

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, FEBRUARY 12, 2018 – 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Canton, Carroll, Galicki, Kostura, Nairn and Porter

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Building Inspector Heilman, Police Chief Rizzo, Street Commissioner Johnson, Solicitor Ondrey, Engineer Haibach

**VISITORS:** Gary Dole, Maple Hill; Gene McCune, Munn Road; Darrell Bartkowski, W. Belmeadow Lane; Matthew Marting, Leaview Lane; Betsy Rader, Fairmount

Mayor Koons called the Regular Council meeting to order and led the Pledge of Allegiance to the flag. Fiscal Officer read the roll. Galicki made a motion to approve the minutes of the January 22, 2018 Council meeting, seconded by Nairn. Voice vote – all in favor. Motion carried.

**VISITORS:** Betsy Rader, who is running for the United States Congress to represent the 14<sup>th</sup> district of Ohio, introduced herself and gave her history and qualifications.

Gene McCune attended the meeting to answer questions on beekeeping. He said anytime someone asks him about beekeeping, the first thing he tells them is to check with their local government entity to make sure they allow beehives. Mayor referenced the park map and showed the proposed area that the hives would be placed. McCune said bees need a water source and full sun is most appreciated by the bees. He recommends starting with two hives because it is hard to tell how a hive is doing if there is not another one to compare it to. He said the hives should be easily accessible for maintenance. McCune said beekeeping is not like it used to be and now it is extremely labor intensive to keep bees healthy and alive. He said if Marting is going to do this project, there is much more to it than setting it up and walking away; the hives should be checked at least every other week. Queen bees cost between \$35-\$40 each and a 3-pound package of bees costs about \$145 - that doesn't include equipment. The total cost would be approximately \$500 per hive. Carroll asked about safety concerns. McCune said there are always safety concerns because honeybees are a stinging insect and some people are highly allergic. McCune carries an EpiPen in the event someone with him has a reaction. Fiscal Auditor said at his previous employer there were beehives about 15 yards off the walking path and there weren't any issues. McCune said honeybees will only sting to defend their colony. He said the biggest concern is people or kids poking the hives with a stick. He recommended the Village put up a fence and signage for protection and said the Village should check with the insurance company to make sure it is something they even want to do. Porter asked if the honey needed to be harvested. McCune said the hives probably wouldn't produce honey the first year, but if the hives survive, the second year is when they would start producing honey and must be

cared for. McCune said he would be happy to help the Village with extracting honey if necessary. McCune said most of his hives are on large private properties and he doesn't have to worry about a lot of people being around the hives. McCune said hives can attract raccoons, skunks, and even bears are becoming more of an issue in the area.

Mayor said the proposed location of the hives is on the land in the Conservancy area at the park. The Western Reserve Land Conservancy (WRLC) said once the Village knows exactly what they want to do, the Conservancy wants something in writing describing the fence, signage, etc.; they seem favorable to allowing the Village to do this. Mayor said he would hope to have an answer for Marting on February 26<sup>th</sup>. Marting replied that he must have his project completely done by July 2<sup>nd</sup>. To meet his deadline, he needs to be able to start building the hives in April. Depending on how many funds he can raise will decide if he can build one or two hives.

Kostura asked if the Village is wed to having the beehives at the park. He said if the concern is that people are going to get stung, perhaps the hives can be installed behind the Police Department building or next to the Village Hall. Porter asked if there is a building in the Village with a flat roof that the hives could be placed. Street Commissioner said he has concerns about the roof accessibility and liability. He said the area behind the Police Department building gets a lot of sun and has water. Police Chief said he has concerns with placing the beehives in the park. There are so many people that visit the park and the kids are always all over the place. Nairn said Marting doesn't have a lot of time and she doesn't want the Village holding him up. Mayor said the Village wants to put a playground at the park, but if it allows the beehives to be placed there, it is something to think about. Kostura said if the beehives go behind the police station, the Village wouldn't need permission from anyone and it wouldn't need a fence. Mayor said he would prefer the hives go behind the police station and the Village has already talked about not mowing that area, so it would be a much better location.

Kostura congratulated Building Inspector Heilman for becoming a Certified Building Official. He explained that the purpose of the Certified Building Official is to raise the level of certification and to emphasize and recognize what a building official is - that they are the ultimate decision maker in code compliance and new construction. Porter said the Building Inspector can now do commercial plumbing inspections which is something that the Village didn't have before.

**MAYOR'S REPORT:** Mayor addressed Council and referred to a handout he distributed on the previous caucus minutes. He apologized if he caused embarrassment, hurt feelings or a lack of trust over the whole thing with the President Pro Tem. He said all he wanted to do was to get the situation over with and get things rolling; he didn't mean to cause what it caused. Mayor apologized and said he thinks this caused a lot of unnecessary unrest. His handout included comments explaining what happened. He will try to make sure it doesn't happen again.

**FISCAL OFFICER'S REPORT:** Fiscal Officer said the Village received a request for the park pavilion to be rented out on June 12<sup>th</sup> by Molly Gebler and the Mayor would like to waive that fee. She will be looking for a motion under New/Other for Council to approve that fee waiver.

Fiscal Officer will also be requesting an approval for accepting a donation for a wedding the Mayor performed.

Regarding the Village's property and casualty insurance, Fiscal Officer said she had the Solicitor review the agreement with the Public Entities Pool. Solicitor explained the agreement is fine and the Geauga Park District entered into an agreement with them as well. However, there is a requirement under state law with the pools that the entity must make a disclosure that it is thinking about entering into these types of agreements no less than seven days before the agreement is approved. The Village can't approve the proposed contract at this meeting. The soonest it can be done is a week from this day. The problem is the next regular Council meeting is beyond the date of when the current policy expires. The Village will have to have a short special meeting to approve the pool contract.

Fiscal Officer stated the new policy year begins February 24<sup>th</sup>. Council set a date of Friday, February 23<sup>rd</sup> at 7 a.m. for a special meeting. Kostura asked why the Village wants to go with this coverage versus what the Village has normally done. Porter explained that the premium is \$5,000 less than the other proposal. The coverage includes a terrorism rider which the Village currently pays extra for now. The deductibles are generally lower, and the upper limits are higher. For most of the types of casualties that happen, the aggregate is unlimited. The current policy has limits on the aggregate that the Village wouldn't have with the new policy. Porter said the Village would get more coverage, lower premium and lower deductibles. Nairn said there are over 500 entities currently using this pool.

Fiscal Officer said she called six or seven communities and no one had anything bad to say. The pool works entirely with government agencies so they are experts in the special needs and requirements of government agencies.

Porter said he read in the contract that no one member has any liability for anything any other member does; it is not a joint settle kind of thing. The Village would pay into the pool and its claims would be its claims; it would not be liable in any way to pay any portion of anybody else's claim should they have one.

Solicitor said the traditional fear of pools used to be if five or six municipalities got hit at the same time with a big claim, that the pool might not be able to survive that kind of huge catastrophe. He didn't know if they solved that by buying excess insurance from someone else, but clearly a lot more communities are on board with pools than they were ten years ago. Fiscal Officer said this pool has been around for thirty years.

Fiscal Officer informed Council that Susan Willeke from the Ohio Ethics Commission will be doing a training session on April 23<sup>rd</sup> at Mayfield Village.

Fiscal Officer reported that as designee of the elected officials, she would be doing public records training on Friday, February 16<sup>th</sup>.

**AUDITOR'S REPORT:** Fiscal Auditor said in January he presented preliminary balances for the month of December 2017 because there were some year-end adjustments that had to be made including closing out negative balances in the General Fund and posting cemetery wages. The total balance didn't change, but some of the individual fund balances changed. Fiscal Auditor said he balances with the Fiscal Officer to the penny on all funds for both December and January.

Fiscal Auditor reported that Star Plus interest jumped .5%.

The total fund balances have decreased by \$119,000 which is not unusual for January.

Fiscal Auditor said January is always a busy month for registrations for the Building Department fees. The Village received money from items sold on GovDeals.com and a salt check reimbursement from the school.

Fiscal Auditor reminded Council his report is reflected in net, and the Fiscal Officer reports in gross.

**ENGINEER'S REPORT:** Engineer Haibach said he has worked up a tentative solution for the problem in front of Toncheff's house on East Bell Road on the north side of the road. During periods of rain events or melts, there is a lot of water that lays along the north edge of the road in front of the Toncheff property which is adjacent to where the new Epprecht home is being built. The problem has been there for years and stems from a very old ditch enclosure with no inlets. The water runs down the hill toward the road and since there are no inlets for the water to go into, it goes over the ditch enclosure and sits along the edge of the road. He met with Street Commissioner and they came up with a plan that involves putting in 120-150 feet of pipe and four inlet basins. That will not only solve the problem that perennially persisted in that area, it will also give Mr. Epprecht a place where the runoff from his property can go.

**BUILDING INSPECTOR'S REPORT:** Building Inspector said the gas station should be open by the weekend.

**POLICE CHIEF'S REPORT:** Police Chief said he, along with the Safety Committee and Mayor, conducted interviews of two candidates for the open full-time position. The Safety Committee will have a recommendation on appointing an officer to that position.

Police Chief said there were 214 security checks in January. Chief explained the procedures, frequency and types of things his officers check on their security rounds. He also explained the emergency health follow up visits that Officer Cardaman performs.

**STREET COMMISSIONER'S REPORT:** Street Commissioner said due to the recent weather there is a salt shortage and delay in the area; however, the Village is holding its own with salt.

Street Commissioner filed for the tire grant through Geauga Trumbull for the spring Trash Day.

He sent out twelve bid requests for property maintenance mowing and is requesting those be back by March 15<sup>th</sup> for review.

Street Commissioner has set up a preliminary schedule for street sweeping to be done mid to late April or the first part of May.

**SOLICITOR'S REPORT:** Solicitor read the disclosure statement for the Public Entities Pool. Solicitor said that fulfills the Ohio Revised Code provisions. He said under this contract, the Village needs to appoint a representative and an alternate member who will be the liaison between the Village and the Public Entity Pool. The Village needs to appoint two people to fill those rolls when they have their special Council meeting.

**COMMITTEE REPORTS:** Galicki and Kostura had no report.

Nairn reported that the Safety Committee met on February 6<sup>th</sup> and are hoping that the two new cruisers will be delivered Friday, February 16<sup>th</sup>.

Nairn reported the Safety Committee conducted interviews to fill the opening left by Officer Malone's retirement. The Safety Committee agreed with the Police Chief about recommending to appoint Allan Frantz to fill that opening.

Porter reported that the Properties Committee met with the Engineer, Mayor and people from the Chagrin River Watershed Partnership (CRWP) to discuss stormwater issues within the Village. The representative from the CRWP indicated that there are potential grants available for the Village to tap into. He said since there is the storm water issue near the ranch on Chillicothe Road, it is the committee's opinion that the Mayor and Fiscal Officer should be authorized to explore with the CRWP possible grants to defray the costs of storm water mediation efforts within the Village.

Porter said the Finance Committee met on February 7<sup>th</sup> and discussed the status of the Village finances which appear to be in reasonably good shape.

Porter said in New/Other he will make a motion for the designation of flags to be flown on the Village properties; the Chillicothe Road/Bell Road intersection, the armory, the park and the cemetery.

Canton displayed a board of the proposed playground equipment for the park. He said the total cost will be approximately \$90,000 - \$95,000 which is more than the \$50,000 donation the Village will be receiving. He said there is a Nature Works grant that the Village could research and he and the Mayor also discussed going to the public for donations. He said two residents

were concerned about putting the playground on the west side of the pavilion. The Park Committee assured them that it would be placed on the southeast side of the pavilion and they were happy to hear that. Canton was asked to contact the five households along Bell Road across from the park. He spoke to the individuals who own the homes and they were happy to hear about the playground.

Nairn said she had a resident approach her about the playground and the proposed location. The resident asked who decided that the playground would be on the Bell Road side of the park. Canton said the Park Committee felt that some day those fields may go in on the Washington Street side of the park; plus the fact that the pavilion is on the north side of the park and parents can sit and watch the children play. Nairn said the resident's suggestion was that perhaps the Village have one side of the park active and the other side of the park passive. This resident would prefer that the playground be constructed where the soccer and lacrosse fields are proposed because if she had one of her children at a practice or game, the other child could be on the playground playing. The resident felt if people are paying money to rent the pavilion it would be better to keep the noise from the playground on the active side.

Mayor said there never was a decision made on the location of the playground, it was just assumed it would be by the pavilion. He recommended she tell the resident that the East Washington side of the park is basically all Bainbridge except for the park itself and the Bell Road side of the park is in the center of South Russell and that is why the playground would be located there.

Canton said the Street Committee will be meeting on February 23<sup>rd</sup> at 7:30 a.m. in the service garage.

Carroll reported that the Human Resource committee met and discussed pay classifications and job descriptions and want to reevaluate those in 2018 as one of their goals. During the discussion it came up that with the scope of this project, the Village may want to look at bringing in a company to assist the Village. The committee will reach out to surrounding communities to see who they may use as consultants.

Carroll said it is the Human Resource Committee's recommendation to keep the safety responsibilities with the Fiscal Officer to keep everything centralized.

Carroll said at the end of the meeting, the Human Resource Committee would recommend going into executive session for employee compensation; Porter added to go into executive session for potential property sale as well.

#### **ORDINANCES/RESOLUTIONS:**

Porter gave a second reading on an ordinance amending Section 260.02 of the codified ordinances of the Village of South Russell by providing for the appointment of two "alternate" members of the Planning Commission who shall serve whenever a regular member of said Commission is unable to attend an administrative hearing of said commission and declaring an emergency.

Porter gave a second reading on an ordinance amending section 262.01(a) of the codified ordinances of the Village of South Russell by providing for the appointment of two alternate members of the Zoning Board of Appeals who shall serve whenever a regular member of said Board is unable to attend an appeal and declaring an emergency.

Porter introduced an ordinance employing an insurance agent for the Village of South Russell and declaring an emergency.

Porter introduced an ordinance authorizing the 2018, 2019 and 2020 property and casualty insurance and declaring an emergency.

Porter introduced an ordinance amending the Village's pay range ordinance by revising the pay range for the Building Inspector and declaring an emergency. Porter made a motion to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2018-07**

Street Commissioner explained that the 2001 snowplow truck has been having transmission issues the past couple of weeks. It has been determined that the transmission has failed and the repair costs on the 2001 truck, that the Village plans to keep for many years yet, will cost just over \$11,000. Carroll asked if there will be a warranty with the repair; Street Commissioner said there would be. Street Commissioner said once the new truck comes in, the Village will look to sell the 1992 truck. Porter confirmed that the Street Committee recommends doing the repair.

Porter introduced an ordinance amending appropriations increasing Building Department Salaries and Benefits \$3,250, Park expenses \$7,800, Street Maintenance expenses \$11,000, Income Tax fund transfers \$22,050 and Special Road fund expenses by \$48,750 and declaring an emergency. Porter made a motion to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2018-08**

Porter introduced an ordinance transferring \$22,050 from the Income Tax fund to the Building Department \$3,250 and Park \$7,800, Street Maintenance fund \$11,000 and declaring an emergency. Porter made a motion to waive further readings, seconded by Kostura. Roll call – ayes, all. Motion carried. Porter made a motion to adopt, seconded by Kostura. Roll call – ayes, all. Motion carried. **Ordinance 2018-09**

**BILLS LIST:** Porter made a motion to ratify the 1/31/18 Bills List in the amount of \$70,749.02 and approve the 2/14/18 Bills List in the amount of \$125,755.34. seconded by Canton.

Carroll asked about the After Prom donation on the Bills List and whether that was approved. Fiscal Officer said she put it on the Bills List and thought that motion would have occurred before the Bills List was up for approval.

Porter made a motion that the Village contribute \$500 to the Chagrin Falls High School After Prom parent committee, seconded by Canton. Carroll said he is on the After Prom Committee so he will abstain from the vote. Galicki said he understands this donation has been budgeted for and historically the Village has provided it but asked what the justification for donating Village funds to this specific event be explained. His concern is should others come to the Village for donations, is the Village in the business of providing donations. Mayor said more than half the kids attending Chagrin Falls schools are South Russell residents. After prom was designed to prevent drinking and other activities through all hours of the morning. He believes this is a good investment for the kids and feels it probably reduces other possible behavior that would cost the Village thousands of dollars. Carroll said the Village is only one of two communities that actually donate to the after prom event; not every community that falls within the school district donates. Voice vote for the donation to after prom – ayes, Galicki, Kostura, Nairn, Porter and Canton. Carroll abstained. Motion passed.

Voice vote for paying the bills – ayes, all. Motion carried.

**NEW/OTHER:** Mayor said the Village has received an offer for the purchase of 500 Bell Road. His thought on Howard Hanna is that the Village needs somebody on its side through the real estate process. He said the bidder could attend the next Council meeting and make an offer for the property. He said he feels more comfortable if the Village had someone under contract but the Village could go it alone and probably be fine. Porter said he planned to bring up the potential sale of property in executive session. He did share the offer with Nairn, Galicki and Kostura prior to the meeting and planned to share it with everyone in executive session. Mayor said he would like to talk about the idea of extending the listing and have the realtor. Carroll asked if this offer was made outside of the realtor and whether the Village had an obligation to the realtor at this point. Mayor said the realtor is now also representing the people coming with the offer.

Police Chief said Alan Frantz is currently a Sergeant with the Geauga Park District. Prior to that he was a sergeant with the Middlefield Police Department. He has been working in Geauga county for about 20 years so he knows the county routine, the court system, etc. Mayor said he would like to appoint Alan Frantz to the full-time patrolman position in the Police Department pending passage of background checks and pre-employment testing. Nairn confirmed Mayor's appointment, seconded by Galicki. Voice vote – ayes, all.

Canton made a motion to approve the \$25 pavilion permit fee waiver to allow the Chamber of Commerce not to pay for the use of the park on June 12<sup>th</sup> for the concert in the park, seconded by Porter.

Galicki said he was glad there was a discussion because when he saw the proposed paperwork that came in to waive the fee, it did not specifically call out what the event was for. His question was whether it was a private event or public event. He said part of that is answered as it appears there is a concert, but his other question is whether the Village historically waives fees for



concerts supporting the community event. Mayor replied, "yes". There was a question whether scouts pay the fee; Fiscal Officer confirmed that the scouts do pay the pavilion reservation fee. She said the Chamber of Commerce has never paid the fee because there has never been paperwork filed for the event. Galicki asked if other individuals actually sign a contract with the Village for the use of the pavilion; Mayor replied that there is a pavilion permit form. Galicki asked if there is any concern about liability on the part of the Village without that contractual agreement. Mayor said he performed a wedding two weeks ago and there was no permit. Fiscal Officer explained that anyone can use the pavilion if they get there and no one is there, and it is not reserved, it can be used but they couldn't stop anyone else from coming in. If people reserve the pavilion and pay the \$25, then it is reserved for only their party. Galicki asked if there was any Village liability with respect to the waiver. Mayor said there is always a liability. Carroll said this brings up the issue of a park contract and addressing liability. In 2017 there was a large party at the pavilion where they had three bouncy houses and over 100 people attending - the Village had no idea of the magnitude of the event. Carroll said he believes the Village needs to look at a contract for larger events. Carroll said he has concerns with the Village not being consistent and waiving fees for some but not waiving fees for others. Mayor asked Fiscal Officer who the Village has waived fees for. Fiscal Officer said the fee was only waived once before, but it didn't go before Council. Given that it is money and she is responsible for money, she wants the waiver approved by Council. Kostura asked if the fee had been waived only for the concert last year. Fiscal Officer replied that there was a scout troop last year that had the fee waived; there was no paperwork for the concert last year so they did not pay any fee. Carroll asked if one scout troop has paid the fee; Fiscal Officer said all scout troops have paid except one. Nairn said she was concerned the Village had a concert and there was no paperwork and asked if there was alcohol at that event as well. Kostura replied that it was a BYOB event. Nairn said that is a real concern for her. She understands no one was out of control and there was no public drunkenness, but she believes there should have been paperwork for a concert.

Carroll asked Solicitor his opinion on having a more in-depth agreement. Solicitor replied that he was in favor of it. He said if a group does have an event at the park and someone does get hurt, the group is going to be primarily liable. But when you have a piece of paper that says they are taking responsibility and indemnifying the Village, then there isn't an argument about who is primarily liable. Solicitor said he does think it is a good idea that the Village would have a more formal process for this.

Mayor asked about the form the Chamber filled out where it spells out 4-5 different things and asked if that is what the Village should change. Solicitor said when this was looked at last year, they came up with some additional information that an applicant would have to agree to. He said last year it was forwarded to everyone to think about, but then it drifted away. Solicitor said the Mayor thought issuing a permit accomplished a lot of what the Village wanted. The issue is whether the Village wants to push it beyond the permit process. Carroll said he is in favor of more of an agreement for larger scale events. He referred to the Contract vs. Permit list distributed which also addresses when fees will and will not be waived. He said the fee is only \$25, but at the end of the day the Village is still responsible for cleaning up after an event.

Canton said the Park Committee discussed this issue and they were adamant that this should be kept simple. They respect and understand liability issues and asked if adding a clause to the

current permit would suffice. Solicitor said the proposed agreement had nine paragraphs of different things, most of which aren't covered in the current park regulations. Regulations state things that cannot be done; they don't say anything about what the responsibilities are for the user. Solicitor said he respects the Park Committee, but they are not exposed if there is a liability issue. He said Council has to respect the Park Committee's feelings about the issue, but have to understand that if the Village does something more like what was proposed a year ago, the Village is increasing many times the safety.

Mayor asked Canton to take the contract to the Park Committee and tell them this would be the new form and see what they have to say about it.

Canton asked how long the Village has been open to these events. Solicitor said the pace of people requesting the use, and the nature of the use, has grown and there is a growing awareness that there is the potential for problems. Porter said when the Village started renting the pavilion they were thinking about family picnic events and it has gone beyond that. Porter clarified that the permit is just to reserve the pavilion. If someone wants to use the pavilion during daylight hours and no one else is there, they are free to use it without any type of fee; the permit currently is really a reservation fee. When talking about large groups, there is a potential for an issue.

Canton said if the Village makes it too complex or too restrictive it will keep people from using the park. Kostura said if there is a group of people that wants to use the pavilion and all it takes is to review and sign a simple agreement; groups like the Chamber, the Jaycees who are going to have large groups of people who in some instances serve alcohol which has to be approved anyway, they are pretty savvy and they have signed these before for all kinds of other events. He does not believe this will hinder them from wanting to use the pavilion; plus, it covers the Village.

Voice vote on the fee waiver for June 12<sup>th</sup> – Ayes, Galicki, Kostura, Nairn, Porter and Canton. Nay – Carroll. Motion carried.

Mayor said anyone can use the park without telling the Village. The people who did the bike rodeo just came in and did it, the Village has no control over that. Mayor said if the Doctors of Death would want to come into the Village on Friday, July 13<sup>th</sup> and do a goth concert, they could show up and put on a concert. Mayor said there are 17 concerts that are put on by the Chamber of Commerce in 10 communities. Bainbridge requires a 3-page form and \$200. The Village has a one-page reservation form and \$25. The other eight communities don't do anything. Chagrin Falls just asks for the dates and they have been doing it for many years. The Village is heading towards the Bainbridge process with a tighter form.

Nairn made a motion to accept the \$80 donation from a wedding service to go to the flag program, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Mayor explained what he would like to do with the money that comes in for wedding donations. He would like to put the bride and groom's name and date of their wedding on a piece of duct tape on the flagpole nearest their home or if the wedding occurred in the park, it would be placed

at the pavilion. This way when the residents drive by that flagpole, even though they couldn't see the tape, it will have their name and date on it until it wears off.

Regarding placing the beehives on the property behind the Police Department building, the Chief said his only concern is the open house which is once a year in September. Canton made a motion to give Matt Marting permission to construct, place and maintain a honeybee hive(s) on the south side of the police station, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Porter explained that the 319 grant is federal money available to help communities pay for remediation of storm water problems. The Chagrin River Watershed Partnership (CRWP) will make the application for the Village. It may take up to a year or longer to get the money. Engineer explained the 319 grant promotes green infrastructure like the reconstruction of a stream bed that increases habitat and also gives it storm water retention quality. This grant would be most appropriate for fixing the water issue on the south side of Village Hall. Mayor said the Village can apply for the money and if it was decided it didn't want to move forward with the project, there is no obligation to take the money; Engineer confirmed. Porter made a motion to authorize the Mayor and Fiscal Officer along with the Engineer to allow the CRWP to apply for a grant in the Village's name under section 319, seconded by Nairn. Voice vote – ayes, all. Motion carried.

Kostura made a motion to cancel the March 26<sup>th</sup> Council meeting due to the school spring break, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Kostura made a motion hold a special meeting on February 23, 2018 to discuss the pool insurance contract, seconded by Porter. Voice vote – ayes, all. Motion carried.

Porter made a motion to approve the December fund balances as set forth in the Fiscal Auditor's report, seconded by Galicki. Voice vote – ayes, all. Motion carried.

Porter reminded Council of the flag ordinance that specifies that Council will choose what flags to fly. Last year the Army and Navy flags were flown. Porter made a motion to fly the Marine Corps flag and the Coast Guard flag, seconded by Carroll. Voice vote – ayes, all. Motion carried.

Carroll stated there were second readings on the ordinances regarding alternates on the ZBA and Planning Commission. He said Council may want to consider changing the ordinance to no more than one alternate. Another consideration would be to give these boards a year to see what happens with attendance. He said at the last Council meeting it was stated that there was only 36-38% attendance at those meetings, but the boards wouldn't be able to have meetings with 36-38% attendance because they wouldn't qualify for a quorum. He encouraged all Council members to reach out to the ZBA and Planning Commission Chairmen and/or members for an open and honest discussion on the issue. Mayor stated this is designed to help the citizens and the members of these committees but he senses negativity on the subject. He stated in his opinion, this would be made up of busy, hard-working people to serve as alternates, so he would like a couple of them. The 36% attendance is the attendance of the meetings the boards had. He said last month the Planning Commission couldn't meet because they couldn't get three people

to attend. Kostura said it was discussed in the December meeting that there would not be a January meeting, so the cancellation was pre-planned. It wasn't as if they were skipping the meeting, there was a conscious effort not to have it. Nairn said 30% attendance is 1 ½ human beings, so on a committee or board with 5 people, you can't get 30-36%. She said a meeting can't be held without a quorum, which would be at least 60% and the lowest attendance rate on the data from two years of meetings was 60% and that is a quorum. Mayor said that would be three people and there should be five present. He said the alternates is a way to improve service to the residents and help board members. If the board members knew there was a substitute to fill in for them, they wouldn't have to ask themselves if they should go to their Planning Commission meeting or their daughter's recital.

Carroll referred to a point Kostura made at the last meeting when he stated that two alternates can sway the outcome of decisions; he has concerns about that. Carroll said he had questions such as what the training would be and how often alternates would have to attend meetings. He said the concept was not all bad, but ZBA did not have regularly scheduled meetings, and they do now so that may help attendance.

Mayor said if the five people show up for every meeting, that is great, but if they can't be there, this would help them out because there is an alternate. He said it doesn't take a rocket scientist for Planning Commission to figure out things such as approving the Canine University - that was an easy thing and an alternate could have easily done that. Mayor said this topic has been discussed since April of 2017. The training for alternates would be to attend two meetings to meet the board and watch the process. They would get a copy of all the minutes from the 2016 and 2017. He said the Village has brought people in, sat them down, had a meeting and a half an hour later they had to vote; that is how poorly these people were treated. Having the alternates, the person would have six months to get ready to come on to the committee and see the committee in action. The kind of people he wants are the kind of people that are already busy; the hard workers. He said in his opinion that is why this is such a good idea. He said he discussed it in two meetings with the ZBA last fall. He discussed it with the Planning Commission. He said this is designed to help the Village.

Kostura said he could relay what the Planning Commission members have relayed to him. They are not opposed to it, they fear that two is one too many. Mayor said that is assuming two people are going to miss that meeting. Kostura said the Planning Commission members discussed with him that they each, all three of them individually, had discussed they believe that two is one too many and so he voicing that to Council.

Porter said in his opinion an alternate is like a relief pitcher and the Village doesn't need 25 in the bullpen. He said as a matter of compromise, maybe one would be right for now and if down the line it is felt that one isn't enough, Council can amend the ordinance to two.

Mayor said he has a problem with only one, it's the concept. Porter said the concept is good and the Village needs a farm system with people available who can step up when somebody unexpectedly moves out of the Village or something like that. The Mayor said the other reason for two is if two people are absent, but you only have one alternate, now you only have 2 to 2 - he would rather have an odd number so they could reach a decision. He said alternates will do

simple appeals such as building a garage six feet away from the property line instead of ten. They would not have attended the Planning Commission meeting and listened to riparian setback because that discussion is carried on into March and probably into April. Alternates will sit in on one-shot decisions. Kostura asked how that decision would be made. He said he wasn't at the last Planning Commission meeting - if the alternate sat in for him for that meeting and then Kostura comes back the following month and now he doesn't have a vote because that person started it, there is no continuity. Mayor said if the board knew he wasn't going to be there, they would have had an alternate at the beginning of the meeting for the Canine University issue for example, and then that alternate would be sent home because they do not want them sitting in on riparian setback because that is an ongoing issue. Solicitor said the way he wrote the ordinance is so that the alternates are only going to sit to hear appeals on Planning Commission, they will not sit in on legislative type of decisions. If an alternate was summoned to the last Planning Commission meeting because Kostura couldn't make it, the only thing they would have participated in is the vote on Canine University.

To answer Nairn's question, Mayor stated that he doesn't know the whole thing on the numbers and percentages, but on the ZBA, there were 36% of meetings where they had five people present and that doesn't include the times they couldn't have a meeting because they couldn't get three. Carroll clarified with the Mayor that when he was referring to 36%, that was 36% of the meetings held had all five people present; Mayor confirmed. Carroll said that is not the way he understood it at the last meeting. Nairn said it read to her that there was 36% attendance. Solicitor said he thought it meant 36% of the time they didn't have all five individuals. Mayor said there have been eleven ZBA meetings in the past two years, only four of those meetings had all five people there. So for seven meetings, they had three or four people there and he wants to have a full five people present. He said Planning Commission has a set calendar; ZBA was by demand. Nairn says she has real concerns about a board or a committee that has people that are nonchalant. She asked why they bother to join or express an interest in serving if they are not going to attend. She understands things come up, but people are either interested and they want to do the job, or they don't. Mayor said he doesn't feel they are nonchalant. He said in one case the member's company sent him to Germany; that is when the alternate would step in. Carroll said if there is a member who just doesn't show up, there are eleven meetings and this person only came to three, what action can be taken. He felt it would be better to replace that person with someone who is going to show up. Kostura said it is not the same person every time. Mayor said he is happy with the members on the boards/committees, but they are just busy, hard working people. Mayor said he missed two Planning Commission meetings last year, so he is one of those that missed. Solicitor said he doesn't think there is anything in the ordinances about removal of a member for lack of attendance, so Council would have to ponder how they would get rid of somebody who was habitually not attending.

Carroll said he understands the Mayor wants to have someone there, but he feels two could sway the board and that is a concern of his.

At 9:43 p.m. Carroll made a motion to go into executive session for employee compensation and potential sale of land, seconded by Porter. Roll call, ayes – all. Motion carried.

Council reconvened at 9:46 p.m. No action was taken.

Kostura made a motion to go back into executive session for the same reasons as before, plus possible employee discipline, seconded by Porter. Roll call, ayes – all. Motion carried.

Council reconvened at 10:38 p.m.

Porter made a motion to authorize the Mayor to enter into negotiations to offer for sale the property known as the “Krappe” property at 500 Bell Road, South Russell Village, seconded by Kostura. Roll call - Ayes – Carroll, Kostura, Galicki. Nay – Canton, Porter, Naim. Tie vote. Mayor said at this point in time he is not making any decision. Motion failed.

**ADJOURNMENT:** Being that there was no further business before Council, at 10:40 p.m. Porter made a motion to adjourn. Roll call - ayes, all. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer