

BRATENAHL VILLAGE  
BRATENAHL VILLAGE HALL  
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BRATENAHL, OHIO 44108  
216.681.4266  
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VILLAGE COUNCIL MEETING

TAKEN:

March 18, 2009

5:30 P.M.

PRESENT:

MAYOR JOHN LICASTRO

MARY BECKENBACH

GREGORY BINFORD

RICHARD SEMERSKY

GEORGE MATEYO

BRENDA BROWNRIGG

ADAM CORNETT, ESQ.

STEPHEN O'BRYAN, ESQ.

Nancy L. Molnar, RPR

1           MAYOR LICASTRO: Okay. It's 5:30. I'd  
2 like to call the meeting to order and have the  
3 clerk call the roll, please.

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

6           MS. BECKENBACH: Here.

7           MR. GALLAGHER: Mr. Binford?

8           MR. BINFORD: He's here.

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

11          MS. BROWNRIGG: Here.

12          MR. GALLAGHER: Mr. Mateyo?

13          MR. MATEYO: Here.

14          MR. GALLAGHER: Mr. Semersky?

15          MAYOR LICASTRO: Mr. Semersky called and  
16 he should be here momentarily. He's stuck in  
17 traffic. We have minutes from both the January  
18 and February meetings to approve. Would someone  
19 make a motion to do so, please.

20          MS. BECKENBACH: So move.

21          MR. MATEYO: Second.

22          MAYOR LICASTRO: Discussion?  
23 Corrections? There being none, all in favor of  
24 the motion, please.

25          Ayes: 4. Nays: 0.

1           MAYOR LICASTRO: Thank you. The Mayor's  
2 Court Report for February, the County Treasurer  
3 received \$695; the Village of Bratenahl,  
4 \$26,323.51; the Treasurer of the State of Ohio  
5 \$4,076, that's a separate payment, additional  
6 payment to the Treasurer \$891; and the Village of  
7 Bratenahl Court Computer Fund, \$1,486. Any  
8 questions on that? Thank you.

9           We have several items of  
10 correspondence. The first of which is, if you  
11 recall, we had a moral claim from Stan Rodiger for  
12 damage done to his property by Perk Construction.  
13 Council, in their wisdom, paid Mr. Rodiger for the  
14 damage. I believe it was in the amount of  
15 \$12,046.72. Our law firm of Taft, Stettinius &  
16 Hollister has been very diligent in pursuing the  
17 insurance company for Perk to make certain that we  
18 were reimbursed for the expense. And just a few  
19 minutes ago I'm happy to say that I received from  
20 Mr. Cornett two checks in the total of \$12,046.72.  
21 So this will go in the general fund. Thank you  
22 very much for your efforts. Pass that to Mr.  
23 Gallagher, he wants the money.

24           MR. GALLAGHER: Thank you, sir.

25           MAYOR LICASTRO: Any questions on that?

1 I also received a notice from NOPEC. NOPEC, of  
2 course, is the consortium with whom we contract  
3 for both gas and electrical supply. We talked  
4 about gas rates in the last couple meetings.  
5 They are saying that their negotiations should  
6 realize savings on electricity in June of this  
7 year, so stay tuned for this.

8           Again, you're part of NOPEC unless you  
9 opt out. If you don't opt out, you're in. And  
10 Bratenahl is one of several communities. I think  
11 it's about 600,000 people are represented by NOPEC.  
12 They do a great job to get us lower rates on both  
13 natural gas and electricity, so look for the  
14 mailing. And with this will come the once a year  
15 opportunity to opt out if you indeed want to pursue  
16 your own supplier. Any questions on that? Thank  
17 you.

18           I just handed to Mr. Bierut the annual  
19 bridge report we get from the county for him to  
20 peruse. Of course, we have three streams, Nine  
21 Mile Creek, Dugway Brook, and Shawbrook. They're  
22 culverts that are the foundation for the bridge  
23 over these streams. The county is responsible for  
24 maintenance of the Nine Mile Creek and the Dugway  
25 Brook culverts and bridge. Shawbrook is a shared

1 responsibility between both the Village and the  
2 county.

3           So I asked Mr. Bierut, our engineer,  
4 to please review that. Nothing was indicated to me  
5 that there's anything that's urgent, but if you see  
6 something I missed, please keep us informed.

7           MR. BIERUT: I will.

8           MAYOR LICASTRO: Thank you. Moving to  
9 Mayor's report. I'm going to just sort of morph  
10 the Leadership Cleveland update and legislative  
11 report, because this month the Leadership  
12 Cleveland class was in Columbus. And we met  
13 with, among other people, Lieutenant Governor Lee  
14 Fisher, state reps, state senators and people  
15 from the budget commission. The topic was about  
16 the budget.

17           (Whereupon, Mr. Semersky entered the  
18 room.)

19           MAYOR LICASTRO: Please note Mr.  
20 Semersky is here. Thank you.

21           The state, of course, and the annual  
22 budget is about seven billion dollars short of  
23 funds, and it was a learning experience for most.  
24 People don't realize that much of what we do in  
25 local communities is mandated by state law. And a

1 lot of the funding we have here also flows through  
2 the state. So as they look to correct if they can  
3 their budget deficit, we are concerned that our  
4 revenue stream is not affected. So far we've had a  
5 minor downturn in local government of about four or  
6 five percent. Other than that, we seem to be  
7 pretty solid.

8 The economy needs to pick up so that deficit is  
9 made less, but right now we'll deal with it. It  
10 was very informative and good for the Leadership  
11 Cleveland class to see what the state government  
12 was about, how they function. We toured the  
13 capital building. It was very informational. Any  
14 questions on that?

15 I mentioned that the Food Bank in  
16 Cleveland, it is a huge factor in making certain  
17 that the homeless and hungry in Northeast Ohio are  
18 fed. I mentioned they disseminate food in the  
19 hundreds of thousands in the course of a year.  
20 Well, as the economy has taken a downturn so,  
21 unfortunately, has the need for them to distribute  
22 food.

23 For example, in the last quarter of  
24 2008, they distributed 27 percent more food than in  
25 the last quarter of 2007. Moreover, in the month

1 of December, distribution was up over 39 percent.  
2 So what they're asking is communities to come  
3 forward and help. Specifically, it's a program  
4 called East/West CAN Quest, can is in capital  
5 letters. And they're asking for communities to  
6 collect can goods either at city hall or service  
7 garage or whatever and bring them to the Plain  
8 Dealer at the end of this month between 6:30 a.m.  
9 and noon.

10 So if anyone would like to contribute  
11 food for this very worthy cause, we'll take the  
12 items here. Again, not perishable, of course, and  
13 impose on Mr. Zalar, Mr. Zalar is in the back  
14 there, our service director, to deliver these items  
15 to the Plain Dealer at the end of the month, so  
16 please help. There's a lot of needy people in the  
17 community and the Food Bank does a tremendous job  
18 to meet their needs. Any questions on that? Thank  
19 you.

20 A couple, three weeks ago we  
21 experienced multiple power outages one evening. I  
22 think we had at least five by my count. That's how  
23 many times I had to set the digital clocks on my  
24 stove and AM/FM radio. I did call the next day and  
25 talk to our CEI rep Doug Hogan and asked him to

1 find out what the cause was. They checked the  
2 entire system and found there was a line on Coit  
3 Road in contact with a tree branch, and the line  
4 has been repaired.

5 Now, a few years ago if we'd lost  
6 power, it would have taken hours, if not days, for  
7 it to come back. The good thing is with the new  
8 system in place, the new equipment, they are  
9 momentary. It came back on. We still had to reset  
10 all of our digital clocks, et cetera, but at least  
11 we weren't worried about losing heat or the food in  
12 our freezers and fridge. So it has been corrected  
13 and I just thought I'd let you know. Dr. Spano

14 DR. SPANO: Mr. Mayor, this is about the  
15 time of year that CEI is to deploy Davey Tree  
16 Service, among others, to attend to those  
17 branches impinging upon the lines. Have they  
18 done so and is this just one they overlooked; or  
19 have they not yet? We're up for that twice a  
20 year survey along with appropriate trimming where  
21 the lines are interfering, where the branches are  
22 interfering with the lines.

23 MAYOR LICASTRO: Doctor, they did a very  
24 extensive trimming in the fall and early winter.

25 DR. SPANO: Last year.

1           MAYOR LICASTRO: That's right. I'm not  
2 sure if that precludes doing it again in the  
3 spring. I'll find out. They spent a lot of time  
4 in the Village trimming trees last fall and  
5 winter, but I'll see if, indeed, we're on the  
6 schedule for spring.

7           DR. SPANO: I know they did, but  
8 obviously they overlooked this one.

9           MAYOR LICASTRO: I think the branch  
10 actually had broken and was partially hanging  
11 down.

12          MALE VOICE: Mayor, they trimmed from  
13 north to south down my driveway extensively.

14          MAYOR LICASTRO: Yeah, they were here in  
15 the Village for weeks doing extensive pruning.  
16 It's a shame sometimes the trees are impacted in  
17 a negative manner, which we're very proud of our  
18 forestry, but again, we have to be certain that  
19 we can have uninterrupted electrical service.  
20 It's a juggling act, but I'll find out again if  
21 we're on line for spring. Mr. Kesselem.

22          MR. KESSELEM: Last year when we had one  
23 of the trees come down on Coit from the Haskell  
24 property over to the other side, it took out or  
25 brought down the line a little bit. It didn't

1 take the power out, but it yanked and a number of  
2 the poles are all leaning now. If you look down  
3 on Coit now, is there a way for CEI to push a  
4 pole back and straighten up and get the lines a  
5 little bit higher, because now the lines are kind  
6 of sagged right between Gibbs and Gallucci's  
7 home.

8           MAYOR LICASTRO: That's pretty much the  
9 area where they had the problem with the branch.  
10 Perhaps they addressed it. I don't know. I can  
11 ask that question.

12           MR. KESSELEM: If you look at Gallucci's  
13 pole, it's leaning the most, but the poles  
14 actually got leaned all the way from Toth's down  
15 to Sidestone almost.

16           MAYOR LICASTRO: That is the stretch.

17           MR. KESSELEM: It yanked the cords all  
18 the way back down.

19           MAYOR LICASTRO: Well, thank you. I'll  
20 mention that to Doug Hogan and have him take a  
21 look at it.

22           MR. KESSELEM: See if there's a method  
23 to push those poles back.

24           DR. SPANO: Is CEI aware of the outages  
25 or did you bring it to his attention?

1           MAYOR LICASTRO: He was aware.

2           DR. SPANO: They are were.

3           MAYOR LICASTRO: I'm not sure they were  
4 aware there were that many. I know there were at  
5 least five, if not six.

6           DR. SPANO: They claim they're aware as  
7 soon as they occur.

8           MAYOR LICASTRO: Dispatch logged in at  
9 least five, if not six. I talked to Doug the  
10 next morning. He knew there were some. I'm not  
11 sure he checked to see how many. They were aware  
12 of them. They do register.

13                   One last thing under Mayor's report.  
14 Monday of this week I attended the mandatory  
15 meeting as a member of the Board of Health. The  
16 Village of Bratenahl is a member of the Cuyahoga  
17 County Board of Health. Villages and townships  
18 belong to this organization. Cities usually have  
19 their own.

20                   And again, the Board of Health does  
21 many things for us here. They do our flu vaccines.  
22 They do our storm water outfall check to see what  
23 the level of bacteria is in our streams as well as  
24 provide a myriad of services for children and our  
25 seniors, et cetera, et cetera. This is the annual

1 report.

2 I have a copy of it. Terry Allen is a  
3 long-term director there and does a marvelous job.  
4 And, of course, yes, they did talk about the  
5 potential of a flu pandemic. I know that that's  
6 something that brings a few chuckles every time I  
7 bring it up, but with the avian flu and great  
8 influenza, it is a grave concern. So they do  
9 monitor and track cases of flu. They work, of  
10 course, with the CBC to make certain that there's  
11 not an outbreak. And hopefully we can delay such a  
12 pandemic. Their verbiage refers to it as  
13 inevitable as the flu virus mutates and gets into a  
14 form that can't be treated by current technology.

15 They will be offering flu vaccines,  
16 but not until October. They just did it last  
17 October. So again, I encourage everyone to  
18 consider taking the service to protect ones health.

19 MR. KESSELEM: Does this also go to the  
20 West Nile virus?

21 MAYOR LICASTRO: That's a good question,  
22 Mr. Kesselem. In the last few years, West Nile  
23 really has not been a grave concern. And rather  
24 than doing a strain program which they had done  
25 for years that causes some consternation with the

1 airborne chemicals. They now react only if they  
2 trap and find mosquitoes who carry the West Nile.

3           Now, West Nile virus is carried by a  
4 certain strain of mosquitoes that actually thrive  
5 in a dryer spring. It seems contrary, because wet  
6 springs pretty much flush them from the catch  
7 basins and streams. It's when we have dry weather  
8 that we get standing water in which this particular  
9 strain of mosquito breeds and can carry the West  
10 Nile. It was a huge deal four or five years ago  
11 and we had several deaths in the Cuyahoga County  
12 area. It's not been a concern of late. I'm not  
13 sure if that's just luck, weather related, but  
14 that's, of course, something else that they provide  
15 service for. Any questions on that?

16           MS. MOSS: I have something to say, Mr.  
17 Mayor.

18           MAYOR LICASTRO: Yes.

19           MS. MOSS: It's just a minor thing, but  
20 I wanted to mention about the electricity that we  
21 had problems in the past. The only time we had  
22 days down was in 1993 when we had 140 mile an  
23 hour wind come in here. And as you remember, we  
24 had a lot of problems with CEI. And it was when  
25 you worked with the doctor here about four or

1 five years ago that CEI finally did what they  
2 were supposed to do, so I just wanted to make  
3 that clear.

4           MAYOR LICASTRO: Thank you. Department  
5 reports. Chief.

6           CHIEF DOLBOW: From February 18 and  
7 March 18, we had nine felony arrests; 17  
8 misdemeanor arrests; 12 warrant arrests; 24 DUS,  
9 driving under suspension arrests; 11 OVI arrests;  
10 47 towed vehicles; 12 motor vehicle accidents; we  
11 had seven false alarm drops; two fire alarms; we  
12 had a total of 31 911 calls, 15 of which were  
13 false, 16 assistance was rendered; and a total of  
14 292 traffic tickets.

15           MAYOR LICASTRO: Thank you very much.  
16 Mr. Jamieson.

17           MR. JAMIESON: Thank you.

18           MAYOR LICASTRO: Mr. Jamieson is our  
19 building inspector.

20           MR. JAMIESON: For the month of  
21 February, there was a total of 12 inspections; 15  
22 contractor registrations; six building permits  
23 issued; and two certificate of occupancies. And  
24 our exterior maintenance program will commence  
25 April 1. And that concludes my report.

1           MAYOR LICASTRO: Thank you, Mr.  
2 Jamieson. Questions? Yes.

3           MS. MEADE: Mr. Jamieson, for the home  
4 inspection program, I know last year some of the  
5 procedures were created and then there was  
6 corrective steps, for lack of a better  
7 description, we discussed, but I don't know if  
8 they got approved.

9                     Can you address if there were changes  
10 to, I guess, follow-up ones at home and homeowners  
11 are cited, was that ever determined?

12           MR. JAMIESON: It took longer for the  
13 ordinance to pass and some other delays that we  
14 have all the notices going out for the first  
15 third of the Village on April 1.

16           MS. MEADE: But the corrective steps,  
17 was the current ordinance or legislation  
18 corrected to reflect these changes that have been  
19 implemented and, if so, could I get a copy of  
20 that?

21           MS. BROWNRIGG: Pat, I think some of the  
22 changes didn't require an ordinance. They were  
23 procedural changes by the building department if  
24 I remember correctly.

25           MR. JAMIESON: Right.

1 MS. BROWNRIGG: There wasn't an  
2 ordinance required.

3 MAYOR LICASTRO: The ordinance  
4 established the process, but the timing is  
5 something we do administratively.

6 MS. MEADE: But penalties and all that,  
7 would that be procedural?

8 MAYOR LICASTRO: No, penalties are in  
9 the ordinance.

10 MS. MEADE: Can I get a copy of the  
11 existing ordinance and any procedures?

12 MR. JAMIESON: We have a litany of  
13 handouts for this program in the building  
14 department and they're also available online.

15 MAYOR LICASTRO: If anyone wants an  
16 ordinance, they're certainly available online,  
17 [www.Bratenahl.org](http://www.Bratenahl.org). There's a link to all of our  
18 ordinances, as well as the Ohio Revised Code and  
19 all kinds of information.

20 MR. JAMIESON: Our guidelines are  
21 available to everyone. We've done a lot of  
22 communicating with the residents in that regard.

23 MR. KESSELEM: Has that link been  
24 updated, though, to the latest?

25 MR. JAMIESON: The latest is the

1 original.

2 MS. MEADE: Do you know what the  
3 ordinance number is so I could look it up?

4 MAYOR LICASTRO: No.

5 MS. MEADE: Does anybody know?

6 MR. JAMIESON: If you call Mary in the  
7 building department tomorrow morning, she can  
8 give you all that. She can answer a lot of those  
9 questions and get you information.

10 MAYOR LICASTRO: 681-3706. Again, the  
11 maintenance program is to encourage homeowners to  
12 do necessary maintenance. It's not meant to be  
13 punitive. There's lots of time in which to  
14 comply with new regulations. Although,  
15 eventually if it's ignored, there are provisions  
16 to bring it to court. Our intent, again, is to  
17 be magnanimous and just to encourage people to  
18 maintain their properties. Mr. Zalar.

19 MR. ZALAR: Just a couple announcements.  
20 Starting April 15, we actually -- this has to do  
21 with our spring cleanup. We used to have it  
22 April 1 to May 1, but we moved it back starting  
23 the 15th, April 15 to May 15, to give people a  
24 little bit better weather and temperature. We're  
25 all geared up and ready to go, so look for the

1 signs out on the corners that we've been posting  
2 over the last couple of times and we'll be ready  
3 for you. That's about it.

4           MAYOR LICASTRO: Thank you, Mr. Zalar.  
5 How much did we end up with leftover salt?

6           MR. ZALAR: Leftover salt, we're going  
7 to start-up next season pretty good as long as we  
8 don't get any more snow. We should have about 90  
9 to 100 ton. So we're in pretty good shape.

10           MAYOR LICASTRO: I've asked Mr. Zalar to  
11 communicate with ODOT. I'm not sure if you saw  
12 this piece in the news, but a lot of communities  
13 are going to be getting their salt supplies from  
14 ODOT, because some communities really struggled  
15 to get the necessary supply this year. We have  
16 our own vendor that's taking good care of us, but  
17 just to be cautionary, I'm asking Mr. Zalar to  
18 contact ODOT and see if we can get a better deal.  
19 Thank you, Mr. Zalar.

20           MR. ZALAR: Thank you.

21           MAYOR LICASTRO: We have a special treat  
22 tonight. We have two of our officers: Mike Ivy  
23 and Rachel Mauk with us tonight to comment on  
24 some of the training that they've been  
25 undergoing. Officers.

1 PATROLMAN IVY: Hello, everybody. I'm  
2 Patrolman Mike Ivy. I've been with Bratenahl  
3 going on almost nine years now. I also work in  
4 the City of Cleveland Municipal Court. In that  
5 time there, one of my jobs was working for the  
6 domestic violence docket, misdemeanor courtroom.  
7 Since that time I went to school and became a  
8 domestic violence instructor to teach domestic  
9 violence.

10 So my job now is to inform my  
11 department and my officers and also we want to get  
12 the Village, the residents, involved in domestic  
13 violence. When you see domestic violence, you  
14 automatically assume you're talking about something  
15 physical, but it goes beyond that point. You have  
16 emotional abuse, financial abuse, psychological  
17 abuse, sexual abuse and it can go on and on and on.  
18 So that is my purpose here is to educate more  
19 people. So if I get more people educated on  
20 domestic violence, then we can reduce the number in  
21 the systems, because if you're a victim, you don't  
22 have to stay a victim.

23 So my job now is to inform everybody.  
24 So we're going to be putting on classes hopefully  
25 really soon to educate our department and hopefully

1 the Village. Thank you.

2           MAYOR LICASTRO: Thank you. Officer and  
3 I have discussed this. We're going to coordinate  
4 with the Rec Commission, Ms. Gallagher, and use  
5 the Community Center as a venue for anyone who  
6 wants to come and be informed. It's a very  
7 serious problem in our society. Any questions of  
8 Officer Ivy? Council?

9           PATROLMAN IVY: I want to share a  
10 statistic that I think I should. In our country  
11 now, one out of every four woman will be a victim  
12 of domestic violence in their lifetime. Out of  
13 that number, 75 percent of Americans know  
14 somebody who is a victim or has been a victim of  
15 domestic violence. That makes us want to get  
16 more involved in this epidemic that we have going  
17 on in our citizens.

18           MAYOR LICASTRO: Mr. Lee.

19           MS. LEE: Are these statistics  
20 pertaining to Bratenahl on domestic violence?

21           PATROLMAN IVY: We're putting together a  
22 list right now. We started doing that yesterday,  
23 doing the statistics within the last five years  
24 of domestic violence we have had in the Village,  
25 so I'll have that number roughly in the next week

1 or so. Yes.

2 MS. BROWNRIGG: Does you a program cover  
3 violence that teens are experiencing now with  
4 dating? That seems to be the largest area of  
5 growth in violence.

6 PATROLMAN IVY: Yes. That's going to  
7 springboard when Patrolman Mauk starts speaking.

8 MAYOR LICASTRO: Excellent segue. Thank  
9 you, Brenda. By the way, for those that have had  
10 the pleasure of coming to our Mayor's Court,  
11 Officer Ivy is very instrumental. In the process  
12 and procedure, he is one of the people that  
13 collects the monies. And I keep telling him if  
14 he'd like a real full-time job, come here to  
15 Bratenahl, we've got one here. The clerk's job.  
16 (Laughter.) Thank you. Officer Mauk.

17 PATROLMAN MAUK: I am Patrolman Rachel  
18 Mauk. I've been with Bratenahl now for six  
19 years. Prior to coming here, I've been a  
20 dispatcher for the City of Maple Heights since I  
21 was 19 years. I still stay employed there part  
22 time, so I've been there 12 years. Even prior to  
23 that, though, I was employed with the City of  
24 Maple Heights Police Department since the age of  
25 13 as a Safety Town supervisor.

1                   Safety Town is a class for kids from  
2 about ages four to seven. And this is where my  
3 interest in these subjects became available to me.  
4 In this training for the preschool kids and  
5 kindergartners, we talk about strangers, good  
6 touch, bad touch, who to go to for help, who to  
7 talk to, what's okay to say, things like that.

8                   When I became 19, I started  
9 dispatching. Through my dispatching classes, I've  
10 been able to take calls about domestic violence,  
11 sexual assaults. A lot of people think the first  
12 responder to a call is a police officer. A lot of  
13 times the first responder to a call is the  
14 dispatcher. How those calls, how the dispatcher  
15 interacts with the person calling a lot of times  
16 sets the pace for the rest of their time together.  
17 Our training that I've received, I also bring back  
18 to dispatchers because of my experience in both  
19 fields.

20                   Through my training here at Bratenahl,  
21 I've become a part of our SART team, the Sexual  
22 Assault Response Team. I've also been able to  
23 become a part of CART, which is Child Abduction  
24 Response Team, as well as a program called Finding  
25 Words, which deals with children abused, whether

1 it's from a family member or not.

2           How all of these subjects fit  
3 together, they're all acts of violence. It's all  
4 personal. I believe it's 93 percent of all sexual  
5 assaults are occurred by somebody the victim knows.  
6 It's not a stranger. It's very seldom a stranger  
7 that they know.

8           Where these programs are coming  
9 together is we're trying to get everybody involved  
10 at the same time, being a part of the Sexual  
11 Assault Response Team. Whether they come to us  
12 first or go to the hospital, the hospitals have  
13 SANE nurses now. These are nurses that are trained  
14 in sexual assault specifically. That nurse is  
15 assigned to that patient for the duration. They  
16 are not allowed to handle anybody else or talk to  
17 anybody else, to give more attention to the victim  
18 of that specific call. From there we work directly  
19 with one prosecutor. They won't be given to  
20 anybody else or spread out this person is too busy  
21 so now I can give your case out to them. It also  
22 brings in advocates from the Cleveland Rape Crisis  
23 Center and many things that can be done in the  
24 community together.

25           There's a lot more people they see

1 that they don't realize. Especially with missing  
2 children I hear a lot, "oh, you live in Bratenahl.  
3 There's no kids there. Oh, there's no violence  
4 there." Obviously people that don't know about the  
5 Village of Bratenahl or where we're located. With  
6 all of our bus stops here, you get kids coming to  
7 and from Cleveland to go to school through our  
8 buses. It would be very easy for one of them to go  
9 missing and nobody notice for a while until the  
10 school day is over.

11 We have our public beaches, we have  
12 our parks, and our woods. Without the help of  
13 somebody noticing something that's unusual, we may  
14 not know something is occurring there.

15 Our Village has dealt with sexual  
16 assault cases over the last five years and we do  
17 have some troubles with juveniles that just aren't  
18 making it right now that they do come and speak  
19 with us and talk with us. Through our training we  
20 have realized that it's become more of a community  
21 problem. You need to go back to the Village raises  
22 a child, the Village raises a family. That's why  
23 you wanted to begin our classes of how you can get  
24 involved. Whether or not people want to come just  
25 to become informed, see what they can do; or if

1 they want to come to start becoming helpful, phone  
2 chains, fliers, anything of that sort.

3           MAYOR LICASTRO: Thank you, Ms. Mauk.  
4 Any questions of Officer Mauk? As I mentioned,  
5 Officer Ivy is a part-time officer. Rachel is a  
6 full-time officer. As a matter of fact, she is  
7 the first full-time female hire in the history of  
8 the Village. And both these officers do a great  
9 job. Thank you very much. (Applause).

10           Moving to Committee reports. Finance.

11           MS. BROWNRIGG: Finance Committee met on  
12 March 11. Present were myself, Mr. Semersky, Tom  
13 McDonald, Jim Gallagher, John Licastro, and  
14 several residents. The agenda items were the  
15 discussion of final appropriations for our  
16 budget; a line item development for legal  
17 expenses related to public document requests; a  
18 rate increase for the Chagrin Valley engineering  
19 firm that we use for engineering work.

20           The Committee reviewed recommendations  
21 from the Village clerk to finalize appropriations  
22 for 2009. Preliminary appropriations are due in  
23 January of each year so the Village can operate  
24 normally prior to the approval of final  
25 appropriations, which must be done by Council no

1 later than the end of March of each year.

2 A general fund increase was approved  
3 by ordinance in January to allow a tow release  
4 charges to be appropriated. A fund had been set up  
5 to receive revenue that is levied against vehicles  
6 when they are towed. And we have to appropriate  
7 this account so that we can spend the money. You  
8 can't spend money unless the items are  
9 appropriated. So that was done in January by  
10 ordinance. And that had to be added formally to  
11 the final appropriations.

12 A line item for the police department  
13 had to be increased by \$9,000 to cover the cost of  
14 our participation in the LEADS program. This is  
15 the mandatory system that allows us to run license  
16 plates and check for criminal activity during  
17 traffic and arrest situations. The expense was  
18 omitted by error when the preliminary budget was  
19 prepared.

20 A line item for police salaries had to  
21 be adjusted to properly report \$1,098, which was to  
22 go to the Ohio Police and Fire Fund. The Chagrin  
23 Valley Engineering Company submitted a rate  
24 increase for contract and consultation work. It  
25 was the first increase requested by Chagrin Valley

1 since 2005. And it's estimated to result in an  
2 increase in 2009 of approximately \$1,244, which is  
3 less than four percent.

4           The Committee approved a new line item  
5 for \$13,100 to track legal expenses related to  
6 public document requests. One resident requested  
7 information on why public document requests would  
8 generate legal expenses. The Committee advised  
9 that the rapid increase in document requests in  
10 2008, and the manner in which some requests were  
11 made had generated dialogue with our legal counsel  
12 for direction and advice on procedure and  
13 confidentiality. Methods of reducing these costs  
14 were recommended by several residents, including  
15 obtaining legal advice during Council meetings, and  
16 restricting the attorney's authority to responding  
17 only to members of Council and the Mayor; not  
18 allowing direct contact by residents as had  
19 happened in 2008. The latter suggestion had  
20 already been put into place.

21           The Committee advised that no one  
22 resident or group was being singled out as having  
23 created the need for tracking this expense, which  
24 grew significantly in 2008. We also assured  
25 residents that the dollar amount appropriated was

1 not intended to limit the number of document  
2 requests that could be accommodated. The  
3 appropriation only covers legal expenses associated  
4 with document requests, not the document requests  
5 themselves.

6 \$42,362 was appropriated for the  
7 DOPWIC loan, a restricted public works account for  
8 which money had already been transferred.

9 The final appropriations for 2009 were  
10 approved at \$4,481,672, which is within our  
11 estimated resources limit. The meeting was  
12 adjourned at approximately 6:45.

13 MAYOR LICASTRO: Thank you. Questions  
14 from Council? Yes, Ms. Meade.

15 MS. MEADE: To clarify, Brenda, from  
16 that meeting, is it fair to say that when a  
17 public record request is made that it's up to the  
18 Mayor to determine whether or not legal counsel  
19 needs to review the request?

20 MS. BROWNRIGG: I would think that would  
21 be fair of all requests. That would be a fair  
22 statement of anything that goes through legal.

23 MAYOR LICASTRO: Well, the clerk is also  
24 involved. A lot of the requests are made of Mr.  
25 Gallagher. And if there's any doubt, we refer

1 them to the attorneys to make certain that it is  
2 indeed a matter of public record.

3 MS. MEADE: So it's administration's  
4 decision?

5 MAYOR LICASTRO: Yeah. Well, we forward  
6 it. The attorneys make the decision, but it's  
7 our decision to forward it to them, yes.

8 MS. MEADE: Thank you.

9 DR. SPANO: Another point that was  
10 raised that I didn't notice in the minutes, was  
11 since we have the benefits of counsel at all  
12 these meetings, tonight we have the benefit of  
13 two, as well as the media, we had made the point  
14 that we should take advantage of that and save on  
15 expenses and ask for opinions and advice right  
16 then and there so that these questions could be  
17 aired in a public forum and obviate the need to  
18 go through the channels of writing it out, having  
19 it reviewed by an attorney and all the expense  
20 rather than having it being so reviewed right  
21 here under the retainer.

22 MS. BROWNRIGG: Dr. Spano, the methods  
23 of reducing these costs were recommended by  
24 several residents, including obtaining legal  
25 counsel during Council meetings and, of course,

1 the rest of it, so that was the intent of that.

2 That was the summary of that.

3 DR. SPANO: So as I recall, I know we  
4 said that, but we made recommendation that that  
5 would be a wise thing to do in an effort to save  
6 money and at the same time get the legal opinion  
7 and also get the answer to the question when it's  
8 posed in a public forum.

9 MAYOR LICASTRO: Keep in mind that you  
10 have to be careful of legal advice off the cuff.  
11 Sometimes there is necessary research that can't  
12 be done at a moment's notice. And these good  
13 gentlemen have to refer to other cases and  
14 documents to come up with a decision.

15 DR. SPANO: In cases where that's not  
16 necessary, though, we certainly can use this  
17 methodology and save ourselves a lot of money.  
18 Would you agree?

19 MAYOR LICASTRO: One would hope.

20 MS. MOSS: I have a question.

21 MAYOR LICASTRO: Yes, Ms. Moss.

22 MS. MOSS: First of all, I have a slight  
23 complaint. The microphones are there. We cannot  
24 hear you back here. So if the Council members,  
25 would please use the microphones so we can hear?

1           MAYOR LICASTRO:  Actually, Ms. Moss,  
2  this is a recording system only.  There's no  
3  speakers.

4           MS. MOSS:  Well, we used to have it.  
5  Four years ago we bought microphones for every  
6  Council member and even the audience.  What  
7  happened to them?

8           MAYOR LICASTRO:  These are the  
9  microphones.  We don't have a speaker system.  
10 This just records the meeting.

11          MS. MOSS:  I know, but I was on Council  
12 and we used them in order to magnify into the  
13 room.  They're gone, or you don't use them for  
14 that purpose anymore?

15          MAYOR LICASTRO:  We never purchased  
16 speakers.  We purchased the microphones so we  
17 could record the meeting.

18          MS. MOSS:  I just thought that we held  
19 and I even passed it around.

20          MAYOR LICASTRO:  I think that there was  
21 a misconception that there was a system in place.  
22 There isn't.

23          MS. MOSS:  Well, I was there.  I was on  
24 Council.  All right.  Let's not go any farther.  
25 I have a question regarding the Finance Committee

1 meeting. I still am not clear on it and I did  
2 ask Ms. Brownrigg. There were two situations.  
3 The one, and correct me, I thought that you  
4 stated that the villagers went directly to the  
5 Village solicitor without going through Council  
6 and the Mayor and that they were the charges that  
7 were increased.

8           And I brought it to your attention,  
9 but I didn't think that the villagers were allowed  
10 to call directly to counsel without permission from  
11 the Mayor and Council members. Now, maybe I  
12 misheard you or could you explain that, please.

13           MS. BROWNRIGG: My notes summary here,  
14 and I do want to berate this, this is a summary,  
15 indicated that the recommendations were made to  
16 keep Villagers from contacting legal counsel  
17 directly, and that that had already been  
18 implemented. And I believe that last year when  
19 the contact was made, it was on at least one  
20 occasion haphazardly done, not with the intent of  
21 contacting legal counsel, but by a CC on an email  
22 which required counsel then, of course, to read  
23 it. And then we were, of course, charged with  
24 that.

25           There was at least that one incident

1 and I'll not familiar with every incident that may  
2 have generated that, but that conversation did come  
3 up and we just close it out after much discussion  
4 by indicating that we'd already put that into  
5 place. And I made specific indications on more  
6 than one comment in that meeting that this line  
7 item was not generated by the request of any one or  
8 more persons, but that we were understanding that  
9 we are incurring legal expenses related to these  
10 incidences, because the number of requests for  
11 documents had increased dramatically last year, and  
12 that we are making sure that our procedure was  
13 correct and that we were respecting confidentiality  
14 where it was required by law.

15 MS. MOSS: The second question was did  
16 you keep track, I didn't hear the answer at that  
17 meeting, the question was asked, because of the  
18 BCI investigation and the private investigation,  
19 how much of those legal fees were because of  
20 those two particular investigations?

21 MS. BROWNRIGG: The papers that I passed  
22 out at that meeting track the legal fees  
23 associated with BCI, also associated with the  
24 investigation regarding the police situation, but  
25 we included the line item only for the public

1 records request, because most of the other two  
2 items that were on the documentation pretty much  
3 wound up in January, except for BCI. And because  
4 we don't know where BCI is taking us, and the  
5 bulletin board, the billboard situation, we did  
6 not make an appropriation for that until we could  
7 get some idea of what direction those situations  
8 are going in, because we could grossly over or  
9 under-appropriate depending on where they went.  
10 So we decided we'd modify appropriations later  
11 once we got information about where they're  
12 going.

13 MS. MOSS: Do you have a hard number as  
14 to what it's cost us so far?

15 MS. BROWNRIGG: Yes, I passed that out  
16 at the meeting.

17 MS. MOSS: What is it?

18 MS. BROWNRIGG: I don't have that with  
19 me.

20 MS. MOSS: You have no idea how much  
21 these two investigations have cost us for our  
22 legal fees beside the 24,500 that we paid?

23 MS. BROWNRIGG: Right now for those two  
24 particular line items, no, I don't. If you need  
25 that information, I can get it to you.

1 MS. MOSS: Well, I think this audience  
2 would like to have that.

3 MS. BROWNRIGG: Not a problem.

4 MALE VOICE: May I ask a question,  
5 please?

6 MAYOR LICASTRO: Yes.

7 MALE VOICE: Do you normally have this  
8 kind of two major TV stations at your normal  
9 meetings?

10 MAYOR LICASTRO: No.

11 MALE VOICE: Why is it here?

12 MAYOR LICASTRO: That's a question I'm  
13 sure we can't answer. Maybe they can.

14 MALE VOICE: I'd like to ask you,  
15 gentleman, what brought you here?

16 MALE VOICE: We were sent here by our  
17 television station. We're going to do our job.

18 MALE VOICE: Do we have to let you in?

19 MALE VOICE: It's a public meeting.

20 MAYOR LICASTRO: Thank you. Public  
21 Improvements.

22 MS. MEADE: Just a quick question.  
23 Brenda, did I understand right as an email is  
24 sent to legal counsel, then they do bill the  
25 Village for reading it?

1 MS. BROWNRIGG: If they read it, yes.

2 MS. MEADE: Thank you.

3 MAYOR LICASTRO: Public Improvements.

4 MR. SEMERSKY: Public Improvements met  
5 on March 2 in a joint meeting with legislation.  
6 And Mr. Mateyo is giving that report, sir.

7 MAYOR LICASTRO: Legislative.

8 MR. MATEYO: A joint Legislative  
9 Committee and Public Improvements Committee  
10 meeting was held on March 2. Committee members  
11 present: Mary Beckenbach, Rick Semersky, Greg  
12 Binford, Brenda Brownrigg, and Mayor John  
13 Licastro. Guests presents were Bill Holsman from  
14 Sign-Lite; Ray Batice from MetroMedia Technology;  
15 and Jordan Berns, an attorney with Berns, Ockner  
16 & Greenberger.

17 The information-gathering meeting was  
18 held to discuss the Bratenahl sign code ordinances.  
19 I have the three numbers, Pat, if you need the  
20 ordinances themselves. There have been a number of  
21 meetings held previously to discuss MetroMedia  
22 Technology/Sign-Lite signs on Sign-Lite's property  
23 with facings both easterly and westerly at a height  
24 of approximately 64 feet. This 64-foot height may  
25 be decreased, according to MetroMedia, to

1 approximately 45 feet.

2 In July of 2008, the Planning  
3 Commission held a meeting to discuss and consider  
4 the implications of such signs and the validity of  
5 our Bratenahl sign ordinances. Mr. Batice, the  
6 gentleman from MetroMedia Technology, was asked if  
7 it were possible for MetroMedia to present drawings  
8 or a model as to how the signs would look from Eddy  
9 Road southbound, and coming from east and west on  
10 I-90. What would various Bratenahl residents see  
11 from wherever they were.

12 Mr. Batice indicated that could and would be done.

13 Mr. Berns and Mr. Baske explained the  
14 project and the possibility of a future income  
15 stream flowing to the Village of Bratenahl from  
16 revenues generated to Sign-Lite by MetroMedia.  
17 Obviously, all the signs are subject to various  
18 laws of the State of Ohio.

19 There were many good questions from  
20 many interested Bratenahl Villagers in attendance  
21 regarding next steps, approval process, revenue  
22 generation, and calendar issues. Meeting was  
23 adjourned at 6:47. It will be taken up again on  
24 Monday, April the 6th.

25 MAYOR LICASTRO: Thank you, Mr. Mateyo.

1 Any questions, Council? Ms. Meade.

2 MS. MEADE: Not so much a question, but  
3 in your minutes, I don't know if I missed it. Is  
4 it fair to characterize that also with residents  
5 questions that they also voiced concerns against  
6 billboards?

7 MR. MATEYO: I didn't hear that at all.  
8 I'm being facetious. Absolutely, yes, there's  
9 great concern. It affects all of us. It affects  
10 our life and our living. I do think we have to  
11 be very careful as to what we may or may not be  
12 able to do versus what or what we may not like.  
13 We have to be very careful with the ordinances.  
14 There are three of them as they pertain to  
15 Bratenahl signs and how we may discuss the legal  
16 ramifications and implications with Sign-Lite and  
17 MetroMedia.

18 MR. KESSELEM: George, if you might have  
19 a chance, I don't know who it would be involved  
20 in the Village to get the information from all  
21 that, but the street lights that are in the  
22 center of the I-90, if somebody can find out what  
23 that height dimension is of a street light there,  
24 it might even give villagers a better idea of  
25 what that footage is that they're going to be

1 looking at.

2 MR. MATEYO: In my discussions with  
3 basically the attorneys, my thought is they ought  
4 to be able to make a drawing no matter where you  
5 are of what visually you're going to see. It  
6 doesn't have to be a perfect photograph, but it  
7 seems to me going south on Eddy, what are you  
8 going to see right at the overpass? Where is it  
9 going to be? And the big thing to me is what is  
10 the content of that billboard likely to be?  
11 Because I think we don't want, you know, I can't  
12 define it, but I know it when I see it. I don't  
13 think we want that up 64 feet high.

14 MR. KESSELEM: I don't think you get a  
15 chance or a choice about what content is going to  
16 be on there. I think it's more going to be a  
17 concern of just signs.

18 MR. MATEYO: I understand. If we can  
19 get it down to 45, I don't know, but so far.

20 MR. KESSELEM: Getting a good rationale  
21 of visually what's there on the street now, they  
22 can give everybody a good idea of what is 45-foot  
23 tall.

24 MR. MATEYO: Exactly.

25 MAYOR LICASTRO: I think those light

1 poles are taller than 65 feet.

2 MR. KESSELEM: That's why I think  
3 somebody from our government, our Village, can  
4 find out better.

5 MAYOR LICASTRO: Our engineer can get  
6 that for us. Don, would you please? Laura.

7 MS. BACCI: I would just like to have  
8 the record note that those kinds of things should  
9 be at the expense of the person requesting those  
10 billboards. It seems to me in the first go round  
11 our planner did an awful lot of homework for the  
12 Planning Commission, but, again, it should have  
13 been at the expense of the people.

14 MR. MATEYO: I agree. Good point.

15 FEMALE VOICE: George, what about the  
16 volume of light? How much light? Are they going  
17 to give us an idea of that?

18 MR. MATEYO: That we absolutely have to  
19 have. That affects maybe not at noon, but at  
20 midnight that affects the visibility.  
21 Absolutely.

22 MAYOR LICASTRO: Kate.

23 MS. ROBINS: George, in the meetings  
24 before the meeting that you held, just the visual  
25 aspect was not the only issue, it was safety. It

1 was Bratenahl's commitment to Green Space, light  
2 pollution. It wasn't just a not-in-my-backyard  
3 deal. There were many, many letters. I think  
4 there were over 120 letters from residents that  
5 went on the record, so I don't think that it  
6 should be just about a visual thing.

7 MR. MATEYO: I never indicated that it  
8 should be just that. It seems to me that's one  
9 way of saying show us how it looks. You can  
10 write all kinds of letters you want, but unless  
11 you know what it looks like, I think that's  
12 important. So yes, we had the letters, but we  
13 have to start someplace.

14 MS. ROBINS: Could I further that and  
15 say why are we even discussing billboards when  
16 the Village has an ordinance against them? I've  
17 never really understood why it's just not a moot  
18 point.

19 DR. SPANO: That was key at that  
20 meeting. We put the cart before the horse.  
21 Everyone in the room, not a single person in the  
22 room wanted the ordinance tested. We were  
23 talking about size of signs and illuminants and  
24 all that what's going on. We have an ordinance  
25 against it. In fact, when I asked an attorney

1 was he aware of the ordinance before he entered  
2 into an agreement, he admitted he was.

3           The obvious question is why did he  
4 bother entering into an agreement then and then  
5 make the problem ours? We have an ordinance  
6 against that. We should not be sitting here  
7 talking about -- I don't know what's going to  
8 happen on April 6, but before we start getting into  
9 what the sign ought to look like, we ought to talk  
10 about whether or not they should have a sign. As  
11 far as I'm concerned and many, many other  
12 villagers, I haven't heard one otherwise, other  
13 than Mr. Holsman. They feel we should not have  
14 one.

15           MS. BROWNRIGG: Mayor, 120 residents and  
16 there was a room full of people saying we don't  
17 want this and almost with the assumption that  
18 Council did want it for some reason. I don't  
19 know why they assumed that. But the problem is,  
20 as I stated at that meeting, if this was a  
21 situation where a lawsuit could file as you said  
22 from them or from the Village. There are an  
23 awful lot of villagers that we have to be able to  
24 explain why we spent possibly upwards of \$100,000  
25 on legal fees for a case we may have already

1 known we couldn't win.

2           We have to go through a certain amount  
3 of due diligence and look at everything involved  
4 with this, because no matter what we do, someone is  
5 going to be unhappy. So we're just doing, I feel,  
6 our job.

7           DR. SPANO: I think you're getting ahead  
8 yourself when you say that and none of that  
9 report really touches on that.

10           MS. BROWNRIGG: I'm just speaking to  
11 that one portion.

12           DR. SPANO: I'm only speaking to the  
13 report.

14           MAYOR LICASTRO: Ms. Beckenbach.

15           MS. BECKENBACH: My understanding is,  
16 and correct me if I'm wrong, the attorney for the  
17 Sign-Lite group requested to come before the  
18 Legislative Committee to talk about this issue.  
19 We have a duty, as Council people, to honor that  
20 request. That's part of our role. And I  
21 understand that's what you did.

22           MR. MATEYO: Correct.

23           MS. BECKENBACH: Thank you.

24           MALE VOICE: I'm Arnie. I don't believe  
25 that you can govern or we can govern this Village

1 in fear of litigation.

2 MS. ROBINS: Here, here.

3 MALE VOICE: Because this is a litigious  
4 society. And who knows where it's going to come  
5 from next. So I really think that this whole  
6 argument -- and I understand the kind of people  
7 we're dealing with and I understand that they can  
8 sue, but on the other hand, other people can sue,  
9 too. So you cannot run this government on the  
10 basis of fear of litigation.

11 MS. BROWNRIGG: I don't think that's  
12 what I'm saying.

13 MALE VOICE: But that's what I'm  
14 hearing.

15 MS. BROWNRIGG: I'm saying that we have  
16 the responsibility to know what all the options  
17 are and know what all the potential fallout would  
18 be from any one option, because, again, the  
19 litigation can come from either side. Nobody is  
20 going to make a decision here that's going to  
21 make everybody happy.

22 DR. SPANO: Brenda, what I'm not hearing  
23 is that your primary responsibility is to enforce  
24 and uphold the law as it's currently written.  
25 It's not to sit here and try to change the law

1 because somebody is suggesting a Sign-Lite.  
2 That's a burden that's upon him. We're here to  
3 uphold those laws.

4 MS. BROWNRIGG: We also have to be  
5 responsible with how this law and everything else  
6 is going to effect everything else associated  
7 with running this Village.

8 DR. SPANO: As Arnie said, you would be  
9 completely stymied if you take that into account  
10 each and every time. It makes no sense to do  
11 that.

12 MR. BINFORD: In answer to Arnie's  
13 question, I understand exactly what you're  
14 saying, Arnie. We're not operating in fear of  
15 litigation, but we are trying to operate in a way  
16 that if that litigation comes, we're not giving  
17 them bullets in the way we handled this that they  
18 can shoot back at us. That's all.

19 MAYOR LICASTRO: And litigation often  
20 occurs when someone is denied the process. The  
21 landmark case in Mayfield Village with the Best  
22 Buy or whatever that building was there that was  
23 built, really the large reason why the settlement  
24 against Mayfield Village occurred with damages in  
25 the tens of millions of dollars is the courts

1 decided the individual was denied the process.  
2 The resident had a request to be heard. It  
3 allowed the process to have that happen.

4 DR. SPANO: But there was no process.  
5 You can say the legislative meeting, he didn't  
6 discuss the legality of the law or what he  
7 intended to do to argue his point. He came and  
8 he talked about how big the sign is going to be  
9 and how wide it's going to be and how many lights  
10 it's going to be. It made no sense whatsoever.  
11 He's getting ahead of himself. And you're  
12 letting him get ahead of himself.

13 Plus, we've got an ordinance on the  
14 books. The burden is on him and his attorney.  
15 That's the process he needs to go through, not tell  
16 us what he's going to build before we give him  
17 permission to do so. That makes no sense to me  
18 whatsoever. You have a duty to us, because we are  
19 being held accountable to the current laws on the  
20 books. So your duty is to uphold those laws, not  
21 to entertain this man's willing desire to violate  
22 the law.

23 MAYOR LICASTRO: The process involves  
24 listening.

25 FEMALE VOICE: I was wondering if the

1 Village is not making a fatal mistake in making  
2 itself more vulnerable by not keeping the issue  
3 black and white as is stated. And I'm wondering  
4 if anybody on Council or the Mayor has gotten  
5 legal advice to find out if your entertaining  
6 this individual by listening to them, they can  
7 come back and whip us in the face.

8 MR. MATEYO: I specifically asked the  
9 Mayor to request counsel to be there that night  
10 and they were.

11 DR. SPANO: They did not offer any legal  
12 advice.

13 MR. MATEYO: I didn't expect them to  
14 offer legal advice at that time.

15 DR. SPANO: It's a Legislative  
16 Committee. All right.

17 MAYOR LICASTRO: Dr. Secura.

18 DR. SECURA: I missed your meeting. I'm  
19 sorry I wasn't there. Someone correct me if I  
20 didn't read this right, but I think there's two  
21 communities now in this local area that's  
22 suspended these kind of signs. One is Cleveland,  
23 I don't remember the other one. Are you aware of  
24 that?

25 MR. MATEYO: Yes.

1 DR. SECURA: And then I don't know, I  
2 came in from somewhere around 91 one night late,  
3 and there's some sign up here somewhere near 99th  
4 Street that I understand its height is being  
5 proposed, and I thought it was the ballpark. It  
6 was so bright. These high definition type sign  
7 have a tremendous amount of lumens. And I don't  
8 see the reason that we should change our  
9 ordinance at all.

10 MR. MATEYO: No one, no one is  
11 mentioning anything about changing any ordinance.  
12 That was never discussed in the meeting. There  
13 was no comment. There was no question. It was  
14 never mentioned.

15 FEMALE VOICE: What are we doing with  
16 all this?

17 MR. MATEYO: We're being requested by  
18 Sign-Lite, MetroMedia Technology that they want  
19 to do it.

20 FEMALE VOICE: They want to do the --

21 MR. MATEYO: They want to put a sign up.

22 MAYOR LICASTRO: Two.

23 MR. MATEYO: They want to put two signs  
24 up. My going through the ordinances, they have a  
25 due process. I'm trying to say here's the due

1 process. I think I know where it's going to  
2 resolve. We have to go through the due process.  
3 Doctor, I don't think you'd do an examination,  
4 operate on a patient unless you take a history.  
5 All we're trying to do is take a history.

6 DR. SPANO: But you're taking it out of  
7 order. That's the only point I'm making.

8 MAYOR LICASTRO: This will be an ongoing  
9 dialogue. Mr. Mateyo mentioned April 6.

10 MR. KESSELEM: Is there like a time  
11 frame that Council has an idea that there's going  
12 to be an endgame to this? At what meeting  
13 Council Committee group is going to say enough's  
14 enough?

15 DR. SPANO: What's April 6?

16 MR. MATEYO: I guess I'd go to counsel  
17 and see. The good thing is this, and I don't  
18 mean it directly against you, the longer it goes  
19 on, the less the sign is going to be up.

20 DR. SPANO: So you're already -- you're  
21 conceding that we are going to have a sign.

22 MR. MATEYO: I never said that, sir.

23 DR. SPANO: It's implicit.

24 MR. MATEYO: No, it's not. You read  
25 that into it. It's not implicit in any way.

1           MAYOR LICASTRO: All right. Community  
2 Affairs. Yes, Ms. Moss.

3           MS. MOSS: From what I'm hearing is that  
4 we have already a law. Somebody is challenging  
5 the law. But you've opened up the door and say,  
6 well, maybe if it's 30 feet, if it's 40 feet, if  
7 it's 20 feet and even if you would say yes, we'll  
8 let a 25-foot street sign be in, you open the  
9 door to a 50-foot sign, 100 foot, whatever there  
10 is, you're going to have a battle.

11           I think that you better listen to what  
12 the villagers want. I don't care if you have to  
13 take a straw poll. If 70 percent of the villagers  
14 say no, you have to listen to the villagers. If 70  
15 percent of the villagers know that we could be sued  
16 and say go ahead, you should listen to the  
17 villagers, because we have elected you to go by  
18 what we think.

19           One voter could raise a question, but  
20 if you have a high percentage that say we don't  
21 want to do it because we have Green Space, because  
22 it's air pollution, all these pollutions, all these  
23 other reasons that have been given by this Village,  
24 we have always stood for that in Bratenahl.

25           So I am just saying that the longer

1 you delay, the more you fool around, I think you  
2 open yourself up to more than if you would just  
3 make the decision and go ahead with that decision.

4 MR. MATEYO: Good point.

5 MR. ROBINS: Just a point of  
6 clarification. I've read the governing  
7 ordinance, but I thought you referred to three  
8 ordinances that were impacting this.

9 MR. MATEYO: Yes, 1161.06, 1159.04,  
10 1111.14, all three of which are on the Bratenahl  
11 website.

12 MR. ROBINS: Just a question, I didn't  
13 hear anything about the Planning Commission. I  
14 understand that this went to the Planning  
15 Commission first and then was referred in a  
16 Council meeting to Public Improvements, but that  
17 wasn't my understanding a legal place for it to  
18 go, so legislative is appropriate and, hence, the  
19 joint Public Improvement/Legislative meeting, but  
20 what acknowledgment was there to all the work and  
21 the inputs that took place at the Planning  
22 Commission?

23 MAYOR LICASTRO: Mr. Binford, do you  
24 want to recap?

25 MR. BINFORD: After four meetings, the

1 Planning Commission recommended to pass the  
2 resolution not to take any action which would in  
3 any way change or alter the existing litigation,  
4 period.

5 MR. ROBINS: Okay.

6 MAYOR LICASTRO: Thank you. Community  
7 Affairs.

8 MS. BECKENBACH: Community Affairs did  
9 not meet.

10 MR. BINFORD: Safety didn't meet.

11 MAYOR LICASTRO: Community Affairs.

12 MS. BECKENBACH: Community Affairs did  
13 not meet, but I'm pleased to announce that the  
14 Cuyahoga Solid Waste District has awarded the  
15 Village a \$3,500 grant to continue the  
16 educational process concerning recycling. We  
17 will be publishing an informational piece  
18 regarding recycling and it will be mailed out in  
19 April or May.

20 And then I also would like to announce  
21 that the New Avenues to Independence has nominated  
22 the Village of Bratenahl for the 2009 Community  
23 Builder Award. The Community Builder Award  
24 recognizes towns whose commitment and creativity  
25 builds communities that fully include and value

1 people with disabilities. City of Bratenahl,  
2 including Mayor John Licastro, the Village Council  
3 and the Bratenahl Community Foundation, have  
4 demonstrated the understanding that when we make  
5 the community better for all citizens, we make it  
6 better for individuals.

7 I'd just like to read one more  
8 paragraph. In 1991, New Avenue to Independence  
9 opened a group home in the City of Bratenahl, and  
10 currently, eight women with disabilities call  
11 Bratenahl their home. Bratenahl is a city ahead of  
12 its time. Although other communities often  
13 hesitate to embrace individuals with disabilities  
14 living in their communities, Bratenahl serves as a  
15 model for inclusivity.

16 And the remainder of this nomination  
17 form and the report will be in the Lamplighter this  
18 coming issue. Thank you.

19 MAYOR LICASTRO: If you attend Village  
20 functions, you know these women. They come to  
21 breakfast with Santa, brunch with the Easter  
22 Bunny, they vote. They're really viable and  
23 active members of our community and we welcome  
24 their presence. It's really good news. It's at  
25 the far east end of the Village, probably only

1 three or four from the Village easterly border.  
2 It sits overlooking what used to be White City  
3 Beach. It's red brick with a front porch.

4 MR. ROBINS: It's right besides the  
5 house with the lions.

6 MAYOR LICASTRO: Mr. Dornback.

7 MR. DORNBACK: I have a question on  
8 public safety if I may just ask you or the  
9 president of Council. Are the officers going to  
10 be using bikes this summer to patrol the streets?

11 MAYOR LICASTRO: We've discussed that  
12 with Acting Chief Dolbow. The answer to that is  
13 yes.

14 MR. DORNBACK: Good.

15 MAYOR LICASTRO: Ms. Meade.

16 MS. MEADE: The report you just read  
17 off, would you make that available to More  
18 Bratenahl as well?

19 MS. BECKENBACH: This here? Sure, but  
20 you can't have this one because it's all chopped  
21 up.

22 MAYOR LICASTRO: Dr. Secura.

23 DR. SECURA: Mary, any report back on  
24 the recyclables?

25 MS. BECKENBACH: No, we don't know for

1 six months. That seems to be the -- by driving  
2 around there seems to be a lot of green cans out  
3 there, so I'm rather pleased and they all seem to  
4 be very full. Obviously the goal is to increase.

5           MAYOR LICASTRO: Ms. Beckenbach and I  
6 have been speaking to Allied Waste. Initially,  
7 if someone didn't have the can properly placed,  
8 they wouldn't pick it up. Now they've determined  
9 to pick it up and have us deal with the issues  
10 after the fact that there were some residents  
11 that had two or three weeks go by and had their  
12 full cans not properly disposed of. So now  
13 they're picking it up and really the number of  
14 incidents we've had has diminished. Ms. Bacci.

15           MS. BACCI: I know you worked real hard  
16 on this recycling thing, but I'm going to keep  
17 pushing until it goes a little further. I think  
18 cardboard is a huge percentage of our waste. I  
19 tried to get some figures from the county.

20           MAYOR LICASTRO: They take cardboard,  
21 Laura.

22           MS. BACCI: They do?

23           MS. BECKENBACH: It's in the pamphlet  
24 that was mailed out to you in December and coming  
25 out again in the spring listing everything they

1 take. Cardboard is one.

2 MAYOR LICASTRO: What's really nice, of  
3 course, is you can co-mingle. You don't have to  
4 separate. So, Laura, how much cardboard have you  
5 thrown out?

6 MS. BACCI: I don't throw it away. I  
7 take it somewhere else.

8 MAYOR LICASTRO: Mr. Kesselem.

9 MR. KESSELEM: I know, Mary, you put a  
10 lot of time and effort into this. In your next  
11 circular that you put out with the recycling and  
12 for garbage pickup, if you put something in that  
13 would be a courtesy for the rest of the villagers  
14 that when garbage is picked up, the following day  
15 those cans should be removed.

16 MS. BECKENBACH: I agree with you 100  
17 percent.

18 MAYOR LICASTRO: That's a matter of  
19 ordinance.

20 MR. BINFORD: There will be a reminder.

21 MAYOR LICASTRO: Ms Meade.

22 MS. MEADE: That triggered a question.  
23 I had some residents ask me certain questions  
24 about the program. And I don't know if this is  
25 true or not, but maybe you can address it. I

1 understand that there's some people on -- I  
2 believe it's Burton that may not be able to wheel  
3 their trash containers.

4 MS. BECKENBACH: We've taken care of  
5 that.

6 MS. MEADE: There's also some people I  
7 believe it's in Newport or the Hanna Lane areas  
8 that also have that same need and they're  
9 actually paying people. So if we're offering it  
10 to some residents, can we offer it to all?

11 MS. BECKENBACH: If people let us know,  
12 we will take care of it.

13 MAYOR LICASTRO: Given our limited  
14 resources, we will try to help as many people as  
15 possible.

16 MS. MEADE: Do you understand you help  
17 some, you have to help all.

18 MAYOR LICASTRO: If they let us know, we  
19 respond. We have to be careful that we don't end  
20 up doing it for the whole Village because six  
21 guys on service can only do so much.

22 MS. MEADE: I hope residents don't take  
23 advantage.

24 MS. BECKENBACH: Please let me know who  
25 they are and their phone number and I will make

1 the call.

2 MS. MEADE: Thank you.

3 MAYOR LICASTRO: Recreation Commission.  
4 Ms. Gallagher.

5 MS. GALLAGHER: Things at the recreation  
6 center are going well, with the exception of  
7 this: We had a minor event this past Sunday with  
8 a minor who stole a hide a key that we had. It  
9 was this past Sunday. I called the Bratenahl  
10 Police. And I have to say that by the time I  
11 walked one flight of steps, we had three police  
12 cars there. It was a matter of seconds. The  
13 kids came in, nothing was taken, they were simply  
14 there to play basketball.

15 The one youth who was from Bratenahl  
16 actually admitted to stealing the key. He gave it  
17 back to us and then not a problem, but I just  
18 wanted to say I really appreciate them reacting.

19 MAYOR LICASTRO: Just for the record,  
20 Ms. Gallagher, we only have three patrol cars so  
21 the entire force responded to you. (Laughter.)

22 MS. GALLAGHER: They were there very  
23 quickly. Also, the Easter brunch with the Easter  
24 bunny is coming up and it's set for Saturday  
25 April 11 at 10:00 a.m. All Bratenahl residents

1 and their families are invited. Breakfast starts  
2 at 10 and the egg hunt is immediately following  
3 from 11 to 12. And this is a free event for all  
4 residents.

5 The Memorial Day parade and program is  
6 set for Monday, May 25. The parade steps off at  
7 10:00 a.m. with the program at Village Hall  
8 immediately following. This year a group of  
9 courageous individuals stepped up to the plate to  
10 help with the parade. They wanted to step it up a  
11 bit. So we'll have some help this year.

12 We have three concerts in the park:  
13 June 18, July 16, August 20. Again, so that will  
14 occur. And other than that, we're on budget and on  
15 track and that concludes my report.

16 MAYOR LICASTRO: Did you mention we also  
17 have a key note speaker for Memorial Day.

18 MS. GALLAGHER: Oh, I'm sorry, yes.

19 MAYOR LICASTRO: The Colonel, I think  
20 it's Hoskins from DCMA, who is a Colonel.

21 MR. GALLAGHER: He's back? Hoskins is  
22 back?

23 MAYOR LICASTRO: I might have the wrong  
24 name. Lieutenant Colonel, whatever his name is,  
25 has volunteered to be our key note speaker. It's

1 very important to have someone from the military  
2 to have speak.

3 MR. KESSELEM: Is there anything for  
4 Memorial Day that are going to tell people in the  
5 Village of servicemen that are in the Village  
6 that are serving right now?

7 MAYOR LICASTRO: That's a good question.  
8 We honor the ones that have given the ultimate  
9 sacrifice. We can see if that information is  
10 available.

11 MS. BECKENBACH: We did that last year.

12 MS. BROWNRIGG: Stephanie, were you able  
13 to line up the speaker about the recycling  
14 program? I'm recycling challenged. And I  
15 started watching my garbage, because I don't know  
16 what we have to do to put it in there. I think  
17 it would be nice to have someone in to answer our  
18 questions about recycling.

19 MS. GALLAGHER: I could probably do  
20 that. I have not done that. We had two other  
21 speakers before you had brought that up. I  
22 definitely have it kind of on my to-do list. It  
23 hasn't been scheduled, but I'm sure we can have  
24 it done.

25 MAYOR LICASTRO: Did you mention that

1 Beth Mooney spoke to us week before last?

2 MS. GALLAGHER: I mentioned that last  
3 month. Our first Bratenahl forum speaker was  
4 Beth Mooney, second vice-chair of Key Corp. She  
5 did a fabulous job. The event was well-attended  
6 and we look forward to the next one, and it will  
7 be date to be determined. The speakers are still  
8 deciding what dates.

9 MAYOR LICASTRO: If you want a garden  
10 plot, unless they're already all gone.

11 MS. GALLAGHER: Garden plots are all  
12 gone at this point. If you want one next year.

13 MAYOR LICASTRO: The Food Bank does take  
14 extra produce, so keep in mind if you don't know  
15 what to do with those tomatoes, you can give them  
16 to the Food Bank. Thank you, Ms. Gallagher.  
17 Planning Commission.

18 MR. BINFORD: Planning Commission met on  
19 February the 25th. Present were members Broer,  
20 Binford, Licastro and Dave Dornback. There was  
21 only one item on the agenda. That concerned a  
22 proposed home located in the Hamlets. The  
23 location would be 120 Hamlet Court. The building  
24 we went through, walked through the plans and  
25 renderings and the architectural drawings and

1 looked at it. They appeared to conform with the  
2 existing structures that are already there. This  
3 is, in essence, just an additional one unit.

4 We took no action on the proposal. We  
5 referred it to our building department and to our  
6 outside zoning consultant, D.B. Hartt & Associates,  
7 and that was the only action that was taken.

8 MAYOR LICASTRO: Thank you, Mr. Binford.  
9 Shade Tree Commission.

10 MS. BECKENBACH: The Shade Tree  
11 Commission met. Ronni was going to mail me or  
12 get me the minutes and she did not, but I  
13 understand that, Jim, you have the report.

14 MR. GALLAGHER: Yes. I spoke with Ronni  
15 this afternoon. She has some notes she'd like me  
16 to pass on. I know there are many of you who  
17 keep her in your thoughts and prayers. She  
18 remains incredibly upbeat. She's a remarkable  
19 woman. We're lucky to have her.

20 First of all, we've been inundated  
21 with ads for something called Arbor Guard, which is  
22 supposed to knock out the Emerald Ash Borer that  
23 we've been blighted with. She spoke to our  
24 arborist, Alan Seaward. And he said it's not quite  
25 as good as they crack it up to be and we're just

1 going to do what we've always done, which is keep  
2 an eye on our ash trees and as they go south,  
3 replace them with maples.

4           As you all know, we have been  
5 designated a Tree City USA. And on April 14 there  
6 will be an award ceremony. Right now we have two  
7 reservations that Ronni paid for herself for  
8 herself and President Beckenbach to attend this to  
9 get our flags and plaques. As the budget for the  
10 Shade Tree Commission is rather lean, I'd like to  
11 offer to pick that up at the clerk's expense if  
12 Council would approve that, please.

13           MAYOR LICASTRO: Is there a motion to do  
14 so?

15           MR. BINFORD: So move.

16           MR. MATEYO: Second.

17           MAYOR LICASTRO: Any discussion? All in  
18 favor of the motion.

19           Ayes: 5. Nays: 0.

20           MR. GALLAGHER: Thank you. She made  
21 mention of the Shade Tree budget. She's given  
22 that to Mary at the level of \$25,000. She knows  
23 that the ordinance that we're prepared to pass  
24 tonight is \$20,000 for that line item, so she has  
25 a backup and she'll share that with us later.

1                   She would like the Mayor to proclaim  
2 this coming Mother's Day weekend, May 8 to the  
3 10th, another Arbor Day Weekend and encourage  
4 residents during that weekend to plant trees or  
5 whatever they think will be lovely in their yards.  
6 And if you do that, we're likely to be a Tree City  
7 USA again next year. And she also would like to  
8 make comment on the Shade Tree Commission  
9 responsibility with the Rodiger property. And she  
10 says that their position is to advise on all public  
11 property trees. And Council needs to decide some  
12 things to let service know what they're doing so  
13 that they know what they can do.

14                   And her suggestions are that as the  
15 places are to remain natural, the only things that  
16 should be subject to periodic service department  
17 removal are man-made debris. The only trimming  
18 that should go on is along the sidewalks to  
19 accommodate free walking. And any man-made  
20 trimming that comes from CEI cutting around the  
21 wires and whatnot should be picked up by service,  
22 but at a depth to be determined by Council. And  
23 that ends Ms. Hlad's report.

24                   MS. BECKENBACH: If I may.

25                   MAYOR LICASTRO: Sure.

1 MS. BECKENBACH: I spoke with the  
2 Western Reserve Land Conservancy. And the  
3 Village has the -- under the CELCP funding we  
4 have the authority from the funding to go into  
5 the properties that are Green Space and that are  
6 now part of the Village and to clean out dead  
7 debris, which means tree trunks that have fallen  
8 and broken branches and that kind of thing.

9 MR. GALLAGHER: We have the authority,  
10 but the Shade Tree recommendation is as a natural  
11 setting those things occur naturally and it  
12 shouldn't be put on the service department to  
13 clean those out, it should remain that way.

14 MAYOR LICASTRO: Just this afternoon I  
15 met with Keith Sutton, who is a resident that  
16 lives on the lane behind Brenda's house. He is a  
17 Village forester, certified, and he would like to  
18 meet with Community Affairs to discuss an  
19 approach to the properties where the invasive  
20 species can be removed. The canopy can be made  
21 more free and more light come through. And he is  
22 offering his expertise for free and says that  
23 there are grants available to pay for the work  
24 that needs to be done.

25 Now, this, of course, has to be

1 coordinated with the Council, with Western Reserve  
2 Land Conservancy, with CELCP, but he's dealt with  
3 those agencies before. He would very much like to  
4 do it as a courtesy to the Village and because of  
5 his love of the Green Space. His plan is to come  
6 up with a program long-term for beautifying those  
7 properties to keep them green and natural.

8 FEMALE VOICE: We have a problem on that  
9 property. The land Conservancy.

10 MAYOR LICASTRO: Which one?

11 FEMALE VOICE: Dale/Ross. There's a  
12 beaver there and he is chopping down trees.

13 MR. KESSELEM: He's left our property  
14 and has gone to yours. I'm all right with that.

15 FEMALE VOICE: Someone has put chicken  
16 wire around the trees that he is going after, but  
17 is there somebody that we can get to get rid of  
18 the beaver? You need to come see these trees  
19 that this beaver, it's at Dugway Creek.

20 MAYOR LICASTRO: Thank you. We'll check  
21 that out. Some people would like us to remove  
22 the beaver, some would not. I think it left Coit  
23 and went there.

24 FEMALE VOICE: I'm just saying because  
25 these trees are being knocked down.

1           MR. KESSELEM: But there is a problem  
2 with that. There is an Ohio ordinance that says  
3 you can't touch them.

4           MAYOR LICASTRO: I think they're a  
5 protected species.

6           FEMALE VOICE: Well, I'm not saying  
7 let's kill him. (Laughter.)

8           MAYOR LICASTRO: Moving to new business,  
9 a motion to advertise for used police vehicles  
10 for sale, please.

11          MR. BINFORD: So move.

12          MAYOR LICASTRO: Is there a second?

13          MS. BECKENBACH: Second.

14          MAYOR LICASTRO: Jim, details on this,  
15 please.

16          MR. GALLAGHER: We have two old cars.  
17 They need to be sold.

18          MAYOR LICASTRO: And we need to  
19 advertise to do so. It's amazing what people pay  
20 for these used police vehicles. It's always  
21 startling. When will that be in the paper, Jim?

22          MR. GALLAGHER: We've got the mock-up ad  
23 ready to go, so we'd like to get the advertising  
24 out of the way so we have bids in and be able to  
25 sell them at the next Council meeting.

1           MAYOR LICASTRO: All in favor of the  
2 motion.

3                   Ayes: 5. Nays: 0.

4           MAYOR LICASTRO: Thank you. Mary  
5 ordinance number 3444, please.

6           MS. BECKENBACH: I'd like to introduce  
7 ordinance number 3444 for suspension, an  
8 ordinance to make appropriations for current  
9 expenses and other emergencies and declaring an  
10 emergency.

11           MR. BINFORD: Second.

12           MAYOR LICASTRO: Roll call on  
13 suspension, please.

14           MR. GALLAGHER: Ms. Beckenbach?

15           MS. BECKENBACH: Aye.

16           MR. GALLAGHER: Mr. Binford?

17           MR. BINFORD: Aye.

18           MR. GALLAGHER: Ms. Brownrigg?

19           MS. BROWNRIGG: Aye.

20           MR. GALLAGHER: Mr. Mateyo?

21           MR. MATEYO: Aye.

22           MR. GALLAGHER: Mr. Semersky?

23           MR. SEMERSKY: Aye.

24           MR. GALLAGHER: Thank you.

25           MS. BECKENBACH: I'd like to introduce

1 ordinance number 3444 for passage.

2 MR. BINFORD: Second.

3 MAYOR LICASTRO: Discussion? This was  
4 summarized in Ms. Brownrigg's finance report.  
5 Yes, Ms. Meade.

6 MS. MEADE: Question for Brenda. On  
7 page 2 just to clarify on the top item when we  
8 talk about the parks and recreation, it's got  
9 190,000, are you looking?

10 MAYOR LICASTRO: Yes, that's correct.

11 MS. MEADE: When we talked about the  
12 budget, I wasn't sure. I know we -- I thought it  
13 was approved like 152 and some thousand. So does  
14 this difference, is that the unappropriated  
15 dollars that might have been there in case they  
16 needed it for like the boiler or other things or  
17 I wasn't sure where the difference was, if I  
18 missed it.

19 MR. GALLAGHER: It's the difference  
20 between what their budget is and what the CER  
21 says they'll bring in. Their budget is -- as it  
22 turns out, it's going to be helpful if we have  
23 major boiler problems, but it wasn't set aside  
24 specifically for the boiler. They came up with a  
25 budget. We have a certain figure that we can

1 expect an income and we appropriated that figure.  
2 They don't have to spend it all. They don't  
3 expect to spend it all. That will be carried  
4 over into their budget next year.

5           MAYOR LICASTRO: If we don't appropriate  
6 it, they can't spend any of it.

7           MS. MEADE: So the difference is a  
8 projected CER amount is what I'm hearing.

9           MR. GALLAGHER: Correct.

10          MS. MEADE: Thank you.

11          MAYOR LICASTRO: No further questions?  
12 Roll call on passage, please.

13          MR. GALLAGHER: Ms. Beckenbach?

14          MS. BECKENBACH: Aye.

15          MR. GALLAGHER: Mr. Binford?

16          MR. BINFORD: Aye.

17          MR. GALLAGHER: Ms. Brownrigg?

18          MS. BROWNRIGG: Aye.

19          MR. GALLAGHER: Mr. Mateyo?

20          MR. MATEYO: Aye.

21          MR. GALLAGHER: Mr. Semersky?

22          MR. SEMERSKY: Aye.

23          MR. GALLAGHER: Thank you.

24          MAYOR LICASTRO: Ordinance number 3445,  
25 please.

1 MR. BINFORD: I'd like to introduce  
2 ordinance number 3445 for suspension, an  
3 ordinance to Pay Claims in the total amount of  
4 \$118,679.52.

5 MS. BECKENBACH: Second.

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

8 MR. GALLAGHER: Ms. Beckenbach?

9 MS. BECKENBACH: Aye.

10 MR. GALLAGHER: Mr. Binford?

11 MR. BINFORD: Aye.

12 MR. GALLAGHER: Ms. Brownrigg?

13 MS. BROWNRIGG: Aye.

14 MR. GALLAGHER: Mr. Mateyo?

15 MR. MATEYO: Aye.

16 MR. GALLAGHER: Mr. Semersky?

17 MR. SEMERSKY: Aye.

18 MR. GALLAGHER: Thank you.

19 MR. BINFORD: I'd like to move for  
20 passage of ordinance number 3445.

21 MS. BECKENBACH: Second.

22 MAYOR LICASTRO: Questions or  
23 discussion? There being none, roll call on  
24 passage, please.

25 MR. GALLAGHER: Ms. Beckenbach?

1 MS. BECKENBACH: Aye.

2 MR. GALLAGHER: Mr. Binford?

3 MR. BINFORD: Aye.

4 MR. GALLAGHER: Ms. Brownrigg?

5 MS. BROWNRIGG: Aye.

6 MR. GALLAGHER: Mr. Mateyo?

7 MR. MATEYO: Aye.

8 MR. GALLAGHER: Mr. Semersky?

9 MR. SEMERSKY: Aye.

10 MR. GALLAGHER: Thank you.

11 MAYOR LICASTRO: It's Council's  
12 intention to adjourn to executive session to  
13 discuss pending litigation. Before we do so,  
14 there were some written questions submitted to us  
15 regarding the Chief and the investigation.  
16 Again, keep in mind that there is an ongoing BCI,  
17 Bureau of Criminal Identification and  
18 Investigation process that still could perhaps  
19 lead to criminal charges. That limits what we  
20 can say and limits the open forum I know some of  
21 you are very anxious to have.

22 Now, the investigations, Lillie's  
23 lasted about four months. BCI has lasted longer  
24 than that. Moreover, keep in mind that Chief  
25 Falzone was a 40-year police officer, 14 years of

1 which were here as Police Chief. And in spite of  
2 the serious problems that were in the report, it's  
3 noted that Paul Falzone kept this Village safe.

4 And that being said, we have to be  
5 very careful what could be said in open forum to be  
6 certain that we're not violating his rights or the  
7 investigation itself. However, that being said, we  
8 have several copies of the response to the written  
9 questions that were reviewed, yes by the attorneys,  
10 to be certain that they didn't put anything about  
11 Falzone or the Chief or the investigation in  
12 jeopardy. We have some copies here that you can  
13 have. Yes, Ms. Meade.

14 MS. MEADE: If we have additional  
15 questions that haven't been asked, will you take  
16 them once you come back from executive session?

17 MAYOR LICASTRO: We really prefer them  
18 to be in writing. That way we can look at them  
19 and make sure we meet the legal tenets.

20 MS. MEADE: Outside of the  
21 investigation?

22 MAYOR LICASTRO: We are going to come  
23 back into open session.

24 MS. MEADE: Will you take those  
25 questions?

1           MAYOR LICASTRO: I don't think Council  
2 intends to have an open forum regarding the  
3 investigation into Paul Falzone. When BCI is  
4 done with their process, certainly we understand  
5 there will be remaining questions. It's our  
6 intention at that time when able to have an open  
7 forum to discuss the issues and answer whatever  
8 questions we can.

9           MS. MEADE: I have questions not  
10 investigation related that I would like to ask.  
11 So I'm asking once you get out of executive  
12 session, will you come back and answer those  
13 questions at that time?

14           MAYOR LICASTRO: I guess we'll have to  
15 see where we are at that time.

16           MS. MEADE: My last question is you keep  
17 stressing about putting questions in writing.  
18 It's my understanding, correct me if I'm wrong,  
19 legal counsel, that according to the Sunshine  
20 Laws where we don't have to put them in writing.  
21 We should be able to ask them, is that a fair  
22 comment? Section 125.02 in your own ordinance  
23 states that.

24           MAYOR LICASTRO: Again, the fact that  
25 there's an ongoing criminal investigation really

1 is unique to this situation. And we're just  
2 trying to be cautious as a courtesy to Paul  
3 Falzone and the investigators themselves.

4 DR. SPANO: They're asking questions  
5 about the internal investigation of Lillie that  
6 we paid for. So again, it's a matter of  
7 providing a free flow of information unimpeded,  
8 not in any way affected by legal counsel and  
9 putting a slant on it in a public forum.  
10 Spontaneous reaction to an investigation that  
11 started out in an open forum fashion, but now  
12 ends up cloaked in this secrecy by what seems to  
13 be an administrative cabal quite frankly.

14 MAYOR LICASTRO: I couldn't more  
15 disagree with your statement. Let me make  
16 something clear. Excuse me, there is no slant.  
17 The report is what it is. And you've already  
18 read the report I assume. I'm talking about the  
19 investigative report. And given the fact again  
20 that there's a criminal investigation, I ask that  
21 you temper your concern and be a bit more  
22 patient. BCI hopefully will be done in the next  
23 few weeks. We don't know that, that's  
24 conjecture. Once we get to endgame and BCI ends  
25 their investigation we will have a forum, we'll

1 answer whatever question we can.

2 DR. SPANO: Can you tell us what that  
3 cost, the legal status related to those responses  
4 right there?

5 MAYOR LICASTRO: I don't know. I  
6 haven't gotten the bill yet.

7 DR. SPANO: Well, you seem to have the  
8 bill at the tip of your tongue by questions asked  
9 by Ms. Meade.

10 MAYOR LICASTRO: Since this was drafted  
11 and finished today, we haven't received the  
12 invoice yet.

13 DR. SPANO: This had been going on for  
14 quite sometime.

15 MAYOR LICASTRO: How many revisions did  
16 we make today?

17 MALE VOICE: I'd like to see what you  
18 want to know. Why don't you write out all the  
19 questions that you want to have answered so as a  
20 citizen I can understand what you're talking  
21 about, because all you do is talk about the  
22 coverup. What are the questions you want to  
23 have? I don't know what your questions are. Can  
24 you write them down and distribute them around?

25 MALE VOICE: Why do they have to be

1 written down? Why does the solicitor have to  
2 take the place of the Mayor? Why can't the  
3 questions be answered in an open forum?

4           MAYOR LICASTRO: Because there's an  
5 ongoing criminal investigation, which we have to  
6 be very cautious given that process.

7           MALE VOICE: Mr. Mayor, I have a lot of  
8 very interesting questions, but I would prefer,  
9 because I don't like this circus of the news  
10 media on these types of meetings. They're not  
11 invited. I don't know why they have to be here.  
12 All of a sudden this issue has brought about this  
13 constant surveillance by the news media.

14           MAYOR LICASTRO: We did not invite the  
15 media, but it is a public forum. They're allowed  
16 to come.

17           FEMALE VOICE: This is a public meeting.

18           MAYOR LICASTRO: We're going to  
19 distribute these.

20           MS. MOSS: Mr. Mayor.

21           MAYOR LICASTRO: Our intention is not to  
22 get into a forum regarding this. Please honor  
23 that request for the reasons I mentioned. I  
24 think it makes perfect sense. There's copies of  
25 these available. I would like to entertain a

1 motion.

2 MS. MOSS: Mr. Mayor, I have a question  
3 that's not pertaining to the investigation.

4 MAYOR LICASTRO: Yes, Ms. Moss.

5 MS. MOSS: The questions that many  
6 villagers have is your responsibility in all  
7 this. If the Police Chief is there, you are the  
8 Police Chief's boss. You sat next to him all  
9 those years. Many of this, this is what many of  
10 the questions are. It's not regarding Chief  
11 Falzone, it's the responsibility of the  
12 administration of the Village, so that is what  
13 we're interested in. (Applause.)

14 MALE VOICE: That's absolutely right.

15 MAYOR LICASTRO: The question is asked  
16 and answered in this document.

17 DR. SPANO: Why would that have any  
18 affect on Chief Falzone? You can answer that  
19 right now.

20 MAYOR LICASTRO: You know something, the  
21 trouble is once you start this dialogue, it's  
22 hard to stop it. Again, read this. You'll see  
23 the responses in writing, including that  
24 question.

25 DR. SPANO: You know something else is

1 this administration is imposing on the public  
2 becomes a greater and greater distress and that's  
3 why the media is here.

4           MAYOR LICASTRO: Your impatience is  
5 disturbing. It's out of place. It's out of  
6 order. Given that, I need a motion to go into  
7 executive session.

8           MS. BECKENBACH: I so move.

9           FEMALE VOICE: We have one more  
10 question. I would like to know where this room  
11 is located from which all of this is missing. I  
12 just wondered the location of the room from which  
13 all this is missing. Is it in the building?

14           MAYOR LICASTRO: It's in the basement,  
15 yes. Is there a motion?

16           MS. ROBINS: I have a question.

17           MAYOR LICASTRO: Is there a motion to go  
18 into executive session?

19           MS. MEADE: There's another question.

20           MAYOR LICASTRO: Does it pertain to the  
21 investigation?

22           MS. ROBINS: No it doesn't.

23           MAYOR LICASTRO: Yes, Ms. Robins.

24           MS. ROBINS: Thank you for turning  
25 around. Are you going to go in executive session

1 now and leave us all waiting here and then we get  
2 to ask our questions about other topics?

3 MAYOR LICASTRO: Well, whether you stay  
4 around or not, we have to go into executive  
5 session.

6 MS. ROBINS: Well, can't you do it after  
7 the whole crowd has asked their questions instead  
8 of making us all wait here for you?

9 MAYOR LICASTRO: Well, if the questions  
10 pertain to the investigation.

11 MS. ROBINS: No, they don't.

12 MAYOR LICASTRO: Well, what other  
13 questions do you have?

14 MS. MEADE: Okay. If residents want to  
15 stop by and see you, do you have office hours  
16 and, if so, what are they?

17 MAYOR LICASTRO: I'm here some days and  
18 not others. I don't keep set office hours, but  
19 I'm available through Merele.

20 MS. MEADE: So they can't just show up?

21 MAYOR LICASTRO: You can take your  
22 chances and show up, but I'm not here on an  
23 everyday basis.

24 MS. MEADE: In December's Council  
25 meeting, there was a three percent increase that

1 was approved for dispatchers, police officers and  
2 the service workers. Are those the only  
3 employees that receive a raise for this year?

4 MS. BROWNRIGG: No. Generally what we  
5 approved for the police contract applies for all  
6 Village employees.

7 MS. MEADE: Does that apply to the  
8 Mayor?

9 MR. GALLAGHER: No. The elected  
10 officials are not covered by that.

11 MS. MEADE: Then my question is if it  
12 applies to all employees, why that wasn't stated  
13 at that Council meeting? And is it by ordinance  
14 you have to approve those three specific groups?

15 MS. BECKENBACH: You presented that in  
16 your minutes at that particular meeting because I  
17 remember that.

18 MS. BROWNRIGG: Exactly. Generally, we  
19 have to do it by ordinance to answer that  
20 question, because they are safety employees, et  
21 cetera. But it has been traditional and I don't  
22 know if it's by ordinance that the cost that we  
23 approve for an increase in the police department  
24 generally applies for all of the personnel such  
25 as the clerk and the building department.

1           MR. GALLAGHER: The assistant clerk, not  
2 the clerk.

3           MS. BROWNRIGG: The assistant clerk, I'm  
4 sorry. The clerk is an elected official.

5           MS. MEADE: In the future, for  
6 residents, would you add that extra line in case  
7 I missed it that it applies to all other  
8 employees?

9           MS. BROWNRIGG: I think that is actually  
10 stated in the minutes regarding that. You can  
11 double-check that.

12          MS. MEADE: Also at that meeting I  
13 believe there was a hiring moratorium approved  
14 until a rate revealed. And I don't believe  
15 that's occurred, so I'm curious if the moratorium  
16 still exists or did it expire on March 1?

17          MS. BROWNRIGG: I don't know that there  
18 was a set date.

19          MAYOR LICASTRO: We've hired some  
20 part-time officers of late.

21          MS. MEADE: The hiring moratorium, if I  
22 remember right, was for service workers, because  
23 Mr. Bolton brought up the issue as well as the  
24 dispatchers, so it wasn't --

25          MAYOR LICASTRO: We haven't hired

1 either.

2 MS. MEADE: So my question is is the  
3 moratorium still on since you haven't conducted  
4 the rate review or did it pass because the  
5 deadline that was set was March 1 and it didn't  
6 happen?

7 MAYOR LICASTRO: The only thing I see  
8 pending is our usual summer help for service.  
9 That's the only hire I see coming on. So I guess  
10 the answer to your question is the moratorium is  
11 over.

12 MS. MEADE: So it just expired since the  
13 wage review was done and it was supposed to be  
14 done by March 1.

15 MAYOR LICASTRO: I can't answer that,  
16 because we do intend to hire summer help in  
17 service as we have.

18 MR. GALLAGHER: That's really a  
19 part-time position.

20 MS. MEADE: Is it possible the  
21 moratorium has expired. And if it had a date of  
22 March 1 and it didn't happen, does it get  
23 extended until a wage review occurs?

24 MR. CORNETT: First of all, I would have  
25 to see what the language is to determine if it

1 expires or whether it's ongoing and automatically  
2 I guess reups itself. I don't know. I can't  
3 answer that question right now.

4 MS. MEADE: Could you let me know or  
5 could you let the appropriate parties?

6 MR. CORNETT: I would have to be  
7 instructed by Council to look into something like  
8 that.

9 MS. MEADE: I'm making a formal request  
10 for information.

11 MAYOR LICASTRO: They're Council.

12 MS. MEADE: Would that be Brenda? I'd  
13 like to make a formal request to find out the  
14 answer if the moratorium has expired; or if it  
15 still exists until the wage review.

16 MS. BROWNRIGG: I'll answer it.

17 MAYOR LICASTRO: Dr. Secura.

18 DR. SECURA: A quick question in regards  
19 to this moratorium. Are we going to be looking  
20 for a new Police Chief and is that process  
21 excluded from this moratorium? I know we used an  
22 Acting Chief. Are we going out and doing a  
23 formal process of hiring a new chief?

24 MAYOR LICASTRO: After discussing this  
25 with some of the Council members, it is our

1 intention to have a process where we interview  
2 candidates for the position of Police Chief. We  
3 haven't really formatted the actual process  
4 itself or the timetable, but it is our intention  
5 to have a process and look at multiple  
6 candidates.

7 DR. SECURA: Thank you.

8 MAYOR LICASTRO: How many more, Ms.  
9 Meade? Could you please give them to us in  
10 writing, please? You have four or five pages, it  
11 just seems --

12 MS. MEADE: I write them out. I  
13 prepare. I believe according to Sunshine Laws I  
14 should not have to submit them in writing in  
15 advance, but I do come prepared and efficient so  
16 I can go down the list.

17 MR. O'BRYAN: Ma'am, if you're referring  
18 to the public records law, you may make an oral  
19 request for a public document, but that does not  
20 cover asking for oral response answers.

21 MR. ROBINS: She's referring to the Ohio  
22 Revised Code Section 12.5.02 regarding public  
23 meetings and then the specific Bratenahl  
24 ordinance past 220.02, ordinance number 3125, so  
25 I would recommend that you refer to that. And

1 the last sentence of that ordinance says, any  
2 citizen may appear and be heard at a public  
3 meeting of the municipal body. So to do  
4 otherwise is to violate the law.

5           MAYOR LICASTRO: We certainly have heard  
6 quite a bit from Ms. Meade tonight.

7           MR. O'BRYAN: We're here to hear her.

8           MS. ROBINS: You should be willing to  
9 stay here until midnight.

10           MR. KESSELEM: As long as we pay our  
11 taxes, I believe this is your chance to answer  
12 us.

13           MAYOR LICASTRO: We're trying. I'm  
14 asking how many more.

15           MR. KESSELEM: It should not matter if  
16 we have 100. You wanted to run for Council.

17           MAYOR LICASTRO: We are listening. I  
18 was curious how many more.

19           MS. MEADE: But you ask me at the last  
20 couple of meetings the same thing and it gives a  
21 bad impression to all the residents about the  
22 intent.

23           The next question, does the Village  
24 have Standard Operating Procedures that may be  
25 called rules and regulations of policies and

1 procedures?

2 MAYOR LICASTRO: Yes.

3 MS. MEADE: I would like to make a  
4 formal request if I could get that document  
5 emailed to me.

6 MAYOR LICASTRO: I think that request  
7 has to be made in writing, but go ahead and do  
8 it.

9 MS. MEADE: I thought Sunshine Law.

10 MR. O'BRYAN: You can make that orally.

11 MS. MEADE: Thank you. Then does the  
12 police department outside of what was included in  
13 the investigation Standard Operating Procedures,  
14 does the police department have Standard  
15 Operating Procedures?

16 MAYOR LICASTRO: Yes.

17 MS. MEADE: Could I also make a formal  
18 request to get that document emailed to me?

19 MAYOR LICASTRO: Sure.

20 MR. GALLAGHER: To the extent that it  
21 exists electronically.

22 MAYOR LICASTRO: It might not exist  
23 electronically.

24 MS. MEADE: Can you call me, Jim, if you  
25 don't have it?

1           MR. GALLAGHER: I don't have the police  
2 stuff.

3           MS. MEADE: Can someone notify me if  
4 there's not an electronic copy so I need to find  
5 out to get a copy. Does Village hall have an  
6 employees manual?

7           MAYOR LICASTRO: I believe we have some  
8 employee manuals.

9           MS. MEADE: May I make a formal request  
10 to get a copy of that?

11          MAYOR LICASTRO: Is there a reason why  
12 you couldn't make those requests in writing, just  
13 out of curiosity.

14          MS. MEADE: Well, when I ask, when we  
15 met regarding the finance meeting, we had talked  
16 about trying to make -- in order to minimize  
17 legal fees, it would be cost effective to ask  
18 them during a public meeting when counsel is here  
19 and being paid on retainer versus if I ask  
20 outside of the meeting and they get the cost and  
21 it's an additional expense.

22          MAYOR LICASTRO: A request like that can  
23 be made in writing and might expedite the  
24 meeting. I'm just making the suggestion.

25          MS. MEADE: Thank you. There was a

1 recurring problem. It's been ongoing, but  
2 specifically regarding yesterday's Public Safety  
3 Committee meeting, I was just trying to find out,  
4 I know it's on the website calendar, but there  
5 wasn't a posting at Village Hall regarding that  
6 agenda. It wasn't in the boxes. An agenda  
7 wasn't posted on the website calendar. And it  
8 took me one and a half days before anyone could  
9 tell me if the meeting was confirmed or  
10 cancelled.

11                   And my fourth step that I took was to  
12 go to the chair, Mr. Binford, to ask if the meeting  
13 was going to take place. So I'm wondering why it  
14 takes one and a half days to get that kind of a  
15 simple answer for a simple question, Mr. Binford or  
16 the clerk or whomever, because it seems like it  
17 should be a simple answer.

18                   MR. BINFORD: As the chair of the  
19 Committee, my process is if there's to be a  
20 meeting, there will be an agenda posted.

21                   FEMALE VOICE: I can't hear you.

22                   MR. BINFORD: If there's to be a  
23 meeting, there will be an agenda posted.

24                   MS. MEADE: Is there a time frame that  
25 it needs to be posted?

1 MR. BINFORD: 24 hours.

2 MS. MEADE: Is that standard for all  
3 Committee chairs?

4 MR. SEMERSKY: Yes.

5 MS. MEADE: So are you saying if it  
6 doesn't appear on the website, for example, when  
7 you click on the meeting and if it's not there,  
8 then everyone should presume the meeting is  
9 cancelled?

10 MR. BINFORD: That's my understanding.

11 MAYOR LICASTRO: Well, the law states it  
12 has to be posted in the posting boxes. The  
13 website is done as a courtesy. It's not a matter  
14 of law.

15 MS. MEADE: Well, when I noticed it  
16 wasn't in the boxes and it wasn't at Village  
17 Hall, these are all extra steps trying to get a  
18 yes or no, nobody would respond. All of Council  
19 was asked, the Mayor was asked, Jim was asked.

20 MAYOR LICASTRO: The only one that can  
21 really answer that question is the chair.

22 MS. MEADE: And that was ultimately, but  
23 no one could ask him to get back.

24 MAYOR LICASTRO: I thought you asked  
25 him.

1           MS. MEADE: I did. That was my fourth  
2 step. That's why I was asking if there were  
3 Standard Operating Procedures, because it seemed  
4 like --

5           MAYOR LICASTRO: Standard Operating  
6 Procedures for the Village of Bratenahl really  
7 include our ordinances. That really is the  
8 guidelines by which we operate.

9           MS. MEADE: Okay. So the new rule is no  
10 agenda, no meeting, 24 hours.

11          MAYOR LICASTRO: That's not a new rule.  
12 If it's not posted --

13          MS. MEADE: Is that written down in an  
14 ordinance somewhere?

15          MAYOR LICASTRO: Yes, it's in the  
16 ordinance. Again, you can access online. If  
17 you're curious as to the laws of this community,  
18 we can answer the questions for you, but you also  
19 can find the information out for yourself.

20          MS. MEADE: Mary, after some running  
21 around, it was determined that you were in charge  
22 of the East 140th Street project. I emailed a  
23 list of questions. You did send some minutes  
24 back to me to review. I sent an email back to  
25 you telling you the questions did not get

1 answered. I sent you a reminder email on March  
2 11.

3 Can you give me a specific date when I  
4 can receive those answers?

5 MS. BECKENBACH: I am required under the  
6 law to give you public documents. I gave you  
7 public documents. Everything you asked is in  
8 those public documents.

9 MS. MEADE: So my other question is --

10 MS. BECKENBACH: Are in the public  
11 documents.

12 MS. MEADE: The ones I highlighted were  
13 not in those documents. If they weren't in those  
14 documents, does that mean then you are not  
15 planning to answer those questions?

16 MS. BECKENBACH: That means I don't know  
17 the answer.

18 MS. MEADE: Will you find out the  
19 answer?

20 MS. BECKENBACH: I will attempt to do  
21 that.

22 MS. MEADE: Can you tell me when?

23 MS. BECKENBACH: No, I cannot.

24 MS. MEADE: For example, just so you  
25 have some perspective, one of the questions was

1 regarding the budget involved and when it was  
2 paid and authorized. So if we have paid money,  
3 there should be some kind of paperwork that we  
4 can find that would show how much the Village has  
5 paid and when we paid it.

6 MAYOR LICASTRO: That would be a public  
7 document.

8 MS. MEADE: That's what I'm saying.

9 MS. BECKENBACH: The public documents  
10 that you want --

11 MS. MEADE: You gave me minutes.

12 MS. BECKENBACH: My minutes, I gave you  
13 my public documents. The public documents that  
14 you were requesting regarding the budget, the  
15 budget was the price in the contract that I sent  
16 you.

17 MS. MEADE: One of my questions is did  
18 you bid the project and it was not included in  
19 the minutes.

20 MS. BECKENBACH: You don't have to bid  
21 anything under 15,000. You already know that.

22 MS. MEADE: No, I don't. That's why I'm  
23 asking.

24 MS. BECKENBACH: You've been here for  
25 how many years? You've attended every meeting

1 and we discuss this in a public manner.

2           MAYOR LICASTRO: No, we didn't bid the  
3 project because we're not required by law to do  
4 so.

5           MS. MEADE: Well, Mary said that she  
6 will answer my question.

7           MS. BECKENBACH: You have to ask the  
8 clerk, because I don't know when the bill was  
9 paid.

10          MS. MEADE: Okay.

11          MAYOR LICASTRO: Plus, if it's in the  
12 minutes of the Council meeting, that too is  
13 available online.

14          MS. MEADE: Last week I requested to add  
15 an agenda item to today's meeting regarding the  
16 investigation-related questions and you declined  
17 on Friday. And when Sign-Lite made their request  
18 to be placed on the agenda last month, it was  
19 granted. And tonight even Ms. Beckenbach had  
20 addressed that you had a duty to address  
21 residents' requests. I'm trying to understand  
22 why my request was denied and other resident  
23 requests have been accepted.

24          MAYOR LICASTRO: Pat, do you have to ask  
25 that question?

1 MS. MEADE: Yes.

2 MAYOR LICASTRO: Well, it's sort of  
3 foolish, because the request from Sign-Lite did  
4 not involve a criminal investigation. Your  
5 request did.

6 MS. MEADE: That's your answer?

7 MAYOR LICASTRO: Yes. I thought that  
8 was made clear.

9 MS. MEADE: Okay. According to Section  
10 123.01 of the posting places of publications of  
11 ordinance 1289 that was placed on 283, it was  
12 suggested I try and look that up, which I did.  
13 It says notices are supposed to be posted in five  
14 places. Four places were mentioned at the last  
15 Council meeting. It's on page 56 of the February  
16 minutes, Village Hall, Lake Shore Boulevard and  
17 Eddy Road, Lake Shore Boulevard and Bratenahl  
18 Road, Lake Shore Boulevard and Lakeshore Drive,  
19 but item E was excluded from the list that was  
20 mentioned.

21 MR. GALLAGHER: It doesn't exist, Pat.  
22 That stairway is not there anymore.

23 MS. MEADE: But then shouldn't the  
24 ordinance have been amended or revised to reflect  
25 that?

1           MR. KESSELEM: And/or placed all of the  
2 boxes in the Village, those are all boxes in the  
3 Village.

4           MAYOR LICASTRO: We do the others as a  
5 courtesy. We do them as a courtesy.

6           MS. MEADE: I would like to formally  
7 request Council to review this ordinance and  
8 update it based on tonight, including the  
9 website.

10          MAYOR LICASTRO: I'm sure he heard that.

11          MS. MEADE: Would you accept that?

12          MR. MATEYO: Send me what you want.  
13 Have you ever emailed me that? No. Have I ever  
14 received that from you? No. You're keeping us  
15 here and would you do that courtesy and do that  
16 in writing?

17          MS. MEADE: Yes.

18          MR. MATEYO: I've always come back to  
19 you, Pat.

20          MS. MEADE: John, you have talked about  
21 the recreation of the evidence log you think will  
22 be done in a couple of weeks or so?

23          MAYOR LICASTRO: Yes.

24          MS. MEADE: At the investigation special  
25 Council meeting, John, can you explain to

1 residents why Council wouldn't take questions  
2 from residents based on the premise that you said  
3 you just received the report and had not had time  
4 to review it, but then you stayed after the  
5 meeting to take questions from Channel 3, 5, 8  
6 and the Plain Dealer.

7           MAYOR LICASTRO: They talked about the  
8 process. Really nothing that was not in the  
9 report. I answered some generic questions. If  
10 you saw it on TV, that's pretty much what it was.

11           MS. MEADE: So if we wanted to ask  
12 process-related questions, would you take those  
13 questions?

14           MAYOR LICASTRO: Again, Pat, one on one  
15 is very different than open forum. And I'm  
16 reluctant -- I've offered to do that for you for  
17 several days.

18           MS. MEADE: And I've asked to schedule a  
19 date and time that you have not come back with.

20           MAYOR LICASTRO: We played phone tag for  
21 four or five days. Try again.

22           MS. MEADE: Would you schedule a meeting  
23 one on one?

24           MAYOR LICASTRO: Let's try again.

25           MS. MEADE: Thank you. On the Bratenahl

1 investigation I believe you said it's not  
2 appropriate, but I'm curious when Mr. Lillie read  
3 the four-page report, it seemed like he addressed  
4 that the evidence couldn't be recovered because  
5 of the inadequate Standard Operating Procedures.  
6 And it seemed like specifically the guns and the  
7 money weren't specifically mentioned. He  
8 mentioned, I believe, guns and drugs during his  
9 report and no mention of money.

10 I believe you came back and addressed  
11 the money issue. And I was just trying to  
12 understand in the report why the money wasn't  
13 addressed specifically in the report and why you  
14 addressed it outside of the report.

15 MAYOR LICASTRO: I was just bringing the  
16 residents up to speed on our own internal  
17 investigation and the success we've had.

18 MS. MEADE: So to answer the question,  
19 you don't know why the money wasn't included  
20 specifically in the report --

21 MAYOR LICASTRO: I don't know.

22 MS. MEADE: -- if it was supposed to be  
23 complete and thorough?

24 MAYOR LICASTRO: I don't know.

25 FEMALE VOICE: I believe the money is

1 the responsibility of the Mayor, not the Chief.

2           MAYOR LICASTRO: That's absolutely  
3 untrue.

4           MR. ROBINS: Ohio Revised Code 737.29  
5 property recovered by police, stolen or other  
6 property recovered by members of the police  
7 force, the municipal corporation shall be  
8 deposited and kept in a place designated by the  
9 Mayor. It's become very, very clear.

10           MAYOR LICASTRO: That is the clerk and,  
11 again, we've recovered all but about \$460 of the  
12 \$11,000.

13           MS. MEADE: I'm wondering why it wasn't  
14 covered in the written report.

15           MAYOR LICASTRO: I don't know.

16           MS. MEADE: Those are all my questions.  
17 Thank you.

18           MAYOR LICASTRO: Ms. Moss.

19           MS. MOSS: I have a question regarding  
20 the attitude of our elected officials and the  
21 Mayor. She has to ask these questions in here  
22 because I feel that there's a complete lack of  
23 cooperation. Now, I'm not saying that this is  
24 true that you have something to hide, because I  
25 really in my heart do not believe that. But to

1 the public, it's the attitude that we're the  
2 enemy and you're all good guys is very painful to  
3 residents who pay lots of money in taxes.

4           And if you didn't want to be a Council  
5 person for free and you didn't want to be Mayor for  
6 a little bit, why are you bothering? I can tell  
7 you I thought it was the four years I was on  
8 Council I thought was contentious, at least we had  
9 a far more open forum. So I'm just saying that we  
10 don't have to look at her bad because she asked all  
11 these questions, it was far more open.

12           I'm giving you advice. You can smile  
13 all you want. You can smirk and you can look it,  
14 but we are the people who elect you. We want your  
15 attitude to change, be more open, and don't be so  
16 afraid all the time. What you should do is be  
17 afraid of the residents. That's what you should be  
18 afraid of.

19           MAYOR LICASTRO: Ms. Moss, no one could  
20 deny that this has not been an open process as it  
21 has been for years.

22           MS. MOSS: I deny it.

23           MAYOR LICASTRO: Except for you.

24           MR. ROBINS: I deny it as well.

25           MAYOR LICASTRO: That's two of you.

1 Again, regarding the investigation and the  
2 criminal aspect, that what we're concerned about.

3 MR. GARFINKLE: I'm sorry, but I'm  
4 relatively new to the Village. I've been here it  
5 will be two years in March. My name is Howard  
6 Garfinkle. This my wife Terry. And I respect  
7 people who speak up and want to get information  
8 and cite Ohio Revised Code and ordinance numbers,  
9 but what I don't understand is since I've been in  
10 the Village, it seems like there's two factions,  
11 the people who are in office and the people who  
12 either tried to get in office and lost or  
13 supported the people who tried to get in office  
14 and lost.

15 So all I'm saying seeing is, you know,  
16 this -- the expression I use is oots (sic),  
17 everybody's trying to oots (sic) Council and the  
18 Mayor. Obviously there's some very important  
19 issues that are before us, but it doesn't seem like  
20 there's -- there seems like some sort of agenda.  
21 I'd just like to know what it is.

22 MS. MOSS: We do, too. We want to know  
23 Council's agenda.

24 MR. GARFINKLE: You addressed some of it  
25 and that is the openness. I'd like to see what

1 really is behind all of this, you know, ongoing  
2 kind of antagonism that I'm seeing. I just want  
3 to know as a relatively new member of this  
4 community.

5 MS. MEADE: I'll tell you why I ask  
6 questions. I ask questions --

7 FEMALE VOICE: Please, you're rude to  
8 leave. You're rude to walk out now. I find that  
9 very rude.

10 MS. MEADE: My name is Pat Meade. I  
11 created the community newsletter More Bratenahl.

12 MR. GARFINKLE: This one?

13 MS. MEADE: Yes.

14 MR. GARFINKLE: I like this.

15 MS. MEADE: So I attend the meetings and  
16 that's why I ask questions on behalf of residents  
17 who ask me questions who can't attend. I try and  
18 my agenda is to report the truth in a fair and  
19 objective manner. So sometimes if you haven't  
20 attended a history of all the meetings, both  
21 Committee and Council, sometimes you do ask what  
22 we think are simple straightforward questions.  
23 We may or may not get the answers. We try to get  
24 that outside the meeting and may or may not get  
25 the answers. If we don't get the answers, then

1 we have to go to a more formal process and put  
2 them in writing to get the answers. And then if  
3 we're still not getting them, that's when we come  
4 to these meetings and ask in a more formal way so  
5 we can be addressed formally.

6           So again, it's all about trying to  
7 report the truth in a fair and accurate manner.  
8 That's my motive. That's my agenda.

9           MAYOR LICASTRO: If I can add to that,  
10 prior to the first publication of More Bratenahl,  
11 Ms. Meade interviewed myself and several members  
12 of Council as a resident and friend. She never  
13 once indicated to any of us it was her intention  
14 to publish a newspaper. Every reporter I've ever  
15 dealt with always identifies themselves as a  
16 reporter and makes it clear what they are doing,  
17 is taking notes that could indeed be published.  
18 That was unfortunate. I think we moved past it,  
19 but it left a very bad taste in our mouth. We  
20 felt misled. In fact, that I think is unethical.  
21 So some of the angst you might see from us is  
22 because we felt initially betrayed by that  
23 approach.

24           MS. MEADE: To address that and to be  
25 fair, there were two one-sentence quotes and I

1 did apologize and said that would never happen  
2 again. Since then I think they can say that it  
3 hasn't happened if it's a direct quote. If I  
4 talk to them, again, if it's in a public fashion  
5 or if I'm getting information, I talk about it in  
6 general terms. I'm not required to actually get  
7 their permission.

8 MR. GARFINKLE: Let me ask you a  
9 question. Again, let me reiterate, I admire the  
10 fact that you come prepared and you're  
11 interested. You're here. You're taking an  
12 interest in the well-being of the Village.  
13 That's why we're all here, but some of the  
14 questions you were asking and, again, I'm not as  
15 familiar with this process as you are, but they  
16 seem to be almost, you know, such minutiae. Is  
17 it really important to know some of the things  
18 you've requested, that you get answers to, or are  
19 you doing some of these things to try to, you  
20 know, just create this environment of antagonism  
21 between your faction because you don't represent  
22 the entire Village, and the Mayor and the  
23 Council, because this is what I'm seeing. I live  
24 in this Village. I've been here for three years.  
25 And I've seen acrimony. That's all I've seen.

1 And it doesn't seem to be the right way to  
2 approach that.

3 MS. MEADE: I think your comment is  
4 fair. And again, if people can all get on board  
5 with the purpose of the publication is to try and  
6 report on issues fairly and accurately, and I'm  
7 trying to. Since I volunteer my time, I'm not  
8 perfect, I'm learning as I go. I did make those  
9 two mistakes up front. I have not made them  
10 since. I am continually trying to improve the  
11 publication. I sit here and try to get feedback  
12 from residents. I try and ask questions that  
13 they can't attend to ask on their behalf. There  
14 are reasons why questions are asked, which might  
15 seem like minutiae to some in the audience, but  
16 there is a purpose. So I try to be respectful.

17 MR. GARFINKLE: What's the purpose if I  
18 may ask? Sorry, maybe we should be having this  
19 dialogue.

20 MAYOR LICASTRO: Why don't you continue  
21 it?

22 DR. SPANO: Are we going to reconvene  
23 for a public forum afterward?

24 MAYOR LICASTRO: Doctor, we're going to  
25 reconvene in open session. I'm not sure how much

1 of a public forum.

2 DR. SPANO: What's the business to be  
3 conducted?

4 MAYOR LICASTRO: We have to go into  
5 executive session to discuss pending litigation.

6 DR. SPANO: No, I meant subsequently in  
7 the open.

8 MAYOR LICASTRO: I don't know. Don't  
9 you think we've had a pretty open public forum?  
10 We cannot adjourn from executive session. We  
11 have to come back into open meeting and adjourn.  
12 Nor can we take action in executive session, but  
13 we do have a right under the Sunshine Law to  
14 discuss personnel, pending litigation and  
15 acquisition of land in executive session. That's  
16 our intention.

17 DR. SPANO: When you're back in session,  
18 is there any business to conduct that's worth our  
19 while?

20 MAYOR LICASTRO: Not to my knowledge.

21 MR. ROBINS: They have to report back  
22 the subject matter discussed in executive  
23 session. Not the details, but they have to say  
24 whether it was land acquisition, personnel.

25 MR. O'BRYAN: That's not correct.

1           MAYOR LICASTRO: That's not correct.

2           MR. CORNETT: You only have to open the  
3 meeting by stating going into executive session.  
4 There are certain aspect why you go into  
5 executive session. Pending litigation,  
6 personnel, land acquisition, things like that.  
7 As you come out of executive session, it's simply  
8 only to adjourn the meeting.

9           MAYOR LICASTRO: One last question  
10 before we go into executive session. Ms.  
11 Kesselem.

12           MS. KESSELEM: It's more of a statement.  
13 I'm sorry, sir, your name, Howard, Sarah  
14 Kesselem. There is a part that is stressed about  
15 the acrimony, I think that's a great word.  
16 Council has to know and people who think about  
17 maybe running for Council should be aware that  
18 there is a large part of this Village that when  
19 we vote for the people on Council, we trust them.  
20 And they're not guilty until proven innocent.  
21 And that they should be aware that there is a  
22 huge part of Bratenahl that is behind them. And  
23 that we want to be fair. We want to get around,  
24 but that should be made known as well, especially  
25 if you've not been in the Village long.

1 MR. ROBINS: I'm sorry I have to  
2 disagree with Sarah.

3 MR. MATEYO: Last year we raised great  
4 many dollars for a dog. And I just would like to  
5 thank the Acting Police Chief, if anyone saw some  
6 of the St. Patrick's Day parade yesterday, our  
7 dog was in the St. Patrick's Day parade.

8 (Applause.)

9 MR. BINFORD: So move.

10 MS. BECKENBACH: Second.

11 MAYOR LICASTRO: Roll call on executive  
12 session.

13 MR. GALLAGHER: Who made the motion?

14 MAYOR LICASTRO: Who made the motion?

15 MR. BINFORD: I did.

16 MAYOR LICASTRO: And the purpose is to  
17 discuss pending litigation and personnel.

18 MR. GALLAGHER: Ms. Beckenbach?

19 MS. BECKENBACH: Aye.

20 MR. GALLAGHER: Mr. Binford?

21 MR. BINFORD: Aye.

22 MR. GALLAGHER: Ms. Brownrigg?

23 MS. BROWNRIGG: Aye.

24 MR. GALLAGHER: Mr. Mateyo?

25 MR. MATEYO: Aye.

1 MR. GALLAGHER: Mr. Semersky?

2 MR. SEMERSKY: Aye.

3 MR. GALLAGHER: Thank you.

4 MAYOR LICASTRO: We are in executive  
5 session.

6 (Whereupon, Council went into  
7 Executive Session at 7:23 p.m.)

8 (Whereupon, the Executive Session  
9 ended with a return to the open meeting at 8:19  
10 p.m. There being no further business, President  
11 Beckenbach moved for adjournment. The motion,  
12 seconded by Councilman Binford, passed unanimously  
13 and the meeting ended at 8:20 p.m.)

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