

# COUNCIL OF THE VILLAGE OF BROOKLYN HEIGHTS

## MINUTES OF A MEETING

HELD June 5, 2012 20

A meeting of the Council of the Village of Brooklyn Heights, Ohio was held on June 5, 2012 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,<br>Selig, Walsh |
|                       | Mayor:              | Procuk  |
|                       | Clerk/Treasurer:    | Clymer  |
|                       | Law Director:       | Dowling   |
|                       | Engineer:           | Henry   |
|                       | Police Chief:       | Algeri  |
|                       | Fire Chief:         | FF Anders                                       |
|                       | Service Director:   | Hatgas  |
|                       | Bldg. Commissioner: | Socoloff  |
|                       | Comm. Service Dir:  | Guilfoyle                                       |
|                       | Recreation Dir.     | Presot  |
|                       | Economic Dev. Dir.  | Perry   |

**MOTION: Mr. Foote moved to excuse Councilwoman Presot as she is attending her Goddaughter's graduation from Trinity High School. Second by Mr. Selig Motion passed 6-0**

**MOTION: Mr. Black moved to approve the minutes from the May 1, 2012 regular council meeting as distributed. Second by Mr. Walsh. Motion passed 6-0**

### AUDIENCE

Mr. Biskind is in the audience to present some information on the upcoming healthcare renewal package. He gave council a handout. The first sheet is a summary of the medical conditions disclosed during the online survey of the employees. This is done to try to get a better rate. The original rate that he received was up 15.87% and he managed to get that knocked down to 13.87%. Mr. Biskind continued to talk about the renewal and Mayor Procuk suggested that this should be discussed at a committee meeting.

WAGE & SALARY COMMITTEE meeting will be held on June 12, 2012 at 7:00 pm to discuss the health benefits issue and to give the employees the opportunity to attend the meeting.

Mayor Procuk told council about his trip to the Twinsburg Twp. Recycling plant of Kimble. He and Ed Hatgas saw firsthand how the recycling will be handled and baled once it reaches the transfer station.

Mayor Procuk introduced Don Johnson from Kimble. He explained the facility and invited Council to visit.

Mayor Procuk introduced the ordinance before council for consideration.

**ORDINANCE 36-2012 - AN ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH KIMBLE COMPANIES TO PROVIDE RESIDENTIAL SOLID WASTE AND RECYCLING REMOVAL SERVICES FOR THE VILLAGE OF BROOKLYN HEIGHTS (Changing both the solid waste and recycling pick-up day to Friday)**  
Sponsor: Mr. Selig Second: Mr. Walsh

This ordinance will be voted on at the next regular meeting and if it passes it will go into law.

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### CORRESPONDENCE

Mayor Procuk read a letter from the contractor who will resurface Valley Belt Road to the businesses along that road. The project is being done on the Independence portion of Valley Belt Road. It will begin on May 31<sup>st</sup> and take approximately four weeks to complete.

Mayor Procuk read an email from Nancy Bartholomew regarding her Cadet troop 71259 using the Community Center on several days in June to complete their "Amaze" Journey Book and related badge assignments.

**MOTION: Mr. Lahiff moved the use of the Community Center in June for Cadet Troop 71259 to complete their "Amaze Journey book". Second by Mr. Walsh Motion passed 6-0**

Mayor Procuk read a letter dated May 16, 2012 from Sheldon Burns who is representing Mr. Bill Rosby to Sheldon Socoloff in response to the April 17<sup>th</sup> notice of violation for the property at 270 E. Schaaf Road. He stated that as of May 17, 2012 Mr. Rosby will discontinue the recycling business on said property until such time as the matter is brought back up with legal counsel.

Mayor Procuk read a note from Matt Walsh stating that we received a zero on our Ohio Arts Grant application for funding. He hopes to do better next year and receive funding for our Senior programs.

Mayor Procuk read a letter from geologist Ed Mack who said there will be a field trip on Sunday September 23<sup>rd</sup> and a stop in our park to walk the trail and see the shale. They will arrive by bus, about 50 people, and would like to have their lunch at pavilion #3.

Mayor Procuk read a letter from Barbara Cash, head dispatcher for Cuyahoga Heights Dispatch (Cuyahoga Hts., Brooklyn Hts., & Valley View). She states that we are completing the first year of the contract and we currently have six (6) dispatchers, two from each community. In September, Newburgh Heights will become a part of the contract and two part-time dispatchers will be hired from Newburgh also.

Mayor Procuk read a letter from Randy Jones of Comp Management informing us that our retainer fee for them as our Third Party Administrator is reduced from \$3,500 to \$2,000.

Former resident Kelly DiLorenzo asked to be allowed to rent a pavilion for the Gerhardt 50<sup>th</sup> family reunion. **MOTION: Mr. Cichocki moved to allow a former non-resident to rent the pavilion at the same rate as a resident. Second by Mr. Foote Motion passed 6-0**

Mayor Procuk gave council an overview of the cease and desist letter that Prosecutor Mason sent to the owners of the Internet Sweepstakes Cafés on May 31<sup>st</sup>. George Glus has met with Mayor Procuk regarding the renewal fee of \$30,000 that he recently paid for his June 1<sup>st</sup> renewal. They are hopeful that they will be allowed to reopen the business but if not he will seek reimbursement of the fee since they ceased operation prior to the renewal date.

### POLICE CHIEF

Chief Algeri informed council that the new cars are in and awaiting striping and equipment. They have three cars with over 100k miles currently.

The old Bravada was sold on eBay for \$1,800 and we have a confiscated van in our possession that will go on eBay. The confiscated 2002 Toyota Camry will be used as the Detective and school car. Mike Florjancic will look at the Intrepid to see if we can sell it on eBay also.

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All of the police radios have been replaced and once all the area from Newburgh Hts. to Brecksville is set the narrow-banding will be done. Chief Lasky will try to sell the old radios.

We had nine who took our test and eight passed.

The Part-timers are sworn in but are waiting for clothing and scheduling.

The Park Security is working from 5-9 in the evenings and will work longer when the games go later. They work from 9-9 on the weekends.

Operation Med Drop Box is in the lobby. This will be for unwanted or expired prescription drugs to prevent drug abuse and polluting of our waterways.

Letters regarding junk vehicles went out and Mr. Talani asked for an extension which council denied. They have a certain number of days to dispose of the junk vehicles from their driveways or be cited and go to Parma Municipal Court.

### RECREATION DIRECTOR

Mr. Presot said soccer ended on May 19<sup>th</sup> and we had an undefeated team U-14 coached by Mike Kepchar. There are 12 teams playing baseball, softball and T-ball which is 146 children.

### COMMUNITY SERVICE

Mrs. Guilfoyle told council that the Badges for Blood drive scheduled for July has been cancelled due to the ongoing workers strike. It has been rescheduled for August 30<sup>th</sup>.

The Senior Celebration went very well. There were eighty in attendance and Mrs. Guilfoyle thanked everyone who participated or donated to the dinner.

The on-going recycling fundraiser for Senior activities continues. So far they have reaped \$68.

Mrs. Guilfoyle expressed her thanks to the Women's Service Club for sponsoring the Shred-it day and to the residents who generously donated to Project Hope. A van full of paper products and cleaning supplies was realized and \$320 in cash donations.

Mayor Procuik stated that the event was so well received that there is talk of repeating it in the fall. He unloaded 13 boxes of records from his basement.

### SERVICE DIRECTOR

Mr. Hatgas told council that forty-seven tree lawn trees in the Dorset area have been treated and ten will be removed due to ash borer disease. The Service Department will remove the stumps. Mayor Procuik asked that notices be sent to the residents whenever we are doing unusual work in the neighborhoods.

Mr. Hatgas asked council to allow the Service Department to be inoculated against hepatitis due to the problems occurring daily in the park bathrooms.

**MOTION: Mr. Cichocki moved to inoculate the Service Department with the Twin Rix hepatitis series of shots. Second by Mr. Lahiff Motion passed 6-0**

*Note: the shots will be administered by the Cuyahoga County Board of Health.*

The damage to the steps from the kiddy park to pavilion #1 was \$4,900. An insurance claim has been made and our deductible /out of pocket expense is \$571. The work will be done by Acclaim Builders. Mr. Clymer said we may have to pay the entire amount first and then be reimbursed by the insurance company so he asked for a motion.

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**MOTION: Mr. Walsh moved to pay the \$4,900 for the steps, if necessary, and be reimbursed by the insurance company. Second: Mr. Black Motion passed 6-0**

Mayor Procuk said we will NOT compromise the services we offer because of vandalism. We won't remove the steps or close the restrooms. We WILL do the best we can.

Mr. Hatgas said that the Lancaster Road work and park hill and parking lot work is completed and looks great. The speed bumps will be put back in place to deter fast bikes and speeding cars.

Mr. Hatgas said he asked the school to help us rebuild the wooden sign at the park entrance. We gave them the wood and dimensions as requested and after about two weeks Mr. Croftcheck called and said their equipment was down and would not be fixed until next school year so they could not help us. Mr. Hatgas is looking at other avenues for this project. The Career Center does not have the tools either.

Mr. Cichocki feels that Superintendent Holland should be made aware that Mr. Croftcheck reneged on his word.

### FIRE CHIEF

Firefighter Anders spoke for Chief Lasky who was working at Parma tonight. The written portion of the Lieutenants testing is done. Nine took the test with seven passing. Awaiting the assessment portion.

### ECONOMIC DEVELOPMENT

Mr. Perry said they are still working to get the Safeguard buildings filled and trying to get all the information together to get the Brownfield grant for the Schaaf Road property.

### ENGINEER

Mr. Henry said the park work and Lancaster work is completed and the concrete is in worse condition than we thought and will have to be fixed in the future.

ODOT is putting up mast arm traffic light poles at the 480 exit ramp.

The Granger Road slope work will begin in late summer.

Mayor Procuk stated that he was amazed at how little work is done for \$44,000.

Mr. Lahiff asked what happened with the water down at the park on one day and was told that the contractor cut a 2" water main. It was fixed the next day.

### BUILDING DEPARTMENT

Mr. Socoloff said that permits had been issued for Marko Lane sub-lot 23 and 31 for basement only until they meet with the ARB on June 13<sup>th</sup>. He has also received topos and plans for sub-lot 67 and there may be one more so we could have four new homes being built in the next 120 days.

Permits were issued for two signs with one going before the ARB and ZBA.

Mayor Procuk said Mr. Socoloff has been very busy.

### LAW DIRECTOR

No report. He will make his report in executive session this evening.

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### CLERK/TREASURER

Mr. Clymer said the General Fund ended May with \$1,752,003 up \$43,394 over a year ago, but urged council to be cautious because the 707 Internet Sweepstakes Café had paid their \$30,000 renewal fee (effective June 1<sup>st</sup>) but was shut down on May 31<sup>st</sup>. They may or may not reopen so we might have to look at a refund. Mr. Clymer also said that the RITA collection was up about 9.4% over 2011.

Mr. Clymer also stated that Ordinance 32 up for consideration tonight is to hire an HR consulting firm so that the HR decisions don't fall on the department heads, Mayor, Clerk/Treasurer or Val Snyder. Past precedence may have been illegal and we need a real HR person for some issues.

Mr. Foote asked for some examples of issues we may need an HR person to address.  
Chief Algeri said abuse of sick time and enforcement issues.

Mr. Clymer said employee harassment, holiday pay issues, overtime issues and cited a Service department employee missed one month of snow plowing. Is he entitled to the full 'on call pay'? Mayor Procuk said they would be taking a good look at the entire 'personnel policy' book.

Mr. Clymer said that Ordinance 33 is for the same firm to look at the personnel policies and Ordinance 34 is so he could open a CD for a year with Huntington Bank.

Ordinance 35 is to allow Mr. Clymer to transfer money back from the Lancaster Road Construction fund to the Capital Improvements fund because we were under the estimated cost of the project and had money left over.

Mr. Dowling explained that a resolution is a suggestion not a law.

Mr. Clymer explained that Mr. Dowling changed some of the language in Ordinance 33 stating that we could break the contract with a 30-day notice.

### MAYOR'S COURT

|                                  |            |
|----------------------------------|------------|
| Income for May                   | \$4,140.00 |
| State of Ohio                    | - 759.50   |
| Indigent Driver & Alcohol fund   | - 22.50    |
| Cuyahoga County Reg. Info System | - 80.00    |
| Money to Brooklyn Heights        | \$3,278.00 |

### MAYOR

Mayor Procuk again thanked the department heads for continuing to operate under budget. He said that with the restoration of the wages we still operated at 40.02%.

Mayor Procuk asked Mr. Hatgas if he had any information on the Clear Reads Water Department Program.

Mr. Hatgas said that all of our commercial buildings had been done and they would not be into the neighborhoods for three or four months. All residents will receive notification.

Kaiser Permanente would like to hold a 'Green' activity. They would like to hold a "farmers market" in their parking lot twice a month until October. They would have a local vendor bring in fresh produce and set up a table where their employees could then purchase fresh produce. This would not be for the

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general public. They wanted to know what permits would be needed and Mayor Procuk told them, in his opinion, this would be no different than the lunch wagon pulling in at Weltman, Weinberg and Reis.

The Art-in-the-Park program was approved by council and will be funded solely by Park Board. It is not a village activity unless she was to come and make a request like any other resident for equipment purchases.

Former Parma Mayor Dean DiPiero will host a charity 5K/2K Fun Run on June 23<sup>rd</sup> in conjunction with Parma Hospital Foundation.

Cuyahoga Hts. Mayor Bacci asked if Brooklyn Hts is prepared to contribute additional funds to the regional dispatching service since we seem to be in better financial shape than last year. Mayor Procuk said this is something to be discussed in Executive Session.

Mr. Selig asked if he said anything about the price lowering with another community coming on board. (Newburgh Hts. will join in August). Mr. Cichocki said he read the contract and it says they can lower the cost but nowhere does it state they can increase the cost.

Mayor Procuk said he will attend a meeting at the Cuyahoga County Executive offices at 2 pm tomorrow (June 6<sup>th</sup>) along with other suburban mayors to discuss the spending of the anticipated Casino windfall.

Mayor Procuk attended a meeting at the Regional Council of Governments on 'fracking'. He doesn't feel we have a problem because we don't have enough land but the information was good.

Mayor Procuk had a request from Roy P. Ziganti to list the names of the Cuyahoga Hts. Baseball players on the marquees. We also had Rachel Hlatky who finished 3<sup>rd</sup> in the 200 meters for Regina (Magnificat), and Jordan Adkins for swimming. Mr. Selig mentioned the Rayokovich girls also. Mayor Procuk said he doesn't want to leave anyone out but he doesn't know where to cut it off. No one finished as state champs.

Mayor Procuk told council that he authorized \$287 dues be paid to the Greater Cleveland Safety Council so that Donna Tesar can continue attending the safety classes which helps keep our Worker's Comp premiums down.

The Cuyahoga Valley Chamber of Commerce picnic will be held on August 23<sup>rd</sup> at the Holiday Inn Poolside and the Safety Town Graduation will be on June 29<sup>th</sup>.

### **COMMITTEES**

Mr. Lahiff said the Streets Committee met to discuss the Storm and Sanitary Funds and Wage & Salary will meet next Tuesday, June 12<sup>th</sup> to discuss the Health Insurance renewal and options.

### **ORDINANCE & RESOLUTIONS**

**ORDINANCE 32-2012** - AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND VILLAGE CLERK/TREASURER TO ENTER INTO A MANAGEMENT CONSULTANT AGREEMENT WITH CLEMANS-NELSON & ASSOCIATES (For Human Resources consulting)

Sponsor: Mr. Walsh Second: Mr. Lahiff

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

Nays: none

Passed: 6-0

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**ORDINANCE 33-2012** - AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR AND/OR VILLAGE CLERK/TREASURER TO ENTER INTO A CONTRACT WITH CLEMANS-NELSON & ASSOCIATES TO UPDATE THE VILLAGE OF BROOKLYN HEIGHTS PERSONNEL POLICIES

Sponsor: Mr. Walsh Second: Mr. Black

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

Nays: none

Passed: 6-0

**ORDINANCE 34-2012** - AN EMERGENCY ORDINANCE DESIGNATING PUBLIC DEPOSITORIES AND AWARDING PUBLIC MONIES FOR THE ACTIVE AND INTERIM FUNDS OF THE VILLAGE OF BROOKLYN HEIGHTS FOR THE PERIOD COMMENCING JUNE 5, 2012 AND ENDING JUNE 30, 2016, AND AUTHORIZING THE MAYOR AND CLERK/TREASURER TO ENTER INTO DEPOSITORY AGREEMENTS (Adding Huntington Bank to the list of banks approved to accept Village funds)

Sponsor: Mr. Cichocki Second: Mr. Selig

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

Nays: none

Passed: 6-0

**ORDINANCE 35-2012** - AN EMERGENCY ORDINANCE AUTHORIZING THE CLERK/TREASURER TO TRANSFER \$393,709.27 FROM THE LANCASTER ROAD RECONSTRUCTION FUND TO THE CAPITAL IMPROVEMENTS FUND

Sponsor: Mr. Black Second: Mr. Walsh

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

Nays: none

Passed: 6-0

**ORDINANCE 37-2012** - JUNE PAY ORDINANCE

Sponsor: Mr. Lahiff Second: Mr. Foote

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

Nays: None

Passed: 6-0

**RESOLUTION 08-2012** - AN EMERGENCY RESOLUTION HONORING PAUL W. ZUROWSKI FOR HIS ACCOMPLISHMENTS, DEDICATION, CONTRIBUTIONS AND OUTSTANDING SERVICE OF 25 YEARS TO THE CITIZENS OF THE VILLAGE OF BROOKLYN HEIGHTS AND DECLARING SEPTEMBER 29, 2012 AS "PAUL W. ZUROWSKI" DAY

Sponsor: All of Council Second: Mr. Black

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

Nays: None

Passed: 6-0

**RESOLUTION 09-2012** - AN EMERGENCY RESOLUTION AUTHORIZING THE COUNCIL TO SUPPORT THE IMMEDIATE MOVE OF ROSBY RESOURCE RECYCLING TO THE CLOSED LANDFILL PRESENTLY OWNED BY THE STATE OF OHIO

Mayor Procuk would like to see this resolution tabled until it is properly advertised and we have a full council.

**MOTION TO TABLE by Mr. Cichocki. Second by Mr. Lahiff Motion passed 6-0**

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Mr. Cichocki said the purpose of the resolution is to put pressure on the government entities to see that there is a problem on this landfill because it is not being maintained.

Chief Algeri asked if Mr. Rosby is contemplating moving the composting pile to Manny Rock's old property and Mayor Procuk said he has been trying for ten years to move one or more of his operations to the site. Chief Algeri said he wouldn't like to see it moved to the landfill because then the smell will blow across I-480 to the Dorset area.

Mayor Procuk said the smell would probably go more toward Independence than Dorset.

### **MOTION TO GO INTO EXECUTIVE SESSION BY Mr. Cichocki Second by Mr. Black**

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

Nays: none

Passed: 6-0

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

Yeas: All

Meeting adjourned.

Mayor

Clerk/Treasurer