VILLAGE OF BRATENAHL
BRATENAHL COMMUNITY CENTER
10300 BRIGHTON ROAD
BRATENAHL, OHIO  44108

SPECIAL MEETING OF VILLAGE COUNCIL

MAY 7, 2022
9:00 a.m.

MAYOR JOHN LICASTRO
KEITH BENJAMIN
JOYCE BURKE-JONES
TRACY HOEFLING, (via phone)
GINA HUFFMAN
THOMAS MCDONALD

LAW DIRECTOR:  DAVID MATTY

TRANSCRIBED BY:  LORRAINE J. KLODNICK, RDR, CRR

MAYOR LICASTRO:  Okay.  It's 9:00, I'm going to call this meeting to order.
Mr. Matty, would you call the roll?  All right, I'll call the roll.

Mr. Benjamin?

MR. BENJAMIN:  Present.

MAYOR LICASTRO:  Ms. Burke-Jones?

MS. BURKE-JONES:  Here.

MAYOR LICASTRO:  Ms. Hoefling?

MS. HOEFLING:  Aye.

MAYOR LICASTRO:  You're here, right?

MS. HOEFLING:  Here.

MAYOR LICASTRO:  Ms. Huffman?

MS. HUFFMAN:  Here.

MAYOR LICASTRO:  Mr. McDonald?

MR. MCDONALD:  Here.

MAYOR LICASTRO:  Thank you. We have a quorum. Ms. Hoefling is joining us by phone.

MR. BENJAMIN:  For the record, just to explain that we're allowed to have virtual meetings up until July 1st.

MAYOR LICASTRO:  That's right. Through the end of June, the general assembly has allowed us to have virtual meetings to allow people to participate virtually through the end of June.

MR. MATTY:  Mr. Benjamin, that includes voting.

MR. BENJAMIN:  Yes.

MAYOR LICASTRO:  Move the mic so he can be heard. We are recording this.

MR. MATTY:  For the record, just to explain that we're allowed to have virtual meetings up until July 1st.

MR. MATTY:  Present.

MAYOR LICASTRO:  Mayor, I have Mr. Studenic on my phone, my speaker.

MAYOR LICASTRO:  Good morning. Any questions on the agenda from the audience? Thank you.

As you're aware, initially the Village did not have coverage for employment practice and public officials liability. Through a major effort by Rich Studenic, our agent from Wichert Insurance, the last chance we had was a company called QBE out of Texas. We were able to acquire both employment practice and public officials liability.

Rich, do you want to add anything?

MR. STUDENIC:  Yes. Just a point of clarification.

On my proposal, you'll see the date that it says inception date of May 5th, 2022, as well as the retroactive date of May 5th. The carrier has said they will only make the policy effective on the date that the Village passes the resolution or ordinance to purchase the coverage, so if that is the Village's wish here to pass the proper legislation, the policy will be effective upon that date.

MAYOR LICASTRO:  Thank you, Rich. In your packet as well we have a second resolution which extends the reporting period coverage from HCC, our former carrier.

Rich, do you want to explain that?

MR. STUDENIC:  Yes. The extended reporting carrier is the numbers that have been quoted. The premium is for a three-year period. What that does, that allows any wrongful acts that have occurred during the HCC period, meaning in the past, to -- that you learn about, say, in six months from now, that the coverage through HCC will extend. And that is necessary because the QBE policy is only providing coverage going forward from today.

MAYOR LICASTRO:  Thank you, Rich.

So does Council understand the nature of both the resolutions?

(Council members collectively respond affirmatively.)
MAYOR LICASTRO: All right. Now, the one with employment practice and official public officials is high deductible, high premium. I'm recommending we take the $100,000 deductible, which is a few dollars more than the $150,000 deductible, and understand that with the deductible the Village would be obligated, you know, if everything is according to Hoyle, that the Village would pay for defense and claims from the general fund.

If we exceed the $100,000, I hope we don't, the insurance company kicks in. Is that correct, Mr. Matty?

MR. MATTY: Yes. And there's a total of, Rich, and correct me if I'm wrong, but my understanding is there's a total on an annual basis of a million dollars of coverage for all claims.

MR. STUDENIC: Right, both public officials and employment practices.

MR. MATTY: And that would be in excess of the $100,000 deductible?

MR. STUDENIC: Correct.

MR. MATTY: Thank you.

MAYOR LICASTRO: And I must mention Rich Molnar Reporting Services, LLC (440) 340-6161

and I have become exceptional friends. The last week we spoke on a daily basis. He was determined to find a company that gave us a quote. QBE is based out of Canada, but this particular agency is out of Texas, the entity is out of Texas, and Rich worked exceptionally hard on our behalf to come up with insurance.

Any other questions from Council?

MR. BENJAMIN: Just I probably know the answer to this, because I do know how hard Rich has worked on working to get us insurance, but this is the only option that we have? We have explored every other option and this is --

MR. STUDENIC: Just in round numbers, throughout the process we approached roughly round numbers a dozen insurance companies. This is the only company that I was able to get a public officials and employment practice, or I even asked for one without the other to do that.

This is the only program that was willing to provide a quote.

MAYOR LICASTRO: And we've explored pools. We explored other entities. Yeah, this was a last-ditch effort and it's come through.

Any other questions? Ms. Burke-Jones.

MAYOR LICASTRO: So Mr. McDonald and I had the same conversation. I had the same conversation with Diana.

MS. BURKE-JONES: Good.

MAYOR LICASTRO: One of the benefits of working at home with COVID is we've seen an uptake in income tax and other factors, so we are good.

Any other questions? Mr. Benjamin, if you would, 1256?

MR. BENJAMIN: Sure. Resolution 1256: A resolution accepting the insurance and risk management proposal of QBE Specialty Insurance Company for insurance coverage and declaring an emergency. I move suspension.

MR. McDONALD: I second.

MAYOR LICASTRO: Roll call on suspension. Mr. Benjamin?

MR. BENJAMIN: Aye.

MAYOR LICASTRO: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MAYOR LICASTRO: Ms. Hoefling?

MS. HOEFLING: Aye.

MAYOR LICASTRO: Ms. Huffman?

MS. HUFFMAN: Aye.

MAYOR LICASTRO: Mr. McDonald?

MR. McDONALD: Aye.

MR. BENJAMIN: Resolution 1256, I move for passage.

MR. McDONALD: Second.

MAYOR LICASTRO: Who seconded the --

MS. BURKE-JONES: Tom did.

MR. McDONALD: I did.

MAYOR LICASTRO: For both. Okay. Thank you.

Any questions? If there be none, we'll call for passage, please. I have to do that, right? (Laughter.) I'm doing everything this Molnar Reporting Services, LLC (440) 340-6161
morning.

MS. BURKE-JONES: It's Saturday.

MAYOR LICASTRO: Mr. Benjamin?

MR. BENJAMIN: Aye.

MAYOR LICASTRO: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MAYOR LICASTRO: Ms. Hoefling?

MS. HOEFLING: Aye.

MAYOR LICASTRO: Ms. Huffman?

MS. HUFFMAN: Aye.

MAYOR LICASTRO: Mr. McDonald?

MR. McDONALD: Aye.

MAYOR LICASTRO: Thank you. And, Rich, when both -- hopefully we'll pass the second one. Should I just run over to Village Hall and fax these to you?

MR. STUDENIC: Yes. Well, you can e-mail them to me. Even if it's not today, Monday is fine.

MAYOR LICASTRO: All right. Because I need Ms. Cooks' signature on this and I won't have that until Monday.

MR. STUDENIC: That's fine. I heard the roll call. That's fine.

MAYOR LICASTRO: Thank you. Moving on to Resolution 1257, Ms. Burke-Jones.

MS. BURKE-JONES: Yes, introducing resolution number 1257 for suspension, a resolution accepting the proposal of HCC public risk Ohio, US Specialty Insurance Company for additional extended reporting period for public officials and employment practice liability for the period of May 1, 2022, through April 30th, 2025, and declaring an emergency.

MAYOR LICASTRO: Is there a second on suspension?

MR. McDONALD: Second.

MS. BURKE-JONES: Introducing -- MAYOR LICASTRO: One second. Remember, I have to do this now.

MS. BURKE-JONES: Oh, that's right.

MAYOR LICASTRO: Mr. Benjamin?

MR. BENJAMIN: Aye.

MAYOR LICASTRO: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MAYOR LICASTRO: Ms. Hoefling?

MS. HOEFLING: Aye.

MAYOR LICASTRO: Ms. Huffman?

MS. HUFFMAN: Aye.

MAYOR LICASTRO: Mr. McDonald?

MAYOR LICASTRO: Thank you. Moving on to Resolution 1257, Ms. Burke-Jones.

MS. BURKE-JONES: Yes, introducing resolution number 1257 for passage.

MR. McDONALD: Second.

MAYOR LICASTRO: Questions or concerns? Mr. Benjamin?

MR. BENJAMIN: Aye.

MAYOR LICASTRO: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MAYOR LICASTRO: Ms. Hoefling?

MS. HOEFLING: No.

MAYOR LICASTRO: Did you say -- are you there, Trace?

MS. HOEFLING: I am here. I have no questions.

MAYOR LICASTRO: We're taking the roll. What's your vote?

MS. HOEFLING: Aye.

MAYOR LICASTRO: Thank you. Ms. Huffman?

MS. HUFFMAN: Aye.

MAYOR LICASTRO: Mr. McDonald?

Mr. McDonald?

MAYOR LICASTRO: Thank you. That ends the agenda.

Before we take any questions, we have two candidates that have come forward to fill the vacancy that was created by Mr. Taylor's resignation. It would be nice to have a full complement if we can before the 18th. So we have two options. We can do a Saturday morning, next Saturday -- I know I'm killing you -- to interview the two or maybe more, we might have others come forward, or we could do the evening of the 17th, which is the day before Council. Do any of you have a preference?

MS. BURKE-JONES: I prefer Saturday myself.

MAYOR LICASTRO: Yeah, I think it's easier if we can. Next week I'm in Columbus the 17th. I'm going to have to really hustle to get back. So can we do it next Saturday at 9?

MR. BENJAMIN: I'll try to make it work.

MR. McDONALD: As my calendar looks right now, yes.

MAYOR LICASTRO: We're going to need to have all of you there.

Tracy, I know you might still be calling in. Can you get that on your calendar?
MS. HOEFLING: Yes. I can make Saturday morning.

MAYOR LICASTRO: All right. So I'll confirm that with the candidates. Again, we might have more coming forward.

MR. McDONALD: Are you soliciting additional candidates?

MAYOR LICASTRO: Oh, yeah. We put it on the web. We put it on a blast. Immediately two individuals stepped forward and we let them know the nuance at the time of not having coverage. It did not dissuade them. Of course now we do, so that's encouraging.

Again, the deadline is 4:00 on the 13th, which is next Friday.

MR. McDONALD: I've approached somebody. They said no.

MAYOR LICASTRO: Well, they have to contact me via e-mail. We'd be glad to consider anyone willing.

MR. MATTY: I won't be needed for that meeting. So that Council understands, if you do have the interviews and you do make a decision that day, you can do so by motion and direct me to prepare legislation for the meeting on the 18th. And then we would address that as the first item on an agenda on the 18th and the person could be sworn in so they could participate in your proceedings on the 18th.

MAYOR LICASTRO: Yes. Ms. Goyanes?

MS. GOYANES: So I wanted to understand this. The premium is going to be $100,000?

MAYOR LICASTRO: It's $111,000.

MS. GOYANES: Okay. And what was it before?

MAYOR LICASTRO: The other insurance is 63,000 and change.

MS. GOYANES: So before we were paying 63,000. Why has it gone up?

MAYOR LICASTRO: Why has it gone up?

MS. GOYANES: Yes.

MAYOR LICASTRO: Because through circumstances of no fault of our own, the Village was dropped by our former carrier because our loss runs were excessive.

MS. GOYANES: Your what was excessive?

MAYOR LICASTRO: Loss runs, claims against the Village.

MS. GOYANES: Claims against the Village. No one else would insure you for

MAYOR LICASTRO: That's correct. The claims because of litigation and things beyond our control were such that we were dropped and we have to go to this format to get coverage.

MS. GOYANES: What was beyond your control?

MAYOR LICASTRO: Accidents on the freeway and we can't choose who litigates against us.

MS. GOYANES: Right.

MAYOR LICASTRO: And the Village did no wrong.

MS. GOYANES: You did no wrong?

MAYOR LICASTRO: That's correct.

MAYOR LICASTRO: Mr. Taylor resigned.

MR. OREL: Oh, I didn't know.

MAYOR LICASTRO: Anyone else? Motion to adjourn, please.

MR. OREL: I'm sorry. I did -- I have another question.

MAYOR LICASTRO: Go ahead.

MR. OREL: I was just wondering if the Public Improvements Committee --

MAYOR LICASTRO: Do me a favor, sir, let's keep this meeting to this topic.

MR. OREL: Well, I thought that any other business was available. I was wondering if we could talk about this for a moment if that would be okay.

MR. MATTY: Before you do that, Rich, you can go. Thank you.

MR. STUDENIC: Thanks, Dave.

MAYOR LICASTRO: Joyce.

MS. BURKE-JONES: We'll do a special, as I mentioned to you, we'll do a special Public Improvements meeting. Just need to make sure that we have the parties there that could actually answer the questions as well as that we might have at the meeting.

MR. OREL: I didn't see that in your email. I was just wondering if it could be before a council meeting.

MAYOR LICASTRO: Not this month.

MR. OREL: Here is my concern. I mean, the weather is getting nice, the children are going to start coming out to play. If a child...
plays, uses a ramp or something, falls, that's going to be an insurance claim. From what I just heard, you could have more litigation. I mean, at this point it's almost willful negligence because council has known about this for a very long time and I just think it's urgent, but that's up to you guys.

MAYOR LICASTRO: That, sir, is your opinion and we appreciate it. Anyone else? Is there a motion to adjourn?

MR. McDONALD: So moved.

MR. BENJAMIN: Second.

MAYOR LICASTRO: I'll have a Saturday morning confirmation of that.

Mr. Benjamin?

MR. BENJAMIN: Aye.

MAYOR LICASTRO: Ms. Burke-Jones?

MS. BURKE-JONES: Aye.

MAYOR LICASTRO: Ms. Hoefling?

MS. HOEFLING: Aye.

MAYOR LICASTRO: Ms. Huffman?

MS. HUFFMAN: Aye.

MAYOR LICASTRO: Mr. McDonald?

MR. McDONALD: Aye.

MAYOR LICASTRO: Special thanks to Tracy for doing this today. Thanks, Trace. We're very appreciative. I'll confirm the interviews once they fall into place.

Have a good day, everybody. Good-bye. (Thereupon, the meeting was adjourned.)