

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

VILLAGE COUNCIL MEETING

TAKEN:

SEPTEMBER 15, 2010

5:00 P.M.

PRESENT:

MAYOR JOHN LICASTRO

MARY BECKENBACH

THOMAS McDONALD

WILLIAM BOLTON

GEORGE MATEYO

ANDREW KESSELEM

PAUL STEPHAN

DAVID J. MATTY, ESQ.

NANCY L. MOLNAR, RPR

 **MOLNAR & MUNGUÍA**
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1 MAYOR LICASTRO: Okay. I will call the
2 meeting to order and ask the clerk to call the
3 roll, please.

4 MR. GALLAGHER: Ms. Beckenbach?

5 MS. BECKENBACH: Here.

6 MR. GALLAGHER: Mr. Bolton?

7 MR. BOLTON: Here.

8 MR. GALLAGHER: Mr. Kesselem?

9 MR. KESSELEM: Here.

10 MR. GALLAGHER: Mr. Mateyo?

11 MR. MATEYO: Here.

12 MR. GALLAGHER: Mr. McDonald?

13 MR. McDONALD: Here.

14 MR. GALLAGHER: Mr. Stephan?

15 MR. STEPHAN: Present.

16 MAYOR LICASTRO: Okay. We're all here.
17 We need a motion to go into executive session.
18 Ms. Beckenbach.

19 MS. BECKENBACH: I move that we go into
20 executive session for the purpose of discussing
21 pending litigation.

22 MR. MATEYO: Second.

23 MAYOR LICASTRO: Roll call on executive
24 session, please.

25 MR. GALLAGHER: Ms. Beckenbach?

1 MS. BECKENBACH: Aye.

2 MR. GALLAGHER: Mr. Bolton?

3 MR. BOLTON: Aye.

4 MR. GALLAGHER: Mr. Kesselem?

5 MR. KESSELEM: Aye.

6 MR. GALLAGHER: Mr. Mateyo?

7 MR. MATEYO: Aye.

8 MR. GALLAGHER: Mr. McDonald?

9 MR. McDONALD: Aye.

10 MR. GALLAGHER: Mr. Stephan?

11 MR. STEPHAN: Aye.

12 MR. GALLAGHER: Thank you.

13 (Whereupon, Council moved into executive
14 session.)

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16 MR. GALLAGHER: It's been moved and
17 seconded we resume the public session.

18 Ms. Beckenbach?

19 MS. BECKENBACH: Aye.

20 MR. GALLAGHER: Mr. Bolton?

21 MR. BOLTON: Aye.

22 MR. GALLAGHER: Mr. Kesselem?

23 MR. KESSELEM: Aye.

24 MR. GALLAGHER: Mr. Mateyo?

25 MR. MATEYO: Aye.

1 MR. GALLAGHER: Mr. McDonald?

2 MR. McDONALD: Aye.

3 MR. GALLAGHER: Mr. Stephan?

4 MR. STEPHAN: Aye.

5 MR. GALLAGHER: Thank you.

6 (Whereupon, Council moved into public
7 session.)

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1 MAYOR LICASTRO: Okay. We are already in
2 session. Having gone to executive session and
3 now back in open session, call the roll and all
4 those wonderful things. So we need to move to
5 the minutes of the August meeting.

6 Is there a motion to approve?

7 MS. MEADE: Was there any recommendation
8 for action?

9 MAYOR LICASTRO: There will be an action
10 taken later. You don't make a motion in
11 executive session.

12 MS. MEADE: Thank you.

13 MAYOR LICASTRO: The August minutes.

14 MR. MATEYO: I approve.

15 MAYOR LICASTRO: Is there a second?

16 MR. STEPHAN: Aye.

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

19 Ayes: 6. Nays: 0.

20 MAYOR LICASTRO: The Mayor's Court
21 Report for August, the County Treasurer received
22 \$1,400; the Village of Bratenahl \$42,654; the
23 Treasurer of the State of Ohio, \$11,823; and the
24 Court Computer Fund \$2,866. Any comments or
25 questions on this? That's a very profitable

1 month. Mrs. Kreiner, thank you.

2 Moving to the correspondence. Again, it
3 is time for the fall baiting to prevent the
4 spread of rabies in Ohio. This is done by the
5 Board of Health. They put out baits that really
6 are targeted for raccoons.

7 Keep in mind, any mammal can contract
8 rabies and spread it. Skunks in particular, as I
9 mentioned. Of course, dogs, if they're not
10 vaccinated. So the baiting has started in late
11 August and it will continue through September and
12 into early October. They put out what you can
13 see three in the palm of the hand here. They're
14 little rectangular baits. They're baited with a
15 fish scent. And the intent is to have the
16 animals find them and eat them and, therefore,
17 vaccinate themselves against the spread of
18 rabies.

19 This has been very effective in the last
20 couple years. Rabies has been moving very
21 rapidly from east to west. And they feel this
22 program being effective should continue, so it is
23 continuing. 14 Northeast Ohio counties are
24 participating in this with the various Boards of
25 Health. Cuyahoga, of course, being one of them.

1 So, FYI, they're out there.

2 They also ask that your dogs, if you
3 walk them, do not be allowed to consume these
4 baits. There's different ways to vaccinate dogs
5 against the rabies. This is really done to
6 target the raccoons and skunks in particular.

7 MR. STEPHAN: Is the public being
8 notified?

9 MAYOR LICASTRO: Yes. It's on the
10 website. We're doing it here. It's posted.
11 We'll put it on our web. Again, I think this is
12 the third or fourth year they've had this
13 program. It's ongoing.

14 Mr. Kesselem?

15 MR. KESSELEM: What's our recommendation
16 when we do see a critter with rabies?

17 MAYOR LICASTRO: I'm sorry?

18 MR. KESSELEM: With what we think is
19 rabies.

20 MAYOR LICASTRO: Call the police
21 department immediately and don't go anywhere near
22 the animal. If they're foaming at the mouth,
23 strange behavior, don't go near it because they
24 are very, very contagious.

25 MR. KESSELEM: Looks like they're a

1 drunk animal at the time.

2 MAYOR LICASTRO: The treatment for
3 rabies is horrific. It's a series of 14 shots in
4 the stomach. You don't want to go there. Any
5 other questions? Thank you.

6 I received a copy of the FEMA flood maps
7 and that's very much in coordination with an
8 ordinance we have under old business.

9 Mr. Bierut, do you want to comment on
10 the flood maps, please.

11 MR. BIERUT: Yes, I can. FEMA issued a
12 revised map earlier this year, probably in
13 January and February. The preliminary map is
14 sent out to all communities in the area looking
15 for public comment on it. I think there's a
16 six-month public comment period. After that,
17 they've asked communities to pass a new -- not a
18 new, but an updated legislation, which we have on
19 tonight I think.

20 The maps are available online at
21 FEMA.gov or if you Google FEMA, you can get to
22 the maps. We also have hard copies in my office
23 that I'm going to copy and bring over to Village
24 Hall.

25 MAYOR LICASTRO: So no revelations,

1 nothing of concern that you know of?

2 MR. BIERUT: No. We had a copy I think
3 online. It has what changes they made in January
4 and February.

5 MAYOR LICASTRO: So be aware we have the
6 flood maps available. There's no substantive
7 change. And again, that coordinates with the
8 FEMA legislation we have on under old business.
9 Yes, Mr. Bolton.

10 MR. BOLTON: The Public Improvements
11 Committee talked a little bit about this. I have
12 a question for Mr. Bierut. Would you like me to
13 ask it now or later?

14 MAYOR LICASTRO: Sure.

15 MR. BOLTON: The map which you brought
16 to the Public Improvement Committee meeting
17 showed that the entire waterfront of Bratenahl
18 was included in the FEMA.

19 MR. BIERUT: Right.

20 MR. BOLTON: Now, perhaps I
21 misunderstood. Is that part of the flood
22 district which will be under the control of FEMA?
23 Because if you remember, we talked about it and
24 some agencies are trying to get backdoor control
25 of the waterfront.

1 MR. BIERUT: Right. It's currently and
2 in the past it's been a part of the flood. It's
3 been on the FEMA map. What has changed slightly
4 is the line of where it is, the elevation at the
5 lake level. And we discussed some question about
6 property rights and things like that, but I think
7 the FEMA aspect of it is strictly relating to
8 where they say the flood line is, which may
9 relate to ownership, too, I don't know, but I
10 know FEMA in the past has had that line in there
11 and it's a slight revision to the line. They've
12 always had that on the map.

13 MR. BOLTON: That's all, just a revision
14 to the line?

15 MR. BIERUT: Yes.

16 MR. STEPHAN: And the maps that you have
17 are still preliminary?

18 MR. BIERUT: Preliminary until, I think,
19 December 3.

20 MAYOR LICASTRO: Still looking for
21 public comments or objections. Anyone else?
22 Thank you. The Haber mural update. We're
23 fortunate to have Mr. Garfinkel here to address
24 this, please.

25 MR. GARFINKEL: Great. Thanks for the

1 forum. I'll be really brief. I'm going to pass
2 out some brochures that Jim Murphy donated his
3 services to design the layout. And then a
4 resident donated the money to pay for the
5 printing on it. And we're shooting for this
6 event, which is Saturday, October 2, from six to
7 eight. It's going to be brief. It's going to be
8 free. And it's going to be informative.

9 These murals have hung there for 70
10 years. They were commissioned by the Bratenahl
11 school in 1940 from the Cleveland artist
12 Foundation. The artist was a Cleveland born
13 artist named Joseph Haber, who was born a
14 cripple. He was the first artist to use power
15 tools in working on murals and the first to use
16 what's called Catalyn plastic.

17 So he was an innovative, creative guy
18 who had a tremendous disability. The murals have
19 been enjoyed by many, many Bratenahl residents
20 and students over the years. They're in a sad
21 state of repair. They deserve to be restored.
22 There's a moral imperative that they be restored.
23 So a fair amount of Village residents have
24 already donated. We're looking for as many
25 donations as possible prior to the October 2

1 event and at the October 2 event. And it's
2 something that I think we can all get behind. I
3 don't see why not. If anybody has any questions,
4 just let me know.

5 MAYOR LICASTRO: Norm?

6 MR. MERHAUT: Are these free hanging or
7 are the embedded in the wall?

8 MAYOR LICASTRO: They're attached to the
9 wall. They're not embedded.

10 MR. MERHAUT: If the building in the
11 future is ever demolished, there's plans to put
12 those someplace?

13 MAYOR LICASTRO: We can salvage them,
14 that's correct. Anyone else? Thank you.

15 I received the semiannual report from
16 the Cuyahoga County Board of Health. Again,
17 Bratenahl is a charter member of this
18 organization. Some of the activities that they
19 conduct that aren't limited to -- for example,
20 they did over 3,000 vaccinations, over 7,000
21 instances of lead poisoning prevention, over
22 4,000 people participated in breast and cervical
23 cancer prevention programs. I could go on and
24 on. Over 16,000 individuals were involved in a
25 public health information and emergency

1 preparedness. They're really an amazing
2 organization.

3 I go to their meeting once a year, but
4 they do a wonderful job for our community and
5 others that are part of this. Most big
6 communities have their own health department.
7 Smaller communities do not. So it's pretty much
8 the smaller communities that belong to the Board
9 of Health. Again, I'm just making you aware of
10 some of what they do. If you ever have a chance
11 to visit their facility off of West 130th in -- I
12 think that's Parma or Brook Park, they have all
13 kinds of pamphlets regarding smoking.

14 For example, if someone in your family
15 is dealing with the disease of smoking
16 cigarettes, they can give you all kind of
17 literature on how to prevent it. They're just a
18 wonderful organization. And I'm just giving you
19 the tip of the iceberg as far as what they do.
20 Any questions on that? Thank you.

21 Moving to Mayor's report. The
22 legislative report, I'll make this brief. We
23 have a very long agenda tonight. There's not
24 going to be much activity at the general assembly
25 until after the election. A lot of the officers

1 there are up for re-election or are term limited.
2 It's not necessarily a bad thing. Sometimes the
3 general assembly takes paths that we object to
4 certainly in terms of the revenue that we share
5 and flows through the state. Their
6 ineffectiveness can be startling.

7 In 09, they passed four, four pieces of
8 legislation. I'm not sure they'll do that many
9 this year. The topic that's on everyone's radar
10 is, of course, the next biannual budget. The
11 deficit is projected to be between seven and nine
12 billion dollars. In that end, several
13 organizations and entities, including the Mayors
14 Association of Cuyahoga County is taking a
15 proactive step to meet with representatives and
16 senators from the general assembly and Pari
17 Sabety, the director of the budget, to try to
18 make our input important so that the cuts aren't
19 as drastic as they very well might be.

20 We can track that process for you and
21 let you know how successful we are. In the
22 meantime, we might be asking your help to
23 approach state reps and senators to make certain
24 that they don't throw the baby out with the bath
25 water. How they can fill a nine-billion-dollar

1 hole is beyond me. It's probably going to
2 involve additional taxes down the road. However,
3 the good news is we won't see much activity from
4 them until probably after the first of the year.
5 Any questions? Thank you.

6 As you know, we have been fighting a
7 battle with trash and litter on the Eddy Road
8 ramps in particular for a number of years. We've
9 looked for solutions that made sense and were
10 cost effective. For several years we have
11 contracted with the county to allow the Court
12 Community Service to come on the ramps and clean
13 up the trash that accumulates there at an amazing
14 rate.

15 We get a monthly report from the county.
16 They're there once a month. In the course of a
17 month, they'll pick up 40 and 50 bags of trash.
18 It's just astounding. Realizing that didn't
19 really address the problem, we have contracted
20 directly with Court Community Service. We have
21 misdemeanor offenders that come from the
22 Municipal Court in Cleveland and not the county
23 jail, not chain gang individuals. It's people
24 that can't afford to pay the fine and opt for
25 community service as an option.

1 For the last two weeks they have, under
2 Mr. Zalar's supervision, addressed the litter on
3 the Eddy Road ramp, on the 132nd Street exit ramp
4 as well and other areas in the Village. I think
5 Mr. Zalar also had them do some trimming as well
6 to try to clean up the area. The problem is it's
7 like trying to stem a tidal wave. Less than
8 three hours after Mr. Zalar, less than two hours,
9 thank you, Mr. Zalar, after they were there last
10 Friday, there was again a profusion of trash on
11 the ramps. If you drive there today, I happened
12 to do so, it's amazing how much trash accumulates
13 in a very short period of time.

14 We're looking at this. And I'm working
15 with Mr. Zalar in particular as an experiment to
16 see if this works. I've also talked to Bonnie
17 Teeuwen from ODOT to try to get their help in
18 addressing this problem. The trouble is even
19 though that's not Bratenahl, per se, this is the
20 ODOT right-of-way and we can't just go there and
21 have service clean up the trash on their own.
22 They'd be there pretty much all day every day if
23 we did. We will continue with this experiment.
24 We hope it's successful. To date, it's been
25 rather iffy or sketchy as to whether or not this

1 is effective.

2 We're really doing all we can. And we
3 will continue to do all we can to address this
4 problem. And you can see for your own eyes
5 whether or not this solution is indeed
6 definitive. If not, we'll look for others.

7 Mr. Zalar, do you want to add something
8 to this?

9 MR. ZALAR: I just wanted to say one
10 thing. The personnel that we are using, they've
11 actually worked very well. It is kind of
12 demoralizing out there once you get the thing
13 cleaned and just an hour later the thing is just
14 destroyed, because I'm working hand in hand with
15 them. I'm not just letting them do the work.
16 I'm working with them because I can't stand there
17 and watch people work, I have to work.

18 We actually cut some of that grass up
19 there, cut the brush back. That was a four-hour
20 job up there at Eddy Road last Friday and I had
21 one guy with me. Maybe this Friday I'll have two
22 people? We're kind of working it. We can have
23 as many as six, but you have to have work for
24 them to do and in an area like that, so we're
25 kind of going in circles. We start at one area

1 and they know the routine already with the people
2 that I have. And hopefully it will work out, but
3 it's just -- I mean, like you said, it's just you
4 get it cleaned up and an hour or two later it
5 looks like a bomb went off on it. It's
6 absolutely ridiculous.

7 MAYOR LICASTRO: I've asked the Chief to
8 talk to ODOT to see if we can put up additional
9 no littering signs. I don't know how effective
10 they are. We talked about a camera, but you have
11 to monitor the camera. Again, anyone that rolls
12 their window down and throws trash out the window
13 I think should be thrown directly in the jail.
14 Do not pass go and go directly to jail.

15 FEMALE VOICE: I became aware of this
16 problem because one of my neighbors made me aware
17 of how bad it is. Sometimes I'm guilty on tunnel
18 vision. I noticed one thing interesting. Maybe
19 it's just the time of day that I'm going past,
20 but as you exit from Eddy Road when you're on 90
21 East, there's cement there as well as when you go
22 straight down the freeway when you're coming from
23 Bratenahl.

24 The other side coming up seems to be the
25 problem. And I notice it's the only one with

1 grass. And somehow I just think throwing it in
2 the grass, no one will mind it is kind of the
3 mentality that's going around here, because the
4 cement areas are much cleaner traditionally than
5 the grass. So maybe covering it with cement
6 might help. Don't know.

7 MAYOR LICASTRO: Anita, that's an
8 interesting point. I think what happens with the
9 cement is the litter just blows away. The grass
10 actually grabs it and it's retained there. I
11 don't think the cement is a solution, but it's at
12 least out of sight and becomes someone else's
13 problem. Believe me, we'll do all we can to
14 continue to address this with ODOT, with the
15 Court Community Service. Although, right now Mr.
16 Zalar feels like he's swimming upstream.

17 DR. SPANO: Why don't we uphold the law.
18 These perpetrators are so predictable. It would
19 seem to me you don't even need a camera there if
20 an hour or two later, as Joe said, the trash is
21 back, why don't we enforce the law. The word
22 will get out in a week or two and it will stop or
23 at least it will abate.

24 MAYOR LICASTRO: The Chief and I talked
25 about that. The problem, Dr. Spano, is if you

1 put a car on Eddy Road ramp, first of all,
2 there's not a lot of room for an additional car.
3 And secondly, if they see a car, they're probably
4 not going to litter.

5 DR. SPANO: You don't do it that
6 obviously. I'm sure I don't need to tell the
7 police how to handle that.

8 MAYOR LICASTRO: In talking to the
9 Chief, there's no way to do it surreptitiously,
10 because the sight line is such you can't see down
11 the ramp unless you're in full view of the people
12 that pull up there. So having an officer there
13 for a length of time or a car doesn't seem to be
14 a solution. Although, again, we're exploring
15 options.

16 DR. SPANO: I've seen it as a citizen.

17 MAYOR LICASTRO: Down the windows come.

18 DR. SPANO: It's not that difficult.
19 Obviously, if they're in a car, they're not going
20 to do it. But if they happened to be traveling
21 around or whatever the circumstances may be, I'm
22 sure they can come up with ways to catch these
23 people.

24 MAYOR LICASTRO: Well, they're looking
25 at solutions. We'll discuss that.

1 DR. SPANO: It can't be that hard. I
2 think that once the word gets out, just a handful
3 of fines every so often, sure they'll come back
4 recidivism for sure, but once you start getting
5 it flowing, they're going to stop at least for a
6 while and then they'll start again. I think what
7 good is putting a sign if we don't enforce it?
8 That doesn't make any sense at all.

9 MAYOR LICASTRO: If we can find a way to
10 be enforce it and be effective, we would. We'll
11 continue to look at options. Yes, Mr. Kesselem.

12 MR. KESSELEM: Because Joe's been able
13 to work with Court Community Service, does that
14 mean ODOT is allowing us, the Village, to fix
15 this problem ourselves somewhat?

16 MAYOR LICASTRO: No. Again, the entity
17 doing the work is actually under the auspice of
18 Court Community Service. Mr. Zalar is really
19 there in a supervisory capacity, but Mr. Zalar,
20 like he said, has a hard time not pitching in.

21 MR. KESSELEM: So is Court Community
22 Services, are they the ones that are being given
23 permission to care for those properties?

24 MAYOR LICASTRO: Yes, to work in the
25 ODOT right-of-way. Mr. Mateyo.

1 MR. MATEYO: When Mr. Zalar is there
2 when he feels the necessary at this time to pitch
3 in, Bratenahl is paying them, he's on our
4 payroll?

5 MAYOR LICASTRO: That's correct.

6 MR. MATEYO: Bratenahl is, in fact,
7 working there.

8 MAYOR LICASTRO: Correct. One thing
9 they mandate is they must have supervision. Even
10 though he's not working there, time he's spending
11 there is time he's not spending elsewhere in the
12 Village. That's why we're looking at this as an
13 experiment.

14 MR. MATEYO: We've been looking at it
15 for three years at least.

16 MAYOR LICASTRO: He's only been there
17 for two weeks.

18 MR. MATEYO: I've been on this thing for
19 three years. This is at least three years. So
20 I'm just saying just like the San Francisco Bay
21 bridge, we have to keep going over and over it.
22 We have to change it. What committee is going to
23 be formed to figure out what to do. We can't
24 keep doing the same thing.

25 I agree with Dr. Spano, you have one of

1 the officers just standing up on the corner and
2 you can see the guys pitch it out. Show a police
3 car, not many people.

4 DR. SPANO: Have we ever issued a fine?

5 MAYOR LICASTRO: We will continue to
6 explore options. Mr. Mateyo, this has only been
7 underway for two weeks. The Court Community
8 Service is once a month through ODOT. That's
9 still happening. Again, we're determined to
10 resolve it. That's why we're working hard to do
11 so.

12 MALE VOICE: What is the cost of the
13 fine?

14 DR. SPANO: Up to \$500, first offense.

15 CHIEF DOLBOW: We've had a few come in.
16 I agree with you, there are ways we can probably
17 try and police that maybe with the use of an
18 unmarked police car and an officer out of uniform
19 calling a police to pull it over. We can explore
20 that avenue if we find a safe area for that car
21 to sit, look like a broken down car or something
22 like that. Some of that trash is blowing at us,
23 it's being blown down the freeway.

24 MAYOR LICASTRO: I'm not sure having an
25 officer stand there is safe, but we'll continue

1 to explore options.

2 CHIEF DOLBOW: We'll look it. Anything
3 we can do to bring in some more revenue.

4 MAYOR LICASTRO: Strike that comment
5 from the record, please. The last thing under
6 Mayor's report is every year Live Nation sponsors
7 a Taste of Cleveland Mayors Dessert Cup Challenge
8 where they ask mayors from Cuyahoga County to
9 either provide a dessert they make themselves or
10 sponsor a restaurant in their community to do so.

11 This year I asked Americano to represent
12 Bratenahl and put an entry in in this Dessert Cup
13 Challenge. I think there were eight or nine
14 communities that participated. I'm very happy to
15 say Americano won. They did a delicious peach
16 cobbler, had a great presentation. Cole and
17 Vytauras were just thrilled with not only the
18 victory, but the very large trophy which now is
19 in a glass case, and, no, I don't have samples
20 for you. Sorry. But, again, I'm very happy for
21 Americano.

22 Part of this is the winning Mayor gets a
23 \$150 donated by Live Nation that can be either
24 given to a charity or a 501 C3. Once Bratenahl
25 Community Foundation gives me the paperwork I

1 need, the W-9, I'm pleased to say that I will
2 forward that money and donate it to the Bratenahl
3 Community Foundation.

4 MALE VOICE: Thank you.

5 MAYOR LICASTRO: If you don't go to the
6 Taste for Cleveland for any other reason, go for
7 the Dessert Cup. They do give out samples from
8 all the participants. I say congratulations to
9 Americano.

10 Moving to department reports. Mr.
11 Zalar, I'm going to have you go first. Before
12 you do, I'd like to mention two things in
13 particular. I'm not sure if you're aware of it,
14 but Mr. Zalar and his crew worked very hard for
15 many days to replace the broken brick in the
16 brick sidewalk that we have in our Village. The
17 end result is fabulous.

18 I mean, I had a hard time figuring out
19 which bricks have been replaced and which ones
20 have not. So again, kudos to your department for
21 doing that. And also, you might have seen them
22 out there for several days in a way to try to
23 maintain our roads --

24 MR. ZALAR: Weeks.

25 MAYOR LICASTRO: Weeks. Mr. Zalar

1 rented a crack sealing device from Crafcro to try
2 to again maintain our roadway. They did a
3 fabulous job with that as well. Congratulations
4 to them for that effort. And without stealing
5 your thunder, Mr. Zalar, please.

6 MR. ZALAR: Okay. I'll sit down. Along
7 with the street sealing and the crack sealing,
8 we're trying a new product this year that it's
9 been out on the market for a while to alleviate
10 some of the grinding and patching that we're
11 going to try. It's called a PolyPatch. It's
12 actually the same material, but it dries a lot
13 harder and has a grit in it for traction, so it's
14 anti skid.

15 We're going to try to do a few areas out
16 here. We want to see how it works over the
17 wintertime and it's kind of like a test, because
18 some of our side streets are going to need some
19 further work. Even though we did do crack
20 sealing over there, you can only put so much of
21 that in the area. I have to show you a picture
22 of what I'm talking about, but you can't just
23 take the sealer and fill in a hole with it
24 because it's soft. It's made to stay in that
25 joint.

1 A couple of projects that we started.
2 Obviously the bricks that we started we finished
3 that. That was one job that we completed over
4 the last two months. Another project that we
5 started and completed was the painting of the
6 Community Center, the upper exterior portion.
7 There is going to need to be more work done on
8 that facade over there or the upper areas,
9 because there is quite a bit of rot.

10 We didn't want to start ripping things
11 down because once you start, you're not going to
12 stop. We do have to do some major work up on
13 there. There's been a few pieces that have
14 actually fallen off and we've gotten them back up
15 there and secured them so that they don't fall
16 down, but there's going to need to be some work
17 on the exterior portion.

18 A couple reminders, September 30 at the
19 end of this month we're going to start our fall
20 cleanup. Leaves and sticks, but primarily
21 leaves. That goes through December 1. September
22 24 we're taking our hazardous waste down to the
23 county, which this is going to be their last drop
24 off in Berea, because Solid Waste District is
25 going to have a new facility and that will open

1 up in January.

2 We also took computers, monitors,
3 keyboards, telephones, all of this went down to
4 RET3, which is down on 39th off of Superior.
5 That is also part of the Solid Waste District
6 collection that they do every year. And if
7 anybody has any questions.

8 MR. ROBINS: I saw the tar baby out
9 there. And I know people work very hard and
10 fortunately we had good weather in which to do
11 the work. As you go west of Eddy Road on Lake
12 Shore Boulevard, the crack sealer now has become
13 so dominant, it's out stripped the amount of
14 roadway that we had originally. So if anybody
15 goes along there and looks at it, especially if
16 you ride a bicycle along there, it's very
17 challenging. So I know you have a challenging
18 task.

19 My question really is a joint one for
20 you and Mr. Bierut and perhaps it will be covered
21 under public improvements, but at the last
22 Council meeting, there was a request to have, if
23 you own the road, what would you do, when does it
24 really require replacement. It's well-known, I'm
25 sure Mr. Bierut will confirm this, that in

1 engineering circles that there's a certain point
2 where replacement is much more important than
3 repair. And if you don't do the replacement, the
4 increase cost is a multiple, much larger multiple
5 than if you spent the money now. So my question
6 really is is what parts of that road and when do
7 we have to do replacement rather than repair?

8 MR. ZALAR: In my opinion, I believe
9 it's going to have to be, you know, we're going
10 to have to start doing something by next year.
11 That's my opinion. Obviously myself, I'd have
12 started a couple years ago, but with finances,
13 it's just tough to do. So right now we're just
14 trying to milk it along and hold the thing
15 together until we have the funds so we can
16 actually -- and really, it's just basically from
17 Eddy Road west. That's the real bad section of
18 the boulevard. We want to stay up on the side
19 streets.

20 You know, we can only spend so much and
21 obviously the boulevard and with the weather
22 being good and winter right around the corner, I
23 wanted to make sure we're not -- this PolyPatch
24 we put in is a stopgap for the cold patch that we
25 put in and the next storm it's all over the

1 place. We did a pretty good test area out there
2 and we're going to see how that holds up. Really
3 it's from Eddy Road west is really the big
4 problem as far as the boulevard goes.

5 MAYOR LICASTRO: Go ahead.

6 DR. SECURA: My understanding is you're
7 done patching holes or there's potholes in the
8 roads, there's one on Burton, are you done?

9 MR. ZALAR: As far as the monies that we
10 have allotted for that, because we have a large
11 section out here that has to be -- the road is
12 actually sinking right here at the intersection
13 here. This is from years ago. I believe it was
14 10 years ago we had a water main break right here
15 at the intersection of the driveway. And it
16 happened in the middle of winter when it was
17 below zero. And when he did it, he got it all
18 repaired and everything, but over the years, with
19 all of that moisture in there, it tended to dry
20 out and now everything is settling back down to
21 where it's supposed to be. So now it has to be
22 dug up and repaired. So that's going to take the
23 bulk of the monies.

24 MAYOR LICASTRO: Mr. Mateyo.

25 MR. MATEYO: Joe, I don't know who's

1 responsible for it, but on Lake Shore Boulevard
2 going east from Eddy Road, there's a number of
3 trees obviously on the north side and south side
4 and more than one, many of them look distressed.
5 And is that Bratenahl's responsibility?

6 MAYOR LICASTRO: Are they in the tree
7 lawn?

8 MR. MATEYO: Like on the Haskell side,
9 then on Mr. Borkey's side, then going all the way
10 down to Coit, there are a number of them that
11 look distressed. They form the whole arbor
12 across Lake Shore Boulevard.

13 MAYOR LICASTRO: Those are the Pin Oaks
14 you're talking about.

15 MR. ZALAR: Some of that is ours, but
16 mostly it's Shade Tree Commission. What I've
17 learned in the past is when the Pin Oaks and some
18 of the Oaks start to get their light green color,
19 they need to be fed with fertilizer.

20 MR. MATEYO: That's what I understand.

21 MR. ZALAR: I'm going to mention that to
22 Mr. Sutton, because we have the tree over here
23 that's going to be taken down right in the corner
24 of the park here that's fairly large that has to
25 come down. And I think there's two more that

1 possibly have to come down.

2 MS. MEADE: Are you saying, Joe, that
3 Shade Tree Commission, being a member, needs to
4 recommend formally?

5 MR. ZALAR: I believe so.

6 MS. MEADE: Or are you asking about a
7 budgetary issue?

8 MR. ZALAR: It's a budgetary issue,
9 because to have someone come out and fertilize
10 them, because it's done with a liquid, I believe.

11 MS. MEADE: Shade Tree doesn't have a
12 budget. It's part of Council's budget.

13 MR. ZALAR: I think it's a
14 recommendation from you, though.

15 MS. MEADE: So is there money there?

16 MAYOR LICASTRO: The monies we put aside
17 this year is more emergency removal, because we
18 were really trying to cut the budget. Hopefully
19 we can put more money there to allow this type of
20 work to be done. Thank you, Mr. Zalar. Mr.
21 Jamieson.

22 MR. JAMIESON: Thank you, Mayor. The
23 month of August we did perform 10 building
24 inspections of various types, registered seven
25 new contractors, issued 13 building permits,

1 three certificates of occupancy as well. And the
2 exterior maintenance program, we have nine
3 property owners that will be issued citations and
4 we expect in Mayor's Court on the 28th. That
5 concludes my report.

6 MAYOR LICASTRO: Mr. Jamieson, you're
7 aware of this certainly. I received the document
8 from the Board of Health a couple days ago
9 recommending that we change our ordinances that
10 regulate registration of contractors to include
11 concerns about lead paint. We've talked about
12 this before. I mentioned this to Mr. Matty. He
13 also recommended that legislative look at this
14 and look at a couple templates that they can then
15 recommend to Council for approval so we can
16 informally include this in the registration of
17 contractors.

18 It is their responsibility to be aware
19 of this and abate this material, but it's going
20 to take some action by this body to allow this to
21 go forward. So, Mr. Mateyo, if you'd be so kind
22 to put this on one of your agendas. I think it
23 needs to be dealt with.

24 MR. JAMIESON: My building officials
25 organization met today. And that letter was sent

1 obviously to every mayor and building director in
2 Cuyahoga County. There is some question about
3 the enforcement of that, you know, who oversees
4 the people actually doing the work. So it's
5 something to think about that goes to Legislative
6 Committee.

7 MAYOR LICASTRO: Well, we'll certainly
8 work with legal to make certain that whatever we
9 do is enforceable. Thank you, Mr. Jamieson.
10 Chief.

11 CHIEF DOLBOW: July 21 to September 15
12 we had 23 felony cases; 68 misdemeanor arrests;
13 20 warrants; 51 driving under suspension; 32
14 OVI's; 21 motor vehicle accidents; 108 vehicles
15 were towed; 28 false alarm drops. We had a total
16 of 34 911 calls, 19 of which were false, and we
17 had one false fire call. Total of 861 tickets
18 were issued.

19 The breakdown of the felony cases, we
20 had one sexual battery, one carrying concealed
21 weapon -- or two carrying concealed weapon, four
22 trafficking in marijuana, three possession of
23 marijuana, three thefts, three possession of
24 heroin, one domestic violence, four possession of
25 cocaine, one funding of trafficking and one

1 tampering with evidence.

2 August 18, we swore in three new
3 part-time officers to fill the voids within the
4 ranks. These officers are Lance Whitmer,
5 Christopher Messinger and Jerry Grabowski. All
6 three have previous experience and will make a
7 fine addition to our team.

8 Officer Flanagan and our K-9 Erok
9 continue the task of drug intervention from
10 Michigan en route to Pennsylvania with a
11 substantial amount of heroine and cocaine.
12 Narcotics and the vehicle were seized and the
13 driver is facing felony charges as a result of
14 the stop.

15 On 9/11 of this month, Patrolman
16 Marjanovic stopped a vehicle for a basic traffic
17 violation that led to the seizure of 12 pounds of
18 marijuana and roughly \$6,500 in cash. Felony
19 charges and forfeiture of that vehicle are
20 pending.

21 Two of our other open cases have
22 recently been closed. First being the shooting
23 on the freeway. We solved those cases. The
24 second was the home invasion and the grand theft
25 motor vehicle here in the Village. Both cases

1 were very exhaustive and may never have been
2 closed without the tireless efforts of Sergeant
3 Longley. He worked very hard to bring these two
4 cases to close. We're taking them to the Grand
5 Jury and we have felony warrants on a couple of
6 suspects. So we have no open crimes to speak of
7 at this time.

8 September 3, for a four-hour period our
9 department formulated and executed the first ever
10 OVI check point on Lake Shore Boulevard near East
11 140th as part of the OVI task force. As a
12 result, our department made one felony arrest,
13 seven misdemeanor arrests, three OVIs, one
14 driving under suspension, five restraint
15 violations, three operating without a license, 15
16 miscellaneous other violations were issued and
17 all costs associated with this detail will be
18 reimbursed to the Village by the State as
19 contracted by the task force.

20 Recently I have nominated three of our
21 officers for the Mad Top Cop award for the top
22 three OVI arrests from January 1 to September 9.
23 Patrol Marjanovic had a total of 31 OVI arrests,
24 Patrolman Durand with 15, and Patrolman Rodriguez
25 with 13.

1 The department as a whole has made a
2 total of 117 OVI arrests for this time period.
3 Personally, I would like to congratulate these
4 fine officers for their efforts to make Bratenahl
5 community a safer one to travel through.

6 I'd also like to recommend to the Mayor
7 and Council that the six-month probationary
8 period be lifted for Officer Durand and myself as
9 we have met our obligation as per ordinance.

10 In closing, the Boys in Blue is hosting
11 it's FOP clambake September 25 at the Northeast
12 Yacht Club. We have tickets available at the
13 front window and we'd like to see as many there
14 as possible. Any questions?

15 MR. ROBINS: Chief, you talked about a
16 couple of the drug interdictions and \$6,500 that
17 you managed to get a hold of. I know we get to
18 keep at least a portion of that.

19 CHIEF DOLBOW: The county takes 20
20 percent, the prosecutor's office, and the 80
21 percent remains with us.

22 MR. ROBINS: You talked about seizure of
23 two vehicles if I heard you correctly. I hope
24 they were very nice and expensive vehicles,
25 because do we get to keep the vehicle's value

1 when we sell them or is that again an 80/20
2 split?

3 CHIEF DOLBOW: If the vehicle is paid
4 off and worthy of seizure, we'll go ahead and
5 move for such. Oftentimes, if we can't use them
6 as a department, we'll auction them off and that
7 money goes into the coffers.

8 MR. ROBINS: Were they nice?

9 CHIEF DOLBOW: Unfortunately, they're
10 not anything to brag about. The one is a very
11 nice vehicle, but the mileage is so high that I
12 doubt it.

13 MAYOR LICASTRO: 170,000 miles.

14 MS. MEADE: Unmarked litter car.

15 CHIEF DOLBOW: We have to take it to use
16 and we'll probably use it in litter enforcement.

17 MAYOR LICASTRO: Just to reiterate, the
18 25th at Northeast Yacht Club is the FOP clambake.
19 It's \$35. It's a great value. We don't get
20 enough participation on that, so I ask you to
21 look at your calendar. Six o'clock, Rich, is
22 that correct?

23 CHIEF DOLBOW: Yes, starts at six.

24 MAYOR LICASTRO: Please support our FOP
25 and plus it's a lot of fun. I think the beer is

1 free.

2 CHIEF DOLBOW: Yes, it's included.

3 MAYOR LICASTRO: Any other questions for
4 the Chief? Thank you. Moving to committee
5 reports. Finance.

6 MR. McDONALD: Finance Committee did not
7 meet. But just to bring everyone up to date, the
8 CCA collections continue to run ahead of budget.
9 As a matter of fact, if we got nothing left for
10 the rest of the year from CCA, we would be above
11 our budget. So it looks like, though, if we do
12 continue to collect through the year, Mr. Zalar
13 may need some of that money next year.

14 MAYOR LICASTRO: Thank you. Public
15 improvements.

16 MR. BOLTON: Public Improvements
17 Committee met twice. First was Monday night, the
18 13th. Present were Mr. Kesselem, Mr. Stephan,
19 myself. Pat Meade representing the BSAT, Mr.
20 Bierut, and Laura Stephan. Following being
21 called to order.

22 MS. MEADE: Laura Bacci.

23 MR. BOLTON: Laura Bacci. I'm sorry.
24 Of course. There were four primary issues on the
25 agenda. The first was the 2010 road repair

1 project, which Mr. Zalar referred to. The crack
2 filling project was about \$10,000 in materials
3 and equipment rental. Mr. Bierut several times
4 complemented the service department and Joe upon
5 the great job they did and pointed out that they
6 saved substantial monies for the Village. On
7 behalf of our committee, we'd like to thank you,
8 Mr. Zalar, for your effort.

9 Pavement markings are going to be done
10 this year, which is about \$5,000. And within the
11 budget, which has been allocated for road repair,
12 is about \$10,000 remaining. And it's recommended
13 that the work that be performed in that \$10,000
14 be the repair of the pavement which Mr. Zalar
15 referred to at the intersection here.

16 There was a discussion of what funding
17 would be used to pay for this. And the
18 restricted account has approximately \$30,000 in
19 it, so the intent is to stay within that, the
20 monies in the restricted account. Mr. Stephan
21 moved we authorize Mr. Zalar to obtain informal
22 bids for road repairs not to exceed the remaining
23 funds in the restricted account and not to exceed
24 \$25,000. So we are recommending Council
25 authorize that.

1 MAYOR LICASTRO: If I may, can they make
2 a motion without a specific company or just a
3 motion not to exceed the funds?

4 MR. MATTY: They should make a motion
5 with the specific company.

6 MAYOR LICASTRO: That's what I thought
7 you'd say.

8 MR. MATTY: Otherwise, it's open-ended
9 as to who or how many could be and I don't think
10 you want to be doing that. You want to know
11 who's doing it for whatever the amount is.

12 MAYOR LICASTRO: So you might have to
13 meet again after Mr. Zalar gets the bids. And we
14 can then make a formal motion that includes the
15 company's name.

16 MR. BOLTON: Fine. By the way, Mr.
17 Kesselem seconded it, it was unanimous. The
18 second agenda item was a sewer project. As
19 people may remember, the Village several years
20 ago began a program of cleaning and maintaining
21 the sewers. It was originally done on a basis
22 with approximately a third or a quarter being
23 done each year for four years to inspect, clean
24 and videotape the sewers.

25 This year Mr. Bierut proposed redoing

1 certain areas, which are susceptible to tree root
2 growth on a shorter time period than that, which
3 is basically from Lake Shore Boulevard from 105th
4 to Corning. This year is the third section to be
5 done. Mr. Bierut presented pricing information
6 and has followed-up with since this meeting for
7 our follow-up meeting today and sent -- he's
8 followed-up with each of the contractors who bid
9 and recommended that United perform the work as
10 they did a good job last year and they were low
11 bidder now. There were several questions which
12 were deferred, which he answered. And so the
13 recommendation is to do this year's part plus I
14 don't know which alternate group.

15 MR. BIERUT: Alternate one. Just no one
16 knows where alternate one is. What we do is we
17 do a quarter of Bratenahl at a time. At that
18 time we identify areas that need to have more
19 heavy-duty cleaning and we go back the following
20 year and do those areas. This year it's right
21 here at 105th that's had the heavy-duty area.
22 That's the alternate that's \$10,000.

23 MR. BOLTON: The cost of these projects
24 plus combined with our tight finances has meant
25 that the four-year program is going to become a

1 five-year program.

2 MAYOR LICASTRO: Mr. Bolton, if I may,
3 so the recommendation from your committee is to
4 proceed with United Survey?

5 MR. BOLTON: Yes.

6 MAYOR LICASTRO: Do you have an amount
7 on that?

8 MR. BOLTON: I don't have it in front of
9 me. 14,000 and change.

10 MR. BIERUT: I can give you that amount
11 if you like.

12 MAYOR LICASTRO: If it includes
13 alternate one, which I think you're recommending.

14 MR. BIERUT: Right. The total price is
15 \$24,458.25.

16 MAYOR LICASTRO: That's the
17 recommendation of your committee.

18 MR. BIERUT: That's the base price plus
19 the alternate.

20 MR. BOLTON: That's the recommendation
21 of the committee.

22 MAYOR LICASTRO: All right. Not to jump
23 the agenda, but I ask for a motion from Council
24 to approve the award of this contract to United
25 Survey to do the work as described by Mr. Bolton

1 and reiterated by Mr. Bierut into an amount not
2 to exceed \$24,458.25.

3 MS. BECKENBACH: So move.

4 MR. MATEYO: Second.

5 MAYOR LICASTRO: Any discussion? Do you
6 have a question?

7 MS. MEADE: One question. Is this
8 proposal the part where you're not doing Coit
9 Road?

10 MR. KESSELEM: No, it's with Coit Road
11 on there. It's the original proposal. We're
12 hoping we can take some money away from Coit Road
13 hoping that it had been replaced, but for the
14 rest of the residents that weren't there.

15 MR. BOLTON: But Mr. Bierut went into
16 his files and verified that only the waterline
17 had been replaced on Coit and not the sewer
18 lines.

19 MR. ROBINS: Historically, Mr. Bierut, I
20 remember that through the EPA requirements or
21 assumed requirements we needed to do this once
22 every five years. And there was a cost at that
23 time to do it of roughly \$170,000. And you
24 recommended dividing it up into four.

25 And what I'm really questioning is we

1 must have a heck of a deal if we've got 23 and
2 24,000, because if you take that 170, which was
3 the original number that you had divided by four,
4 obviously that's a much larger number. So I'm a
5 little uncertain and dubious are we really doing
6 everything that we should be doing? Is it apples
7 and apples?

8 MR. BIERUT: Councilman Bolton touched
9 on it. We are going to a five-year program from
10 four. What that fifth year will entail is we'll
11 go through the whole Village in four years and
12 then in that fifth year come back and do these
13 heavy-duty areas that take the four times 25, you
14 get 100. That fifth year is going to be
15 expensive. We have a couple of alternates that
16 ran up near the \$20,000 mark to do the heavy-duty
17 cleaning. So the 170 isn't off when we go back
18 to the five years rather than four years.

19 MR. ROBINS: So there's roughly a
20 \$50,000 hit coming in the next couple of years?

21 MR. BIERUT: Yes. One year or two, how
22 the numbers come out, 170 is fairly close.

23 MR. ROBINS: Thank you.

24 MAYOR LICASTRO: Mr. Stephan.

25 MR. STEPHAN: Don, correct me if I'm

1 wrong, the alternatives two, three and four that
2 are not being addressed, which would then, I
3 expect, be addressed in year five, are the result
4 of the first two years only half of the Village
5 video being produced?

6 MR. BIERUT: I'm assuming the next two
7 years we're also going to end up with some
8 additional areas.

9 MR. STEPHAN: I forget, what's the total
10 of two, three and four alternatives, the cost?

11 MR. BIERUT: It's in the vicinity of
12 \$30,000. I think it depends what area you look
13 at and things like that.

14 MR. STEPHAN: It's reasonable to assume
15 60?

16 MR. BIERUT: Yeah. Unfortunately, we'll
17 hit that number we talked about.

18 MAYOR LICASTRO: Anyone else? All in
19 favor of the motion?

20 Ayes: 6.

21 MAYOR LICASTRO: Any opposed? Thank
22 you. Thank you, Mr. Bolton.

23 MR. BOLTON: I'm afraid my report is not
24 over yet. The meeting on Monday, through
25 exhaustion, finished around quarter of eight and

1 was resumed earlier today.

2 MAYOR LICASTRO: Well, don't exhaust us
3 tonight.

4 MR. BOLTON: I'll do my best. The third
5 item on the agenda was the Cleveland Division of
6 Water Agreement, where Bratenahl is reviewing the
7 proposed agreement to turnover the maintenance to
8 Cleveland for 20 years and at least two readings
9 of this on Council.

10 Mr. Bierut was asked to do some further
11 work on it. To summarize, he came back and said
12 that he thought that the early reports were
13 surprisingly good from communities that already
14 have participated. Bratenahl still has to flush
15 and paint Bratenahl's hydrants, which is done by
16 the service department now. And that he wasn't
17 aware of anything that the Village would be
18 giving up in signing that agreement.

19 There was discussion of FEMA. We talked
20 about that earlier. Then the heart of the
21 meeting was a discussion of the NOPEC grant
22 application. And Ms. Bacci came and apologized
23 that she had computer problems, so we were
24 looking at a draft rather than the final. I
25 think I'd like to leave this to Ms. Bacci if

1 you'd like to explain what the application is
2 about. If you don't want to, I'm happy to.

3 MS. BACCI MERHAUT: I'll try to be
4 brief. As a result of Future Search, the
5 community formed a lot of different committees.
6 And one of those committees became the Bratenahl
7 Sustainability Action Team. The Chairman is
8 officially Beau Daane and he was not able to be
9 here this evening.

10 Within that committee itself, a bunch of
11 subcommittees were formed to look into
12 sustainability, different aspects of it. And we
13 have volunteered to help write the NOPEC grant,
14 which is a \$50,000 opportunity for Bratenahl.
15 And the subcommittee defined two areas that we
16 would like to go forward with at this time.

17 One is a feasibility audit for wind
18 turbines. And the second is a Village green
19 print audit. And we have been advised to use
20 those terms audit by NOPEC. Let's see, the total
21 amount is \$37,500, which will leave 12,500 on the
22 table for another opportunity within this Village
23 to go for that before the February deadline in
24 2011.

25 What else do you need to know? I think

1 you heard some of this at the last Council
2 meeting. We were going for 45,000. We backed
3 down a little bit and hopefully someone will step
4 up and look for a little more tangible project
5 than what we're about to do.

6 MR. ROBINS: One question, Laura. As I
7 recall, the 50,000 is a minimum that every
8 community would get from NOPEC. And that you can
9 actually get more than 50,000 if you have a
10 project that they deem worthy of the additional
11 funding.

12 MS. BACCI MERHAUT: No, that's not
13 correct. The amounts of money per community were
14 based on the users within the community. Our
15 lump sum right now is \$50,000 only. When they
16 get through with this round in February of 2011,
17 if there's any money that was left on the table
18 by any other communities, they will then have a
19 round two and we could then apply again.

20 MR. ROBINS: Thank you.

21 MR. BOLTON: There was a thorough
22 discussion of this. And by the way, the
23 committee has done a lot of work in preparing
24 this application. Mrs. Bacci is putting a lot of
25 work in preparing this proposed grant project.

1 There was a thorough discussion. I'm
2 trying to make sure I don't miss anything here.
3 There were several items which were left open.
4 One of which was the committee felt it was
5 appropriate to review a final draft and not a
6 preliminary draft, so we continued the meeting to
7 this afternoon.

8 Another issue was there was considerable
9 concern expressed by Mr. Stephan that if
10 Bratenahl put in a request for a portion of the
11 \$50,000, that we might either lose or diminish
12 our chance to win the remaining award. Ms. Bacci
13 received a letter from Georgia Reash, grant
14 administrator from NOPEC, do I have time to read
15 portions of that, Mr. Mayor?

16 MAYOR LICASTRO: Please.

17 MR. BOLTON: This letter is to affirm
18 for Council at the City of Bratenahl that your
19 full allocation is yours and is available to you
20 at any time until 2/2011 through NOPEC's
21 noncompetitive grant program. You may submit a
22 partial application now and claim any balance
23 remaining through any number of grant application
24 you submit.

25 Lee Harrington reviewed your summary and

1 was very excited about its scope. Rest assured,
2 your projects are sound. Your money is available
3 to you. And NOPEC supports the progressive
4 efforts underway.

5 So this is a very enthusiastic letter
6 that I wanted to share with you that NOPEC is
7 excited by what the committee has put together.
8 There are also several minor legal issues related
9 to the grant which need review by Mr. Matty by
10 the proposed grant request.

11 Our committee met and unanimously are
12 recommending to Council that we approve the
13 proposed grant request subject to review by Mr.
14 Matty. And also, the committee would like to try
15 to meet with the Cleveland Foundation prior to
16 September 24, when its intended the grant be
17 submitted, in order to obtain the Foundation's
18 advice in the grant making and whether they'll
19 participate, what their experience has been, what
20 they would recommend.

21 So it's not quite subject to having a
22 meeting, but we wanted to advise you that that's
23 part of the intention of the grant is to involve
24 the Cleveland Foundation at this point.

25 MAYOR LICASTRO: Are you asking for

1 another motion, Mr. Bolton?

2 MR. BOLTON: I'm asking for a motion
3 that the grant request be approved subject to
4 review by the Village solicitor.

5 MS. BECKENBACH: I'll second that.

6 MAYOR LICASTRO: Discussion? Mr. Matty,
7 I forwarded you those concerns this afternoon.

8 MR. MATTY: Thank you.

9 MAYOR LICASTRO: Ms. Bacci.

10 MS. BACCI MERHAUT: I have one comment.
11 I did a little bit of this, but the group that
12 was formed in that BSAT committee spent lots and
13 lots of hours and gave up Friday evenings and
14 Saturday mornings. And I think that they deserve
15 kudos. And that was Mr. Benson Lee, Beau Daane,
16 Joyce Jones, Pat and Andy Kesselem, and we even
17 dragged Norman off the golf course to sit in
18 those meetings.

19 MAYOR LICASTRO: That's hard to do.

20 MS. BACCI MERHAUT: Mayor, I want to
21 thank you for coming to my house and meeting with
22 Director Ciaccia from the Sewer District and
23 again taking time out, all the folks that went
24 over to the BCMA to meet with them to talk about
25 the partnership, so it wasn't just me. If it

1 were me, we'd still be at the computer. So thank
2 you to all those folks.

3 MAYOR LICASTRO: Thank you, Mrs.
4 Merhaut. There being no further discussion, all
5 in favor of the motion?

6 Ayes: 6.

7 MAYOR LICASTRO: Anyone opposed? Thank
8 you. Mr. Bolton, are you done now?

9 MR. BOLTON: I am done. Sorry it took
10 so long, but thank you.

11 MAYOR LICASTRO: It's a lot of work. We
12 appreciate it. Legislative. Mr. Mateyo.

13 MR. MATEYO: Did not meet.

14 MAYOR LICASTRO: Public safety.

15 MS. BECKENBACH: Public safety did not
16 meet, but I'm going to change the date and I will
17 send emails to that effect. For this month, we
18 normally meet on the third Wednesday, we will
19 meet -- I'm sorry third Monday. We will meet on
20 the fourth Monday of this month.

21 MAYOR LICASTRO: Thank you. Community
22 Affairs.

23 MS. BECKENBACH: Community Affairs will
24 not meet this month.

25 MAYOR LICASTRO: Recreation Commission.

1 MR. McKINNEY: September 2010 Recreation
2 Commission update. Community Center usage,
3 security maintenance, nothing new to report on
4 that. Activities launch were planned, email list
5 updated. For anyone interested in receiving
6 email updates on recreation events, please email
7 the center at Bratenahlcenter@SBCglobal.net.

8 Reviewing and updating policy and
9 procedures, manuals that's being done by Steph
10 Gallagher and Clarence Mixon. Children reading
11 hour for preschool, the second Tuesday of each
12 month at 10:00 a.m. The Tri-County Table Tennis
13 Club is meeting every Monday and Wednesday
14 starting at 5:30, beginners through advanced.
15 The cost is \$4 per session. The sessions last
16 about three hours per session.

17 Upcoming events, Club 55. Tuesday,
18 September 21 and October 19 at 10:00 a.m. The
19 next event will be the Haber mural information
20 event, which is going to be October 2. The
21 purpose of the event is to inform residents about
22 the murals and to raise money for the
23 restoration. Wine and h'orderves will be served.
24 Saturday, October 2 is the date, six o'clock p.m.
25 to eight p.m.

1 The kids Halloween party will be
2 Saturday, October 30, from 5:00 p.m. to 6:30
3 p.m.. And the budget is on track.

4 MAYOR LICASTRO: Thank you, Mr.
5 McKinney. Any questions for Mr. McKinney?
6 Planning Commission, Ms. Beckenbach.

7 MS. BECKENBACH: The Planning Commission
8 did not meet, but they will be meeting next
9 Wednesday.

10 MAYOR LICASTRO: Shade Tree Commission.
11 Ms. Meade, anything to report?

12 MS. MEADE: They did not meet.

13 MAYOR LICASTRO: Thank you. Moving to
14 old business, ordinance number 3488, the FEMA
15 floodplain, Ms. Beckenbach.

16 MS. BECKENBACH: I'd like to introduce
17 ordinance number 3488 for third reading, an
18 ordinance repealing existing Chapter 1315 and
19 adopting new chapter 1315 of the codified
20 ordinances of the Village of Bratenahl to comply
21 with the requirements of the Federal Emergency
22 Management Agency. And this is for passage.

23 MAYOR LICASTRO: Is there a second on
24 passage?

25 MR. MCDONALD: Second.

1 MAYOR LICASTRO: Any questions or
2 concerns?

3 MR. BOLTON: I just want to ask Mr.
4 Matty again on this. And I'm asking it because
5 the map which Mr. Bierut showed me included the
6 entire coastline of the Village.

7 This proposed ordinance change does not
8 change the rights of any government agency to
9 shoreline property, does it?

10 MR. MATTY: It does not.

11 MR. BOLTON: Thank you.

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

14 MR. GALLAGHER: Ms. Beckenbach?

15 MS. BECKENBACH: Aye.

16 MR. GALLAGHER: Mr. Bolton?

17 MR. BOLTON: Aye.

18 MR. GALLAGHER: Mr. Kesselem?

19 MR. KESSELEM: Aye.

20 MR. GALLAGHER: Mr. Mateyo?

21 MR. MATEYO: Aye.

22 MR. GALLAGHER: Mr. McDonald?

23 MR. McDONALD: Aye.

24 MR. GALLAGHER: Mr. Stephan?

25 MR. STEPHAN: Aye.

1 MAYOR LICASTRO: Thank you. The next
2 three resolutions pertaining to the Water Service
3 Agreement with Cleveland. I think Mr. Bolton
4 mentioned you discussed this in public
5 improvements.

6 Mr. McDonald, would you start with 866
7 please?

8 MR. McDONALD: I'd like to introduce
9 Resolution number 866 for second reading, a
10 resolution authorizing the Mayor to enter into an
11 amendment to the City Water Service Agreement
12 with the City of Cleveland.

13 MR. BOLTON: Second.

14 MAYOR LICASTRO: No second on a second
15 reading.

16 Moving to resolution 867, Mr. Bolton.

17 MR. BOLTON: I can't read it because I
18 don't have it.

19 MAYOR LICASTRO: There you go. Do we
20 need the next one, too?

21 MR. BOLTON: I would like to introduce
22 resolution number 867, a resolution authorizing
23 the Mayor to enter into an asset transfer
24 agreement with the City of Cleveland in
25 connection with the amendment to the Water

1 Service Agreement for second reading.

2 MAYOR LICASTRO: Thank you. Moving to
3 resolution 868.

4 MR. MATEYO: Authorizing the Mayor to
5 enter into a Joint Economic Development Zone
6 Agreement with the City of Cleveland in
7 connection with the amendment to the Water
8 Service Agreement, for second reading.

9 MAYOR LICASTRO: Thank you. We'll
10 hopefully get those on for passage next month and
11 move forward with this.

12 The next item on the agenda is
13 resolution 869, which accepts the rates and
14 amounts of the budget commission.

15 Before I ask this be introduced, Mr.
16 Gallagher, would you comment on this, please.

17 MR. GALLAGHER: It's just pro forma
18 stuff. Something we do every year.

19 MAYOR LICASTRO: That being said in a
20 very succinct manner, Mr. Kesselem.

21 MR. KESSELEM: Resolution 869, accepting
22 an amount and rates as determined by the budget
23 commission and authorizing the necessary tax
24 levies and certifying them to the county auditor.

25 MS. BECKENBACH: Second.

1 MAYOR LICASTRO: Ask for suspension,
2 please.

3 MR. KESSELEM: For suspension.

4 MAYOR LICASTRO: Is there a second on
5 suspension?

6 MS. BECKENBACH: Second.

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

9 MR. GALLAGHER: Ms. Beckenbach?

10 MS. BECKENBACH: Aye.

11 MR. GALLAGHER: Mr. Bolton?

12 MR. BOLTON: Aye.

13 MR. GALLAGHER: Mr. Kesselem?

14 MR. KESSELEM: Aye.

15 MR. GALLAGHER: Mr. Mateyo?

16 MR. MATEYO: Aye.

17 MR. GALLAGHER: Mr. McDonald?

18 MR. McDONALD: Aye.

19 MR. GALLAGHER: Mr. Stephan?

20 MR. STEPHAN: Aye.

21 MR. GALLAGHER: Thank you.

22 MAYOR LICASTRO: For passage, please.

23 MR. KESSELEM: I'd like to offer it for
24 passage.

25 MAYOR LICASTRO: Is there a second?

1 MS. BECKENBACH: Second.

2 MAYOR LICASTRO: Any discussion or
3 questions? There being none, roll call on
4 passage, please.

5 MR. GALLAGHER: Ms. Beckenbach?

6 MS. BECKENBACH: Aye.

7 MR. GALLAGHER: Mr. Bolton?

8 MR. BOLTON: Aye.

9 MR. GALLAGHER: Mr. Kesselem?

10 MR. KESSELEM: Aye.

11 MR. GALLAGHER: Mr. Mateyo?

12 MR. MATEYO: Aye.

13 MR. GALLAGHER: Mr. McDonald?

14 MR. McDONALD: Aye.

15 MR. GALLAGHER: Mr. Stephan?

16 MR. STEPHAN: Aye.

17 MR. GALLAGHER: Thank you.

18 MAYOR LICASTRO: We have stricken the
19 motion for the road repair from the agenda. And
20 we've already done item G, the sewer cleaning
21 contract.

22 Moving to new business, we have
23 ordinance 3493 paid claims. Mr. Stephan.

24 MR. STEPHAN: I introduce ordinance 3493
25 for claims against the Village of Bratenahl and

1 hereby authorize the clerk to draw these warrants
2 for the amount of -- is it 108,311.57?

3 MR. MATEYO: That's it.

4 MAYOR LICASTRO: And ask for suspension,
5 please.

6 MR. STEPHAN: And ask for suspension.

7 MR. MATEYO: Second.

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

10 MR. GALLAGHER: Ms. Beckenbach?

11 MS. BECKENBACH: Aye.

12 MR. GALLAGHER: Mr. Bolton?

13 MR. BOLTON: Aye.

14 MR. GALLAGHER: Mr. Kesselem?

15 MR. KESSELEM: Aye.

16 MR. GALLAGHER: Mr. Mateyo?

17 MR. MATEYO: Aye.

18 MR. GALLAGHER: Mr. McDonald?

19 MR. McDONALD: Aye.

20 MR. GALLAGHER: Mr. Stephan?

21 MR. STEPHAN: Aye.

22 MR. GALLAGHER: Thank you.

23 MR. STEPHAN: I introduce ordinance 3493
24 for passage.

25 MR. MATEYO: Second.

1 MAYOR LICASTRO: Questions? There being
2 none, roll call on passage, please.

3 MR. GALLAGHER: Ms. Beckenbach?

4 MS. BECKENBACH: Aye.

5 MR. GALLAGHER: Mr. Bolton?

6 MR. BOLTON: Aye.

7 MR. GALLAGHER: Mr. Kesselem?

8 MR. KESSELEM: Aye.

9 MR. GALLAGHER: Mr. Mateyo?

10 MR. MATEYO: Aye.

11 MR. GALLAGHER: Mr. McDonald?

12 MR. McDONALD: Aye.

13 MR. GALLAGHER: Mr. Stephan?

14 MR. STEPHAN: Aye.

15 MR. GALLAGHER: Thank you.

16 MAYOR LICASTRO: That ends our agenda as
17 of this evening. Is there anyone else on Council
18 that would like to make a comment?

19 MR. BOLTON: In seven years, that's the
20 first Pay Claims that I've seen that never had a
21 question.

22 MAYOR LICASTRO: Would you like to ask a
23 couple now? I'm sorry, Mr. Kesselem.

24 MR. KESSELEM: I received an email
25 earlier this week about the EPA did give First

1 Energy their right to add more mercury to their
2 output. So the battle there was lost, unless
3 there's going to be any other action taken.

4 MAYOR LICASTRO: The only caveat, it was
5 a qualified permit, so they reduced the amount of
6 mercury, but there's still a lot on discharge.
7 So there was some compromise there, but you're
8 correct, they're allowing discharge.

9 Mr. Mateyo, you had a comment? Anyone
10 else on Council? Anyone else in the audience?
11 Mrs. Merhaut. It's hard to say it.

12 MS. BACCI MERHAUT: It's nice to say
13 though. I have a question for Council Member
14 Beckenbach. You and I had emailed back and forth
15 about a grant application for some recycling in
16 our Village Hall. Whatever happened with that?

17 MS. BECKENBACH: We received a grant for
18 the maximum amount and we bought the containers.
19 And the containers are in their appropriate
20 places.

21 MS. BACCI MERHAUT: Good.

22 MAYOR LICASTRO: You'll see one right by
23 the door as you go out, the blue container. Ms.
24 Meade.

25 MS. MEADE: Question for Jim. Has the

1 performance audit been scheduled or performed
2 yet?

3 MR. GALLAGHER: No.

4 MS. MEADE: Will it be before year end,
5 do you anticipate?

6 MR. GALLAGHER: I hope so.

7 MS. MEADE: And then I might have missed
8 this, Mayor. At the beginning you said there
9 would be action taken regarding executive
10 session?

11 MAYOR LICASTRO: I almost forgot. Thank
12 you for reminding me. There's a motion we need
13 by Council as phrased by Mr. Matty.

14 MR. MATTY: Mr. Mayor, we would ask for
15 a motion to authorize joinder by the Village to
16 the current motion to dismiss in the Northeast
17 Ohio Regional Sewer District case.

18 MR. McDONALD: So move.

19 MS. BECKENBACH: Second.

20 MAYOR LICASTRO: Moved by Mr. McDonald,
21 seconded by Ms. Beckenbach. Any questions,
22 concerns or comments? All in favor of the
23 motion?

24 Ayes: 5. Nays: 0.

25 MAYOR LICASTRO: Mr. Stephan, did you

1 vote?

2 MS. MEADE: Can you explain what it's
3 about?

4 MR. GALLAGHER: It's a motion currently
5 pending before the court, which is requesting
6 that the court have the district file the proper
7 legal process that not being what was filed in
8 the court.

9 MAYOR LICASTRO: The NOPEC -- excuse me,
10 the Northeast Regional has filed two counts in
11 court trying to get their program moving forward
12 to do maintenance of stormwater as well as
13 sanitary. A lot of communities more and more are
14 realizing there's flaws in the manner in which it
15 was presented to the court.

16 Therefore, Bratenahl, if this indeed
17 passes, will join in the motion to dismiss hoping
18 the District does it differently next time in a
19 way that's more appropriate and more legal.

20 MR. McDONALD: It's not an ultimate
21 opposition to what they're trying to do, they
22 just need to do it legally.

23 MAYOR LICASTRO: It's a process.

24 MR. MATTY: The process is incorrect
25 from a legal standpoint.

1 MS. MEADE: So are you taking an issue
2 with it or not taking an issue?

3 MAYOR LICASTRO: We're asking to be
4 included in the motion to dismiss.

5 MR. MATTY: We're taking an issue with
6 it.

7 MAYOR LICASTRO: Yes, we're taking a
8 stance.

9 MS. MEADE: Thank you.

10 MAYOR LICASTRO: Any other comments?

11 MR. MATTY: I have one other comment.
12 It's been 30 years of municipal experience I've
13 been going to these meetings and I never had the
14 opportunity to question a police chief about his
15 probation. I'm not so sure we want to pass up
16 that opportunity this evening, because it only
17 comes once in 30 years. There must be something
18 to discuss.

19 MAYOR LICASTRO: This is not a legal
20 probation. He wasn't just released from prison.
21 And not only do we need to approve the end of his
22 probation, but Officer Durand has been a great
23 addition to our department. He really was one of
24 the organizers of the sobriety check point, which
25 I visited voluntarily by the way. And I was very

1 impressed with the professional manner in which
2 they conducted the check point. My only concern
3 was officer safety. And they went to great
4 length to be certain that no one was put in
5 jeopardy.

6 So I need a motion from Council to end
7 the probationary period for both Officer Ryan
8 Durand and police Chief Rich Dolbow.

9 MS. BECKENBACH: I so move.

10 MR. McDONALD: Second.

11 MAYOR LICASTRO: All in favor of the
12 motion?

13 Ayes: 6. Nays: 0.

14 MAYOR LICASTRO: Did I forget anything
15 else?

16 MR. MATTY: No.

17 MAYOR LICASTRO: The first motion I
18 didn't hear everybody was in favor. Did you vote
19 on that, Mr. Stephan.

20 MR. STEPHAN: I had not. There was no
21 discussion. Now that there's been discussion and
22 the questions are answered, I am in favor.

23 MAYOR LICASTRO: All right. So we're
24 all unanimous in that motion? All right. No one
25 opposed. Thank you. Anything else?

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MS. BECKENBACH: I move to adjourn?

MAYOR LICASTRO: We are adjourned.

Thank you very much.