: Any discussion of the  
25 motion? Mr. Stephan.

1 MR. STEPHAN: I might have missed it.  
2 Bill, you referred to a witness and I didn't hear  
3 you say --

4 MAYOR LICASTRO: I was there and  
5 witnessed it as was Carla Licastro.

6 MS. LICASTRO: Stephanie and I were  
7 right there, Ms. Gallagher.

8 MR. STEPHAN: So it happened.

9 MS. LICASTRO: It happened. We helped  
10 her up.

11 MR. STEPHAN: Do we have any reason to  
12 doubt the dollar amount, the claim?

13 MR. CORNETT: It was all supported by  
14 what -- all the individual Council members have  
15 the documentation.

16 MAYOR LICASTRO: Actually you have the  
17 cover. You can see the medical bills. I have  
18 copies of them here if you'd like to review.

19 MR. CORNETT: It was supported. There's  
20 no reason to doubt the veracity of the claim.

21 MR. KESSELEM: What have we done to  
22 rectify the problem?

23 MAYOR LICASTRO: It was one of those  
24 where they put the pads down to cover the floor  
25 and the seam just wasn't properly secured.

1 MR. KESSELEM: There have been times  
2 where I've been in there where it's been rippled  
3 and things like that. I know it's a difficult  
4 situation. Would it help to indemnify the  
5 Village a little bit more by putting up signage,  
6 watch your step, you know, not responsible, blah,  
7 blah, blah?

8 MR. CORNETT: Yes, I think that all of  
9 that will be helpful, obviously, to have signs.

10 MR. KESSELEM: I mean, we want everybody  
11 from the Village to come and enjoy our events,  
12 but I think we all have to take some measures to  
13 guard ourselves.

14 MR. McDONALD: But this is a moral  
15 obligation, which would not remove -- the signs  
16 would not remove that.

17 MR. CORNETT: Correct.

18 MAYOR LICASTRO: Understand, it's not a  
19 legal obligation, it's a moral obligation.  
20 There's a difference here. Mr. Mateyo.

21 MR. MATEYO: Actually, we're not opening  
22 ourselves up to anything by moving and going  
23 forward?

24 MR. CORNETT: No. And that's a good  
25 point, Councilman Mr. Mateyo. Every time a moral

1 claim is presented to the Village, it should be  
2 taken on a case by case basis. And it should be  
3 determined on a case by case basis. It should  
4 not set precedent for future moral claims that  
5 may be submitted by residents and that should be  
6 emphasized and will be emphasized.

7           MAYOR LICASTRO: For example, a few  
8 years ago we approved a moral claim for a  
9 resident that fixed a sewer that was actually a  
10 Village sewer. And he made proof to that, it was  
11 verified and the Village reimbursed him for his  
12 expense. That's the nature of what these things  
13 can be. Mr. Bolton.

14           MR. BOLTON: Two things for the  
15 audience, the amount of the claim is on the order  
16 of \$500. And I presume that this is going to be  
17 paid out of the Recreation Commission budget, so  
18 that it wouldn't affect the general fund.

19           MR. CORNETT: There may be some --

20           MAYOR LICASTRO: Mr. Bauman.

21           MR. CORNETT: There could be some  
22 implications. We have to talk with the auditor  
23 of where the money comes from and it may have to  
24 come from the general fund.

25           MAYOR LICASTRO: Nice try, Mr. Bolton.

1 MR. BOLTON: I think we should. It  
2 happened there.

3 MAYOR LICASTRO: Let's see what the  
4 auditor says. It's a well-taken point. Mr.  
5 Stephan.

6 MR. STEPHAN: I would just reinforce I  
7 agree if there's any way if it can be taken from  
8 recreation, I think it should because that's  
9 where it happened.

10 MAYOR LICASTRO: If the auditor confirms  
11 that, we'll certainly consider it.

12 MR. STEPHAN: And if not, then from the  
13 operating.

14 MAYOR LICASTRO: The motion has been  
15 made and seconded and discussed. All in favor of  
16 the motion?

17 Ayes: 6.

18 MAYOR LICASTRO: Anyone opposed? Thank  
19 you.

20 I received a letter asking us to attend  
21 a ceremony on March 17 to be a Tree City USA  
22 recipient. As well, we are invited to the urban  
23 forestry conference on March 12 and that's in  
24 Kirtland. Hudson is hosting the Tree City USA  
25 recipient.

1           Mr. Bolton, you are the liaison to the  
2 Shade Tree Commission. I'm not sure if you'd  
3 like to attend. We don't have to go. Ms. Hlad  
4 did go in the past.

5           MS. BECKENBACH: It's a nice affair.

6           MR. BOLTON: When is it, March 17?

7           MAYOR LICASTRO: It's Wednesday, March,  
8 17 for Tree City USA recipient; and Friday, March  
9 12, 2010 -- I'm sorry, urban forestry conference  
10 is March 12, which is a Friday. So if you can't  
11 go, how about between the two of you you guys  
12 figure this out.

13           MR. BOLTON: I'm not sure I'll be in  
14 town. If I am, I look forward to it.

15           MAYOR LICASTRO: One more item under  
16 correspondence, which actually is not on the  
17 agenda, is my oversight, if you recall, this  
18 Council passed a resolution asking the EPA to  
19 deny CEI's request to change and modify their  
20 mandates regarding discharge of mercury and  
21 copper from their facility into Lake Erie.

22           Mr. Kesselem was kind enough to attend  
23 on behalf of the Village and if he will give us a  
24 brief report, that would be great.

25           MR. KESSELEM: There was probably close

1 to 100 residents, mostly Clevelanders that was  
2 from their area, but also people came from  
3 Columbus and Toledo, anybody that pretty much was  
4 interested in Lake Erie and what's going to be  
5 happening with it.

6 We were the only Village and/or city  
7 that submitted a resolution stating that we wish  
8 them not to allow them to pollute anymore into  
9 Lake Erie. I know that through the days now  
10 after that First Energy has contacted John and  
11 we're very pleased at that, but I can tell you  
12 that the people that were in attendance were very  
13 appreciative of that.

14 One of the people within a group, it was  
15 the Earth Day Coalition, had sent an email to me  
16 asking if they could actually see that to prove  
17 that we had done that. They were very happy that  
18 we had done that as a Village in the whole. A  
19 couple of other residents had sent letters to the  
20 EPA, which is greatly appreciated. Anything else  
21 was sent their way to the EPA. It was a pretty  
22 stirring type of meeting.

23 There was a lot of people there, young  
24 kids, giving their recollection of how they go  
25 every day to go fishing down at the peer.

1 There's a number of residents in the city that  
2 use it as one of their means of supplementing  
3 their food. So it was of great consequence that  
4 they not continue to pollute anymore into the  
5 lake.

6 MAYOR LICASTRO: Any questions for Mr.  
7 Kesselem? Thank you for attending. Mr. Stephan.

8 MR. STEPHAN: Has there been any  
9 response?

10 MAYOR LICASTRO: I did, as Andy  
11 mentioned, get a call from CEI. They were not  
12 happy that Bratenahl had put their thoughts in  
13 writing, their objections in writing. I told  
14 them we weren't happy with the momentaries that  
15 seem to happen every time we get a high wind, so  
16 it was sort of tit for tat, that was the only  
17 response that I have received. Although, I think  
18 Mr. Kesselem just handed me some letters that  
19 were emailed to you. I haven't had a chance to  
20 look at them yet.

21 MR. McDONALD: Do we know when a  
22 decision will be made?

23 MAYOR LICASTRO: Did they make that  
24 clear?

25 MR. KESSELEM: They did not make that

1 clear. It's, I believe, the middle of this month  
2 is when a decision was going to be coming due.

3 MS. MEADE: Was anyone at the meeting in  
4 favor?

5 MR. KESSELEM: No one was there in  
6 favor. A representative from Dennis Kucinich's  
7 office was there as a state representative, but  
8 we were probably the only two official groups,  
9 government group.

10 MAYOR LICASTRO: As I told Mr. Hogan,  
11 copper and mercury, copper less than mercury but  
12 both can be toxins. How can you be in favor of  
13 that? Thank you for attending.

14 Under Mayor's report, legislative  
15 report, there's something I found really  
16 interesting. I actually chaired a meeting  
17 yesterday at Cuyahoga County -- sorry, Tri-C  
18 Corporate Campus regarding the Cuyahoga County  
19 land bank. Mr. Jamieson was there. Thank you,  
20 Mr. Jamieson, representing both Bratenahl and  
21 Mayfield Heights. This is really interesting.

22 This legislation is Senate Bill 353 just  
23 passed and effective January of this year. It  
24 establishes a Cuyahoga County land bank the  
25 mission of which is strategically acquire

1 properties, return them to productive use, reduce  
2 blight, increase property values, support  
3 community goals and improve the quality of life  
4 for county residents. Certainly everyone is in  
5 favor of that.

6           It's the funding mechanism that caused  
7 the mayors and their finance directors some  
8 concern. Specifically, this basically is all  
9 driven when someone does not pay their property  
10 tax. So when the payment is not made, there's  
11 usually a foreclosure on a property that follows,  
12 adjudication of the foreclosure and then after a  
13 period of 45 days the community in question is  
14 reimbursed by the county for whatever property  
15 taxes were not paid.

16           And then from that point forward there  
17 can be transfer of the property, there can be  
18 rehab, a resell or demolition. Now, how do  
19 they pay for this? In the course of a year, they  
20 estimate between seven and nine million dollars  
21 will be generated in penalties and fees on these  
22 unpaid taxes.

23           The communities that used to receive  
24 those penalties and fees no longer do. Those  
25 monies are now diverted to the Cuyahoga County

1 land bank. That did cause some concern certainly  
2 in bigger communities where those monies can  
3 total well up into the tens of thousands of  
4 dollars.

5           However, an important detail to keep in  
6 mind. In fact, it was a revelation to most  
7 communities yesterday. This is a mandate. This  
8 is not an option. This is not something in which  
9 we can opt out. Bratenahl and all 57 communities  
10 in Cuyahoga County are part of this land bank.  
11 The good news is you immediately get the monies  
12 that would have been paid in unpaid taxes. The  
13 bad news, so to speak, is that we do not get  
14 penalties and fees.

15           However, those fees are put into this  
16 fund to do the things I mentioned under the  
17 mission statement of this organization. So  
18 again, Senate Bill 353. Any questions on this?  
19 Mr. Stephan.

20           MR. STEPHAN: It's been implemented?

21           MAYOR LICASTRO: It's already in effect  
22 as of January 1. Mr. Stephan, this was actually  
23 broached at the mayors meeting in December. No  
24 one knew it was a mandate. It sort of slipped  
25 under the radar and really made people furious

1 that they didn't ask us what we thought of this,  
2 approved the funding mechanism. It sort of  
3 happened in the dead of night, but it's part of  
4 Ohio law and, again, Bratenahl and every other  
5 community in Cuyahoga County is part of this land  
6 bank.

7 MR. STEPHAN: And somehow money was made  
8 available to start the process?

9 MAYOR LICASTRO: Well, it's still in its  
10 infancy. They've only had two months of  
11 collection. The monies are not there yet. To  
12 give you an example, I was contacted by an  
13 attorney representing the estate of a woman that  
14 owns a property on 140th. The property is in  
15 terrible shape. I discussed with him gifting  
16 this property, this structure, to the Village.  
17 He is looking to see if that's possible.

18 If indeed we did acquire the property,  
19 we could go to the land bank and ask them for  
20 monies to demolish the home, rehab the home or  
21 whatever. So it has a real and necessary  
22 purpose. It was sort of the surprise factor that  
23 caught us off guard. Any other questions on  
24 this? Thank you.

25 I received a document from the Cuyahoga

1 County engineers office informing the Village  
2 that they will be replacing the Lake Shore  
3 Boulevard bridge over Nine Mile Creek. This, of  
4 course, is just east of the Coit Road  
5 intersection. The estimated cost for this is 1.5  
6 million. The federal government will be  
7 responsible for 80 percent of the cost; the  
8 county for the additional 20 percent of the cost.  
9 The county also will be responsible for 100  
10 percent of the engineering cost. This is  
11 anticipated to happen in the year 2015.

12 Now, in order to allow this to happen,  
13 we have to sign off on it. And what this is is  
14 basically a standard template that we have to  
15 approve as a governmental agency, entity, and  
16 enter into an MOU, if you will, with the county  
17 commissioners or whatever form of government  
18 exists after this year.

19 Now, there have been some questions and  
20 they're good ones about the size of the culvert,  
21 the design of the bridge. I don't have any of  
22 those answers. I do know that Bob Klaiber as  
23 county engineer is wonderfully cooperative. Mr.  
24 Bierut will attest to that. And I'm certain  
25 he'll allow Bratenahl some input on whatever we

1 think pertinent.

2           However, given the fact we don't have to  
3 pay for it is a really good thing. In fact, if I  
4 recall, the only bridge the Village is  
5 responsible for is the culvert over Dugway Creek.  
6 The other two are both Nine Mile -- I'm sorry,  
7 the culvert at Shawbrook, Dugway and Nine Mile is  
8 county owned, Shawbrook is the Village's. We  
9 haven't heard the last of it. It's the first we  
10 heard of it. What level of input we have we  
11 don't know. We'll find out. Any questions on  
12 that?

13           FEMALE VOICE: Thank you. I'm just  
14 curious, is it stimulus money that's coming down?

15           MAYOR LICASTRO: Stimulus money really  
16 has to be shovel ready, so I'm not sure if 2015  
17 would qualify. I don't know the answer to that  
18 question, but certainly 80 percent of it is  
19 picked up by the government. I think there's an  
20 ongoing program through the federal government to  
21 deal with something of this nature. I can find  
22 out the answer to your question.

23           MR. BIERUT: It may be an offshoot of  
24 the stimulus plan. Federal government were going  
25 to fund that they've taken the stimulus money and

1 used that to fund projects like this to come  
2 forward if you believe 2015 from wherever it was  
3 before that. As far as our input, the size of  
4 the opening is going to be calculated by  
5 hydraulic studies, so that's going to be what it  
6 is. Our input may be on the rails and how that  
7 looks and use something decorative adjacent to  
8 the roadway.

9           MAYOR LICASTRO: Well, Mr. Kesselem and  
10 I both reside on Nine Mile. We know that the  
11 size of that culvert acts as a valve.

12           MR. KESSELEM: It's the funnel that's  
13 happening. If we can catch them to come on down  
14 when it's flooding or there's actual water that's  
15 flowing on a bad day, they'd be really surprised.

16           MAYOR LICASTRO: Of course, how that  
17 affects the residents at the Colony.

18           MR. KESSELEM: The back side of it is  
19 the angle of which it goes into the Colony.

20           MS. MEADE: Would the Regional Sewer  
21 District stormwater, would they be part of that  
22 process?

23           MR. BIERUT: No.

24           MAYOR LICASTRO: Stay tuned for  
25 developments.

1 MR. STEPHAN: You said down there  
2 they're not involved?

3 MR. BIERUT: They may be involved in  
4 maybe a plan. I don't want to say review because  
5 they don't really review plans and they don't  
6 have any approval rights, but they may  
7 incorporate that into their entire system.

8 MR. STEPHAN: Because homes in the  
9 Colony flood.

10 MR. BIERUT: Right.

11 MR. STEPHAN: So that seems to me that  
12 the stormwater management.

13 MAYOR LICASTRO: I think what he meant  
14 is they're not going to be involved in the  
15 construction of the bridge. Now, whether they  
16 get involved in the formula for the size of the  
17 culvert, we'll let you know.

18 MR. STEPHAN: But the point was made  
19 that's going to cause more rather than less  
20 flooding in the Colony.

21 MAYOR LICASTRO: Well, no, you  
22 misunderstood my point. We have to be careful  
23 that what might be beneficial to the residents  
24 that are to the south might be detrimental to the  
25 residents that are to the north.

1 MR. STEPHAN: I'm just hoping they'll  
2 take care of all the problems.

3 MAYOR LICASTRO: So are we.

4 MR. STEPHAN: Not just those on one side  
5 of the culvert.

6 MAYOR LICASTRO: Mr. Kesselem's point is  
7 it might benefit those on the south to make it  
8 bigger, it might benefit those on the north to  
9 make it smaller.

10 MR. KESSELEM: If you made it bigger for  
11 us so that there's no more flooding or less  
12 flooding on the Coit side of things, it would  
13 increase the amount of volume that way, but it's  
14 also the angle in which it goes straight into the  
15 Colony. If it were angled or in a slightly  
16 different direction, the flow would actually not  
17 go into a 90-degree turn. And I'm sure that's  
18 something that they're going to look into.

19 MS. MEADE: Could someone on Council  
20 coordinate with Sewer District, because I think  
21 some of plans they came and addressed will occur  
22 prior to the 2015 bridge project, so maybe  
23 there's a way they can just coordinate efforts on  
24 our behalf.

25 MAYOR LICASTRO: Keep in mind this is

1 2015. We'll be working with the county engineers  
2 office and these questions will all be answered  
3 in due time. Thank you.

4 Mr. Bolton, you and I are going to do  
5 this next one together.

6 Speaking of stimulus money, we got a  
7 call last week informing the Village that  
8 stimulus monies were being made available to  
9 change out and replace the existing sound walls  
10 in Bratenahl, Euclid and Cleveland. We had about  
11 20 minutes to respond. All right, maybe two  
12 days, but not more than that.

13 They gave the Village a choice of three  
14 options for materials, red brick, fiberglass  
15 panels and ashlar stone to try to reach some sort  
16 of consensus. Mr. Bolton was kind enough to call  
17 a public improvement meeting and I think he's  
18 about to tell us what happened.

19 MR. BOLTON: The noise barriers, as the  
20 Mayor said, would not include any new noise  
21 barriers; nor would they replace noise barriers  
22 installed by the Village. Mr. Shiavony of ODOT  
23 said that three wall types were available,  
24 Bratenahl had till Friday morning to make its  
25 decision.

1           Mr. Bierut obtained and reviewed the  
2 three selections which were available to the  
3 Village. He recommended ashlar stone, which is  
4 what the Village put in at the end of Coit,  
5 because it can withstand objects thrown from the  
6 road better than the other options. Because Mr.  
7 Shiavony said those walls are more solid and  
8 durable than the existing walls, they will  
9 consider using the ashlar for the future Eddy  
10 Road ramp further construction.

11           Furthermore, the Mayor contacted Steve  
12 Bucchieri of the architectural review board who  
13 took the time to visit each type of wall. He  
14 went to Westlake?

15           MAYOR LICASTRO: Rocky River.

16           MR. BOLTON: Rocky River and Euclid and  
17 looked at the ashlar stone, so he recommended it  
18 also. And Mr. Bierut provided copies of a  
19 PowerPoint presentation, which the committee  
20 reviewed. If anybody wants to look at this after  
21 the meeting, I'm happy to share it. There was  
22 some sentiment that the red brick look, which is  
23 in Euclid, was slightly more attractive than the  
24 ashlar stone, but when the Village as a whole was  
25 considered that it would be ashlar stone

1 intermixed with brick, it was a unanimous vote  
2 and decision of the committee to go with the  
3 ashlar stone, which was the recommendation also,  
4 as I said, of the engineering department and the  
5 Architectural Review Board.

6 MAYOR LICASTRO: Mr. Stephan.

7 MR. STEPHAN: Just a point of  
8 correction, the brick is in Wickliffe or  
9 Willowick.

10 MR. BOLTON: As well as Willowick.

11 MR. KESSELEM: Euclid has the regular  
12 sound walls that we have.

13 MAYOR LICASTRO: It's on Route 2.

14 MR. BOLTON: I misspoke. I'm sorry.

15 MR. STEPHAN: And also did you want to  
16 mention the ramp at Eddy Road and the finish, did  
17 you?

18 MAYOR LICASTRO: He did mention that.

19 MR. BOLTON: I thought I did.

20 MAYOR LICASTRO: He did. Mr. Bolton, I  
21 do have an addendum to your committee meeting.  
22 It was recommended by a resident, Ms. Spano, that  
23 we put up signs in the Village letting people  
24 know we have a deer population. They have been  
25 ordered and will be installed by the end of this

1 week. Is Chris here? Thank you for the  
2 suggestion.

3 MS. SPANO: The deer will love it.

4 MAYOR LICASTRO: Mr. Bolton, does that  
5 conclude your public improvement?

6 MR. BOLTON: That concludes my public  
7 improvement.

8 MS. SPANO: Are they going to have  
9 anything decorative on them?

10 MAYOR LICASTRO: As a matter of fact,  
11 they're going to replace or cap or replace the  
12 steel columns with white concrete. That will  
13 look a whole lot better. We did ask if they  
14 would consider additional caps or things that are  
15 more aesthetics. I'm not sure what he said when  
16 you mentioned that, Don.

17 MR. BIERUT: Very noncommittal. I had a  
18 feeling that these plans have been around for a  
19 while, stayed on the shelf and when the money  
20 came through, threw the plans forward.

21 MAYOR LICASTRO: Ms. Gray, this was  
22 considered shovel ready. That's why they were  
23 able to access stimulus money. We asked why they  
24 don't put them in other areas that don't have  
25 them. Well, those weren't determined to be

1 shovel ready.

2 MS. MEADE: The timeline for that is  
3 this year?

4 MAYOR LICASTRO: I believe so.

5 MR. BIERUT: I would say six months from  
6 now.

7 MAYOR LICASTRO: Thank you for your  
8 report, Mr. Bolton, and thank you for doing the  
9 very quick call of the committee and which I  
10 think all but one Council member was there. We  
11 had to respond by the next morning and we did so.  
12 Any questions? Thank you.

13 One more thing after on my report. The  
14 Village is very fortunate to have an organization  
15 like the Bratenahl 100. Bratenahl 100, of  
16 course, serves the people that protect us. They  
17 offer monies for any injury. They offer college  
18 and high school scholarships and have been  
19 wonderfully supportive of our employees,  
20 particularly the police and service department.

21 If you remember, a couple months ago  
22 Chief Dolbow brought to this body a request to  
23 join an EAP, employee assistance program, that  
24 makes available counseling that helps employees  
25 through a wide range of personal problems that

1 can indeed if left untreated impair lives and, of  
2 course, impair job performance. It was  
3 determined, rightly so, that the \$1,800 that this  
4 would cost was difficult to find in our very  
5 tight budget.

6 I took the liberty of contacting Thomas  
7 Zung, who is the president of the Bratenahl 100.  
8 He discussed this with his board and they were  
9 wonderful in donating the money to the Village so  
10 the Village indeed can join and now has joined  
11 this program. It allows up to 10 visits for each  
12 employee per incident. Really it's \$1,800 a  
13 year, all in. Chief Dolbow dropped off the  
14 contract and visited the facility.

15 Would you like to share what you saw?

16 CHIEF DOLBOW: They took over the TRW  
17 facility over there. It's a beautiful facility.  
18 I got to meet some of their staff, wonderful  
19 people. I met with the account manager, set up  
20 meetings here with our lieutenant and have other  
21 meetings set in the near future to meet with all  
22 the employees to inform them about the program  
23 and its parameters.

24 I also put a letter and some pamphlets  
25 out to all the employees here in the Village as

1 well. We're going to definitely reap the  
2 benefits of this wonderful program. And like the  
3 Mayor said, it's a deep appreciation for  
4 Bratenahl 100 for their support.

5 MAYOR LICASTRO: Any questions? Mr.  
6 Stephan.

7 MR. STEPHAN: Is it safety forces or all  
8 employees?

9 MAYOR LICASTRO: All employees.

10 CHIEF DOLBOW: All employees. That  
11 includes our service department, our clerks, all  
12 the paid employees of the Village.

13 MAYOR LICASTRO: Any other questions?  
14 Again, thank you to the Bratenahl 100, I'm sure  
15 you all agree.

16 MR. STEPHAN: Here here.

17 MAYOR LICASTRO: Perfect segue into  
18 department reports. Chief, you're on a roll.

19 CHIEF DOLBOW: We talked about the AP,  
20 so we don't have to go over that again. February  
21 8 police department balanced out by promoting  
22 Sergeant LoBello to Lieutenant; and Senior  
23 Officer Longley so Sergeant. With the arrival of  
24 our new patrol units, the department chose to  
25 update our vehicle insignia for a more modern

1 look, one that is more visible for officer safety  
2 and brings a higher level of professionalism to  
3 the fleet. The best part of this was it was very  
4 cost efficient. It was produced from the older  
5 design thanks to the generosity of Mike Rotell  
6 and Liquid Image. I'd also to thank Sergeant  
7 Longley and those members of my staff that gave  
8 their input in bringing these decals to life.

9           With the reality of our current  
10 financial situation, I've developed several  
11 sources of excellent training opportunity that  
12 are funded by the federal government. Our  
13 officers continue to take advantage of these  
14 resources and made some sacrifices for the  
15 greater good in order to remain educated and  
16 prepared to serve our community.

17           We continue to work with other agencies  
18 in our efforts to fight the war on drugs, combat  
19 crimes against children and the apprehension of  
20 fugitives. We've accomplished this by networking  
21 and joining several area task forces, local,  
22 state and federal concentrate on these areas of  
23 criminality. With this networking, our officers  
24 glean a broader working knowledge on the job  
25 through on-the-job training and a sense of pride

1 and a spike in morale before exemplified in  
2 Bratenahl. And with that I'll go into the normal  
3 report.

4           January 20 to February 17, we had a  
5 total of nine felony arrests; 15 misdemeanor  
6 arrests; five warrants; 21 driving under  
7 suspension arrests; nine operation of motor  
8 vehicle intoxicated; 15 motor vehicle accidents;  
9 a total of 30 vehicles were towed; we had 20  
10 false alarms; we had eight 911 calls; and we had  
11 10 false 911 calls; we had three false fire  
12 alarms; and a total of 181 tickets were issued.

13           In talking with some of the residents  
14 here recently in light of the recent burglary,  
15 they asked me to breakdown the felony reports.  
16 Of the nine felony reports, one was an aggravated  
17 burglary; two were theft related; the rest were  
18 drug related; two for possession of cocaine; one  
19 for drug abuse instruments; one for possession of  
20 drugs; one for tampering with records; and one  
21 for possession of heroin; totaling nine felony  
22 reports. Any questions?

23           MAYOR LICASTRO: Chief, would you just  
24 briefly as an overview, I know there's been  
25 concern over this break in. Can you give a

1 longer view of your tenure? Rich has been on the  
2 force for 15 years. And just if you could  
3 summarize for us.

4 CHIEF DOLBOW: The questions come up at  
5 numerous Council meetings with the economy the  
6 way it is, are we seeing an influx, an increase  
7 in burglaries. In my 16 years here in Bratenahl,  
8 we're status quo. No matter what time of year,  
9 what the economy is, we've not seen an increase  
10 or a decrease. These things happen in every  
11 community. Bratenahl is not exempt from it.  
12 Even if I had 10 officers on each shift, these  
13 things do occur. The particular burglary that's  
14 raised the most recent alarm and concern would  
15 have occurred if I had officers posted at the end  
16 of each driveway.

17 They took advantage of a vacant home.  
18 They parked their vehicles and cut through yards  
19 to gain access to that property. No matter how  
20 diligent our officers were, this would have  
21 occurred. We have taken steps to beef up our  
22 patrols. I purchased night vision goggles for  
23 officers to be able to peer into the dark wooded  
24 areas to see if there's anybody hiding in there,  
25 that type of thing. So we're doing everything in

1 our power to assure your safety. And I'm always  
2 available, just give me a call. If there's  
3 anything that I can do to answer your questions,  
4 just call me.

5           MAYOR LICASTRO: Most of the theft  
6 issues here happen with someone that either is  
7 employed or knows someone employed at a  
8 particular property. Really burglaries, I've  
9 lived here my whole life, they happen. We try to  
10 minimize them. We do everything we can to  
11 eliminate them. There was a particular concern  
12 the one the Chief referred to, the perpetrator's  
13 used an ax to cut phone lines to disable the  
14 alarm system and to break in the house.

15           Now, very little was taken. They were  
16 scared off by an internal alarm, but certainly  
17 we're aware how much concern that is. And let's  
18 be honest, people live in Bratenahl for lots of  
19 reasons. The number one reason is we feel safe  
20 here. I'm certainly assured and hopefully you  
21 will agree that the police department does  
22 everything they can to keep us safe. Any  
23 questions for the Chief?

24           MS. ROBINS: How often does the police  
25 dog work and what kind of incident has the police

1 dog been used in?

2 CHIEF DOLBOW: We are very fortunate  
3 that our dog and Mike Flanagan lives in the  
4 community, so he is very accessible to us in our  
5 hours of need. If we get a burglary, we're able  
6 to call him out and get a quick response time.  
7 But we have taken steps to -- he obviously works  
8 40-hour shift, but we've narrowed it down to five  
9 eight-hour shifts, making him more accessible  
10 throughout the seven-day work week.

11 He is on a specialized K-9 drug  
12 interdiction shift, but he is available to us  
13 through the entire Village during that time  
14 frame. I don't know if that answers your  
15 questions.

16 MS. ROBINS: So he's available.

17 CHIEF DOLBOW: He's on a specialized K-9  
18 shift and as a result of him living in the  
19 community, he's available to us 24 seven.

20 MAYOR LICASTRO: For example, Ms.  
21 Robins --

22 CHIEF DOLBOW: He was called out that  
23 evening.

24 MAYOR LICASTRO: He was involved in this  
25 investigation looking for whatever. I think

1 there were a couple of prints that came up.

2 CHIEF DOLBOW: That's how we know that  
3 they parked in that vacant property and went  
4 through the yards, because the dog was able to  
5 lead us to the driveway and lost its scent.

6 MS. ROBINS: How many incidents a week  
7 do you think he's used for?

8 CHIEF DOLBOW: For tracking? I'd have  
9 to go back and look through the reports. We use  
10 him for a lot of traffic stops, that type of  
11 thing. If someone fleece a vehicle into the  
12 wooded area, we call the dog out. Right now  
13 we're trying to focus his use and did you go  
14 interdiction on the freeway, but he is also to be  
15 used in the Village for tracking suspects, that  
16 type of thing.

17 MAYOR LICASTRO: For example, eight of  
18 the felonies the Chief mentioned were drug  
19 related. Those all were on traffic stops. The  
20 dog, of course, is trained to reveal these  
21 control substances and then subsequent to that,  
22 of course, comes the arrest.

23 FEMALE VOICE: Chief, I'm fairly new to  
24 the Council meeting, so this is the first time  
25 I've heard those numbers. I thought I lived in a

1 sleepy little Village from my perspective, so I  
2 want to ask one question. I hope the answer is  
3 yes. Was the bulk of those crimes committed on  
4 90?

5 CHIEF DOLBOW: Yes, ma'am.

6 FEMALE VOICE: Thank you.

7 MAYOR LICASTRO: Thank you, Chief. Mr.  
8 Jamieson.

9 MR. JAMIESON: Thank you, Mayor. For  
10 the month of January, there were 13 inspections  
11 performed. We registered or re-registered 59  
12 contractors. There was three building permits  
13 issued and three certificates of compliance for  
14 new occupants and that would conclude my report.

15 MAYOR LICASTRO: Any questions for Mr.  
16 Jamieson? Thank you. I have a summary of Mr.  
17 Zalar's report. He says the service department  
18 were able to put the two new cars in operation by  
19 taking the equipment of the two old cars and  
20 placing them in the new vehicles. He's used  
21 approximately 60 tons of salt this past month and  
22 he says we have between 75 and 90 tons remaining.  
23 He said with winters end around the corner, this  
24 should hold us until spring barring any snow  
25 storms that come this way.

1           If you're ever concerned about a weather  
2 forecast, Mr. Zalar is better than Dick Goddard.  
3 He knows exactly when it's going to snow. And  
4 the service department did have one casualty,  
5 their oldest dump truck caught fire. This  
6 happened about 6:45 in the morning last Tuesday,  
7 I can't remember, but my phone rang that time in  
8 the morning.

9           Joe has contacted the insurance company  
10 and he's working on a replacement cost. And he  
11 feels even with one truck down they can still  
12 handle the snowplowing. And he has other  
13 equipment available he can put into service if  
14 need be.

15           The Cuyahoga County Solid Waste District  
16 report will be concluded by year's end. I'd like  
17 to thank the residents for their persistence with  
18 recycling this year. It promises to be the best  
19 year yet with regard to actual tons recycled.  
20 Ms. Beckenbach probably has a huge smile right  
21 about now and she does, the queen of trash. And  
22 I think Mary will comment further on that.

23           And he also reports the Court Community  
24 Service in January alone picked up more than 25  
25 bags of trash on the Eddy Road ramps alone. It's

1 not enough, but at least it puts a dent in it.  
2 That concludes Mr. Zalar's report. Any  
3 questions? Moving to committee reports, finance.

4 MR. McDONALD: Finance committee met on  
5 Wednesday the 10th of February. And we reviewed  
6 the 2007/2008 audit that the state performed. We  
7 had an extensive conversation regarding that  
8 audit with emphasis on the findings. And most of  
9 the findings have been corrected and policies  
10 have been established to prevent recurrence, but  
11 coming from that audit and other reasons, we are  
12 going to have the state auditor conduct a  
13 performance audit for the Village.

14 And what that is is it's not another  
15 audit, it's looking at our policies and  
16 procedures and making sure that we have things in  
17 place so that we don't have these kind of  
18 occurrences again. And that will also be  
19 supplemented by -- we've only allocated a little  
20 money for that audit. So if they do not get to  
21 everything that we think we should, we will reach  
22 into our Audit Committee, our ad hoc Audit  
23 Committee and ask them to perform an additional  
24 audit just to make sure we have as many of our  
25 policies and procedures buttoned up as we

1 possibly can.

2 Part of the audit recommended new  
3 policies. And one of those were to change the  
4 way we deposit receipts. I'd like to make a  
5 motion that we establish a policy that we would  
6 deposit all receipts over \$1,000 within one day.  
7 And anything less than \$1,000, no later than  
8 three days later.

9 MS. BECKENBACH: Second the motion.

10 MAYOR LICASTRO: Everyone understand the  
11 nature of the motion? Any questions or  
12 discussion?

13 DR. SPANO: Business days.

14 MR. McDONALD: Business days, thank you.

15 MAYOR LICASTRO: Thank you, Doctor.

16 Amended to say business days. All in favor of  
17 the motion?

18 Ayes: 6. Nays: 0.

19 MAYOR LICASTRO: Thank you.

20 MR. McDONALD: We did review the 2010  
21 budget, but we did not vote to recommend to  
22 Council because we wanted some input from the  
23 public safety committee and the Chief. And we  
24 will take that up again at next month's finance  
25 committee and recommend the approval here I'm

1 assuming.

2           The recreation budget was presented to  
3 us and was approved. And I would like to make a  
4 motion that this Council approve that budget.

5           MS. BECKENBACH: So move.

6           MR. KESSELEM: Seconded.

7           MAYOR LICASTRO: Motion has been moved  
8 and seconded. Any discussion? All in favor of  
9 the motion?

10           Ayes: 6. Nays: 0.

11           MR. McDONALD: That concludes my report.

12           MAYOR LICASTRO: Ms. Schwartz.

13           MS. SCHWARTZ: I notice in the January  
14 minutes that you plan on removing the mutt mitt  
15 program. Since your budget hasn't been approved  
16 yet, I'd like to address something. I understand  
17 that based on a \$5,000 cost, I recognize that  
18 that's really exorbitant for the Village, but we  
19 do have a lot of dogs and we have a very clean  
20 Village. Walkers are used to using the bags.  
21 And I've done some research and I have found that  
22 not walkers, but more dog walkers, not  
23 professional walkers, take two to three bags.  
24 What they do with them, we don't know.

25           I've done some other research. I think

1 the service department orders these bags. I went  
2 online under mutt mitts, double ply, which is  
3 what we use. If we do have the 36 cases, which  
4 would equal 28,800 bags, cost \$2,700, single ply,  
5 which we could also use 2,000 a case, 15 cases  
6 for 30,000 is \$1,035. So I don't know where we  
7 get 5,000.

8 MAYOR LICASTRO: We were using that  
9 number from Mr. Zalar. Is one ply thick enough?

10 MS. SCHWARTZ: Yes, it's the same as  
11 your Plain Dealer bag. The other issue is if  
12 you're going to remove it, I think we need to  
13 alert our walkers to bring their own bags.  
14 Otherwise, we have a dirty Village. So I'll pass  
15 it on to you.

16 MAYOR LICASTRO: Maybe for \$1,000 we can  
17 do that. Actually, Ms. Schwartz, we're getting  
18 ready to post notices on the mutt mitts informing  
19 people that it's coming to an end. Hopefully, we  
20 can pursue what you suggested.

21 MS. BECKENBACH: Thank you for doing  
22 that.

23 MAYOR LICASTRO: We went through almost  
24 30,000 bags last year. 30,000 bags.

25 MS. SCHWARTZ: My professional walkers

1 say people take two and three. When they go home  
2 they use them for other things, so that's what  
3 happened to them.

4 MR. McDONALD: Hopefully we can work  
5 this into the budget and say please take one.

6 MS. SCHWARTZ: You can go to single ply  
7 easily.

8 MAYOR LICASTRO: Any other questions for  
9 Mr. McDonald? Mr. Robins.

10 MR. ROBINS: Yeah, just a statement for  
11 the record with regard to the audit. There were  
12 considerable concerns for a period of time that  
13 related to processes and procedures. One thing I  
14 want to say categorically is there has been no  
15 criticism by me or anyone else I know of Merele.  
16 I think Merele does a fine job. This is a  
17 management issue. And it was reflected in the  
18 state auditor saying that -- Mary Taylor saying  
19 there were six significant deficiencies.

20 I think it's important to have that as  
21 part of the public record. And that there was  
22 one material deficiency, which is the most  
23 grievous issue. So I think citizens deserve to  
24 know, as you pointed out, that there's been an  
25 attempt to address these issues, not only now,

1 but in the future, which is great. But it does  
2 show, coupled with other issues, a significant  
3 failure from a management standpoint.

4 MR. McDONALD: We are taking steps to  
5 make sure that we have the proper procedures and  
6 policies in place to not reoccur.

7 MAYOR LICASTRO: Thank you. Any further  
8 questions? Public improvements off the hook.  
9 Thank you, Mr. Bolton. Legislative. Mr. Mateyo.

10 MR. MATEYO: A regularly scheduled and  
11 posted legislative committee meeting was called  
12 to order by the Chairman, George Mateyo, at 5:00  
13 p.m. on Wednesday, February 10. In attendance  
14 were members Paul Stephan, Tom McDonald and  
15 residents.

16 On the posted agenda was a discussion of  
17 an Ordinance amending Section 1111.14 and 1159.04  
18 of the codified ordinances of Bratenahl relating  
19 to noncommercial signages and speech.

20 After appropriate discussion and  
21 questions from residents and committee, a motion  
22 was made and seconded to approve the modified  
23 ordinance as written and recommend to Council  
24 that they do the same approval as well.

25 The committee then discussed items for

1 the legislative agenda for 2010. Paul Stephan  
2 and George Mateyo will look into Bratenahl  
3 ordinances that pertain to police staffing, the  
4 current wording, and possible changes, as well as  
5 the other service department wage ordinances.  
6 The meeting was adjourned at 5:30 p.m..

7           MAYOR LICASTRO: Thank you, Mr. Mateyo.  
8 Any questions for Mr. Mateyo? That ordinance is  
9 on the agenda for passage after having gone  
10 through the planning. Public safety.

11           MS. BECKENBACH: Public safety met on  
12 February 15, 5:30 Village Hall. Present were  
13 Beckenbach, McDonald, Council members Bolton,  
14 Kesselem, Mateyo. Paul Stephan had an excused  
15 absence. There were three agenda items. And I'm  
16 going only going to speak of two, because Chief  
17 Dolbow spoke of the third.

18           The first issue is EMS review: Our  
19 guest speaker was the director of public safety,  
20 City of Cleveland, Mr. Martin Flask. He is  
21 responsible for administrative oversight of all  
22 public safety forces in the City of Cleveland,  
23 those being police, fire, EMS and the office of  
24 the dog warden, as well as general safety  
25 administration, including support services, the

1 office of professional standards, and the police  
2 review board.

3           Currently the Village relationship with  
4 Cleveland's Emergency Medical Services is cost  
5 free to the Village. In 2009, Cleveland  
6 contracted with -- the City of Cleveland  
7 contracted with a consultant group to study their  
8 programs. And the conclusion of the study was  
9 that the Village was no longer to be provided EMS  
10 service at no cost. And the two communities that  
11 the City of Cleveland currently covers are  
12 Bratenahl and Lindale.

13           The legislation passed by Cleveland  
14 Council mandates that in order to receive  
15 Cleveland EMS service, we must enter into an  
16 agreement for three to five years with Cleveland  
17 at a cost, at a fee not less than \$25,000 per  
18 year to take effect in January of 2011. This  
19 minimum fee would increase five percent per year  
20 until reaching \$50,000.

21           Mr. Flask recommended that we combine  
22 fire and EMS service to provide consistent  
23 service to our residents. Cleveland also  
24 provides a paramedic on each vehicle, which a lot  
25 of communities do not. The cost of fire service

1 for 2010 for our Village is currently \$166,000,  
2 and the combined cost then for both services  
3 would be \$191,000 beginning in 2011.

4           The Village averages 100 calls per year  
5 with 98 responses and 58 transports to various  
6 facilities. Each call's operating cost is  
7 approximately \$300 to \$400. Cleveland is only  
8 reimbursed from Medicare or Medicaid or private  
9 insurance if there is a transport. Otherwise,  
10 they have no reimbursement. It comes out of  
11 their budget.

12           If the Village were to consider  
13 providing this service, the cost of one  
14 ambulance, if we were going to go in the business  
15 of the EMS for ourselves, the cost of one  
16 ambulance including a driver and a paramedic  
17 would be \$650,000 annually. Mr. Mateyo suggested  
18 that the Mayor and the Village clerk continue to  
19 investigate other options with other communities  
20 and discuss the possibilities of forming a group  
21 consortium.

22           Mrs. Goyanes, a resident, brought the  
23 conversation into perspective by saying that the  
24 increased cost per resident per year in Bratenahl  
25 would be \$20 per head. Mr. Bolton mentioned that

1 there is no value in providing this service if  
2 you are not in need of it, but the value becomes  
3 priceless when you do need their service.

4 This proposal will be discussed and  
5 possibly conclusion will be determined at the  
6 next public safety committee meeting.

7 Item number two on the agenda was  
8 traffic cameras. At the request of a Village  
9 resident, public safety committee discussed the  
10 installation of traffic cameras both red light  
11 and digital traffic photos. Chief Dolbow  
12 presented his findings as of last evening, which  
13 is the day before the meeting. He had  
14 interviewed with one company with a focus on Eddy  
15 Road using red light camera enforcement. Both  
16 systems can provide safety and security for  
17 Village streets using proven technology,  
18 increased revenue collections and efficient and  
19 accurate violations processing at no cost to the  
20 Village.

21 The company manages all films, maintains  
22 all equipment, and processes all billing. The  
23 contract provides that the company receive 80  
24 percent of the revenue generated and the Village  
25 would get 20 percent if we decided to move

1 forward. The police department, however, would  
2 be required to review all of the film generated  
3 by the cameras and the digital traffic photos.  
4 At this point, the Mayor and the Chief are  
5 investigating our options with the public outcry  
6 in many communities in mind.

7           If you have any opinion, please contact  
8 one of our Councilpersons. We welcome your  
9 thoughts on this matter.

10           Number three was police protection and  
11 safety report by Chief Dolbow. He has already  
12 addressed that issue, so I will not comment on  
13 that. Thank you. That concludes my report.

14           MAYOR LICASTRO: The Chief and I met  
15 with Marty Flask and Ed Eckart about two or three  
16 weeks prior to Ms. Beckenbach's public safety  
17 meeting. We have a symbiotic relationship with  
18 City of Cleveland. Certainly we work closely  
19 with them and give mutual aid. For example,  
20 several years ago when the fire station at 102nd  
21 and St. Clair, which is where EMS is also housed,  
22 had a significant fire, we allowed EMS to use the  
23 Village Hall as their base of operations for  
24 seven months, Rich? It was a long period of  
25 time.

1           We also made it clear to EMS, as Ms.  
2 Beckenbach alluded to, when they make a run in  
3 Bratenahl, they get paid because people in  
4 Bratenahl are more apt to have insurance than  
5 perhaps some of the people in Cleveland.

6           MS. BECKENBACH: They only get paid if  
7 there's a transfer.

8           MAYOR LICASTRO: Our clerk, Mr.  
9 Gallagher, met with East Cleveland to see if that  
10 was a viable option. He did not discuss costs,  
11 but East Cleveland has two units, Cleveland has  
12 between 16 and 18. Of course, the proximity of  
13 the fire station on 102nd and St. Clair is why if  
14 you call EMS they're here in less than two  
15 minutes.

16           Moreover, when they're staged, there's  
17 almost always a unit on the grounds of the Barber  
18 Byrd-Bennett Center waiting there to respond to  
19 calls. I have a meeting set up with Mayor  
20 Cervenik of Euclid in the next couple of weeks to  
21 see if Euclid is interested, but two things just  
22 can be ignored. Cleveland's proximity to  
23 Bratenahl; and I don't think any other  
24 communities would do it for free.

25           Mary mentioned Ms. Goyanes's

1 perspective, \$20 a head, it's certainly priceless  
2 if you're in need. We will continue to do our  
3 due diligence. We have more time to discuss  
4 this. I talked to Mayor Jackson. His words he  
5 will not mess with the fire contract. He will  
6 keep it at the \$166,000 level with five percent a  
7 year increase to cover cost of living, et cetera.  
8 So that's my input. Anyone else on Council want  
9 comment?

10 MR. BOLTON: Yes, you left out an  
11 important thing. First of all, the discussion, I  
12 thought, was very thorough and it was an  
13 impressive conversation. Channel 3 was there. I  
14 wondered if anybody saw whether we were on the  
15 news. Mr. Mayor, you were interviewed.

16 MAYOR LICASTRO: As a matter of fact, I  
17 fell asleep during the Olympics and woke up at  
18 midnight and decided to watch the news. It was  
19 about a minute and a half segment. It was very  
20 fair. I also was contacted by Channel 8 today  
21 who wanted to know what time we'd be passing the  
22 resolution approving traffic cameras. We told  
23 them, just calm down, we're just discussing this.

24 Ms. Beckenbach's point, although  
25 fleeting, is incredibly important. We need input

1 from you. I mean, no one likes traffic cameras.  
2 It is a matter of officer safety and, yes,  
3 there's revenue that is provided. Revenue can be  
4 diminishing. If you drive in East Cleveland, you  
5 know where the cameras are, you slow down so you  
6 don't get the ticket. We're just looking at all  
7 options only in regards to safety, but to make a  
8 tax increase a last option, not a first. This  
9 might be a solution, it might not, but, again,  
10 we're just starting the dialogue. Mr. Kesselem.

11 MR. KESSELEM: The 191 combined that  
12 we're looking at for 2011 for this fire and EMS  
13 service, that then becomes a five percent  
14 increase on top of both of those.

15 MS. BECKENBACH: I assume it's only a  
16 five percent increase on --

17 MR. KESSELEM: Just EMS?

18 MS. BECKENBACH: That's my  
19 understanding. Did he say on both?

20 MR. MCDONALD: Isn't there an escalator  
21 also in place on fire?

22 MR. KESSELEM: So in five years that's  
23 going to be a substantial chunk of the budget.

24 MS. BECKENBACH: He did not give a  
25 specific percentage amount for the fire. All we

1 were speaking about was the EMS.

2           MAYOR LICASTRO: He did reference the  
3 existing amount. Mr. Kesselem, it's a point well  
4 taken, but other communities talk about  
5 regionalism, we practice it. Even if it costs us  
6 \$250,000 at some point in time, it's way cheaper  
7 than if we had to set up our own. You're talking  
8 millions of dollars in equipment, unions. Most  
9 of the mayors I talked to they talk about wage  
10 negotiations. Their biggest hurdles are the EMS  
11 and fire units in terms of what they demand, so  
12 it can't be avoided.

13           MR. KESSELEM: It's not an avoidance.  
14 It's to allow everyone to know that the dollar  
15 sums are just continually rising for the Village.

16           MAYOR LICASTRO: It's a tight budget.  
17 And kudos to Steve O'Bryan. Steve really crafted  
18 this agreement with the City of Cleveland as far  
19 as fire contract I think well over 20 years ago  
20 and it's really served the Village well. Any  
21 other questions? Thank you. Community affairs.

22           MS. BECKENBACH: Community affairs did  
23 not meet. We're meeting next Tuesday.

24           MAYOR LICASTRO: Recreation Commission,  
25 Mr. Bauman.

1 MR. BAUMAN: Community Center security  
2 and maintenance, nothing to report at this time.  
3 New activities planned, we're updating our email  
4 list. Anyone interested in receiving email  
5 updates on recreation events, please email the  
6 center, Bratenahlcenter@sbcglobal.net. The email  
7 address is also up on the website.

8 The Community Center garden plot sign up  
9 is now available for the spring. Wine event  
10 number two Thursday evening, tomorrow evening,  
11 February 18, seven to nine. Chinese New Year at  
12 the dinner at the Li Wah restaurant on St. Clair  
13 will be Friday, February 26. The McKeon room  
14 dedication will be Sunday, February 28 from three  
15 to 5:00 p.m. Club 55 will meet Tuesday, March 16  
16 at 10 am. And breakfast with the Easter bunny  
17 will be Sunday, March 28, 12 to 2:00 p.m., and  
18 that concludes my report.

19 MR. ROBINS: You had one other  
20 significant issue. You took your budget to the  
21 finance committee and they approved it.

22 MR. BAUMAN: Yes. Actually, I had it in  
23 the report, but since you guys made a resolution  
24 to approve it.

25 MAYOR LICASTRO: Or a motion.

1 MR. BAUMAN: I figured everybody knew  
2 that already.

3 MAYOR LICASTRO: Any questions for Mr.  
4 Bauman? Planning Commission.

5 MS. BECKENBACH: Planning Commission met  
6 on January 27, 5:30 Village Hall. Present were  
7 Vikki Broer, Chairman of the committee, Duke  
8 Young and Mary Beckenbach. We had one agenda  
9 item to recommend and that was to recommend that  
10 Council pass ordinance number 3473 concerning the  
11 noncommercial speech and related issues. And the  
12 meeting lasted probably five minutes.

13 MAYOR LICASTRO: Thank you. Any  
14 questions for Ms. Beckenbach? Thank you. Shade  
15 Tree Commission.

16 MS. BECKENBACH: Shade Tree Commission  
17 did not meet.

18 MAYOR LICASTRO: Do you want to mention  
19 Future Search?

20 MS. BECKENBACH: Future Search is April  
21 23, 24th and 25th and in the Community Center.  
22 And if you would like to sign up, we'd love to  
23 have you join us. You just contact Village Hall  
24 and Merele is keeping a running list.

25 MAYOR LICASTRO: There was a flier sent

1 to the entire Village. It's in the Lamplighter.  
2 This is an opportunity to get together and talk  
3 about priorities for the Village and the  
4 Village's future. It's the reconvening of the  
5 Future Search we had in 2003. Several members of  
6 the committee, steering committee are here.  
7 Thank you for attending, but we need  
8 participation. We need 80 to 90 people to get a  
9 cross section of the Village. So if you haven't  
10 signed up, it is hard work, but it's really a lot  
11 of fun as well. Ms. Meade.

12 MS. MEADE: Do we know, Merele, what the  
13 RSVP count is as of today.

14 MS. EHLERINGER: About 15. That's  
15 mostly committee members.

16 MS. BECKENBACH: Have you responded yet  
17 and you're one who hasn't responded and you're on  
18 the committee.

19 MAYOR LICASTRO: In order for this to be  
20 successful, we have to have participation. If we  
21 don't get everybody in the room, it fails.

22 Moving to old business, resolution 861.  
23 Ms. Beckenbach.

24 MS. BECKENBACH: Resolution number 861,  
25 a resolution commending and expressing

1 appreciation to Sue Eagan for her outstanding  
2 service as a member of the Recreation Commission  
3 of the Village of Bratenahl. And do I ask for --

4 MAYOR LICASTRO: Suspension.

5 MS. BECKENBACH: -- suspension.

6 MAYOR LICASTRO: Is there a second on  
7 suspension?

8 MR. MATEYO: Second.

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

11 MS. EHLERINGER: Ms. Beckenbach?

12 MS. BECKENBACH: Aye.

13 MS. EHLERINGER: Mr. Bolton?

14 MR. BOLTON: Aye.

15 MS. EHLERINGER: Mr. Kesselem?

16 MR. KESSELEM: Aye.

17 MS. EHLERINGER: Mr. Mateyo?

18 MR. MATEYO: Aye.

19 MS. EHLERINGER: Mr. McDonald?

20 MR. McDONALD: Aye.

21 MS. EHLERINGER: Mr. Stephan?

22 MR. STEPHAN: Aye.

23 MS. EHLERINGER: Thank you.

24 MS. BECKENBACH: I would like to ask for  
25 resolution number 861 for passage. Whereas,

1 Susan Eagan has served the Village of Bratenahl  
2 and its residents as a member of Recreation  
3 Commission for the past 20 years; an whereas, in  
4 her capacity as a member of the Recreation  
5 Commission, Susan Eagan has performed her duties  
6 with devotion and distinction.

7           Now, therefore, be it resolved by the  
8 Council of the Village of Bratenahl, State of  
9 Ohio, that: Section 1, the Mayor and the Village  
10 Council, on behalf of the Village and all of its  
11 residents, hereby express their deep gratitude  
12 and appreciation to Susan Eagan for her devoted  
13 service to the Village of Bratenahl as a member  
14 of the Recreation Commission for the past 20  
15 years.

16           Section 2, The Clerk of Council is  
17 hereby authorized and directed to furnish a duly  
18 inscribed and certified copy of this resolution  
19 to Susan Eagan and her family.

20           Number three, this resolution shall take  
21 effect at the earliest time provided by law.

22           MAYOR LICASTRO: Rather than call the  
23 roll, I'm assuming we can pass this by  
24 acclimation, is that correct? Thank you very  
25 much.

1           Moving to new business, Ordinance Number  
2   3473.

3           MR. McDONALD: I'd like to introduce  
4   Ordinance Number 3473 for suspension.

5           MR. BOLTON: Second.

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

8           MS. EHLERINGER: Ms. Beckenbach?

9           MS. BECKENBACH: Aye.

10          MS. EHLERINGER: Mr. Bolton?

11          MR. BOLTON: Aye.

12          MS. EHLERINGER: Mr. Kesselem?

13          MR. KESSELEM: Aye.

14          MS. EHLERINGER: Mr. Mateyo?

15          MR. MATEYO: Aye.

16          MS. EHLERINGER: Mr. McDonald?

17          MR. McDONALD: Aye.

18          MS. EHLERINGER: Mr. Stephan?

19          MR. STEPHAN: Aye.

20          MS. EHLERINGER: Thank you.

21          MR. McDONALD: I'd like to introduce  
22   ordinance number 3473 for passage.

23          MAYOR LICASTRO: Would you read the  
24   header?

25          MR. MCDONALD: An ordinance amending

1 section 1111.14 and section 1159.04 of the  
2 codified ordinances of the Village of Bratenahl  
3 relating to noncommercial speech and declaring an  
4 emergency.

5           MAYOR LICASTRO: Was there a second on  
6 passage?

7           MR. BOLTON: Second.

8           MAYOR LICASTRO: Discussion? This has  
9 gone through a long process. This is the  
10 culmination of the process. There being no  
11 discussion, roll call on passage, please.

12           MS. EHLERINGER: Ms. Beckenbach?

13           MS. BECKENBACH: Aye.

14           MS. EHLERINGER: Mr. Bolton?

15           MR. BOLTON: Aye.

16           MS. EHLERINGER: Mr. Kesselem?

17           MR. KESSELEM: Aye.

18           MS. EHLERINGER: Mr. Mateyo?

19           MR. MATEYO: Aye.

20           MS. EHLERINGER: Mr. McDonald?

21           MR. McDONALD: Aye.

22           MS. EHLERINGER: Mr. Stephan?

23           MR. STEPHAN: Aye.

24           MS. EHLERINGER: Thank you.

25           MAYOR LICASTRO: Next ordinance 3474 Pay

1 Claims, Mr. Bolton.

2 MR. BOLTON: I'd like to introduce  
3 ordinance number 3474 Pay Claims for suspension.

4 MS. BECKENBACH: Second.

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

7 MS. EHLERINGER: Ms. Beckenbach?

8 MS. BECKENBACH: Aye.

9 MS. EHLERINGER: Mr. Bolton?

10 MR. BOLTON: Aye.

11 MS. EHLERINGER: Mr. Kesselem?

12 MR. KESSELEM: Aye.

13 MS. EHLERINGER: Mr. Mateyo?

14 MR. MATEYO: Aye.

15 MS. EHLERINGER: Mr. McDonald?

16 MR. McDONALD: Aye.

17 MS. EHLERINGER: Mr. Stephan?

18 MR. STEPHAN: Aye.

19 MS. EHLERINGER: Thank you.

20 MR. BOLTON: I'd like to introduce  
21 Ordinance Number 3474, Pay Claims, in the amount  
22 of \$51,240.90, plus payroll, for passage and  
23 declaring an emergency.

24 MAYOR LICASTRO: Is there a second?

25 MR. McDONALD: Second.

1           MAYOR LICASTRO: Discussion or  
2 questions, please.

3           MR. BOLTON: There was an amount on page  
4 2, Scottsdale expenses Bardwell in the amount of  
5 forty-two hundred and some dollars. What is  
6 that?

7           MAYOR LICASTRO: It is the lawsuit in  
8 the Village. And in the last renewal, our  
9 minimum deductible went from 1,000 to 5,000, so  
10 this is under the 5,000 deductible. That's why  
11 it appears here.

12           MR. BOLTON: Thank you.

13           MAYOR LICASTRO: Any other questions?  
14 Mr. Mateyo.

15           MR. MATEYO: There are several items on  
16 the Pay Claims for a specific person, Carol  
17 Paulenski for wine tasting. I just wondered in  
18 light of the audit, couldn't we change it to  
19 entertainment expenses or something so we're  
20 not -- we know what it means. If they don't like  
21 it, can't we change it?

22           MR. BAUMAN: It's for the food. I was  
23 noticing that myself. I was going to make that  
24 suggestion.

25           MR. MATEYO: Entertainment or food. I

1 just think we better not call attention to it.

2 MAYOR LICASTRO: Merele, would you make  
3 note of that?

4 MS. EHLERINGER: What would you like it  
5 to be called?

6 MAYOR LICASTRO: Anything but wine.

7 MR. KESSELEM: Just the catering side of  
8 thing.

9 MR. BAUMAN: Catering is fine.

10 MAYOR LICASTRO: Good point, Mr. Mateyo.  
11 Call it catering. That's what she does.

12 MR. McDONALD: It is called wine tasting  
13 catering.

14 MAYOR LICASTRO: Just forget the wine  
15 tasting. Any other questions on Pay Claims? Mr.  
16 Stephan.

17 MR. STEPHAN: I notice that under  
18 consultants on page 4, Taft Stettinius &  
19 Hollister, the December legal services remains  
20 blank.

21 MAYOR LICASTRO: We did not receive the  
22 invoice until today and didn't have a chance to  
23 review it. It will be on the Pay Claims for next  
24 month.

25 MS. EHLERINGER: Excuse me, that should

1 be January service not December.

2 MAYOR LICASTRO: We just got the bill  
3 this morning. Any other questions?

4 MR. BOLTON: Mr. Mayor, I just noticed  
5 that the last page has the EAP program in it.  
6 And I thought that the Bratenahl, are they  
7 reimbursing?

8 MAYOR LICASTRO: It's an offset. We  
9 received their check, but we have to log every  
10 check that's written, but there is an offset.

11 MR. BOLTON: Thank you.

12 MAYOR LICASTRO: Yes, Mr. Robins.

13 MR. ROBINS: Two questions. One is  
14 under administration Treasure State of Ohio  
15 financial audit was shown amount of \$584.84. Was  
16 that related to the state auditor so this was a  
17 delayed payment?

18 MS. EHLERINGER: : They just haven't  
19 invoiced us for everything. We may receive one  
20 more invoice.

21 MR. ROBINS: And the second question is  
22 on the very last page, page 4, under Eddy Road  
23 note renewal fees, \$3,000 to Squire, Sanders &  
24 Dempsey, it shows three asterisks, which say that  
25 this was offset by donation.

1 MS. EHLERINGER: Mistake. It's four and  
2 we have the final number on that, it was 25.

3 MAYOR LICASTRO: \$2,530.43.

4 MR. ROBINS: Thank you.

5 MAYOR LICASTRO: Any other questions?  
6 There being none, roll call on passage, please.

7 MS. EHLERINGER: Ms. Beckenbach?

8 MS. BECKENBACH: Aye.

9 MS. EHLERINGER: Mr. Bolton?

10 MR. BOLTON: Aye.

11 MS. EHLERINGER: Mr. Kesselem?

12 MR. KESSELEM: Aye.

13 MS. EHLERINGER: Mr. Mateyo?

14 MR. MATEYO: Aye.

15 MS. EHLERINGER: Mr. McDonald?

16 MR. McDONALD: Aye.

17 MS. EHLERINGER: Mr. Stephan?

18 MR. STEPHAN: Aye.

19 MS. EHLERINGER: Thank you.

20 MAYOR LICASTRO: Mr. Bolton has  
21 requested that this body go into executive  
22 session for the purpose of discussion of  
23 personnel. We will do that at the conclusion of  
24 our meeting. But in the interim prior to that, I  
25 should say any questions from Council.

1           MR. KESSELEM: I have one item I'd like  
2 to bring up. And I'm hoping that because we're  
3 just getting into being new Council members we  
4 can get through this and work better as Council  
5 people, but it disturbs me because when I see  
6 emails come across my desk with situations in  
7 regard of the ad hoc committee that has been  
8 brought to our attention to look after a  
9 solicitor, and it's nothing against Adam because  
10 I think he's acted as professional as one can be  
11 for our situation at this time.

12           But I received two emails, one from  
13 Council president and one from the Mayor, saying  
14 that in the Council president's she's pleased  
15 that Council and the Mayor took the initiative to  
16 form a unanimously accepted January Council  
17 meeting ad hoc committee. And the Mayor also  
18 sent one to me that said Council approved the  
19 formation of the ad hoc committee and its purpose  
20 at the same meeting, almost all were appointed to  
21 the committee were present.

22           Now, I know most of the residents. And  
23 I appreciate that O'Brien is here today to  
24 witness our Council meetings and hopefully will  
25 get better as we do it. I want Council and those

1 members of those committees to know that I  
2 personally was not aware of an ad hoc committee  
3 to be chosen to go after this.

4           Now, I understand it's the Mayor's  
5 prerogative to start an ad hoc committee. I  
6 wouldn't be right by just pointing out a problem,  
7 I don't feel, if I can't find a solution for  
8 this. A solution that I would like to have you  
9 entertain is that Council members are allowed to  
10 either become part of an ad hoc committee of your  
11 choice or someone that is their proxy so that we  
12 would also feel reasonably assured that something  
13 is being done in the best manner of our Village.  
14 I would ask that to be considered next time.

15           MAYOR LICASTRO: Thank you, but keep in  
16 mind Mr. Kesselem, as you're aware, Mr. Bolton is  
17 on the ad hoc committee as a representative of  
18 Council and also the other.

19           MR. KESSELEM: Excuse me, Mayor, I  
20 understand that. But Mr. Bolton is one man on  
21 Council, ran for himself for Council. I ran for  
22 Council by myself for you, the residents of the  
23 Village of Bratenahl. I figure it's my  
24 responsibility to do what I've been asked for by  
25 these residents of the Village. That's my

1 concern.

2           The second I would allow, because it's a  
3 two-part program. I offer that as partial  
4 solution. The second is that you become honest  
5 brokers of information. That's as simple as it  
6 is. We are all people working for the Village of  
7 Bratenahl. And if you can be as honest as  
8 possible to know that if you decide you're going  
9 to tell Mr. McDonald or Mr. Mateyo that this is  
10 what you're thinking, we are also members of this  
11 same Council. I can only work the best with all  
12 of us if we are all on the same playing field. I  
13 would appreciate that very much.

14           MAYOR LICASTRO: Certainly. Thank you.  
15 Anyone else?

16           MR. BOLTON: Could I comment on that or  
17 do you want to comment on that?

18           MR. STEPHAN: No, I have a different  
19 issue.

20           MR. BOLTON: I wasn't aware of Mr.  
21 Kesselem's concern about the committee, but I'm  
22 very sympathetic to the view that as a  
23 Councilperson he feels responsible for being part  
24 of the ad hoc committee.

25           Could we ask Mr. Cornett under what

1 circumstances a Council member could attend and  
2 not participate in the meeting so that they be  
3 privy to all the information, some of which is  
4 confidential. Perhaps not answering now, but  
5 after the meeting to the Mayor so that the Mayor  
6 could review.

7 MS. BECKENBACH: Could you answer now?

8 MR. CORNETT: We can discuss it. You  
9 can't have a congregation. First of all, Council  
10 members need to be limited, I guess, to being on  
11 the committee.

12 MR. KESSELEM: I understand that if  
13 Council were to be part of it --

14 MAYOR LICASTRO: Let him respond, Mr.  
15 Kesselem.

16 MR. CORNETT: The reason being is it  
17 will turn into a public meeting, an ad hoc  
18 Council meeting. That being said, also the Mayor  
19 has -- this is the Mayor's prerogative in order  
20 to create that and to pick who may be a part of  
21 that. Now, there's a representative from Council  
22 on that and is going to be a part of that ad hoc  
23 committee.

24 Secondly, Council members are allowed to  
25 attend any public meeting that there may be

1 within the Village as a member of the public.  
2 However, you need to refrain from discussing  
3 public business. You need to refrain from  
4 gathering and holding informal gatherings with a  
5 majority of Council members. Otherwise, it can  
6 be deemed as a public meeting and there are  
7 certain notification regulations associated with  
8 that.

9           So any public meeting held within the  
10 Village, Council members are entitled to attend  
11 and all of them can attend. However, you just  
12 need to refrain from discussing public business  
13 while you're there as a group, I should say. To  
14 the extent information is going to be kept  
15 confidential, then it can be shared with Council  
16 members. Council members are representatives of  
17 the Village and confidential information can be  
18 shared with members of Council. However, it  
19 shouldn't be disseminated outside of Council.

20           MAYOR LICASTRO: Mr. O'Brien, do you  
21 want to comment on the process? Tim has been  
22 kind enough to Chair this for us as he has other  
23 ad hoc committees. Do you want to comment on the  
24 process?

25           MR. O'BRIEN: Sure. Let me tell you a

1 little bit about the timeline. Last Thursday,  
2 which I think was February 11, six of us met and  
3 that included the Mayor, Bill Bolton, Brenda  
4 Brownrigg, John Cairns, Russell O'Rourke and me.  
5 The purpose of that meeting was to do two things.  
6 One was to approve a request for a proposal,  
7 which is an item we sent and are sending to law  
8 firms and individuals who have an expertise in  
9 public law.

10 At that meeting we also determined that  
11 we would set a deadline for these firms to  
12 respond. And that is March 5, which is a Friday,  
13 at 2:00 p.m.. And then on Monday the 8th, the  
14 committee will then gather. And our role there  
15 will be to review the proposals. We're setting  
16 criteria. We've been setting criteria. And then  
17 we're going to select those individuals we  
18 believe are the most likely individuals to  
19 interview with us.

20 Then our first real interview session  
21 will be on March 17. We'll probably have another  
22 one. And we'll probably -- this is a little  
23 premature, but we'll probably -- I sent out nine  
24 RFPs to various attorneys and most of them I  
25 think are responding. I've actually had some

1 people call me and ask for information. Then  
2 we'll decide probably of that group, maybe we'll  
3 see six or seven of those nine, but that's just a  
4 guess. And then we expect, I would think, by  
5 late March to then deliver a decision to the  
6 Mayor, our recommendation to the Mayor, and  
7 that's kind of a timeline.

8           MAYOR LICASTRO: Keep in mind, of  
9 course, that Taft has also been sent an RFP.  
10 Taft has been the law firm here for 40 years, but  
11 they understand there's a process and this is not  
12 something -- it's not unhealthy to review this.  
13 At Mr. Bolton's suggestion, we also sent out  
14 emails to the Council people with a relatively  
15 short timeline asking for additional concerns or  
16 law firms. Mr. Mateyo, for example, recommended  
17 two law firms. One of whom was on our list, one  
18 of whom has been added to our list.

19           And the documents sent by Mr. Stephan  
20 and Mr. Kesselem expressing their concern about  
21 this process were forwarded to Mr. O'Brien and  
22 the ad hoc committee as well. Anyone else?

23           MS. MEADE: Clarification, are ad hoc  
24 committees in general considered public meetings?  
25 And if so, could they be posted on the calendar

1 for the public on the website?

2 MR. CORNETT: They're generally not  
3 public meetings because they are not official  
4 subsets of a municipality. Also, there appear to  
5 be only two public officials on the committee  
6 anyway so because of that, it would not be deemed  
7 a public meeting. It can be open to the public.

8 MAYOR LICASTRO: Keep in mind that this  
9 committee, as all committees and commissions,  
10 will make a recommendation to Council. It's  
11 Council's decision to determine if the individual  
12 chosen or the firm chosen is proper for the  
13 Village. Really, it ends here. And I'm certain  
14 Mr. O'Brien, as he's already done and will  
15 continue to do, will keep us apprised of the  
16 process and any detail that Council thinks are  
17 important.

18 Tim, why don't you forward them the law  
19 firms that have been contacted.

20 MR. O'BRIEN: Sure. I can mention them  
21 right now if you want. Just to give you a little  
22 bit of background, before I came to that meeting  
23 I asked people to come with some ideas. I spoke  
24 to an individual who's retired, a partner from  
25 Jones Day -- or from Squire, Sanders & Dempsey

1 who has a public law background. He thoughtfully  
2 gave me a certain number of recommendations as  
3 did other people in the committee brought forth  
4 recommendations.

5           The list is Ken Fisher of Fisher &  
6 Associates; Margaret Cannon, who is with  
7 Schottenstein, Zox & Dunn; John Gibbon, who is  
8 with Walter & Haverfield; Dave Matty, who's with  
9 Rademaker Matty; Joe Diemert of Diemert &  
10 Associates. I sent two to Benesch Friedlander,  
11 one to Ira Kaplan who is the managing partner,  
12 and Jim Friedman runs their public law practice;  
13 Mike Gareau of Gareau & Associates; Nick York of  
14 Tucker Ellis & West; and certainly to Adam's  
15 firm, to Steve O'Bryan specifically, Mr. Mayor.

16           And then Paul suggested, Paul Stephan  
17 suggested another individual. I certainly sent  
18 out an email to a Tom Colaluca. And if you want  
19 to see the -- the RFP provides all these law  
20 firms pertinent information that they need to  
21 know in order to properly respond to the  
22 proposal. So we're asking for, you know, their  
23 experience in public law and as a solicitor.  
24 We're asking for fee schedules. We're asking for  
25 firm resources, all the normal things that you

1 would see in -- a professional firm would see in  
2 a request for proposal. Already some people have  
3 sent us.

4 MR. KESSELEM: I appreciate it, Mr.  
5 O'Brien. The reason why I bring this up is  
6 because I feel we need to work with better  
7 communication throughout the Village and  
8 throughout us. It's the only way we're going to  
9 be able to manage and govern our Village better  
10 is with communication.

11 MAYOR LICASTRO: And if you have any  
12 knowledge of the law, each and every one of those  
13 law firms, I'm not familiar with the one Mr.  
14 Stephan mentioned, are well-qualified to serve  
15 the Village of Bratenahl's legal needs. Ms.  
16 Robins.

17 MS. ROBINS: At the last Council meeting  
18 when you brought up the ad hoc committee for the  
19 new law director, from what I understand from Mr.  
20 Kesselem, he didn't know anything about that.  
21 And that was his first hearing of it.

22 Was there anybody else on Council that  
23 didn't know about that ad hoc committee? Can  
24 anybody explain why two Council people didn't  
25 know about a committee that was being formed?

1           MAYOR LICASTRO: Perhaps because they're  
2 new to Council. This process is used over and  
3 over again by governmental entities to make  
4 selections of this type. We used a similar  
5 process to decide on Chief Dolbow as the  
6 recommendation for Chief.

7           MS. ROBINS: I wasn't questioning having  
8 ad hoc committees at all. I was questioning why  
9 some members of Council knew about it, but some  
10 didn't.

11           MAYOR LICASTRO: I can't speak to that,  
12 but I can say that it became apparent that the  
13 reappointment of Taft as a law firm was something  
14 that was going to be contentious. That's why the  
15 ordinance was rewritten to only appoint them  
16 through April of this year. Certainly that  
17 necessitates an additional process to find  
18 perhaps a replacement and that's the job we  
19 undertook. Ms. Meade.

20           MS. MEADE: Can I ask it another way?  
21 Within the process of communicating amongst  
22 colleagues and the Mayor, when a decision like  
23 this has been made by the Mayor, do you typically  
24 contact each one of Council and bring them up to  
25 speed? Do you tell president of Council and then

1 it's up on the president of Council to notify  
2 colleagues or what's the typical process?

3           MAYOR LICASTRO: We try to communicate  
4 with all members of this government as often as  
5 possible.

6           MS. MEADE: But if I understood right,  
7 it was kind of under your authority that you had,  
8 you were able to create the ad hoc. So typically  
9 when an ad hoc like with finance is created, once  
10 you make that decision, do you notify every  
11 member on Council? Do you delegate it? Could it  
12 be either way depending on time, priorities, et  
13 cetera?

14           MAYOR LICASTRO: It differs from  
15 situation to situation.

16           MS. MEADE: So there is no process.

17           MAYOR LICASTRO: Certainly, we ask  
18 Council to make a motion to approve it. If there  
19 were objections, they could have voiced it.

20           MS. MEADE: I don't think there was a  
21 motion to approve the ad hoc committee. There  
22 was an ordinance for Taft that was approved. You  
23 can correct me if I'm wrong.

24           MAYOR LICASTRO: I think there was a  
25 motion.

1 MR. McDONALD: There would be no reason  
2 to change the ordinance if we weren't going  
3 through this process.

4 MS. MEADE: But I don't believe there  
5 was a motion to approve the ad hoc committee per  
6 se.

7 MR. McDONALD: We didn't have to.

8 MS. MEADE: But I think he just said it  
9 was approved.

10 MR. KESSELEM: It stated to me, Tom,  
11 that we approved it unanimously.

12 MAYOR LICASTRO: I didn't hear anybody  
13 object.

14 MR. KESSELEM: The reason why it's not  
15 unanimous is I never knew it. Paul never knew  
16 it. Ad hoc was never mentioned to either of us.  
17 I bring this up because it's our first meeting.

18 MR. MATEYO: Second meeting.

19 MR. KESSELEM: This is our second, thank  
20 God, because all month it went really well with  
21 our committees. I think our committees went over  
22 real well. The first Council meeting as you  
23 brought up in your Mayor's reports the land bank,  
24 total surprise to you. This was a total surprise  
25 to me. Would I have said oh, stop that, we can't

1 have an ad hoc committee? No, not at all. It's  
2 a very good method in trying to do it. Could I  
3 have given my two cents worth of what I think we  
4 should do for an ad hoc? That's all I wish that  
5 I would have been able to have.

6 MAYOR LICASTRO: And you have done so  
7 and we appreciate your input. And you'll find I  
8 think having seen this process play itself time  
9 and time again, again you're novice Council  
10 people, you perhaps weren't aware of the option  
11 we have for ad hoc committee. I'm certain once  
12 this very talented group of residents --

13 MR. KESSELEM: I bring it back. It's  
14 not about the ad hoc committee, it's  
15 communication within our Village.

16 MAYOR LICASTRO: You'll find the  
17 recommendation is what it should be and that's  
18 the best for the Village. Mr. Robins.

19 MR. ROBINS: There was a second example  
20 at the last Council meeting, first Council  
21 meeting this year, where at least two Council  
22 members were asked to vote on something that they  
23 had no prior knowledge of. And that was the  
24 budget, the line item budget. And both Mr.  
25 Kesselem and Mr. Stephan abstained and you made

1 some comment about that at the time.

2           And it just seemed highly inappropriate  
3 that something that important wasn't shared with  
4 these gentlemen in a timely fashion. And there  
5 was plenty of time to have done that from when  
6 the original line item budget was put together.  
7 So it's a concern that I have as a citizen that  
8 some members of Council are being denied the  
9 opportunity to represent the people who voted  
10 them in office. So as a matter of practice and  
11 procedure, I'd like to see that acknowledged and  
12 addressed.

13           MR. McDONALD: As the Chair of the  
14 finance committee, I'll take the complete  
15 responsibility for not having a meeting before.  
16 We had a meeting scheduled, we had to cancel it.  
17 We didn't have a meeting before that Council  
18 meeting. We had a meeting last week. We're  
19 going to have another meeting on the 8th of  
20 March. I need to know when your meeting is. And  
21 we'll discuss it there and we'll report it out  
22 for appropriations.

23           MR. ROBINS: I appreciate that you would  
24 want to carry the can for this, but I really  
25 think it was the Mayor's responsibility and the

1 responsibility --

2 MR. McDONALD: As the Chairman of the  
3 finance committee, it is my responsibility.

4 MR. ROBINS: But you weren't Chairman at  
5 the -- you were at the first meeting, but the  
6 information was available prior to that first  
7 meeting.

8 MS. BECKENBACH: Well, now, I don't know  
9 if this is true or not, but my understanding is,  
10 and one of the reasons why we have such a good  
11 Council, is that both -- certainly Mr. Stephan  
12 has been to every finance meeting for at least a  
13 year as far as I recall. So I guess I'm rather  
14 confused as to why suddenly nobody knows  
15 anything.

16 MAYOR LICASTRO: Look, let's not belabor  
17 this point. A recommendation has been made to  
18 communicate better. We think we communicate well  
19 enough. If you don't think we do it better,  
20 we'll try harder.

21 MR. KESSELEM: I think we need to have  
22 it better in the future.

23 MAYOR LICASTRO: And I acknowledge that  
24 and will certainly give it every effort. Thank  
25 you. Yes, Mrs. Robins.

1 MS. ROBINS: According to last summer's  
2 Council minutes, you stated that all the  
3 supporting documentation pertaining to the 35,000  
4 Lillie investigation would be available when the  
5 Falzone trial was over.

6 So are those documents available now as  
7 public records? And if they're not, when will  
8 they be?

9 MAYOR LICASTRO: There's been constant  
10 reference to other documents. The documents I  
11 have seen for the Lillie report are a matter of  
12 public record. Beyond that, I have seen no  
13 further documents.

14 MS. MEADE: Do you have them in your  
15 possession so if one were to ask for all  
16 documents?

17 MAYOR LICASTRO: Ms. Meade, if I had  
18 them in my possession, I would have seen them.  
19 So obviously if I've not seen them, they're not  
20 in my possession.

21 MR. CORNETT: Ms. Meade, I'd like to  
22 address that to the extent that there is a public  
23 record request, submit that to the Village. We  
24 can look at it at that time and respond  
25 accordingly.

1 MS. ROBINS: We did submit it last  
2 summer.

3 MAYOR LICASTRO: And they were given the  
4 report.

5 MR. CORNETT: Correct. We respond  
6 accordingly, the Village responds accordingly to  
7 any public records request that comes into the  
8 Village. And any response to that that are  
9 responsive to the public records request are  
10 provided to the public.

11 MAYOR LICASTRO: Let me say as a  
12 courtesy. You ask that same question every  
13 month. We give the same answer every single  
14 month.

15 MS. ROBINS: Actually, we haven't asked  
16 it every month.

17 MAYOR LICASTRO: Well, it's been asked  
18 many times. You have the Lillie report, we have  
19 the Lillie report, end of story. The matter has  
20 been adjudicated in the courts. We're moving on.

21 MS. ROBINS: I just have one more  
22 question. Will there be a public meeting? You  
23 had referenced a public meeting after the Falzone  
24 trial where you would be able to answer more  
25 questions. Is there going to be a public meeting

1 to do so?

2 MR. CORNETT: Well, I guess a public  
3 meeting, I know that there was talk about trying  
4 to have Judge Lillie come back and answer  
5 specific factual questions or allegations.

6 MS. ROBINS: Wasn't that part of his  
7 contract that he would?

8 MR. CORNETT: No, it was not.

9 DR. SPANO: But he was asked that and he  
10 did agree to that. I asked him that.

11 MR. CORNETT: Then that being said and  
12 to the extent that former Chief Falzone has gone  
13 through trial, faced certain accusation and was  
14 exonerated in the court, any type of public  
15 meeting that may address certain factual  
16 allegations, rumors, speculations in a quorum  
17 that touch on these areas could open the Village  
18 up to potential civil liability.

19 That being said, the Village should not  
20 hold such a public meeting in that regard. Judge  
21 Lillie is of the same opinion and also feels that  
22 any such public meeting can open the Village up  
23 to civil liability.

24 MR. BOLTON: Mr. Cornett, the purpose of  
25 the Lillie investigation was to investigate the

1 evidence room procedures to assure the Village  
2 that they were meeting the best practices. And I  
3 have brought up last spring and before that we  
4 have not received a written report regarding  
5 those practices. I know that the police  
6 department has made efforts to upgrade and change  
7 them, but on the other hand, we paid a lot of  
8 money to make sure we did everything that was  
9 best practices.

10 MR. CORNETT: Correct.

11 MAYOR LICASTRO: I think the Chief  
12 comments that given the parameters established in  
13 the Lillie report, conversations you had with  
14 Dennis Sweet, we have met and exceeded all those  
15 criteria; is that correct?

16 CHIEF DOLBOW: Made public report of  
17 this, yes.

18 DR. SPANO: If I just may say, excuse  
19 me, when Mr. Lillie told us that he would be  
20 willing to participate in that open public forum  
21 that he agreed should take place after the entire  
22 matter was adjudicated, he wasn't speaking as an  
23 attorney and advising you and the rest of Council  
24 accordingly?

25 Where was his failing at that point not

1 to recognize the issue you just brought up?

2 MR. CORNETT: Well, at that time the  
3 trial for Falzone, former Chief Falzone hadn't  
4 occurred. He hadn't been exonerated. These  
5 issues hadn't been brought up. And at this  
6 moment I'm speaking as the Village attorney  
7 making a legal opinion stating this right now  
8 that having such a public meeting, getting into  
9 such speculations and rumors that have been  
10 brought up and people attempted to address that  
11 in various public meetings here, that can open  
12 the Village up to certain civil liability  
13 aspects.

14 DR. SPANO: You're also speaking for Mr.  
15 Lillie you just said; is that not the case?

16 MR. CORNETT: No, I'm not speaking for  
17 Mr. Lillie. Doctor, you can contact Mr. Lillie,  
18 if you would like, and he will most likely  
19 provide you the same answer. However, I can't  
20 speak for Mr. Lillie. He is his own man.

21 DR. SPANO: I thought I heard you say  
22 that Mr. Lillie similarly advised.

23 MR. CORNETT: Doctor, you're misquoting  
24 and taking anything that I've stated out of  
25 context. I said that I spoke with Judge Lillie

1 and that Judge Lillie informed me that he's of  
2 the same opinion. I did not say I was speaking  
3 for Judge Lillie.

4 DR. SPANO: That's fascinating.

5 MAYOR LICASTRO: Is there a motion to go  
6 into executive session?

7 MR. MATEYO: So move.

8 MAYOR LICASTRO: Yes, Ms. Meade.

9 MS. MEADE: Just curious, with your  
10 opinion on the civil liability, was that  
11 anticipated up front and would have been  
12 regardless of the outcome and it would have  
13 created that issue and if you had known that,  
14 would it have been helpful to inform the public  
15 up front that perhaps a public meeting would not  
16 occur because of possible future civil liability  
17 or other litigation, as opposed to kind of  
18 promising the public, delaying it on three  
19 different occasions and now officially denying  
20 the request?

21 MR. CORNETT: I don't think anything was  
22 anticipated in the beginning, especially coming  
23 out of that that former police chief may be  
24 indicted based on some information that may have  
25 been discovered. Nothing was anticipated at that

1 time that the investigation would go through.  
2 You can't anticipate the outcome of a trial,  
3 especially a criminal trial.

4 So that being said, all options can't be  
5 covered in the beginning and all options can't be  
6 dismissed or discussed in the beginning of any  
7 type of procedure. I would say that would be the  
8 answer for this one.

9 MAYOR LICASTRO: Is there a motion to go  
10 into executive session to discuss personnel?

11 MS. BECKENBACH: I move we go into  
12 executive session.

13 MR. KESSELEM: Second.

14 MAYOR LICASTRO: Roll call on executive  
15 session.

16 MS. EHLERINGER: Ms. Beckenbach?

17 MS. BECKENBACH: Aye.

18 MS. EHLERINGER: Mr. Bolton?

19 MR. BOLTON: Aye.

20 MS. EHLERINGER: Mr. Kesselem?

21 MR. KESSELEM: Aye.

22 MS. EHLERINGER: Mr. Mateyo?

23 MR. MATEYO: Aye.

24 MS. EHLERINGER: Mr. McDonald?

25 MR. McDONALD: Aye.

1 MS. EHLERINGER: Mr. Stephan?

2 MR. STEPHAN: Aye.

3 MS. EHLERINGER: Thank you.

4 MAYOR LICASTRO: This is for the  
5 discussion of personnel, we're all clear on that?  
6 Thank you very much for coming.

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