

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD March 26, 2013 20

A special meeting of the Council of the Village of Brooklyn Heights, Ohio was held on March 26, 2013 at 7:30 P.M. with Mayor Michael Procuk presiding.

The Pledge of Allegiance was recited at this time.

Present at roll call:	Councilmen:	Black, Cichocki, Foote, Lahiff, Selig, Walsh, Presot
	Mayor:	Procuk
	Clerk/Treasurer:	Clymer
	Service Director:	Hatgas
	Comm. Service Dir.:	Guilfoyle

This is a special meeting of council to consider legislation and any other concerns to come before council.

CORRESPONDENCE

Mayor Procuk read a thank you note from Jennifer Presot for the love and support of the administration and employees during this past year (on the one year anniversary of Joe's illness).

Mayor Procuk read an email from Christine Youngless, leader of the Blue Wave Swim Team. She is asking for reimbursement of the \$35 registration fee for each resident on the team. Mayor Procuk will let her know that council will take it under consideration.

Mayor Procuk read a letter from Mark Preston of Cox Communications stating that there may be an interruption of service with channels 8 and 1008 (WJW Fox 8) since they have not yet signed an agreement to broadcast their stations on Cox Cable TV and the deadline is April 30, 2013.

The Ohio EPA sent a notice of violation to Mr. Rosby and a copy of that letter is attached to these minutes.

The village has applied for a Brownfield Grant to remove the petroleum from the property we own on Schaaf Road. There will be a public hearing on April 3rd at 7 pm and we are required to place a public notice in the newspaper.

AUDIENCE

Mr. George Sedlak of Schaaf Road asked for an explanation of the added resolution 09-2013. Mr. Hatgas explained that we had received a grant to do some work in the park and this is an additional request for more grant money to allow us to put in a rain garden and gutters on the bathrooms and storage shed.

MOTION: Mrs. Presot moved to pay \$2,462.78 for the Wellness 360 Program supplies with 50% to be reimbursed by the grant we received. Second by Mr. Black Mr. Lahiff abstained Motion passed 6-1-0

MOTION: Mrs. Presot moved that the Village of Brooklyn Heights pay \$3,849.20 due to Parma Municipal Court for the cases transferred to them in 2012. Second by Mr. Lahiff Motion passed 7-0

MOTION: Mr. Lahiff moved to pay our renewal fee dues of \$3,000 to First Suburban Consortium for 2013. Second by Mr. Foote Motion passed 7-0

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SERVICE DIRECTOR

MOTION: Mr. Black moved to pay P&D Painting \$2,940 to paint the walls and downstairs hallway in the Community Center. Second by Mrs. Presot Motion passed 7-0

MOTION: Mr. Black moved to pay A&A Safety \$2,100 for striping of Van Epps and Spring Road. Second by Mr. Selig Motion passed 7-0

MOTION: Mrs. Presot moved to pay TEC \$2,400 to have stamped drawings to go out for bid. Second by Mr. Black. Motion passed 7-0

Mr. Hatgas explained to council that the fire door that was damaged due to the electronic eye not functioning correctly due to power outages would be replaced and paid for by insurance. This door would be a solid door with one bank of windows across the center and an R-15 insulation rating. He asked if council would consider replacing a second door at the same time to preserve the aesthetics of the building. This would put two full window doors at either end and the two new doors in the center.

Mr. Black suggested we do all four doors at a cost of \$12,000 but after much discussion council decided to replace the two center doors at this time at a cost of \$3,895 plus the \$600 we've spent to make the door operational in the interim.

MOTION: Mr. Selig moved to spend \$4,500 to replace the two middle bay doors on the fire station with one to be paid by insurance. Second by Mr. Black Motion passed 7-0

Note: No vendor name given in the motion.

ORDINANCES AND RESOLUTIONS

ORDINANCE 32-2013 – AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK-TREASURER TO ENTER INTO AN AGREEMENT WITH SL LAWN MAINTENANCE FOR LAWN MAINTENANCE SERVICES PURSUANT TO THE VILLAGE SENIOR LAWN CUTTING PROGRAM FROM APRIL 15, 2013 THROUGH NOVEMBER 15, 2013

Sponsor: Mrs. Presot

Second: Mr. Cichocki

Yeas: Presot, Cichocki, Black, Lahiff, Walsh, Selig, Foote

Nays: none

Ordinance 32-2013 passed 7-0

ORDINANCE 33-2013 – AN EMERGENCY ORDINANCE AMENDING SECTIONS 33.01 (E)(xiv), AND 33.05 (A) OF THE BROOKLYN HEIGHTS CODE OF ORDINANCES (Pertaining to the compensation of select employees)

Sponsor: Mr. Foote

Second: Mr. Selig

Yeas: Foote, Selig, Lahiff, Black, Cichocki, Presot, Walsh

Nays: none

Ordinance 33-2013 passed 7-0

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ORDINANCE 34-2013 – AN EMERGENCY ORDINANCE FOR THE APPROPRIATIONS FOR THE FISCAL YEAR 2013 (the 2013 budget)

Note: All funds: \$6,076,409

General Fund: \$5,455,478

Capital Improvement Fund: \$300,000

Sponsor: Mr. Walsh

Second: Mr. Black

Yeas: Walsh, Black, Selig, Presot, Cichocki, Foote, Lahiff

Nays: none

Ordinance 34-2013 passed 7-0

RESOLUTION 07-2013 – AN EMERGENCY RESOLUTION SUPPORTING THE APPLICATION OF THE VILLAGE OF BROOKLYN HEIGHTS TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Sponsor: Mr. Walsh

Second: Mr. Foote

Yeas: Walsh, Foote, Cichocki, Black, Lahiff, Presot, Selig

Nays: none

Resolution 07-2013 is adopted 7-0

RESOLUTION 08-2013 – AN EMERGENCY RESOLUTION OPPOSING THE STATE OF OHIO'S ATTEMPT TO IMPOSE A ONE-SIZE FITS ALL TAX CODE ON HIO CITIES AS PROPOSED IN HOUSE BILL 5 WHICH WOULD RENDER POWERLESS THE VIALLAGE OF BROOKLYN HEIGHTS RIGHT TO GOVERN ITS OWN FINANCES

Sponsor: Mr. Black

Second: Mr. Cichocki

Discussion: Mr. George Sedlak states that there are 600 communities in Ohio who have different forms and regulations making it difficult to do business in the State of Ohio. He said that while he respect "home rule" he also would like to see conformity amongst the communities.

Mayor Procuk said it is the consensus of the 600 communities that they would like conformity but they oppose the home rule and collection section of the bill.

Yeas: Black, Cichocki, Selig, Walsh, Lahiff, Foote, Presot

Nays: None

Resolution 08-2013 is adopted 7-0

RESOLUTION 09-2013 – AN EMERGENCY RESOLUTIN AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER OF THE VILLAGE OF BROOKLYN HEIGHTS TO APPLY FOR A GRANT THROUGH THE OHIO EPA 319 PROGRAM FOR FINANCIAL ASSISTANCE TO DESIGN AND INSTALL INNOVATIVE STORM WATER MEASURES WITHIN THE BROOKYN HEIGHTS PARK AND DONE IN COOPERATION WITH WEST CREEK PRESERVATION COMMITTEE

Sponsor: Mr. Walsh

Second: Mrs. Presot

Mayor Procuk stated that this resolution is an attempt to seek additional grant funding to beautify other areas of the park in conjunction with the NEORSD and the West Creek Preservation Committee.

Yeas: Walsh, Presot, Foote, Cichocki, Lahiff, Selig, Black

Nays: none

Resolution 09-2013 is adopted 7-0

The Board of Health has offered to hold a public meeting to discuss all that has been going on with the Rosby case.

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MOTION: Mr. Lahiff moved to go into executive session to discuss wage and salary negotiations with the Brooklyn Heights Firefighters. Second by Mr. Selig Motion passed 7-0

There being no further business to come before the council, it was moved by Mrs. Presot seconded by Mr. Selig that the meeting be adjourned.

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

CC Council
Downing
Coyle
HARGAS
Mike Henry

FJS
MS

Also Attached
but not

March 20, 2013

RE: ROSBY RESOURCE RECYCLING, INC. Copied
CONSTRUCTION AND DEMOLITION 8 pages of
DEBRIS FACILITY
CLASS II COMPOST FACILITY Mosquito Control
CUYAHOGA COUNTY and Storage of
NOTICE OF VIOLATION SCRAP TIRES

Ohio EPA logs!

Mr. William Rosby
Rosby Resource Recycling, Inc.
54 East Schaaf Rd.
Brooklyn Hts., Ohio 44131

Dear Mr. Rosby:

On February 25, 2013, Jennifer Carlin and I conducted a compliance inspection of the Construction and Demolition Debris facility and the Class II Compost Facility located at 54 East Schaaf Road, Brooklyn Heights, Cuyahoga County. Dan Bogoevski and Erm Gomes of our Division of Surface Water, and Dane Tussel and Colin Johnson of the Cuyahoga County Board of Health were present during the inspection. You and Chuck Perito, Operations Manager, accompanied us during our inspection. One of the objectives for meeting at the facility was to evaluate the possible locations for connection to the sewer line to discharge leachate from the compost facility.

You informed us that Northeast Ohio Regional Sewer District (NEORS) granted you a temporary discharge permit to the sanitary line (which is located northeast of the compost facility) and that during the previous week, 100,000 gallons of leachate had been discharged to the sanitary sewer. Of the 100,000 gallons of leachate discharged, 12,000 gallons was from the storage tank and the remainder was pumped from within the compost area. In addition, there were five (5) bladders containing leachate on site. Each bladder holds about 20,000 gallons. The leachate in the bladders was frozen, so it could not be discharged to the sanitary line. There was a significant amount of leachate still ponded within the compost facility (see photo #1). In addition, it was noted that leachate had spilled outside of the compost facility near the pump (see photo #2) and migrated to the west of the facility (photo #3).

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Photo #1. Leachate accumulation in compost facility



Photo #2. Leachate spill outside of compost facility.



Photo #3. Leachate migrating north from the compost area.

Therefore, the owner/operator is in violation of the following solid waste rules:

Ohio Administrative Code (OAC) 3745-560-210 (N): *"Leachate management.*

The owner or operator shall do the following:

- (1) Take action to minimize the production of leachate.*
- (2) Eliminate ponding of leachate and the conditions that contribute to the discharge of leachate from the composting facility.*
- (3) Collect and contain leachate within the boundary of the composting facility and prevent leachate from discharging to waters of the state. Leachate may be collected and contained for reintroduction into the composting process."*

During the inspection, it was noted that unfinished compost is being stored outside of the Class II compost facility boundaries. The unfinished compost is being used on berms (photo #4), stored in a large pile located east of the "finished" pile that is under roof (photo #5), and placed on the C&DD facility as vegetative cover (photo #6). There also appears to be a large pile of what appears to be unfinished compost located east of the compost facility near the homes located on Schaaf Rd. (photo #7).

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Photo #4. Unfinished compost placed on berms surrounding compost facility.

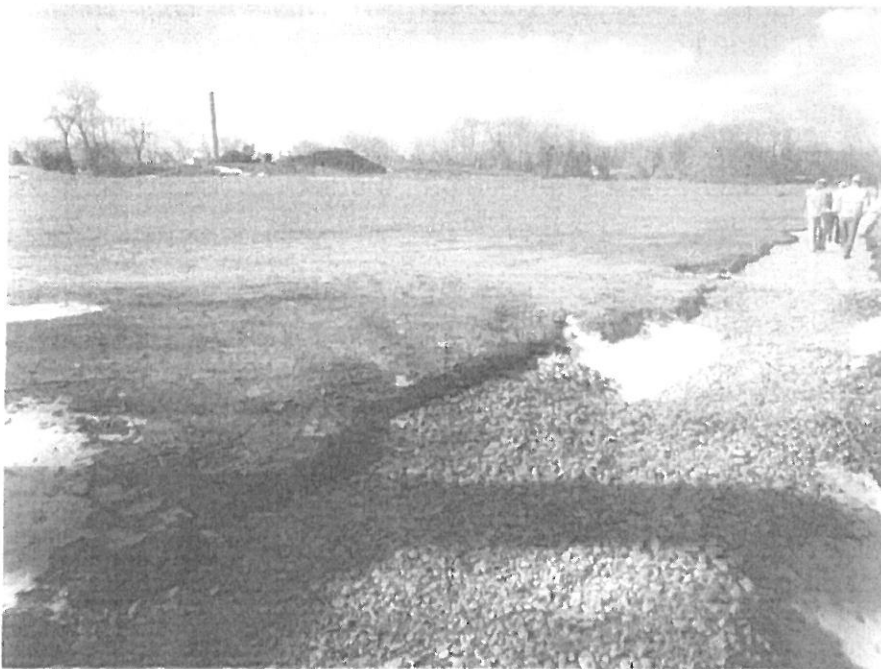


Photo #5. Unfinished compost located north of the finished pile under roof.

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Photo #6. Unfinished compost placed on C&DD facility as vegetative cover



Photos #7. Possible unfinished compost located on adjacent property.

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As per the NOV issued to Rosby Resource Recovery, Inc. on February 26, 2013, the undegraded plastics contained in the compost are defined as foreign/inert matter and must be managed as solid waste. If undegraded plastics remain in the product, the compost should be screened or otherwise processed to remove solid wastes. Any processing of the compost material that contains the plastics must be conducted within the boundaries of the composting facility. Placement of solid waste contained in compost onto the ground outside the composting facility boundary constitutes open dumping.

Therefore, the owner/operator is in violation of the following solid waste rules:

Ohio Revised Code (ORC) 3734.03: *"No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..."*

The owner or operator of this facility violated this rule by disposing of solid waste by open dumping. The unfinished compost, which contained undegraded plastics, are considered solid waste and therefore, the activity conducted at the facility is considered open dumping.

Ohio Administrative Code (OAC) 3745-27-05(C): *"No person shall conduct, permit, or allow open dumping."*

The owner or operator of this facility violated this rule by disposing of solid waste by open dumping. The unfinished compost, which contained undegraded plastics, are considered solid waste and therefore, the activity conducted at the facility is considered open dumping.

Tire storage: During the inspection, it was observed that tires are being stored in the northeast portion of the Rosby Resource Recovery, Inc. property (photo #8). It was noted that some of the tires contained frozen water (photo #9). I have enclosed Guidance Document #646: Mosquito Control and Storage of Scrap Tires and Guidance Document #645: How do Ohio's Scrap Tire rules Affect Generators of Scrap Tires for guidance on how to properly manage scrap tires at your facility. Ohio Administrative Code Rule 3745-27-60 **General storage and handling of scrap tires** can be viewed at: http://epa.ohio.gov/portals/34/document/currentrule/3745-27-60_current.pdf.

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Photo #8. Scrap tires located on the Rosby Resource Recovery, Inc. property

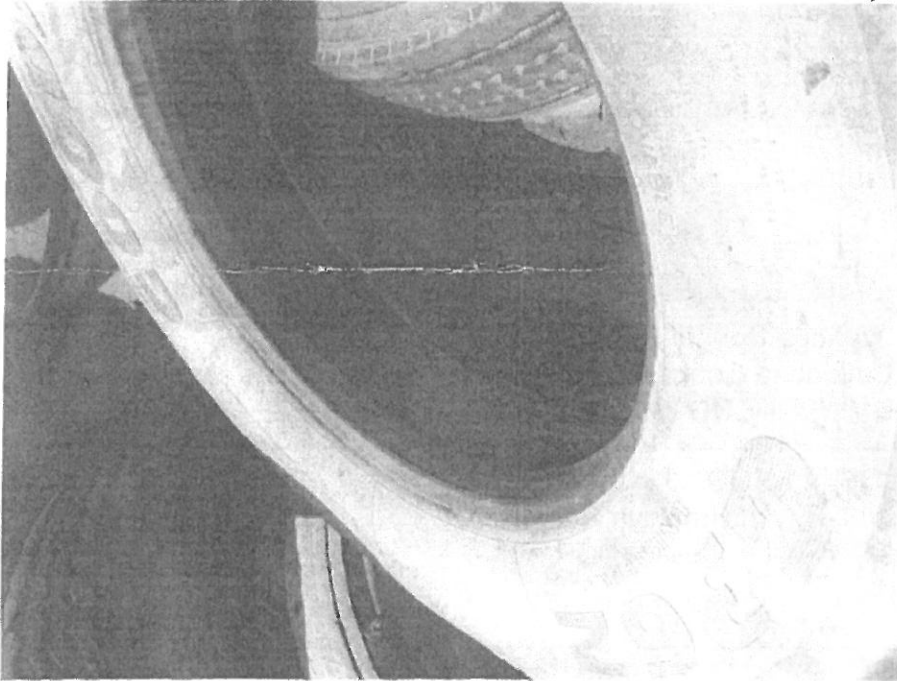


Photo #9. Frozen water in scrap tire.

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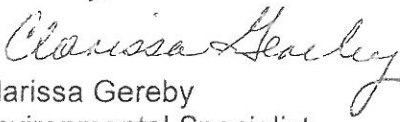
Odors: When we entered the site, Jennifer Carlin and I noted fairly strong, unpleasant compost odors on Greenview Drive, which is the private drive that leads into the Rosby Resource Recovery, Inc. facility. Winds were calm at the time. We did not detect off-site odors before or after the inspection.


Rosby Resource Recycling, Inc. must immediately undertake some type of corrective action with respect to the above noted violations. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance.

Your written response to this letter must be received by Ohio EPA within 14 days of receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the violations.

If you have any questions regarding this correspondence, please contact Clarissa Gereby at (330) 963-1224 or Jennifer Carlin at (330) 963-1133.

Sincerely,


Clarissa Gereby
Environmental Specialist
Division of Materials and
Waste Management


Jennifer Carlin
Environmental Specialist
Division of Materials and
Waste Management

CG/JC/cl
Attachments

cc: Dane Tussel, Cuyahoga County Health Department
Colin Johnson, Cuyahoga County Health Department
Judy Bowman, DMWM, NEDO
Erm Gomes, DSW, NEDO
Dan Bogoevski, DSW, NEDO
Mayor Mike Procuk, City of Brooklyn Heights
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