

# COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

## MINUTES OF A MEETING

HELD May 7, 2013 20

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on May 7, 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, Presot,<br>Selig, Walsh, Lahiff |
|                       | Mayor:              | Procuk  |
|                       | Clerk/Treasurer:    | Clymer  |
|                       | Law Director:       | Dowling   |
|                       | Engineer:           | Henry   |
|                       | Police Chief:       | Algeri  |
|                       | Fire Chief:         | Lt. Borowy  |
|                       | Service Director:   | Hatgas  |
|                       | Bldg. Commissioner: | Socoloff  |
|                       | Comm. Service Dir:  | Guilfoyle   |
|                       | Recreation Dir:     | Presot  |

**MOTION: Mrs. Presot moved to approve the regular council minutes from the April 2, 2013 meeting. Second by Mr. Walsh Motion passed 7-0**

Special meeting of council on April 23, 2013: Mayor Procuk stated that these minutes were hastily prepared by request and that the person who types them does not do them verbatim but according to what they feel is important to put in them. Mayor Procuk asked that they be amended to remove the employee names in the allegations.

**MOTION: Mrs. Presot moved to approve the minutes as amended. Second by Mr. Foote Motion passed 7-0**

### ORDINANCE

**ORDINANCE 46-2013 – AN EMERGENCY ORDINANCE APPROVING THE DECISION OF THE ZONING BOARD OF APPEALS APPROVING THE APPLICATION OF STEVE KMETZ FOR CERTIFIED PEST CONTROL FOR A 192 SQUARE FOOT SIGN WITH FLUORESCENT LIGHTING AND NO REMOVABLE PANEL AT 239 OLD BROOKPARK ROAD**

Sponsor: Mrs. Presot Second: Mr. Foote  
Yeas: Presot, Foote, Lahiff, Cichocki, Selig, Walsh, Black  
Nays: None  
Ordinance 46-2013 passes 7-0

### CORRESPONDENCE

Mayor Procuk received a thank you note from Ken Lasky

Mayor Procuk read a letter from the Cuyahoga County Board of Health regarding concussions

Mayor Procuk received a letter from Derek Shafer. He said he is open to any ideas regarding the use of the West Creek property on South Street.

Mr. Lahiff said he will attend the Tree City USA program on May 14<sup>th</sup> at the Cleveland Skating Club.

The Cuyahoga Heights State of the Schools will be on May 15<sup>th</sup> with the Chamber of Commerce.

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Det. Tulcewicz asked to use the Community Center on May 20<sup>th</sup> for the Juvenile Diversion Program and that the fee be waived.

**MOTION: Mr. Cichocki moved to waive the Community Center fee for the Juvenile Diversion Program on May 20, 2013. Second by Mr. Selig Motion passed 7-0**

Mayor ProcuK read a letter from American Benefits Group announcing that Ted Biskind is now a Chartered Benefits Consultant.

Monika Bartosik of W 5<sup>th</sup> Street would like to use pavilion #2 for a soccer picnic on May 17<sup>th</sup> and asked that the fee be waived.

**MOTION: Mr. Selig moves that the pavilion fee be waived for a soccer picnic May 17<sup>th</sup>. Second by Mr. Walsh Motion passed 7-0**

Mayor ProcuK told council that to receive a premium discount with the Bureau of Worker's Comp there are some programs we can take part in. One is the ISSP – Industry Specific Safety Program. It is an assessment of our building for safety and hygiene. The Service Garage and Community Services Office were inspected on April 23, 2013 and there were a few violations. Donna and Ed are working to correct the violations.

Clerk/Treasurer Clymer had an article in the last Gazette.

Mayor ProcuK received a letter from David Wingenfeld stating that he is still on the books until May 28<sup>th</sup> and asked that his health coverage extend to May 31<sup>st</sup>.

**MOTION: Mr. Black moved to extend health coverage for David Wingenfeld three days to May 31<sup>st</sup>. Second by Mr. Walsh Motion passed 7-0**

Mayor ProcuK said that the film crew for Draft Day was set-up on Valley Belt Road for a couple of days. Mayor ProcuK, the secretaries, Tim Clymer and the police who were directing traffic were invited to lunch. Kevin Costner was back at his condo downtown but Mayor ProcuK had his picture taken with Jennifer Garner.

### FIRE DEPARTMENT

Lt. Borowy represented Chief Lasky at the meeting. Chief Lasky wanted to thank everyone who participated in the Prom Promise event held in our park.

The department will begin flushing fire hydrants on June 1<sup>st</sup>. Mayor ProcuK asked that it be put on both the old and new website as well as in the Breeze.

### COMMUNITY SERVICE

Mrs. Guilfoyle stated that the Senior Lawn Cutting program is going well. There are 42 on the program and they are receiving many compliments.

The Senior Luncheon will be on Friday, May 17<sup>th</sup> and to date there are 57 reservations.

There will be a conference on hoarding on May 23<sup>rd</sup> at the Embassy Suites in Independence. This is a county program and the cost is \$75 per person.

**MOTION: Mr. Black moved to pay \$150 to send Mrs. Guilfoyle and Detective Tulcewicz to the conference on Hoarding. Second by Mrs. Presot Motion passed 7-0**

The website is coming along but she is disappointed that it is taking so long. It should be up and running soon and everyone should be very pleased.



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### RECREATION DIRECTOR

Mr. Presot stated that soccer season ends on May 14<sup>th</sup> and the Elk's Soccer Shoot-Out is on May 18<sup>th</sup>.

Baseball sign-up has ended and we have a total of 161 kids in the program this year.

Mr. Presot would like council to consider waiving the non-resident fee for two non-resident head coaches since they will spend many hours coaching a Brooklyn Heights team.

**MOTION: Mr. Walsh moved to waive the \$50 fee for the non-resident head coach. Second by Mr. Black motion passed 7-0**

Mayor Procuk asked Mr. Presot to inform council of the pricing for uniforms this year. Mr. Presot said that in the past he has used both Adler's Sporting Goods and A.M. Screen Printing. Mr. Presot said that Adler's is about \$1141.95 cheaper so he will use Adler's.

### POLICE CHIEF

Chief Algeri thanked everyone for their help with Prom Promise and extended a special thanks to the Service Department and Ed Hatgas. He said that they were short on help and the Service Department stepped in and was a huge help.

Chief Algeri stated that one of the cars is placed in the lot at Granger and Tuxedo and we will receive credit from Safe Kids for the display.

Chief Algeri attended the FBI Active Shooter Executive Law Enforcement Conference in Richfield.

Our new Charger has been delivered and we are waiting for delivery of the SUV. Both vehicles will be striped and equipped at the same time.

Park Security began working weekends in May and will be daily from June through August and special events.

Chief Algeri read a thank you note from Valley View Police commending Sgt. Jim Cassidy for his assistance in apprehending robbery suspects on April 22, 2013.

The County Sheriff's department is collecting and disposing of the med's from the drop box.

There will be an ordinance up for consideration tonight for testing in the police department. There is one lieutenant position to be filled and that would leave one sergeant position to be filled. There are three sergeants eligible to test for the lieutenant position and then eight patrolmen eligible to test for the sergeant position. The testing would be done by Ramsey and Associates at a cost not to exceed \$9,100.

May 15<sup>th</sup> is Peace Officer Memorial Day and we will be flying our Peace Officer flag the entire week.

We received a grant for a "Click-it or Ticket" enforcement zone at Granger & I-480.

### SERVICE DIRECTOR

Mr. Hatgas said that the Community Center painting and window treatments are complete as is the tuck pointing of the Municipal Center.

The recycling magnets have been distributed.

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Mr. Hatgas said that the County Sanitary Engineer has freed up \$40,000 of our sanitary funds to offset the pump station project in the park.

We need a street repair at 5126 W 5<sup>th</sup> St. at a cost of \$1,525, work to be done by Sirna Construction and is reimbursable by the Cleveland Water Department

**MOTION: Mr. Black moved to pay Sirna Construction \$1,525 for street repairs at 5126 W 5<sup>th</sup> St to be reimbursed by Cleveland Water Department. Second by Mr. Selig motion passed 7-0**

Testing for the opening in the Service Department will be done by Ramsey and Associates. The cost to apply will be \$30 per applicant and will be limited to forty (40) applicants.

**MOTION: Mr. Black moved to allow Mr. Hatgas to advertise for the job opening in the Service Department. Second by Mrs. Presot Motion passed 7-0**

*At this point Mr. Hatgas said he would answer any questions regarding the David Wingenfeld letter.*

1. Mayor ProcuK asked about the fertilization certificate and Mr. Hatgas responded that we are now using LAWNCO to fertilize our buildings and properties and we have partnered with Cuyahoga Heights (regionalization) to use their license.

Mayor ProcuK asked about the accusations that we were doing things against policies & procedures and Mr. Hatgas answered yes for about a year. He said that in 2010, Dave stated that he would no longer carry his certificate for the Village of Brooklyn Heights.

Mayor ProcuK said he was confused and Mr. Hatgas explained that he has certification for his farm and other places but would no longer carry the certification for our village.

Mr. Cichocki asked what it would have consisted of.

Mr. Hatgas answered a \$35 fee that we had paid in the past.

Mr. Cichocki asked why we didn't pay to continue the certification and Mr. Hatgas said because Dave did not want to carry the certification for our village.

Mayor ProcuK said Dave was not obligated to carry it and he chose not to because it was not a condition of his employment.

He said we would continue to contract out for services that we are not certified to do.

2. Mayor ProcuK asked Mr. Hatgas about Dave working part-time during the summer. Mr. Hatgas responded that Dave had asked to work part-time during the summer and there was bickering on Monday mornings about what was done or not done and Mr. Hatgas got tired of hearing about it so it ended.

3. Mr. Hatgas stated that he would like to have GPS in all the trucks so that he would know how they get from point A to point B.  
Mayor ProcuK said he does not want to make the employees think that they are being constantly watched.

Mayor ProcuK stated that this issue should be officially closed.



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Mr. Hatgas told council that the drawings for the generator are done and have been given to Sheldon to give to the plans examiner. Once they are returned from the plans examiner they will be given to three union contractors. One of the contractors employs Mr. Hatgas' son and Ed asked for a legal opinion on this. Mr. Dowling responded that as long as he does not make decisions on the contracts then he can give them the opportunity to bid. Council will make the decision of awarding the contract based on the bids.

### ENGINEER

Mr. Henry said that the bids were opened on Friday for the Pump Station. There were two (2) bidders. Legislation will be prepared for the next meeting.

There were eight (8) bidders for the concrete program on Resource Drive. The low bid was A & J Cement. Legislation will be prepared for the next meeting.

There will be a resurfacing of the I-480 bridge in 2018.

There is no schedule yet for the Granger Road work.

South Shore is installing underground cable on Valley Belt Road for Cox Communications.

Mr. Henry received an agreement from NEORS to accept the funds from the recent rate increase for storm water improvements.

Mayor Procuik asked about the Community Center parking lot issues with the Board of Elections. Mr. Henry said they are getting a plan together and hope to have it ready by the June meeting. Mayor Procuik told council that we are not in compliance with the ADA and it is not just the parking lot.

### BUILDING DEPARTMENT

NO REPORT

### CLERK/TREASURER

The general fund for April was \$1,447,570.

RITA numbers are up over last year.

We received a FEMA reimbursement for storm damage from Hurricane Sandy in the amount of \$9,727. Mr. Clymer thanked Chief Algeri, Chief Lasky and Mr. Hatgas for their help in procuring these monies.

Donna Tesar passed along information from the BWC that says we may be eligible for a one time dividend of about \$37,000.

Mr. Clymer will be at a Grant Seminar in Medina next week.

### LAW DIRECTOR

Mr. Dowling said he was contacted by a representative of the VFW regarding getting the liquor sales on the ballot. Mr. Dowling received a packet that he will pass along to the VFW people.

Mr. Black asked about the lack of activity at the 707 Internet Sweepstakes Café. Mayor Procuik said that they have closed due to the county. He donated a computer to the police department for their property room.

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### INDUSTRIAL DEVELOPMENT

Mr. Perry is not present tonight.

### MAYORS COURT

April Income \$12,428.30  
To State of Ohio (2,645.00)  
Indigent Driver & Alcohol ( 84.00)  
Cuy Cty Info System ( 290.00)

To Brooklyn Hts. \$ 9,409.30 plus a reimbursement for NSF check making total \$9,524.30

Mayor Procuik asked Mr. Clymer to have our tax administrator make sure that we are collecting the taxes for all of our businesses in Brooklyn Heights.

Mayor Procuik attended the Greater Cleveland Safety Council Recognition Banquet and Brooklyn Heights received a Participation Award.

Friday May 24<sup>th</sup> is a breakfast meeting of the Cuyahoga Valley Regional Council of Governments at the Cuyahoga Valley Career Center.

Mayor Procuik stated that Mr. Socoloff has sent a final notice of violation to the owner/operator/occupant or tenant of the Rupert house on Dorset and a 3<sup>rd</sup> notice of violation to Mr. William Rosby that he is conducting activities that are not allowed in a residential district. It is noted that he has made some progress.

### ORDINANCES AND RESOLUTIONS

**Ordinance 39-2013** – AN ORDINANCE AUTHORIZING THE PREPARATION OF PLANS AND SPECIFICATIONS REQUIRED TO ADVERTISE AND BID FOR THE INSTALLATION OF NEW FENCE POLES FOR THE OUTFIELD FENCE OF THE EXISTING WESTERN BALL DIAMOND I THE BROOKLYN HEIGHTS PARK ( 2<sup>nd</sup> reading)

**MOTION: Mr. Lahiff moved to adopt Ordinance 39-2013. Second by Mr. Foote**

Yeas: Lahiff, Foote

Nays: Black, Presot, Walsh, Selig, Cichocki

Motion defeated 5-2

**Ordinance 39-2013 is not adopted.**

**ORDINANCE 40-2013** – AN ORDINANCE AUTHORIZING THE PREPARTATION OF PLANS AND SPECIFICATIONS REQUIRED TO ADVERTISE AND BID FOR THE INSTALLATION OF A NEW OUTFIELD FENCE FOR THE EXISTING WESTERN BALL DIAMOND IN THE BROOKLYN HEIGHTS PARK (2<sup>nd</sup> reading)

**MOTION: Mr. Black moved to adopt Ordinance 40-2013. Second by Mr. Walsh**

Yeas: Black, Walsh, Foote, Cichocki,

Nays: Presot, Lahiff, Selig

Motion passed 4-3

**Ordinance 40-2013 is adopted.**



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**ORDINANCE 43-2013** – AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH SOFTWARE SOLUTIONS, INC.

Sponsor: Mr. Walsh Second: Mr. Cichocki

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

Nays: None

**Ordinance 43-2013 is adopted 7-0**

**ORDINANCE 44-2013** – AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH CUYAHOGA LANDMARK FOR THE PURCHASE OF GASOLINE AND RELATED PRODUCTS

Sponsor: Mr. Selig Second: Mr. Lahiff

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

Nays: None

**Ordinance 44-2013 is adopted 7-0**

**ORDINANCE 45-2013** – AN EMERGENCY ORDINANCE AUTHORIZING THE CLERK/TREASURER TOPAY RAMSEY & ASSOCIATES' INVOICE FOR PROMOTIONAL TESTING FOR THE POLICE LIEUTENANT AND SERGEANT POSITIONS

Sponsor: Mr. Cichocki Second: Mrs. Presot

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

Nays: None

**Ordinance 45-2013 is adopted 7-0**

**ORDINANCE 47-2013** – MAY PAY ORDINANCE

Sponsor: Mr. Walsh Second: Mrs. Presot

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

Nays: None

**Ordinance 47-2013 is adopted 7-0**

**RESOLUTION 12-2013** – AN EMERGENCY RESOLUTION AUTHORIZING THE ENGINEER TO ADVERTISE FOR BIDS FOR THE BROOKLYN HEIGHTS VILLAGE HALL PARKING LOT IMPROVEMENTS

Sponsor: Mr. Walsh Second: Mr. Black

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

Nays: None

**Resolution 12-2013 is adopted 7-0**

There was lengthy discussion regarding the drainage in the outfield of diamond 2 and the installation of new fencing without fixing the drainage problem.

Mr. Henry asked if council would like him to reevaluate the cost of the entire project.

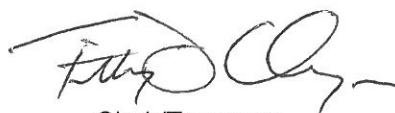
There being no further business to come before the council, it was moved by Mr. Walsh seconded by Mrs. Presot that the meeting be adjourned.

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer