

COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

MINUTES OF A MEETING

HELD January 8, 2013 20

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on January 8, 2013 at 7:30 pm with Mayor Michael Procuk presiding.

The Pledge of Allegiance was recited at this time.

Present at roll call:	Councilmen:	Black, Cichocki, Foote, Lahiff, Presot, 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 Development:	

AUDIENCE

Mrs. Eileen Pech, 32 Marko Lane inquired about the Rosby situation. She said that on December 28, 2012 the smell was extremely bad. She said she made the phone calls.

Mayor Procuk agreed that the stench was bad that day and that it was confirmed that Rosby was turning the piles again. The phone calls were made. The village has sent a letter and formal complaint to the Board of Health. We've retained a specialized attorney and we continue to work on the issue.

Mr. Cichocki said that Mr. Rosby is the only facility in Cuyahoga County that takes food waste and composts it. He said that this council is committed to stopping this and that this would not be happening in Brecksville, Independence or even in Seven Hills. He said that the only way to get the information regarding this problem out there is by social media because Brooklyn Heights gets no coverage from the local media. He said to please call the numbers as often as you can because the Board of Health and the Ohio EPA are not doing their jobs. Last year they were on-site approximately 44 times and found no violations even though it still smelled down there. The State of Ohio owns the landfill at I-480 and I-77 and they're not even testing as the leachate goes into West Creek.

Mr. Cichocki said that by making the phone calls it gives our attorneys the evidence to push forward.

Mr. Selig commended Mrs. Pech for emailing the Schaaf Road residents as to the situation.

Mrs. Pech said that she was surprised at the number of responses she received that said they had no idea of the source of the odors. She also said that she received a return call from Brian at Cleveland Air Quality to let her know that they have no jurisdiction in this problem.

Cheryl Frenzl of 826 E. Schaaf Road asked if there is any way to create one email list so that the communications could go out one time.

Mr. Black (as a resident) said to get the lists to him and he will combine them to one list.

She also stated that she had come in tonight during the committee meeting and heard someone ask about our printer inventory. She got the impression that we don't inventory our equipment and said that is how the school got into trouble.

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Mr. Clymer told her that we do label our equipment for inventory purposes and Chief Algeri stated that we keep inventory by department and Val Snyder has the complete inventory for all departments.

Mayor Procuik explained that what she heard was council discussing the maintenance of our IT equipment. Mr. Black said that council scrutinizes each purchase and Mrs. Presot stated that some of our IT equipment is rather dated.

Councilman Foote left the meeting at this time due to illness.

Mr. Mark Dobbins asked what the timeline is to someone saying yes or no to his permit request if Mr. Rosby's permit has expired.

Mr. Dowling said that there is no specific timeframe and the Department of Health and the Ohio EPA are fighting over who has to make the decision.

Mr. Dobbins said "meaning that neither wants to (make the decision)" and Mr. Dowling said that's the way he reads it.

Mr. Dobbins also said he understands that Mr. Rosby was cited in the fall for violations of water and the leachate standards and asked if there was any update on that.

Mr. Dowling said that they are giving him time to fix the problem. Mayor Procuik said that they've given him until April, then August and then October and now he doesn't know what they are giving him.

Mr. Cichocki said that all of the agencies are friendly to the businesses not to the people. The only way we can get this stopped is with publicity through the media so we can get public pressure to stop it.

Mayor Procuik said there probably won't be a decision until we get into a court of law.

Derek Schafer from the West Creek Preservation Group spoke. He said they as a 'watershed group' could be of help. He said they work with the Board of Health and the EPA. He also said that the EPA gave Rosby the money to buy the trucks to pick up the waste.

Mayor Procuik said that Bill Rosby applies for grants from the State of Ohio and the EPA because composting is a good thing. They give him the money to run the business and they also are the enforcing arm protecting our interests.

This ended the Audience session of the meeting.

Mayor Procuik asked Mr. Clymer if there were minutes to be approved and he responded not tonight.

CORRESPONDENCE

Mayor Procuik read a thank you note from Joe Presot thanking the village for the planter and visits during his recent hospitalization. He is now recuperating and went back to work part-time for now.

Mayor Procuik received a note from First Energy stating that they made a donation to Providence House in the name of Brooklyn Heights.

An email was received from Julie Jakubczak asking for the use of the Community Center on March 21, 2013 for a Cub Scout fundraiser and that the fee be waived.

MOTION BY MRS. PRESOT SECOND BY MR. BLACK MOTION PASSED 7-0
Mayor Procuik will let her know.

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Mayor Procuik received a note from Cox Communications letting us know that an agreement was reached with Raycom and channels 4 & 6 are back on air.

A note was received from Dr. Holland, Superintendent of Cuyahoga Heights Schools stating that they have retained counsel and filed an extensive complaint in court against Joseph Palazzo.

Scott and Joanna Lader sent a letter on behalf of the Cuyahoga Heights After Prom committee requesting the use of our busses on Friday May 3, 2013 to transport seniors and their dates to Kalahari in Sandusky as part of the After Prom activities.

This request will be discussed in the Community Services committee meeting on January 22, 2013 at 6:30 pm.

AC Enterprises sent a letter stating that they are still in a dispute with the Bureau of Workers Compensation over their premiums and that they will be responsible for any injuries their workers may sustain while working on our property. Mayor Procuik said to continue doing business with them as usual.

We received a check today for \$1,333.57 from the Bureau of Workers Compensation which represents our 2% rebate for our attendance at the Greater Cleveland Safety Council luncheon meetings.

POLICE CHIEF

Chief Algeri received a letter from County Executive Ed FitzGerald, Judge David Matia and Sheriff Bob Reed regarding Operation Med Drop. The county will be starting their program and if we sign the agreement the sheriff would be responsible for disposing of the collected medications.

Chief Algeri is in the process of setting up a meeting with Dr. Holland, Mr. Evans, Mr. Contipelli, Chief Pallini and Chief March to discuss the school safety plan in light of the Sandy Hook situation.

Part-time Ptl. Monica Schuld is in her Field Officer Training program working four days a week and doing very well.

Chief Algeri requested a motion to pay Firehawk \$2,723.60 for the transmission repair to the 2008 Ford Explorer. The vehicle has 81,104 miles on it.

MOTION: MRS PRESOT MOVED TO PAY FIREHAWK \$2,723.60 FOR THE TRANSMISSION REPAIR ON THE 2008 FORD EXPLORER. SECOND BY MR. BLACK MOTION PASSED 6-0

Chief Algeri requested a motion to pay TACH Computer for the in car server host for 2013. Cost is \$1,825.

MOTION: MR BLACK MOVED TO PAY TACH COMPUTER \$1,825 FOR THE IN CAR SERVER HOST. SECOND BY MR SELIG MOTION PASSED 6-0

FIRE CHIEF

Chief Lasky told council that the department received a \$35,000 grant to purchase new extrication equipment to replace the seventeen year old equipment we are currently using. Thanks to Lt. Brett Stanislaw for doing the legwork on this. We will be responsible for 5% or \$1,798.

Chief Lasky will attend a FEMA meeting in Warrensville Hts. regarding the clean-up from Super Storm Sandy. We hope to recoup some of the money spent on the clean-up. Mayor Procuik will attend with Chief Lasky.

Chief Lasky requested a motion to pay the City of Cleveland for the fire hydrants in our village.

MOTION: MR. LAHIFF MOVED TO PAY THE CITY OF CLEVELAND \$3,700 FOR THE RENTAL OF THE FIRE HYDRANTS IN BROOKLYN HEIGHTS. SECOND BY MR. SELIG MOTION PASSED 6-0

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Chief Lasky requested payment of a Fire Force invoice in the amount of \$1,250 for the SCBA testing.

MOTION: MR. CICHOCKI MOVED TO PAY THE FIREFORCE INVOICE \$1,250 FOR THE SCBA TESTING. SECOND BY MR. BLACK MOTION PASSED 6-0

Mayor Procuk and council congratulated Chief Lasky on his promotion in Parma to Captain. Captain Lasky will be in charge of Station 2 on Snow Road. Congratulations.

ECONOMIC DEVELOPMENT

Mr. Perry stated that he is working to develop the 16.9 acres on Schaaf Road. They are working around a few issues and he will aggressively pursue the \$200,000 grant.

In December Mr. Perry said he had nominated four of our businesses for the Cuyahoga Valley Chamber of Commerce Impact Awards. Today he tells council that two of the businesses will be recognized at the luncheon on January 24th and asked that anyone who could attend should be there.

Mr. Perry said that he is working with the county to secure a business for the WACO Scaffolding property. This business would bring in 65-80 employees and a \$3 million dollar payroll.

Mr. Perry has asked the Safeguard owners to please try to fill their second building.

Mr. Perry said he has been working with Anne Graham to develop the Economic Development page for the new website.

SERVICE DIRECTOR

Mr. Hatgas asked for a motion for AC Enterprises to replace the gas valve on the boiler in the Municipal Center.

MOTION: MRS. PRESOT MOVED TO REPLACE THE GAS VALVE ON THE BOILER IN THE MUNICIPAL CENTER AT A COST OF \$2,316 TO BE DONE BY AC ENTERPRISES. SECOND BY MR. SELIG MOTION PASSED 6-0

Mr. Hatgas requested a motion to buy two LED stop signs from AA Safety at a cost of \$3,150 to be installed at diamond 2 by the concession stand.

MOTION: MRS PRESOT MOVED TO PURCHASE TWO LED STOP SIGNS FROM AA SAFETY AT A COST OF \$3,150. SECOND BY MR. BLACK MOTION PASSED 6-0

RECREATION DIRECTOR

No Report

COMMUNITY SERVICES

Mrs. Guilfoyle reported that the Blood Drive held on January 2nd had a poor turnout. Only seven pints of blood was donated. She noted that Kaiser had a drive at the same time.

They are taking registration for the AARP Tax days to be held on Feb. 25th and March 18th.

Mrs. Guilfoyle met with the county regarding the website. She gave them all of our information and they will give us a cost and additional information. She explained the county process to the audience. The county would maintain the site and they would help us set up an 'official' Facebook page and twitter.

ENGINEER

Mr. Henry said that as soon as he receives the information he needs from the County Sanitary Engineer, he will submit the NEORS annual Community report.

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Mr. Henry had an email from the Board of Elections stating that the handicap parking spaces at the Community Center may be in violation of the ADA because the slope is not at the correct grade.

Mr. Henry said that the NEORSD fees for the storm water charge will be on your January billing. If there are any questions, please forward them to Mr. Henry. He said that 25% of the monies collected from our community will go back into our Storm Sewer System Fund and we will be able to use the money for adequate projects.

BUILDING INSPECTOR

Mr. Socoloff said that the Plans Examiner, Fred Krueger has resigned and our back-up is G. Gifford Dyer.

LAW DIRECTOR

No Report

CLERK / TREASURER

The books are closed for 2012 and Mr. Clymer said that for the second year in a row the General Fund has a surplus of \$50,726 in the operating fund bringing our year-end to \$1,759,335.

MAYORS' COURT

Income for December	\$11,089.40
State of Ohio	(2,401.50)
Indigent Driver & Alcohol fund	(82.50)
Cuy Cty Reg Info System	(255.00)
Brooklyn Heights	\$ 8,350.40

Mayor Procuik said that there are many things happening at the County Executive level and one is that Sheriff Robert Reed has retired.

The Water Service Agreement will be discussed in a committee meeting on January 22nd.

Mayor Procuik went to the Board of Elections to inquire about the liquor permit for the VFW and was told that they won't issue a permit to them because when the issue was on the ballot we had two precincts and only one precinct voted. We now are one precinct so they want the entire precinct to have the privilege of voting on this. The issue can only be put on a ballot that also has voting to fill an office and we won't have that until November unless by some chance there is a primary in Brooklyn Heights.

Mayor Procuik commended Mr. Clymer, department heads and employees for running a tight ship and keeping the expenditures under budget.

There will be no change in the committee chairs for 2013.

Mayor Procuik said that Steve Peine will remain on the Planning Commission, Rose Presot will remain on the Architectural Review Board and Allen Pfenninger will remain on the Zoning Board of Appeals.

ENVIRONMENTAL COMMITTEE

Mr. Cichocki thanked the residents in the audience tonight for attending the meeting. He also said that Mr. Black (resident), as he is setting up the email list, he should include the email address for West Creek.

He also suggested that the residents spend the \$20 - \$25 to join West Creek because they can do a lot for the village.

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BUILDING COMMITTEE

Mr. Black said they held a committee meeting to discuss the computer maintenance contract for 2013 and they will vote on the ordinance tonight.

TREE COMMISSION

Mrs. Presot updated the missing information for the application and thanked Kari Baciak for her help.

FINANCE COMMITTEE

Mr. Walsh stated that they are still working on the 2013 budget.

ORDINANCES & RESOLUTIONS

ORDINANCE 01-2013- AN ORDINANCE ENACTING SECTION 1268.15 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BROOKLYN HEIGHTS (TO PROHIBIT CERTAIN USES WITHIN AREA ZONED RESIDENTIAL ON FAMILY USE)

Sponsor: Mrs. Presot

Second: Mr. Lahiff

This ordinance is not an emergency ordinance and will be voted on at the next council meeting.

ORDINANCE 02-2013 - AN ORDINANCE ENACTING SECTION 1268.031 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BROOKLYN HEIGHTS (TO PROHIBIT CERTAIN USES WITHIN AREA ZONED RESIDENTIAL ON FAMILY USE)

Sponsor: Mr. Black

Second: Mr. Selig

This ordinance is not an emergency ordinance and will be voted on at the next council meeting.

ORDINANCE 03-2013- AN ORDINANCE AMENDING SECTION 1286.02 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BROOKLYN HEIGHTS (TO LIMIT CERTAIN NONCONFORMING USES OF LAND AND BUILDINGS)

Sponsor: Mrs. Presot

Second: Mr. Walsh

This ordinance is not an emergency ordinance and will be voted on at the next council meeting.

ORDINANCE 04-2013- AN ORDINANCE AMENDING SECTION 660.04 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF BROOKLYN HEIGHTS (TO PROHIBIT CERTAIN USES WITHIN AREA ZONED RESIDENTIAL ON FAMILY USE)

Sponsor: Mr. Walsh

Second: Mrs. Presot

This ordinance is not an emergency ordinance and will be voted on at the next council meeting.

ORDINANCE 05-2013- AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/ OR CLERK/TREASURER OF BROOKLYN HEIGHTS TO PROVIDE MATCHING FUNDS IN THE AMOUNT OF FIVE THOUSAND DOLLARS PER YEAR FOR THREE YEARS IN SUPPORT OF THE WEST CREEK PRESERVATION COMMITTEE'S APPLICATION TO THE OHIO WATERSHED COORDINATOR GRANT PROGRAM TO CONTINUE THE FUNDING OF THE FULL TIME WATERSHED COORDINATOR

Sponsor: Mr. Cichocki

Second: Mr. Selig

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

Nays: none

Ordinance 05-2013 passes 6-0

ORDINANCE 06-2013 - AN EMERGENCY ORDINANCE AMENDING THE ORGANIZATIONAL POLICIES OF THE VILLAGE OF BROOKLYN HEIGHTS

Sponsor: Mr. Walsh

Second: Mr. Cichocki

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

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Nays: none

Ordinance 06-2013 passes 6-0

ORDINANCE 07-2013 - AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH TOPSS FOR THE PURCHASE OF A NEW COMPUTER SERVER

Sponsor: Mr. Black

Second: Mr. Lahiff

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

Nays: None

Ordinance 07-2013 passes 6-0

ORDINANCE 08-2013 - AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR CLERK/TREASURER TO ENTER INTO A CONTRACT WITH TECTRONIC OFFICE PRODUCTS SALES & SERVICE (TOPSS) TO MAINTAIN AND SERVICE ALL COMPUTER RELATED EQUIPMENT AND PROVIDE TECHNICAL SUPPORT FOR THE VILLAGE OF BROOKLYN HEIGHTS' SOFTWARE SYSTEMS

Sponsor: Mr. Black

Second: Mr. Selig

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

Nays: none

Ordinance 08-2013 passes 6-0

ORDINANCE 09-2013 - DECEMBER PAY ORDINANCE

Sponsor: Mr. Walsh

Second: Mrs. Presot

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

Nays: none

Ordinance 09-2013 passes 6-0

ORDINANCE 10-2013 - JANUARY PAY ORDINANCE

Sponsor: Mr. Walsh

Second: Mr. Black

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

Nays: none

Ordinance 10-2013 passes 6-0

RESOLUTION 01-2013 - AN EMERGENCY RESOLUTION AUTHORIZING THE VILLAGE OF BROOKLYN HEIGHTS TO EXEMPT CERTAIN PARCELS OF LAND FROM SPECIAL ASSESSMENTS FOR THE MAINTENANCE OF SANITARY SEWERS, STORM SEWERS, AND WATER MAINS

Sponsor: Mr. Cichocki

Second: Mr. Selig

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

Nays: none

Resolution 01-2013 passes 6-0

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

Yeas: All

Meeting adjourned.



Mayor



Clerk/Treasurer