COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD April 1, 2014 20 _____

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on **April 1, 2014** 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, Foote, Hatgas, Selig, Walsh
	Mayor:	Procuk
	Clerk/Treasurer:	Clymer
	Law Director:	Dowling
	Engineer:	Henry
	Police Chief:	Algeri
	Fire Chief:	Lasky
	Service Director:	Hatgas
	Bldg. Commissioner:	Socoloff
	Comm. Service Dir:	Guilfoyle
	Recreation Dir:	Presot
	Economic Develop Dir.	Perry

The Clerk/Treasurer term begins today, April 1st, so the first order of business is to give the oath of office to Timothy D. Clymer and the council meeting will be suspended for a few minutes to eat the cake brought in by Mr. Clymer's parents.

CORRESPONDENCE

All correspondence letters read at the meeting are attached.

Mayor Procuk read a note from E-Bay that we sold the white mini dump (1997 F-350) for $1,805. Mr. Hatgas said that the truck was picked up and paid for on Saturday, March 29th.

Mayor Procuk reminded council that the village will pay a portion of the pool passes again this year.

AUDIENCE

Mr. Bob Bauer asked about the mirror for the intersection of the Granger Rd ramp (WB) and Schaaf Rd. Mr. Henry said they looked at that and that there would be a lot of liability if we put up a mirror. He said that the Service Department cut back the undergrowth.
Mr. Henry said he would talk to the engineer at ODOT. Mr. Bauer feels it would make it safer for residents coming up that ramp and if we're concerned with liability maybe we should get rid of the parks.

Mr. Henry said he would be more than happy to go down and look at it with Mr. Bauer. Mr. Walsh and Mr. Black would also like to be with them when they look at the area.

Mr. Bauer also asked about a marquee at Tuxedo and Schaaf and Mayor Procuk said that the discussion is in committee.

Mr. Narlin Shadd thanked Councilman Walsh for his support of the proposed soccer program but was disappointed with Councilman Selig and Councilman Foote because they did not support the plan. He said that when he met with Mr. Selig and Mr. Foote they both thought the plan was okay and if trimmed down a bit was plausible. He asked for both Mr. Selig and Mr. Foote to explain themselves.

Mr. Selig said that he did not say it was ok *...Mr. Shadd disagreed with him...*Mr. Selig said that the original plan was Spring and Fall and was $8,000. Mr. Shadd then cut the program in half and would only be the Spring but he wanted $4,000. Mr. Selig felt that cutting the program in half and only doing it in the Spring should be one fourth the cost or $2,000 and that he told Mr. Shadd that at the meeting.

Mr. Shadd said they don't understand what is involved and he was shocked when he did not get the support. He said that when they met, Mr. Presot asked if the tape was on and was told it was not so Mr. Shadd says he can't prove what was said. *Mr. Dowling then said to set the record straight, that it was an informal meeting and NOT a committee meeting so the tape should NOT have been on.*

Mr. Shadd said that he doesn't think much of a man who says one thing and does another.

Mr. Selig said he was sorry if that is what Mr. Shadd thinks he said something that he didn't.

Mr. Foote then said he was glad that he gets a chance to defend himself.
Mr. Foote said that at the meeting he listened…as he always does, he said little…as he always does and that the plan was a good one.... *Mr. Shadd interrupted and said "but you didn't second the motion"*…to which Mr. Foote replied that he couldn't because we just don't have the funding.

Mr. Foote also said that at that meeting Howard definitely was the one person in opposition to the plan…*Mr. Shadd said that Mr. Foote is covering for Mr. Selig*…and Mr. Foote continued saying that he is not covering for Mr. Selig. He said that it is a good plan and he would love to see it....*interrupted by Mr. Shadd asking "then what changed your mind?"*…to which Mr. Foote again said we don't have the money and that he cannot justify spending $4,000....*interrupted by Mr. Shadd saying "I would like you to tell me that in person, not lead me to believe…and to tell me that you didn't believe it would work because there wasn't enough funds…*

Mr. Foote then said he would not argue with Mr. Shadd. He said he feels that Mr. Shadd is a great resource and has a lot to offer but he never said he would vote for it.

Mr. Shadd argued some more and finally Mr. Foote said he is done with the conversation.

Tom Finley – owner of 925 Keynote (Honeywell Building) handed plans to council. They would need to add on or extend the building and he is asking council if this would be a problem. He is not at liberty to disclose the name of the business at this time.

Mr. Socoloff said they would have to go before the Planning Commission, Architectural Review Board, the Zoning Board and the Planning Review Board.

Mayor Procuk said that this sounds like a government business and government employees don't pay income tax. Mr. Clymer said that local tax is not withheld from their paychecks but we could get a list of employees and chase them down for the taxes.

Mr. Walsh said this sounds like a halfway house or some sort of incarceration facility. Mr. Finley said it is predominately office use.

Mr. Socoloff said that they met about 8-9 months ago and at that time it was going to be for immigration, customs and enforcement use. Mr. Finley said that he cannot disclose the use at this time other than to say that it will have a small jail.

Mr. Walsh said that anything with "detainee" as part of the use, Councilman Walsh will not vote for it.

Mr. Black said he would be open to explore it and know more about it.

Mr. Finley said that once council knows more about it, they may feel differently.

Mr. Walsh doesn't want anyone of a criminal nature roaming around Lancaster.

Mr. Black asked council if they would like to hear more about this use and the answer was yes. Mr. Foote said that they are looking to create revenue for the village and this is an opportunity to do that.

Mr. Finley said the most he could ask for is a reasonable review of the facts and an acknowledgment of good or bad for the city.
He said they are about to sign some pretty important papers and it would be hard to turn it around.

Mr. Black made sure he understood that if they sign the papers they are doing so with NO implied approval of this council.

Mr. Finley said they totally understand the procedures and he is here merely to take a temperature.

Mr. Black said "proceed at your own risk".

Chief Algeri said he would not be nervous about this unless it is a 50-bed jail. An office building with a small detention facility for a brief period would not concern him.

Mr. Black asked when they could expect to have more conversation regarding this use and Mr. Finley said that once they sign a lease it becomes public record and council could then decide if they want the business here or not.

Ken Perry said Tom and his brother have been working for three years to bring a business here.

POLICE CHIEF

Chief Algeri said that they will be moving their computers to Sundance this week. TACH has been on a month to month tech support.

MOTION: Mr. Black moved to pay TACH Support $1900 for month to month support from January to April. Second by Mr. Selig Motion passed 5-0

On March 22nd our department participated in Active Shooter Training at Cinemark and later this year they will participate in a full blown training that will include the fire departments.

While responding to an alarm drop at Leff Electric, Officer ran into a low brick wall and damaged the cruiser. There will be an insurance claim of $4,500.

We received $1,682.50 from the Vest Partnership Grant which is a 50% reimbursement of the money spent on the vests we purchased.

The TASERS are in and Officer Jablonski attended Instructor training last week. They are working on the policy implementation in the next week or two. Chief Algeri thanked the Mayor and Council for their support of this program.

Chief Algeri gave an update on a couple of the cases he reported on:

- The cleaning lady who stole jewelry and drugs from a few of our residents has been sentenced to 9 months in prison.
- The suspect who stole from Mr. Rosby was sentenced to 54 months in prison and ordered to pay $182,000 in restitution including $25,000 to Mr. Rosby.

Chief Algeri would like to commend Det. Tulcewicz on his work on these cases.

SERVICE DIRECTOR

Mr. Hatgas told council that Davy Tree will be trimming/pruning/v-cutting trees in the village for First Energy. They will put door hangers on doors in the areas they will be working in.

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

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Mr. Hatgas said we had three sinkholes on West 5th and one on West 7th. The county came out and did the work to fix the problems.

We received the $40,000 check from the county as reimbursement for the pump station in the park.

Mayor Procuk asked about South Street. Mr. Hatgas responded that it is winter wear & tear and a lack of sunlight. Mr. Henry said it is asphalt separation. Mayor Procuk asked if it will be fixed by Memorial Day and was told it would be.

RECREATION DIRECTOR

Mr. Presot said that soccer will begin on April 5th and that baseball/softball/t-ball registration ended and we have 124 kids signed up.

COMMUNITY SERVICES

Mrs. Guilfoyle said Heritage Homes came out and gave a presentation and there were thirteen people in attendance. They have received a few inquiries.

The Senior Luncheon for Older Americans Month will be on May 20th at noon.

Senior Lawn Cutting has fifteen (15) signed up. The deadline is April 15th. Mayor Procuk is not comfortable paying $10,000 to cut 15 lawns.
Mr. Foote asked if they could amend the ordinance to make it a regular ordinance instead of an emergency ordinance to buy some time and Mr. Dowling said they could.

Mayor Procuk asked if the Service Department could cut 15 lawns until this is resolved because the program isn't designed to collect $200 and pay out $10,000. Mr. Hatgas said they could make it work.

Mrs. Guilfoyle said that at the Senior Social today five people signed up for the Senior Olympics and on March 21st they submitted the ODOT loan for a new bus.

FIRE CHIEF

Chief Lasky said that E-Bay is working well for the village and hopes we can continue the program.

He and Asst. Chief Stefanko met with University Hospital / Parma and UH are committed to helping the communities with updating equipment.

ECONOMIC DEVELOPMENT

Mr. Perry said that the Geis brothers know what we want for the corner of Tuxedo and Brookpark Rd. and they will not sell us short.

Mr. Perry has spent a lot of time trying to market the Omni (Honeywell) Building and now it will be up to council.

The Schaaf Road property is moving along to meet the May 1st deadline. There is about $15,000 worth of work to be done, billed and reimbursed for.

CLERK/TREASURER

Mr. Clymer said today being the 1st of the month that last month is not yet reconciled.
He asked that council please vote yes on Ordinance 25-2014 tonight. It is the renewal of the software contract.

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

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LAW DIRECTOR
Mr. Dowling, per instruction from Mayor Procuk, wrote a letter to Tom O'Donnell the administrative counsel for the County Board of Health advising him that they are to notify us of any hearing by the board or by the Environmental Review Appeals Commission in regards to the Rosby property.

ENGINEER
Mr. Henry submitted for our Ohio EPA Phase II annual permit.

Mr. Henry said that ODOT will be working on Rt. 17 / Granger Road again thru Brooklyn Heights. This will be the cement work and curb ramps at the intersection of Tuxedo and Granger. The village is responsible for the handicap accessibility upgrades at an estimated cost of $15,000.

Mayor Procuk summed it up by saying '*the state legislators cut the funding sent to the communities, then they change the ADA requirements and we get to use tax dollars to upgrade the repairs*'.

ODOT will pay for the paving of the road and curb repairs but we are responsible for the ADA ramps.

Mr. Clymer said we can use the State Highway fund that the gas taxes go into.

Council should see the Lancaster design soon and would be ready to go out for bid in May.

W. 5th Street repairs were made by the county.

BUILDING DEPARTMENT
Mr. Socoloff said that the property at 4545 Spring Road was purchased by Ohio Paving. They will have 65-68 employees. They should be in the building within the next two months.

The tenant bought 4924-4928 Schaaf Lane. The building will need modifications.

We have three new tenants in the village: CEVA Computers, Holland Roofing and Pilkington and three new houses being built on Marko Lane.

The VFW should open for business by the middle of April and point of sale of rental property has slowed.

Mr. Socoloff received a set of drawings for 1250 E. Schaaf Road for a tile & marble operation.

MAYOR'S COURT

Income for March	$8,655.20
Treasurer, State of Ohio	-12052.50
Indigent Driver & Alcohol Fund	- 27.00
Cuyahoga County Regional Info	- 80.00
To Brooklyn Heights	$7,495.70

The State Highway Patrol is patrolling side streets in the village and they've written citations on Granger Road and on Schaaf Road. Those tickets go directly to Parma Municipal Court and our prosecutor Blair Melling is working on if we are going to allow that to continue. He is not getting the information to properly prosecute those cases and we are trying to find out how the cash flow works on the citations, but they are legal to be here.

MOTION: Mr. Selig moves to upgrade the court technology computer using the court technology funds at a cost of $1,110. Second by Mr. Black Motion passed 5-0
The clerk's computer will be passed along to the building department.

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Mayor Procuk will attend the Chamber of Commerce networking breakfast on April 3rd in Independence. The Chamber is also sponsoring a Wellness Fair in conjunction with the Cleveland Clinic on April 16th at the Holiday Inn.

Mayor Procuk and other officials attended the Impact Awards dinner where Weltman, Weinberg and Reis received an award.

Mr. Hatgas will attend the Tree City USA ceremony on May 13th.

April 1st began Autism Awareness Month and please note: our building is lit up in blue.
April 16th will be the Chili Cook-off honoring autism at the Holiday Inn.

The Greater Cleveland Trails & Greenways Conference will be held in Mayfield Village on June 12th from 8:30 am to 5:00 pm and Mayor Procuk has a prior commitment so he is asking if anyone would like to attend in his place.

West Creek has been granted permission to purchase the Amser dump with financing from Cleanland Ohio.

Mayor Procuk attended the Positively Cleveland Open house spotlighting all the good things about CLE and he will attend Tangling at the Terrace Club on April 8th for the NAIOP Annual Awards of Excellence.

Mayor Procuk told council that Kelli Stack was available for a half hour on Thursday, March 27th so we unveiled the signs honoring her and Mayor Procuk also gave her one.

Mayor Procuk stated that the Art-in-the-Park program is for kids 5-10 years old but if a child is 4 with a birthday in the summer and will be going into kindergarten they would be accepted in the program as long as they could handle it.

COMMITTEE REPORTS

- **PARKS, PLAYGROUND & COMMUNITY SERVICES:** discussed the Art-in-the-Park program and it will be handled by the Community Services Department
- **INDUSTRIAL DEVELOPMENT:** Mr. Perry brought in two representatives from Geis to discuss their efforts for the property at Tuxedo and Granger Rd.
- **WAGE & SALARY:** Mr. Walsh, Mr. Black, Mr. Selig and Chief Lasky will meet with the Fire Department on April 15th at 6 pm.
    - **MOTION:** Mr. Walsh moved to go into executive session to discuss a wage & salary issue. Second by Mr. Foote Yeas: Walsh, Foote, Selig, Hatgas, Black

  Mr. Walsh terminated the executive session.

There will be a Special Council meeting on April 15th at 5:30 pm to discuss the lawn cutting program.

ORDINANCES & RESOLUTIONS

ORDINANCE 20-2014-AN ORDINANCE AUTHORIZING THE CLERK/TREASURER TO TRANSFER $160,000.00 FROM THE GENERAL FUND TO THE CAPITAL IMPROVEMENTS FUND IN QUARTERLY INSTALLMENTS
2nd reading; Sponsor: Mr. Foote
Second: Mr. Selig
Yeas: Foote, Selig, Hatgas, Walsh, Black
Nays: None
Ordinance 20-2014 is adopted 5-0 on 2nd reading

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

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ORDINANCE 22-2014 – APRIL PAY ORDINANCE
Sponsor: Mr. Walsh
Second: Mrs. Hatgas
Yeas: Walsh, Hatgas, Foote, Black, Selig
Nays: None
Ordinance 22-2014 is adopted 5-0

ORDINANCE 23-2014- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK-TREASURER TO ENTER INTO AN AGREEMENT WITH GBJ LANDSCAPING FOR LAWN MAINTENANCE SERVICES PURSUANT TO THE VILLAGE SENIOR LAWN CUTTING PROGRAM FROM APRIL 15, 2014 THROUGH NOVEMBER 15, 2014

- **MOTION TO TABLE BY MR. BLACK**
  SECOND BY Mr. Foote
  Yeas: Black, Foote, Selig, Hatgas, Walsh
  Nays: None

Ordinance 23-2014 tabled and put back in committee. It will be advertised as such at the Special Council meeting on April 15, 2014 at 5:30 pm.

ORDINANCE 24-2014- AN EMERGENCY ORDINANCE ESTABLISHING AN INDIGENT DRIVER'S INTERLOCK AND ALCOHOL MONITORING FUND
Sponsor: Mr. Foote
Second: Mrs. Hatgas
Yeas: Foote, Hatgas, Black, Walsh, Selig
Nays: None
Ordinance 24-2014 is adopted 5-0

ORDINANCE 25-2014- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH SOFTWARE SOLUTIONS, INC

- *This is the accounting software currently used by the Clerk/Treasurers office at a cost of $9,435*

Sponsor: Mr. Walsh
Second: Mr. Selig
Yeas: Walsh, Selig, Black, Hatgas, Foote
Nays: None
Ordinance 25-2014 is adopted 5-0

ORDINANCE 26-2014- AN EMERGENCY ORDINANCE AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS TO MAINTAIN MEMBERSHIP IN THE SOUTHWEST COUNCIL OF GOVERNMENTS FOR THE YEAR 2014

- *This is the Hazmat and Swat teams*

Sponsor: Mrs. Hatgas
Second: Mr. Walsh
Yeas: Hatgas, Walsh, Selig, Foote, Black
Nays: None
Ordinance 26-2014 is adopted 5-0

ORDINANCE 27-2014 -AN EMERGENCY ORDINANCE AMENDING THE ORGANIZATIONAL POLICIES OF THE VILLAGE OF BROOKLYN HEIGHTS

- **MOTION: Mr. Walsh moves to amend Ordinance 27-2014 to remove the change to section 4.06D regarding the Service show-up pay.**
  Second: Mr. Foote
  Yeas: Walsh, Foote, Selig, Hatgas, Black
  Nays: None
  Amendment passes 5-0

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

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Sponsor of the amended Ordinance 27-2014: Mrs. Hatgas
Second: Mr. Walsh
Yeas: Hatgas, Walsh, Black, Foote, Selig
Nays: None
Amended Ordinance 27-2014 is adopted 5-0

ORDINANCE 28-2014 -AN EMERGENCY ORDINANCE AMENDING SECTIONS 33.01(B)(1), 33.01(C)(1), 33.01(D)(1), 33.01(E)(1), 33.01(F)(1), AND 33.01(M) OF THE BROOKLYN HEIGHTS CODE OF ORDINANCES
Sponsor: Mr. Black
Second: Mr. Walsh
Yeas: Black, Walsh, Foote, Selig, Hatgas
Nays: None
Ordinance 28-2014 is adopted 5-0

ORDINANCE 29-2014- AN EMERGENCY ORDINANCE APPROVING AND RATIFYING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE VILLAGE OF BROOKLYN HEIGHTS AND THE FRATERNAL ORDER OF POLICE, LODGE 67, REPRESENTING THE POLICE FOR THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2016, PURSUANT TO CHAPTER 4117 OF THE OHIO REVISED CODE

- **MOTION: Mr. Black moved to table this ordinance to be reintroduced at the Special Council meeting on April 15, 2014 at 5:50 pm.**
  Second: Mr. Foote
  Yeas: Black, Foote, Selig, Hatgas, Walsh
  Motion passed 5-0

RESOLUTION 04-2014- AN EMERGENCY RESOLUTION PERMITTING THE VILLAGE CLERK/TREASURER TO UTILIZE THE INTERNET AUCTION FOR SURPLUS ITEMS IN THE 2014 CALENDAR YEAR
Sponsor: Mr. Foote
Second: Mr. Selig
Yeas: Foote, Selig, Walsh, Hatgas, Black
Nays: None
Resolution 04-2014 is adopted 5-0

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

Mayor

Clerk/Treasurer

4/1/14
CC council

CUYAHOGA HEIGHTS SCHOOLS

4820 East 71st Street • Cuyahoga Heights, Ohio 44125-1095
www.cuyhts.k12.oh.us

Phone (216) 429-5702
Fax (216) 429-3737

Joseph Bergant II
Superintendent

March 21, 2014

Dear Taxpayer,

On Wednesday, April 16, 2014 at 6:30 pm, Attorney Andrew Kabat will provide an overview of the ongoing efforts undertaken by the Cuyahoga Heights Local School District to recover the funds that were lost as a result of the conduct of Joseph Palazzo and others.

The meeting will be held in the high school auditorium and is open to the public. Questions and responses will be limited as a result of ongoing litigation.

We encourage you to attend this presentation.

Sincerely,

Joseph Bergant II
Superintendent

Brooklyn Heights Police Department
815 Tuxedo Avenue
Brooklyn Heights, Ohio 44131

Dispatcher: (216) 741-2700
Office: (216) 741-1827
Fax: (216) 741-8868

April 1, 2014

Dear Mayor Procuk,

This letter is to inform you that David Meade successfully completed his six month probationary period as police lieutenant on April 1, 2014. It is my recommendation that his appointment to the position of police lieutenant be made permanent.

Respectfully,

Daniel J. Algeri
Chief of Police

Cc: Lt. Meade
File

Brooklyn Heights Police Department
345 Tuxedo Avenue
Brooklyn Heights, Ohio 44131

Dispatcher: (216) 741-2700
Office: (216) 741-1327
Fax: (216) 741-3868

April 1, 2014

Dear Mayor Procuk,

This letter is to inform you that Vincent Ewelt successfully completed his six month probationary period as police sergeant on April 1, 2014. It is my recommendation that his appointment to the position of police sergeant be made permanent.

Respectfully,

Daniel J. Algeri
Chief of Police

Cc: Sgt. Ewelt
File

VILLAGE of VALLEY VIEW

A Place to Call Home

A Part of History

Mayor Jerry Piasecki

March 20, 2014

Mayor Procuk,

Several Valley View residents have asked about the possibility of Valley View Village establishing a PreK bus run to service the mid-day pickup/ return run that CHS has discontinued or revised due to revisions to the PreK program. I'm writing requesting that the Board consider providing transportation for PreK as has been the case in the past. I'm sure that you find value in the thought that considering the many requirements and constraints involved in transportation of such precious children that a high level of expertise and experience is of the utmost importance. Transportation of school children is a specialized field, best done by those with experience. I've spoken with Mayor Procuk regarding the arrangements adopted by Brooklyn Heights in order to transport and it appears that the favor is to place transportation in the hands of the Board of Education. Mayor Procuk is copied on this letter; the Mayor may weigh in with his opinion. I invite the possibility of discussing the details of this issue at a time convenient for you. Hopefully we can explore the options at that time.

Sincerely,
Mayor Jerry Piasecki

c: CHS administration
Mayor Procuk
Mayor Bacci
Valley View Village Council
Clerk Tomasko
Director VonVille
Chief March
Chief Koscielski

Village of Valley View, Town Hall; 6848 Hathaway Road, Valley View, Ohio 44125
Jerry Piasecki, Mayor 216-903-8928 (cell)

Mike Procuk

From: Thea Guilfoyle
Sent: Friday, March 28, 2014 1:59 PM
To: Mike Procuk
Subject: Crown Victoria

March 28

Mike

Our Crown Victoria broke down yesterday, luckily nearby. Flojo and Scott were able to get it back to the garage and the shifter cable has been replaced. Flojo inquired if there was any plan in place to replace this vehicle due to its deteriorating condition. It is need of four new tires, additional maintenance work and the mileage is at 97,985.

Please advise!

Thea

CC Council 3/28/14
PYT

Kari baciak

From: Denise Dean <ddean@nopecinfo.org>
Sent: Thursday, March 27, 2014 4:43 PM
To: ellen@cityofavon.com; mhollo@bedfordoh.gov; ReneeC@bedfordheights.gov; vfarr@brecksville.oh.us; aphelps@broadview-heights.org; information@cityofbrookpark.com; jludwig@brooklynohio.gov; Kari baciak; jneidert@brunswick.oh.us; 1villageofburton@sbcglobal.net; aday@chardon.cc; Bud_Kinney@hotmail.com; claridontwp@windstream.net; communications@city.cleveland.oh.us; a.merriwether@cuyahogheights.com; bkyle@eastcleveland.org; dmorley@eastlakeohio.com; msiwierka@cityofelyria.org; bridget.hinkel@fairviewpark.org; mkole@highlandhts.com; roberts@kent-ohio.org; whitec@lyndhurst-oh.com; daugustine@macedonia.oh.us; jthomas@mayfieldvillage.com; pohl@cityofmentor.com; cityhall@citymol.org; poakar@middleburheights.com; rdowney@middleburgheights.com; villagehall@morelandhill.com; dbkray@newburghhtsoh.gov; dvozar@northroyalton.org; jmutter@uakron.edu; cityofnorwalk@norwalkoh.com; dhladky@oakwoodvillageoh.com; dhammett@oakwoodvillageoh.com; girardia@orangevillage.com; mayorsoffice@parmaheightsoh.gov; tbaker@richfieldvillageohio.org; ventimiglia@rrcity.com; sagamore.admin@sagamorehillstownship.org; cmatthews@sevenhills.ohio.org; vicki.blank@shakeronline.com; pdawson@solonohio.org; mlove@southeulid.com; john.bedford@strongsville.org; mgutowshi@twinsburg.OH.us; Mayor@valleyview.net; kjackson@warren.org; siafelice@cityofwickliffe.com; jlipscomb@willoughbyohio.com; pkostelnik@willoughbyohio.com; gloriamajeski@willoughbyhills-oh.gov

This will be on our website as well!

Subject: Message from NOPEC
Attachments: FirstEnergy Solutions billing customers for reserve power during arctic weather.pdf

Good Afternoon;
Front page news! Yesterday, NOPEC was featured in the front page article in the Plain Dealer, written by John Funk about "First Energy Solutions billing customers for reserve power during artic weather."
As a member of NOPEC our contract prohibits FES to bill any additional fees to our customers.

Please let your community know that because you have selected membership to NOPEC we have saved our collective communities over $195 million in electric savings we have now saved our 500,000 residents and small commercial business owners as much as an additional $7.5 million dollars collectively!

Attached is the full article for your website and to use for communicating with your community.

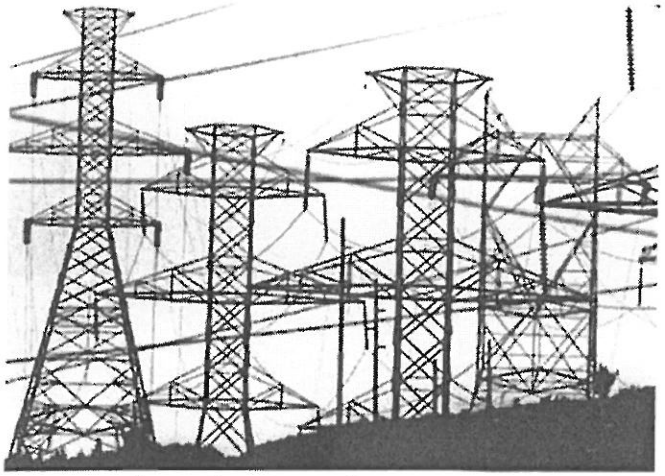
Denise Dean
Marketing Director
Office Number 440.248.1992
Direct Dial: 440.249.7828

NOPEC
Northeast Ohio Public Energy Council

FirstEnergy Solutions billing customers for reserve power during arctic weather

John Funk, The Plain Dealer
March 25, 2014 at 7:05 AM, updated March 26, 2014 at 8:02 AM

Residential and small business customers whose electricity bills show FirstEnergy Solutions as the supplier will see a one-time charge of $5 to $15 between May and July.



FirstEnergy Solutions wants its customers to help pay surcharges for high-voltage power supplies during arctic weather

AKRON, Ohio -- January's arctic weather drove up heating bills. Now it's about to increase electric bills for some consumers and businesses.

FirstEnergy Solutions is preparing to bill about 2 million of its 2.7 million retail customers a surcharge for expenses the company will soon have to pay for reserve power it needed when temperatures plummeted below zero.

Residential and small business customers whose electricity bills show FirstEnergy Solutions as the supplier will see a one-time charge of $5 to $15 between May and July.

The 500,000 residents and small businesses that buy from FirstEnergy Solutions through the Northeast Ohio Public Energy Council, or NOPEC, will not face the extra charge, said Diane Francis, FES spokeswoman, because the NOPEC contract prohibits it.

Nor will consumers who have continued to buy power directly from the Illuminating Co., Ohio Edison or Toledo Edison have to pay the fee, said Todd Schneider, FirstEnergy spokesman.

But non-NOPEC residential customers and many of the commercial and industrial customers who contract with FirstEnergy Solutions for their power will see the extra charges, depending on how their contracts with the power company are worded, said Francis.

The large power users are facing a one-time charge this summer amounting to 1 percent to 3 percent of what they pay for electricity annually, according to letters the company has mailed to them.

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That has some Ohio businesses fuming and they have reached out to the Ohio Manufacturing Association. The OMA is questioning the charge, On Monday the OMA notified its members who have FirstEnergy Solutions contracts that it is researching the matter and may challenge the FirstEnergy Solutions' assertion that it can pass the extra charges to its customers.

The Public Utility Commission of Ohio is also investigating FirstEnergy's decision to add the surcharge to customer bills.

"The Commission is very concerned and is interested in determining the appropriateness of this unprecedented attempt to pass on such charges to the customer," said PUCO Chairman Todd Snitchler. "I expect to see movement on the investigation and want to assure Ohio electric customers that the Commission is working to ensure consumer protection rules are being followed and strictly enforced."

PJM Interconnection, the non-profit company responsible for managing the high-voltage grid in 13 states, including Ohio, had to order extra reserve power during January's subzero weather at a cost of about $500 million.

PJM has billed every power company in its 13-state region for whatever extra power it required during the arctic weather, said spokesman Ray Dotter.

To put that $500 million in perspective, Dotter noted that the cost of the power generated and distributed throughout the PJM grid is about $30 billion annually. Dotter was unsure whether other power companies were passing on the charges to customers as FirstEnergy Solutions is doing. Some analysts in Ohio said they think it is unprecedented. Francis of FirstEnergy Solutions declined to say how much her company has been billed by PJM, except to describe the amount as unprecedented. She said the company is passing on only a portion of the charge to customers.

Dotter explained the extra charges this way:

When the arctic blast hit the region in early January, demand for electricity spiked - and simultaneously dozens of power plants failed because of the weather, mechanical problems or because of fuel problems. About 20 percent of the PJM region's power plant capacity went down, he said, threatening the stability of grid. And because the cold was widespread and lasted many days, PJM grid operators found that they could not import power from other areas.

Wholesale power prices then skyrocketed. PJM reduced voltages by 5 percent, asked for voluntary conservation and even briefly considered rolling brownouts to avoid a grid collapse and blackout. But PJM also ordered more expensive power plants to begin generating, just to keep the system stable, he said FirstEnergy Solutions has created two special websites to explain the charges.

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Mike Procuk

From: J Presot <jpresot@att.net>
Sent: Saturday, March 22, 2014 2:38 PM
To: Mike Procuk
Subject: RE: Tree Commission Academy

Mayor Mike,

I am quite interested in taking this class. Dave Wingenfeld took this class and learned quite a bit from it. I've wanted to take it for the past couple of years but with Joe's illness it was put on the back burner. I would like to look into taking the class at another time of the year since our Spring is truly too busy with the greenhouse business and recreation department taking up so-much of our time. Do you think this is something that I should discuss further with council? If so, I will be more than happy to reach out to Alan to obtain more information about times and expense.

Thanks,
Jennifer

-----Original Message-----
From: Mike Procuk [mailto:mprocuk@brooklynhts.org]
Sent: Wednesday, March 19, 2014 10:35 AM
To: Ed Hatgas; jpresot@att.net
Subject: FW: Tree Commission Academy

FYI

From: Siewert, Alan [mailto:Alan.Siewert@dnr.state.oh.us]
Sent: Tuesday, March 18, 2014 3:36 PM
Subject: Tree Commission Academy

Dear Northeast Ohio communities:

This year's Tree Commission Academy Freshman class is just over 2 weeks away and there is still time to register. I have attached a application form and the class catalog.

I hope to see you April 10 in Macedonia.

Alan R. Siewert
Alan Siewert
Urban Forester
ODNR Division of Forestry
15444 West High Street
Middlefield, Ohio 44062
440-632-5299
Cell 440-591-8914
alan.siewert@dnr.state.oh.us<mailto:alan.siewert@dnr.state.oh.us>
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http://www.youtube.com/user/TheOhioDNR

"It is a poor and uncreative mind that can not come up with more than one way to spell a word." - Mark Twain

3/20/14 Cc council

Mike Procuk

From: Schuckert, Melynda <Melynda.Schuckert@lakewoodcityschools.org>
Sent: Thursday, March 20, 2014 12:13 PM
To: Mike Procuk
Subject: RE: Art in the Park 2014

Thea will present program at Committee MTG.

Mayor Mike,

At this time, I am going to choose to step down from the Art in the Park program. It is with sad feelings that I am making this decision, but feel it is best for my family and me. I have the materials and bins at my house, so please let me know how to get them to where they need to go.

(4)

I truly have appreciated the support from you Mayor Mike, from most of the council members, and from Mr. Hatgas. I think the kids and families are amazing in our city and have thoroughly enjoyed the past 2 summers in the park with them.

Take care,
Lyndie

From: Mike Procuk <mprocuk@brooklynhts.org>
Sent: Thursday, March 20, 2014 11:41 AM
To: Schuckert, Melynda
Subject: RE: Art in the Park 2014

(3)

No prob. Can u email me this year's plan or proposal?

From: Schuckert, Melynda [mailto:Melynda.Schuckert@lakewoodcityschools.org]
Sent: Thursday, March 20, 2014 11:33 AM
To: Mike Procuk; Thea Guilfoyle
Cc: Matt Walsh (walshma@cox.net); Hatgas, Nancy E.; John Black (blackjo29@gmail.com); Howard Selig (golfer192305@sbcglobal.net); lfoote78@yahoo.com; Tim Clymer; Donna Tesar
Subject: RE: Art in the Park 2014

(2)

I do not think I can be at the meeting below. I am waiting on Joe to confirm our soccer practice schedules for coaching. Our team will be practicing on Tuesdays from 5:45-7 if it is confirmed.

From: Mike Procuk <mprocuk@brooklynhts.org>
Sent: Wednesday, March 19, 2014 11:18 AM
To: Schuckert, Melynda; Thea Guilfoyle
Cc: Matt Walsh (walshma@cox.net); Hatgas, Nancy E.; John Black (blackjo29@gmail.com); Howard Selig (golfer192305@sbcglobal.net); lfoote78@yahoo.com; Tim Clymer; Donna Tesar
Subject: Art in the Park 2014

(1)

All,

The Parks, Playground, Community Services committee has called a meeting on April 1rst, at 5:30 pm. Please plan on attending to present plans, budgets, and donations for the program.

Thanks,

Northeast Ohio Regional
Sewer District
Protecting Your Health and Environment

March 13, 2014

Mayor Mike Procuk
Village of Brooklyn Heights
345 Tuxedo Avenue
Brooklyn Hts., OH 44131

Dear Mayor Procuk,

I'm writing to provide some context surrounding the editorial, opinion columns and stories about our Combined Sewer Overflow (CSO) Program that have appeared recently in The Plain Dealer's print and online editions.

When we learned this story was planned, we made the decision to work with The Plain Dealer and their digital partner, the Northeast Ohio Media Group (NEOMG), by promptly supplying any and all records, arranging multiple interviews with me and our technical staff, and providing immediate follow-up for information requested by the reporters along the way.

We knew we were trying to tell a complicated story, but we hoped the background we provided would help the reporters and editors understand the technical challenges we face, the regulatory constraints we are operating under and, most importantly, the work we are doing to improve the quality of Lake Erie's water.

We knew the reporters assigned to this story were attempting to compare our approach to that taken by a number of other cities considering gray vs. green solutions to CSO, and we urged them to contact several, including Washington, DC, St. Louis, Chicago and Milwaukee, all cities with circumstances similar to Cleveland's. In some cases we even provided contact information. I know many of you were contacted by reporters as well and I appreciate whatever your decision was to comment or not.

In my opinion, the multiple stories that ran were mostly balanced, although our side of the story tended to be reported at the end of each piece. On the other

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hand, I would say that the tone and content of the editorial that ran in The Plain Dealer this past Sunday, March 9, was somewhat confusing at best.
We intend to persevere with The Plain Dealer and the NEOMG and hope eventually the staff there will begin to appreciate the comprehensive approach we have taken to address this issue. We believe our approach is the right one for Northeast Ohio and eventually, our plan will be vindicated – especially as other cities begin to grapple with the realities we have already faced.

In the meantime, you may be getting questions from your community about the newspaper's series and about our CSO program. Here are some points you can share:

- When the District was formed in 1972, 9 billion gallons of combined sewer overflow (CSO) entered the region's environment in a typical year.

- Over the last 20 years, the District has abated 4.5 billion gallons through $1.2 billion of investments using gray infrastructure.

- This 20-year investment stopped overflows that were happening during "normal" rain events (typically, rainfalls amounting to one inch or less).

- Our region still must deal with the remaining 4.5 billion gallons that occur during heavier rainfalls.

- The Clean Water Act requires the USEPA to reduce CSO substantially, and we must reduce our number from 4.5 billion gallons to .5 billion gallons in 25 years. The cost to achieve that reduction is estimated to be $3 billion.

- Any notion that we should have studied a potentially cheaper green infrastructure dominated program in the face of the clear scientific reality of our situation is ludicrous and would have only resulted in a waste of money and time.

- When we negotiated our agreement with the EPA, we included provisions that will allow us to construct "green infrastructure" (bio-swales, retention ponds, etc.) along with conventional gray (tunnels, pipes, etc.). In fact, the

District is very committed to the opportunities for green infrastructure and is currently scheduled to complete at least $80 million worth over the next eight years.

- We're also very aggressively pursuing other green opportunities beyond the mandated $80 million in green projects already underway. However, as we pursue green alternatives, we need to consider costs, co-benefits, effectiveness in reducing CSO and the region's vision for repurposing land. Other organizations have a say in the way our community's land will be reused, so we cannot make unilateral decisions in that regard.

- Most important, because these remaining overflows happen during heavy rainfall, the volume of rainwater we must capture is significant. **There are certain realities related to hydrology that we simply cannot overcome with "green" solutions.** Given those realities, gray infrastructure will need to lead our CSO strategy if we are to achieve the mandates we have agreed to with EPA.

Indeed, the key point that needs to be understood is the role of hydrology plays in solving this issue. **Other communities claiming they will solve their CSO challenge using only green solutions have not fully reckoned with the volume of rainfall they ultimately will be required to capture.** In fact, our district is far ahead of many cities that have not made prior investments and who are just now trying to control normal or less than normal volumes of rainfall from entering their CSO systems. Once they begin to grapple with the full amount of CSO they will need to contain, I am confident they will conclude, as we have, that gray must be a part of the solution.

You should expect to hear from me further as we continue to work on this issue, along with other issues that are affecting Lake Erie. For your information, I am attaching an op-ed piece that Board President Darnell Brown and I co-authored on this subject that ran both in The Plain Dealer and in their online edition. This document states plainly where we stand. Also included is a link to the blog post of George Hawkins who is the General Manager of the DC Water. George was born and raised in Shaker Hts. and is a most respected water professional. His

post clearly lays out our case. Why he has been ignored to date as a source is a mystery to me since this is our true comparison.

If you have any questions about the District's CSO program, please do not hesitate to call me at any time.

Sincerely,

Julius Ciaccia
Executive Director

Link: http://www.georgehawkins.net/2014/03/how-green-can-you-go.html
Attachment

CC: Sherrod Brown, United States Senate
Marcia Fudge, United States House of Representatives
David Joyce, United States House of Representatives
Marcy Kaptur, United States House of Representatives
Rob Portman, United States Senate
Jim Renacci, United States House of Representatives
Joseph Roman, GCP
Deb Janik, GCP
Brian Zimmerman, Cleveland Metroparks
Will Friedman, Cleveland-Cuyahoga Port Authority
NEORSD Board of Trustees

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Northeast Ohio Regional Sewer District chose best option: Darnell Brown and Julius Ciaccia

Northeast Ohio Regional Sewer District.jpg
(courtesy of Northeast Ohio Regional Sewer District)
Guest Columnist/cleveland.com By **Guest Columnist/cleveland.com**
on March 03, 2014 at 10:06 AM, updated March 03, 2014 at 2:14 PM

Over the last two weeks, reporters Leila Atassi and Andrew Tobias wrote a **three-part series about the Northeast Ohio Regional Sewer District's combined sewer overflow** (CSO) program, which is part of our 25-year consent order agreement with the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency.

The journalists' goal was to determine whether NEORSD's program missed opportunities to save substantial money by not aggressively pursuing "cheaper" green infrastructure instead of the traditional gray infrastructure. In the articles, the authors clearly noted that the sewer district is indeed incorporating green infrastructure into its program through some very favorable terms negotiated into the consent order. In fact, other wastewater treatment agencies are seeking these enviable terms as they face the same mandates.

There is no question that our lake and the reputation of this region require action to mitigate massive amounts of sewage pouring into our environment. Over the last two decades, the sewer district has eliminated half of the 9 billion gallons of CSOs it originally had by constructing sewer interceptors and a CSO storage tunnel. Fortunately, the sewer district constructed this gray infrastructure over the past 20 years at a time when construction costs were cheaper and federal dollars were still available. Consequently, we were able to achieve results at a cost of 22 cents per gallon of CSO eliminated. Because the sewer district was proactive, this cost per gallon compares more favorably with today's debatable estimates for green infrastructure. The real contrast is with what the district has accomplished over the last 20 years and recently by negotiating groundbreaking terms with the EPA, and what other cities and agencies have yet to accomplish.

As an example, some are just now starting to address the CSO problem with today's dollars and without the benefit of federal money. They are 20 years behind us, bearing the environmental and financial costs of waiting.

As we now work to reduce the remaining 4.5 billion gallons of CSO, undoubtedly we must accept that this is an expensive proposition. But the sewer district is committed to doing everything we can to keep costs

Mike Procuk

From: JOE BIALEK <jgbialek2@roadrunner.com>
Sent: Saturday, March 29, 2014 11:15 AM
To: Plain Dealer
Subject: Letter to the Editor---Sin Tax

This letter is in response to the article "Cuyahoga County mayors group votes to back 'sin tax' extension" written by Andrew J. Tobias.

This issue is the absurdity of absurdities. Let me get this straight: the purpose of the Sin Tax is to gouge those who purchase alcohol and cigarettes not because anyone is trying to discourage consumption but rather so the County can use that money to pay for sports stadiums that do not produce anything but a fleeting moment witnessing the passing of a football, the dribbling of a basketball and the throwing of a baseball so that such a minute tidbit of diversion can be enjoyed by all. The stupidity of this proposition is enough to make your head spin even though the spin doctors advocating passage of this nonsense are already doing a pretty good job of hypnotizing the voters to actually consider supporting it. At least the Robber Barons of the previous centuries provided something tangible such as oil, steel, railroads etcetera. These team owners do not even provide one tangible thing that could ever be considered with the term "value added." Almost everyone discusses this "enterprise" as though it is the same thing as industry {which it is not}. The price of admission is essentially a voluntary tax paid by those who can afford it to pay those who don't need it. If this isn't a transfer of wealth I don't know what is.

The real outrage here is the fact that taxes on alcohol and cigarettes will not be used to aid in the reduction of addiction {hence the reference to "sin"} but rather to stuff the pockets of all three teams who could easily afford to pay for the repairs themselves. The vote was rammed through the last time {under somewhat suspicious circumstances} and hear we go again. But this time...not so fast!!! We the voters of Cuyahoga County are going to fight the proponents on this one and we don't care if the teams up and go somewhere else {please see my views on entertainment below} because quite frankly there are simply more important things than sports and the unearned money that comes with it. Those in public office who are too stupid and lazy to find other ways to grow a major American city need to resign and leave their self-seeking political ambitions on the scrapheap of history. Don't ever let it be said that this was time when the tide ran out on Cuyahoga County but rather was the time when the voters rose up to welcome the rising tide of change and rebuked this pathetic paradigm our previous elected leaders embraced.
Let the battle be joined.

And now to the real underlying issue at hand:

One of the most disturbing facts about our capitalist nation is the misappropriation of funds directed to the salaries of entertainers. Everyone should agree that the value an athlete, movie star, talk-show host, team-owner, etcetera brings to the average citizen is very small. Granted, they do offer a minuscule of diversion from our daily trials and tribulations as did the jesters in the king's court during the middle ages. But to allow these entertainers to horde such great amounts of wealth at the expense of more benevolent societal programs is unacceptable. They do not provide a product or a service so why are they rewarded as such?

Our society is also subjected to the "profound wisdom" of these people because it equates wealth with influence. Perhaps a solution to this problem and a alternative to defeated school levies, crumbling infrastructures, as well as all the programs established to help feed, clothe and shelter those who cannot help themselves would be to tax this undeserved wealth. Entertainers could keep 1% of the gross earnings reaped from their endeavor and 99% could be deposited into the public coffers.

The old ideas of the redistribution of wealth have failed, and it is time to adapt to modern-day preferences. People put their money into entertainment above everything else; isn't it time to tap that wealth? Does anyone think this will reduce the quality of entertainment? It seems to me that when entertainers received less income, the quality was much higher.

Joe Bialek
Cleveland, OH

"Do not fear to be eccentric in opinion, for every opinion now accepted was once eccentric." Bertrand Russell

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April 1, 2014

Ohio EPA
Northeast District Office
2110 East Aurora Rd.
Twinsburg, Ohio 44087
Attn: Mr. Dan Bogoevski

Re: Annual Report for Permit 3GQ00001*BG
Brooklyn Heights, Ohio

Dear Mr. Bogoevski:

On behalf of the Village of Brooklyn Heights, I have enclosed one copy of the Village's annual report for permit year 2013 for the Phase II Storm Water Program.

A copy of this report is being sent to the OEPA Central Office to the attention of Mr. Jason Fyffe.

Respectfully Submitted,

Chagrin Valley Engineering, Ltd.

Michael E. Henry, PE
Principal

Enclosures

C: Mayor Michael Procuk (cover letter only)
Ed Hatgas, Service Director
Jason Fyffe, Ohio EPA