

**RECORD OF PROCEEDINGS  
REGULAR COUNCIL MEETING  
MONDAY, MAY 11, 2020 - 7:30 P.M.  
MAYOR WILLIAM G. KOONS PRESIDING**

**MEMBERS PRESENT:** Berger, Canton, Carroll, Galicki, Nairn, Porter

**OFFICIALS PRESENT:** Fiscal Officer Romanowski, Fiscal Auditor Lechman, Police Chief Rizzo, Street Commissioner Alder, Solicitor Matheney

**GUESTS:** "Anonymous," Collin Cunningham, Chagrin Valley Times; Ray Schloss, Mapleridge; Kelly Kimball, Lakeview Ln.; Chrissy Barr, Waverly Lane, David Lowe

The Mayor called the Regular Council meeting conducted via the teleconference service Zoom to order. The Mayor asked Councilman Berger to provide a Memorial Day address. The Fiscal Officer read the roll. Nairn made a motion to approve the Council meeting minutes of April 27, 2020, seconded by Canton. Roll call – ayes, all. Motion carried.

Chrissy Barr, Chagrin Falls High School Parent Teacher Organization (PTO), explained that she is the parent of a Chagrin Falls High School senior, and is part of a committee to develop ideas to brighten the days of the seniors since they would not be having the traditional activities due to the COVID-19 virus. The committee created large banners congratulating the class of 2020. She requested Council consider hanging the banner over Bell Rd. where the Fall Festival banner was typically hung, during the week of May 25<sup>th</sup> to June 1<sup>st</sup>. She added that Chagrin Falls would be doing the same. Porter asked Barr if she would need the help of the Street Department to hang the banner, and Barr stated she would. She added that the sign is 25 feet by 3 feet. Carroll thought it was a good idea. Galicki asked the Mayor's opinion of the request since the Mayor told Barr that it had not been the Village's policy to hang any other signs. The Mayor stated he supported hanging the banner. Nairn applauded Barr and the Chagrin Falls Schools PTO for their efforts. Barr added that the committee was asking residents to put orange ribbons around their trees to support the Class of 2020. She added that the banners would be paid for by the PTO.

Kelly Kimball, Lakeview Ln, stated she had a comment for Barr about honoring specifically the Chagrin Falls High School seniors. She advised that there are students in the Village who attend other schools and wondered if the banner could be generic. However, she understood that the banner was being paid for by the Chagrin PTO. She felt it was important to be sensitive that there were kids who attend schools other than Chagrin Falls High School who were suffering the same disappointment.

**MAYOR'S REPORT:** The Mayor stated he would be hosting a meeting of the residents living on Alderwood and Country estates regarding storm water issues. During the March 28<sup>th</sup> and 29<sup>th</sup> storms, a lot of people living on Alderwood had water enter their homes, according to the Mayor. He stated this would be coming up and he would let Council know when and if the people agreed. He stated that 44 residents had water enter their homes, and he thought the meeting would occur in July.

The Chagrin Falls After Prom Committee offered to refund the Village its \$500 donation or apply it to the 2021 After Prom instead.

The Mayor stated that he, the Street Commissioner, and the Engineer held a Zoom meeting with residents from Paw Paw Lake about their water, sewers, and road. He said they would be meeting again on May 12<sup>th</sup> at 7:00 p.m. He added that Representative Diane Grendell had been contacted about a possible transportation loan from the State of Ohio. He hoped to have some information before the meeting on May 12<sup>th</sup>.

The Street Commissioner, Porter, and the Mayor had a Zoom meeting with residents from the Sugarbush neighborhood about their water, silt pond, road culvert, and the Manor Brook project occurring in 2021. The Sugarbush issue concerned the damage caused from the 2014 repaving of Bell Rd. and the increased stormwater that the neighborhood was receiving. The Mayor stated that he would meet again with them on May 14, 2020 at 7:00 p.m. on Zoom.

The Mayor stated that Bob and JoAnn Royer were instrumental in having a gathering May 24, 2020 at 2:00 p.m. to honor the First Responders. More information would be forthcoming.

The Mayor added that this week was Police Week in Ohio, and he thanked the Chief and his officers.

The Mayor stated that he held the first of two tours of the 319 grant construction project built by Davey Resource Group. The second tour would be Wednesday, May 20<sup>th</sup> at 9:00 a.m. and would be open to the public. He added that it could be 10 people with boots and masks.

The Mayor suggested holding meetings Monday, June 1<sup>st</sup> for the Road Program and Monday, June 15<sup>th</sup> to approve the Manor Brook Request for Proposals (RFP).

Geauga Fresh Farmer's Market opened in the snow and had a good crowd.

The Mayor offered congratulations to the Solicitor and the Engineer for working with Chagrin River Watershed Partners (CRWP) to secure the approval of the design-bid-build proposal for the Manor Brook grant project.

Northeast Ohio Public Energy Council (NOPEC) would be presenting a new procedure to communities for residents and businesses to opt in for gas service.

The Mayor stated that the Bobolinks had returned to the park and stated that dogs were running off leash and disturbing the birds' nesting grounds. The Mayor stated he would be meeting with the Park Committee about putting up signs to say if people let their dogs run wild without a leash it bothered the birds. Regarding the Mayor's proposed signage, Carroll stated the Village already had a policy that dogs shall not be off leash and the ordinance should be reinforced regardless of the Bobolinks.

Trash Day was scheduled for June 6<sup>th</sup> and the Mayor added that it was necessary to get a newsletter out to the residents.



The Mayor stated he would be meeting with the Department Heads to determine if any changes should be made about the COVID-19 to comply with the Governor.

In reference to Trash Day, Porter asked if the newsletter would go out June 1<sup>st</sup>. The Mayor stated he heard the Governor speaking negatively about opening, and this could impact the proposed Trash Day. Carroll stated that Lyndhurst had been conducting Trash Day where residents would stay in their cars while dropping off trash. Carroll did not see anything to prevent holding Trash Day on the date recommended by the Street Committee. Nairn clarified that Carroll was proposing the June 6<sup>th</sup> date be kept and utilizing a drive through procedure. Carroll agreed and said he felt the committee could put procedures in place to make it safe for the workers and residents. Porter agreed and supported keeping the June 6<sup>th</sup> date. The Street Commissioner stated it was possible and sounded ok. The Fiscal Officer advised that the Village would need to know soon because of time constraints in getting the newsletter to the residents. She explained that creating the newsletter, having it reviewed, printed, addressed, and mailed took time. Additionally, the Post Office, at times, had taken a week to deliver it. Porter asked for the deadline to submit the newsletter to the printer, and the Fiscal Officer explained that it would be submitted as soon as it was ready but added that there were no articles prepared for it. The newsletter had been prepared just before COVID-19 hit but was not sent out as a result. Carroll thought there were other ways to get the word out with the Village website and Eblast. The Fiscal Officer stated that articles for the newsletter should be submitted as soon as possible. Carroll added that a reminder about leashing the dogs should be included.

**FISCAL OFFICER:** The Fiscal Officer distributed her report. She stated that the transfer ordinance that appeared on the agenda was general housekeeping and was already approved in the budget. It was simply time to make transfers to get money into the necessary funds.

Porter commented on the list of grants compiled by the Fiscal Officer and stated that the Village was making progress in reducing expenditures by using grants.

Referring to the Fiscal Officer's report, Carroll stated that he thought the Ohio Ethics Commission training for all staff was an excellent idea. The Fiscal Officer stated that the Department Heads had gone through the training but realized that all the employees had not. She agreed it was good training for everyone.

**FISCAL AUDITOR:** The Fiscal Auditor stated he distributed his report for the month ending April 30<sup>th</sup>. He noted there was a new fund, the Manor Brook Project Fund, which had been established with the transfer of \$50,000 from the Income Tax Fund. The total of all funds was \$3.234 million. The Fiscal Auditor pointed out that the fund balances, which he arrived at independently, matched the Fiscal Officer's fund balances to the penny. The Fiscal Auditor noted that the interest rate had bottomed out at .5%, which would have an impact on estimated revenues for the year. The Village started the month with 3.38 million and ended at 3.23 million. Significant revenues received included a cemetery plot, and \$11,477 from the Ohio Bureau of Worker's Compensation as a refund from premiums paid. Another refund the Village would see would be from the County from savings by the County Auditor, in the amount of \$3,200, in July. For the year, the Village was still up \$195,000. A deficit was budgeted for the year, and the Fiscal Auditor said it was hard to say how it would end up. He thought there would be some impact from the COVID-19 this year and some next year.



Carroll asked the Fiscal Auditor and Fiscal Officer if they were aware of a reimbursement from the ambulance billing company because of Medicare/Medicaid reimbursement. The Fiscal Officer stated she had not heard anything about this. Carroll stated he was aware that Medicare/Medicaid in Ohio was reimbursing for COVID-19 related expenses. The Fiscal Officer asked by whom she would have been notified, and Carroll explained it would be the ambulance billing company. The Fiscal Officer added that this would be LifeForce. With the Village's agreement with Chagrin Falls, Carroll was not completely sure how it would work, but stated in Lyndhurst the reimbursement was a direct deposit with a notification that followed. He added that the funds must be used for COVID related expenses. The Fiscal Officer said she would investigate it.

**FINANCE COMMITTEE:** Carroll stated the Finance Committee met on April 23, 2020, and the minutes had been distributed. He added that the committee would be having regularly scheduled Finance Committee meetings starting this month. The committee would be keeping Council up to date on financial issues resulting from the COVID-19 related revenue loss.

Carroll made a motion to approve fund balances as submitted by the Fiscal Auditor and Fiscal Officer, seconded Porter. Roll call – ayes, all. Motion carried.

Carroll made a motion that Council defer the Chagrin Falls After Prom donation for the 2021 prom, seconded by Berger. Roll call – ayes, all. Motion carried.

**SOLICITOR'S REPORT:** The Solicitor reported that Ohio Environmental Protection Agency (OEPA) gave the Village formal authorization to procure through non-competitive proposal the engineering and permitting for the Manor Brook project and using CT Consultants.

The Solicitor addressed the Senate Bill 310 which would authorize counties to direct some of the Cares Act money received from the Federal Government to provide it to municipalities to help with personal protective equipment (PPE) used for COVID-19. She stated that it was recommended that an ordinance be adopted in the event the bill passed because a resolution would be required to accept the funds. The Solicitor stressed that the funds could only be used for eligible COVID-19 related expenses.

The Mayor stated that he would meet with the Department Heads to determine the expenses the Village had incurred and asked if it could wait until June 8<sup>th</sup>.

Carroll addressed the Chagrin Valley Dispatch (CVD) Moonbeam service relative to a device for disinfecting the vehicles other than wiping them down. With the Cares Act funds, the Chief should be able to apply them towards a service or product like this. The Chief explained the service was free, but the department did not meet the criteria of having transported persons with COVID-19 symptoms.

Porter complimented the Solicitor on the OEPA 319 grant letter.

**STREET COMMISSIONER:** The Street Commissioner stated he submitted his monthly report. He added that there would be a cremation burial on June 6<sup>th</sup>, which would coincide with Trash Day, but that he would coordinate the personnel needed for it. The Fiscal Officer stated that the lot would be prepared the day before and preparation in the morning hours would be minimal. She offered to finish the



process until the staff had completed Trash Day and told Council she would work with the Street Commissioner.

**STREET COMMITTEE:** Porter stated the committee would be conducting interviews on May 19<sup>th</sup>, 2020 at 6:30 p.m. at Village Hall for a full-time employee for the Street Department. The committee would forward its recommendations to the Mayor.

Porter addressed the resolution authorizing the Village to discard dirt, grindings, and mulch. He stated it pertained to the Village giving away dirt and grindings that it did not need and had no value. Carroll stated that he thought there should be a running list. The resolution as written stated that it was first come first served, but he advised that some cities maintain a list of residents who are interested in the products. He felt that a list would serve a more transparent objective purpose. The Mayor stated that this would be in the newsletter. Carroll stated that it was easy enough to plan when the Village knew of upcoming projects. He asked the Street Commissioner what happened to the dirt from the playground, which was to be moved off-site. Carroll suggested that it would be beneficial to unload some of the materials the Village already had to free up space in the dump. The Street Commissioner said there was room now and explained that when it was not wet in the dump, things could be piled. Carroll stated that residents could be notified that there was a pile of dirt for anyone who needed it per the ordinance Porter would be proposing. The Street Commissioner stated that most of it would be acquired as ditching was conducted. Carroll stated that the Village had not been doing regular ditching until now. The Street Commissioner stated that quite a few homes had been done. Carroll explained that it should be made known that there are spoils available for whatever projects residents might have. Porter said he would amend the resolution to reflect the running list.

Nairn asked if the Village would eventually advertise what was in the dump and allow people to enter the area at their own risk to take whatever they wanted. Porter replied "no." Nairn stated this would be a big risk and wanted to know how the Village would manage it. Porter stated that under the Mayor's supervision, the Street Commissioner would monitor the distribution of fill, grindings, etc. in a controlled manner. Carroll agreed with the distribution of the materials being done in a controlled fashion, and added that there would be times when the Village might need the fill for its own projects. Carroll added that he liked that the ordinance reflected the Village's ability to deliver to a resident within South Russell, but not outside the Village.

The Mayor asked Porter to make a motion to hang the Chagrin Falls High School PTO sign, but stated it should not be on Memorial Day weekend, but instead on May 26<sup>th</sup>. Carroll addressed the point that there were graduating seniors from other schools and felt a more uniform congratulatory expression to the community would be appropriate. Canton suggested that a note could be placed in the upcoming newsletter congratulating all 2020 grads who live in South Russell.

Porter made a motion to authorize the Chagrin Falls Parent Teacher Organization to hang a banner stretching across Bell Road in a manner similar to that of the Fall Festival banner congratulating the graduating seniors of the class of 2020, and that the Mayor and the Service Department render such assistance as may be necessary for them to do that, seconded by Carroll. Roll call – ayes, all. Motion carried.



**BUILDING COMMITTEE:** Canton stated the Building Committee met on May 7, 2020, and the minutes were distributed to Council. Canton wished to clarify and add information to the fifth paragraph of the minutes as follows: “Canton said the county Health Department informed him there is an Ohio statute from 2007 requiring the septic systems be inspected each year from a licensed provider. However, due to staffing and workload, that doesn’t necessarily get done.” Canton stated he asked twice about this date, and was told yes, that all septic systems that were installed in 2007 and beyond need to be inspected each and every year at about \$120 to \$150. Since they are short-handed, they do not get to them. Secondly, Canton stated he heard from the Geauga Soil and Water District and found out that the department promotes the two-year cleaning cycle because it keeps the septic systems in excellent operating shape.

The Mayor noted that there would be a timing conflict with the Street Department interviews on May 19<sup>th</sup> because of the Architectural Review Board (ARB) meeting at 5:30 p.m. He asked the committee to change the interviews to 7:00 p.m.; the committee agreed.

Galicki addressed Canton regarding the septic inspections, noting that the committee had been vacillating between the two-year and three-year inspection cycle. He asked if the Building Committee was recommending the standard should remain on the two-year inspection cycle. Canton felt what might be best would be to get all the information and meet with the individual homeowners in June for a discussion. After the meeting, a decision would be made. Galicki asked if the decision would be made based on the homeowners’ opinions or the statute. Canton stated the recommendation would be based on all the information received from people who are ‘in the know’ when it comes to septic systems as well as the opinions of the homeowners and committee discussions. Galicki stated it appeared the Village was vacillating between the two- and three-year cycle. Canton stated they were trying to receive as much information as possible. Galicki asked what other information the committee was waiting for since it already knew what the county and State had to say. Canton stated he wanted to hear from the people. Galicki clarified that the decision was being based on the opinions of the people involved and not the governing authorities. Canton stated it was everyone involved. Carroll agreed with getting feedback from the residents as well as weighing what the subject matter experts had to say, whether it was the State, county, or installers. However, he added that the latter information would weigh more heavily than a resident’s opinion, which might be to push the inspections off as long as possible. Since the residents were advised by the Mayor to come back on June 8<sup>th</sup> for the next meeting, he thought waiting the three weeks would be fine.

Galicki thanked Berger for trying to track down the question about the new construction entry on the 2019 State Report. Reading the second page of the Building Committee minutes, Galicki sensed Berger was trying to get the answer to the question, but Galicki explained that he was confused by the answers given to Berger by the Building Department Administrative Assistant. Galicki referred to Berger’s question to the Building Department Administrative Assistant about what new construction there was in the Village with Berger adding that it did not appear there was any. The explanation Berger was given was that fees go to the State. Galicki stated he did not know what this had to do with new construction. He continued to refer to the minutes in which the Building Department Administrative Assistant stated that when the State gets the report, any commercial permits including occupancy would go to the State. Galicki did not know what this had to do with commercial construction, new construction, and EPA



guidance. Galicki added that Berger addressed a statement on the form which said the Village had new construction that was 100% compliant with the EPA guidance. However, the Village did not have any new construction, and the Building Department Administrative Assistant concurred. Galicki interpreted this to mean that the Building Department Administrative Assistant said that the Village did not have new commercial construction even though the State Report said it did. Galicki noted that in the minutes, Berger concluded that the Village had answered the form inaccurately, and that he could report this to Council. In response, the Building Department Administrative Assistant asked if the information was on one of the reports to the State. Galicki found this interesting since she was the one who allegedly prepared the report with help. The minutes stated that the Building Department Administrative Assistant worked on this report with former Building Inspector Heilman, and there was a line item pertaining to new commercial construction asking if all construction got permitted. The answer on the form stated, "yes." Galicki continued that the explanation about why it was marked, "yes" was because the Village was in compliance if it had a permit or did not have a permit, according to the Building Department Administrative Assistant. Galicki asked if this meant that whether or not the Village had a permit, it was in compliance with EPA procedures. He expressed his confusion, and Berger agreed he was also confused. Galicki stated that the Village brought in both the former Building Inspector and former Building Department Administrative Assistant to assist with the form, and he advised the Village still could not get an accurate report to submit to the State. In his mind, he questioned what was going on in the Building Department. He reiterated that Building Department staff members were unable to answer a State requirement without assistance and when it was done with assistance, it is answered incorrectly. Galicki questioned what rigor was being used administratively, and said it seemed like something was wrong. He asked whether this was the value added for the Village residents from the Building Department and said he would think they should be questioning the value of being the only municipality or township within the county that has this stand-alone function. Galicki suggested sending a corrected report.

Berger stated he delved into the matter earlier in the day. He pulled out the report to determine what the question was. He said there was nothing in the report that spoke about 100% new construction vs. non new construction. Berger said it talked about a survey asking questions about commercial in one report and a survey asking questions about residential in another report, and whether the Village could estimate what the percentages were of energy code compliance. Berger stated that the answer was the Village could not. Galicki asked why the Village could not if it was inspecting to that. He explained that it did not appear the Village could estimate anything, but outside assistance was requested to help prepare the report. Galicki felt it could have been completed with the same quality with no assistance. Berger stated he was not there when the report was written, and seeing it after the fact, he understood Galicki's concerns. Based on what he read earlier in the day, he did not feel that the report was incorrectly completed. He stated that it might not be as complete as Council would like. Berger was not sure what the reasons were for the individuals who filled out the report not to be able to estimate the percentages. He said he would continue to dig into it. Galicki told Berger he appreciated his efforts to answer the question and instill a little bit of administrative rigor into the organization. Berger stated he was reluctant to cast dispersions on the Building Department or anyone else involved in the process until he fully understood how it was done. He said they could have the discussion every Council meeting, and Galicki agreed that they may. Berger stated it seemed to be a bone that they need to come to the bottom



of. Galicki stated that correct reports should be the expectation of all Village offices. If the bone is that they be administratively correct in the reports sent, especially to higher authority, then that is his bone.

**POLICE CHIEF:** The Chief distributed his monthly report. He advised that the tornado siren relay link had been established with the new tower. The Village should be in a good position for several years. The only potential future issue would have to do with the Village using the Fire Department repeater channel to activate the siren. When the Fire Department no longer uses this system, Chagrin Valley Dispatch (CVD) would cease maintenance of the repeater on East Washington Street.

Nairn stated that Chagrin Falls Village had historically tested its system at 2:10 p.m. each Saturday during tornado season and wondered if the Village would be doing the same. The Chief stated the Village tests the system at 2:00 p.m. She asked if the system would rotate 360 degrees so that all residents heard it, and the Chief said it would be possible to do a full activation during the test sequence on Saturdays for the full three minutes. Nairn asked that it just make one full rotation to see if all residents were able to hear it. The Chief explained that it was difficult to change the preset settings, so the actual activation would run for three minutes. If there were a current tornado warning, it would sound every 10 to 15 minutes for three-minute intervals. When Chagrin Falls tests the system, they do a full three-minute burst. South Russell's is just a 15-second burst and it does not rotate a full 360 degrees. Nairn was glad it was operational.

The Chief explained that the radio problem had been corrected and acknowledged Geauga County Information Technology (IT) for helping to solve the problem.

Carroll asked if the system could be tied into the MARCS system. The Chief said it was technically now tied into this system but using the 420 frequency. The MARCS frequency is digital and would not provide the correct signal.

**SAFETY COMMITTEE:** Canton stated the Safety Committee met on May 7, 2020, the minutes of which were distributed to Council.

**HUMAN RESOURCE COMMITTEE REPORT:** Porter stated the interviews for the Street Department position would occur at 7:00 p.m. on May 19<sup>th</sup>.

**PROPERTY COMMITTEE:** Nairn stated the Street Commissioner was investigating LED lighting for the Service Department, which would be paid for with the remaining NOPEC grant funds. Nairn stated there was approximately \$7,000 remaining and hoped there would be enough left to also provide lighting for the salt dome and shed.

Nairn was pleased to see that weeding had been done on the corner of the Village campus, because the weeds were prolific. She thanked the Street Commissioner and Street Department staff for their efforts in making Village Hall look a lot better.

Nairn asked the Mayor if he had communicated with Kathy O'Donnell about the shrubs on the corner that the committee would like to have removed. Nairn asked if O'Donnell agreed, and the Mayor stated she did not, and he was going to show her what the Village was going to do. He would wait until she could stand outside. He stated that O'Donnell was resigned to the fact that the shrubs had to go. What he wanted to do was take her from the corner and then over to the Cemetery to show her where the



plants would be used, and that they would not be destroyed. The Mayor stated the bulbs would need to come out and that the Street Commissioner had it all planned out. The Mayor stated he had not officially gotten O'Donnell's approval yet. Nairn asked the Mayor to keep her apprised.

**PUBLIC UTILITIES REPORT:** Galicki stated there was nothing to report.

**PARK COMMITTEE:** Nairn stated that the Park Committee would be meeting on May 12, 2020 at 6:30 p.m. in Village Hall. Nairn advised that a resident asked her about the playground and when it would be opening. The Village would wait for word from the Governor as to when it could open. Nairn was told by the Street Commissioner that the trees that will go around the playground are at the Village, but it would be necessary to wait until the ground is a little more workable. Firmer ground is also necessary for bench installation. She added that the screens on the pavilion would also be installed hopefully by the end of May.

Nairn made a motion to purchase a tree for Ted Kruse to honor and thank him for his many years of service and volunteerism at the annual Fall Festival. She added that he had been a member of the Park Committee for many years, seconded by Canton. Carroll said he had no problem supporting Kruse and appreciated his work with the committee. However, he stated the Village had volunteers who worked on the Cemetery for countless years, and focus should not be lost for other volunteers who had worked in the community. Carroll hoped that this would expand into recognizing some of the other hard work done by residents to get other programs and initiatives implemented. The Cemetery came to mind for Carroll because it was an eight-year process and he did not know whether the Village had done anything to recognize the individuals involved with this. He stressed that Council should not be narrowly focused on one event with Kruse, but really needed to consider the other volunteers who had contributed to the Village.

Galicki asked if Kruse was leaving the Park Committee and wondered what precipitated the recognition at this time. The Mayor stated that what inspired it was that the Village was going to be picking up four trees and it would be just as easy to pick up a fifth one and dedicate it to Kruse. He did not think Kruse would be leaving any time soon. Galicki stated then it fell more into the Mayor's "let's get 15 more trees plan."

Porter asked Nairn if she wanted to cap the amount spent on the tree. The Fiscal Officer replied that the tree was \$190, the tree stand was \$106, and the plaque was \$225. She offered that Nairn might want to propose \$550. Nairn amended the motion to include that the tree should be purchased for no more than \$550.

Carroll asked how the tree was being funded. The Fiscal Officer explained that the Village received donations for the trees and benches, which were purchased. There were still plaques, stands, bench plaques, and the tree for Kruse. She stated there was a balance of \$1,334 which the Mayor stated would come out of his line item to cover it. Carroll clarified that there were funds from the donations and the Mayor's discretionary fund would cover the project.

Roll call – ayes, all. Motion carried.



### **ORDINANCES/RESOLUTIONS:**

Carroll introduced an ordinance transferring \$525,000 from the Income Tax Fund to the Safety Fund \$250,000 and the Street Fund \$275,000 and declaring an emergency. Carroll made a motion to waive readings, seconded by Porter. Roll call – ayes, all. Motion carried. Carroll made a motion to adopt, seconded by Nairn. Roll call – ayes, all. Motion carried. **ORD 2020-23.**

Porter introduced a resolution authorizing the Village to discard dirt, grindings, and mulch not needed by and of no value to the Village and declaring an emergency. Porter amended section (1) as follows: The Mayor and/or Street Commissioner may maintain a running list of residents desiring to obtain such personal property declared of no value and these residents will be notified of the availability of the property in the order that they are listed on the running list. Carroll asked if the resolution could have three readings. Porter asked the Street Commissioner if there was a dire emergency in terms of storage, and the Street Commissioner stated that there was currently space. Porter agreed to three readings. The Mayor stated the third reading would occur at the July 13<sup>th</sup> meeting.

Galicki directed a question to the Solicitor pertaining to a discussion at the previous Council meeting in which the Solicitor indicated that for disposal of any property from the Village it was necessary to have a determination on whether it had any use for the Village or whether there was any value associated with it. He added that the resolution introduced by Porter was attempting to cover every circumstance of spoils, indicating that there was no use to the Village and that there was no value. Galicki asked if those were the circumstances with this resolution, or what Council was trying to resolve. The Solicitor stated that the wording in Section (1) addressed certain personal property which had been excavated or moved such as dirt, etc., and there was a determination by Council that it was not needed for public use and that it had no value. She felt this comports with the statute. The Solicitor stated that the Village could have an inventory each time it was necessary to determine personal property, such as dirt, grindings and mulch that was not needed for public use and had no value. She explained that this resolution only lasted until the end of the year, and then Council would have to bring another forward. If there were something of value that Council would want to sell, this would be another resolution. Galicki stated that it appeared that if the current resolution were to pass, there would be no need for Council to determine anything because the resolution indicated there was no value and no use to the Village for the materials. The Solicitor concurred. She stated that she was under the impression that with these spoils, they were not something for which Council and the Village had a need and that it had no value. If this was not correct, then the resolution would need to be redone. In other words, if Council were to find that the dirt, mulch, and grindings had value, a different resolution would have to be done because it required the Village to sell it. Porter clarified that what was being discussed was the dirt and grindings that came out the last few months, not all dirt, grindings etc. for the next 25 years. Galicki argued that the resolution did not define it the way that Porter just explained it. The Solicitor agreed. Galicki stated that it would infer that was good for the next 25 years. Porter disagreed and said that the Solicitor just said the resolution was only good for the rest of the year. The Solicitor stated that Galicki was correct in the fact that the resolution was broad, because she was under the impression that it was not just about the spoils from the Village Hall restoration project, but rather from other projects as well. Porter stated this was possible. The Solicitor stated that the resolution was worded in such a way as to indicate it would be from time to time if there were personal property that Council determined to have no use for the Village and had no value. If the resolution were to be narrowed to just apply to the spoils from the Village Hall



storm water project, then she recommended clarifying that. Porter stated that Council would not want to limit it that much, but added that the Village would not have the grindings, mulch, and dirt in the winter, so this would be for spring, summer, and fall, and then it would expire at the end of the year. It was based on what the Street Department had on hand now and may have on hand going forward. Porter stated that if a Council member desired to declare a pile of dirt valuable for some reason, he thought this could be done. Galicki stated that in his opinion, the last piles of dirt that he had purchased for his lawn had value, otherwise they would have been free. He also questioned what controls there would be. There was a reference to first come first served basis and/or lists, but de facto, this had not happened. Galicki felt this was an effort to cover an event that already occurred where a decision was made to provide spoils to an employee of the Village without prior approval or determination of no cost, no value, or no use to the Village. The Mayor stated this was not the case. Galicki stated this was the Mayor's opinion but wanted to know the Solicitor's legal opinion. The Solicitor stated that this resolution was to solidify when there was personal property that was not needed for public use and had no value, that it was discarded in accordance with the statute. Using Galicki's example of dirt he purchased for his lawn, the Solicitor emphasized that Council was making the determination that this had no value.

Carroll stated that since the resolution was just being introduced, more discussion could occur over the next meeting or two. Porter stated he would provide the Solicitor with the additional language and Council could consider it at the next meeting. If approved, Porter stated that the Village would have a mechanism that would provide the Village a means to dispose of the property. Nairn stated that the bottom line was that if someone wanted the property, it had value. Porter agreed.

The Mayor referred to the comment made about the dirt being provided to a Village employee, and said this was correct, but the dirt and other things had also been provided to people who were not Village employees, basically when they asked. He explained that it had been a long process that had been done for many years. The Mayor did not want any dispersions to fall onto a Village employee who got dirt, when his neighbor also got dirt. To dispel this, Galicki asked the Mayor to explain the process by which that dirt was conveyed to the Village employee. The Mayor stated that the Village employee asked about the dirt and was given the dirt. A resident around the corner from him, who was not a Village employee, asked about dirt and was given the dirt. Galicki asked whom these individuals asked. The Mayor stated they asked the Street Commissioner. The Mayor asked the Street Commissioner to verify this. The Street Commissioner stated yes. Galicki verified that the Street Commissioner, on his own initiative, approved this and provided the dirt. The Mayor stated, "yes." Galicki verified that at that time, there was no determination of whether the dirt had any use or value to the Village. The Mayor stated this was correct. He stated there was past practice. Carroll offered that the resident around the corner who also received dirt was a former Village employee. The Mayor concurred. Galicki stated that this looked a little preferential. He questioned that in the bright sunshine of day, did this look perfectly ok to the casual observer. He was not so sure it did.

#### **BILLS LIST:**

Carroll made a motion to ratify the 4/29/20 Bills List in the amount of \$12,506.22, seconded by Berger. Roll call – ayes, all. Motion carried.



**NEW/OTHER:** Carroll, Galicki, Nairn, and Berger had no new business.

Porter asked when the playground might reopen. Nairn explained that the Governor had not released this information, but she felt with the pressure to open daycare centers, she thought there would be an announcement in a few days. Carroll suggested there may be a difficulty with playgrounds with proper disinfection with children coming and going, whereas there would be more control in daycare centers. Porter was concerned about the Village complying with best practices. Carroll stated that with the opening of businesses, there must be a specific plan. If the playgrounds were to open, the Village must ensure the proper mechanisms were in place to meet the expectations. Porter asked the Mayor if he planned to spray down the playground. The Mayor stated there would be a procedure established as to how it would be opened and cleaned. He added that it would be inspected, and everything would be done at once. The Mayor stated that when the Governor gives the o.k., the Village would be ready to go. Porter was concerned that as soon as the caution tape was removed, there would be kids piling on the playground.

Canton stated that the Building Committee would meet at 8:00 a.m. on June 4<sup>th</sup>, most likely on Zoom. The Safety Committee would be meeting at 7:00 a.m. on June 4<sup>th</sup> at the Police Station.

**ADJOURNMENT:** Being that there was no further business before Council, Carroll made a motion to adjourn at 9:08 p.m., seconded by Nairn. Roll call – ayes, all. Motion carried.

  
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William G. Koons, Mayor

  
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Danielle Romanowski, Fiscal Officer

Prepared by Leslie Galicki