

Finance Committee Meeting
June 1, 2021 8:00 a.m.

Members Present: Chairman Berger, Councilman Carroll, Mayor Koons,
Fiscal Officer Romanowski

Berger called the meeting to order. Berger stated that the Mayor sent the committee an email with suggested agenda items.

The Mayor recommended sending the community a survey concerning use of the American Rescue Plan Act (ARPA) funds. Berger asked if this was typical of what the Village does, and the Mayor stated no. He felt the residents should be notified of the Village's receipt of money to allow them to be involved with providing ideas. He did not think the Village would receive much out of it, but it was a way to allow residents to know what was being considered. Berger asked if this would be an open-ended question regarding what residents wanted to see done with the \$700,000 received from the Federal Government. The Mayor stated no, that the residents would be given five prioritized ideas. The Fiscal Officer advised that the money was limited in its use. Carroll agreed and stated it was limited to infrastructure use. He suggested submitting an article to the Chagrin Valley Times discussing the receipt of the money and potential uses. The article would include an invitation to reach out to Mayor and Council with any thoughts on the matter. The Mayor stated that he suggested utilizing the newsletter because it is the only guaranteed communication with residents, and because there is a need to notify residents of the July 12th public hearing regarding the zoning issues. The Fiscal Officer reminded the committee that the Village places an ad in the paper for the public hearings. The Mayor felt the newsletter is the most effective communication. Berger stated that the committee agreed that articles in the newsletter and in the Chagrin Valley Times made sense, but with an explanation of the limited use of the funds for infrastructure. He added that there were lots of ways to describe things as infrastructure, like park restrooms and phone systems.

The Fiscal Officer advised that the phone system was only a couple years old. Berger stated perhaps training was needed. The Fiscal Officer advised that often issues with the phone can be resolved with programming the Chief is able to do. The issue that occurred on Friday, May 28th was with a man calling five times between 12:17 p.m. and 12:22 p.m. If it were an emergency, it could go to the Police Department. Carroll asked what the issue was, and the Fiscal Officer stated that the man wanted to speak to a human. Berger did not think there were many numbers one could call and immediately get a human. Automated operators are a way of life.

Berger further suggested that website development could be considered infrastructure. Carroll offered that there is a list of potential uses, and the Village should have the Solicitor review it to ensure compliance. Berger thought defining infrastructure was a problem on a national level. A deadline for the newsletter article was discussed, and the Mayor stated he wanted the information to be out before the July 12th Council meeting.

The Mayor recommended postponing when the levies appeared on the ballot. He thought that with getting the ARPA money now, it would be better to hold off on putting the levies on the ballot until next spring. The Fiscal Officer advised that the levy legislation had been filed with

the Board of Elections to go onto the November ballot. She explained that Council passed legislation for this at the May 24th meeting. It was necessary to file early to ensure everything was in order.

At the last Council meeting, Berger reported that Porter suggested creating a fund for dredging all the silt ponds in South Russell. As part of this, it would be necessary to do a survey of all the silt ponds and then come up with a priority list. Berger reported that the Mayor said it would be less than \$1,000 to analyze a silt pond. The Mayor stated someone would be hired to do this. Berger stated that there are 21 lakes and ponds, which would mean \$21,000 just to get the surveys done. Berger asked if the list would include an estimate of cost. Carroll asked the Mayor how he determined the \$1,000 fee. The Mayor obtained this information through the dams and dredging meetings with Aqua Doc and another private contractor. Carroll offered that Bellwood Lake would be in the range of \$20,000 to \$30,000 to dredge. Berger said it would be a matter of coming up with a priority list for \$15,000 - \$20,000. Carroll explained that not every lake and pond would need to be dredged because of properly operating silt ponds. Carroll stated that he and Porter had discussed this in the Street Committee meeting as well and suggested presenting it as a grant opportunity because he believed the neighborhoods should have some skin in the game for some of the issues. The Fiscal Officer asked for clarification on how this would be funded, and Carroll's preference would be with the ARPA funds. As far as how it relates to infrastructure, Berger said it would fall under stormwater, which would include functioning silt ponds.

The Mayor saw the survey of the ponds to be a service of the Village, and the neighborhoods would still have to find out what the Village would do to help. Berger said this had yet to be defined. He thought Carroll's suggestion was good to have community financial participation. Berger asked whether the committee would present a request to Council to authorize the Engineer to spend money for this. The Fiscal Officer stated that the Village did not have the money yet nor had it made the appropriations, so it could not be authorized yet. Council could discuss it, however. Berger clarified that the money would be coming in June, and the Fiscal Officer said she hoped so, but explained there was a process. Berger proposed that at the June 14th meeting, pending receipt of the funds, the committee would recommend using \$15,000 - \$20,000 for the Engineer to have an analysis done of all the silt ponds. The Mayor stated that the Engineer would recommend the Village hire someone like Aqua Doc to do all the ponds. Carroll suggested opening the process to bids to keep it open and transparent. The Mayor suggested doing it in July.

Returning to the phone system issue, Berger stated it appeared to be a method issue of where phone calls were directed. The Mayor stated that the issue boiled down to a question of why, with two people, were the Village offices closed. The Fiscal Officer explained that her Administrative Assistant is part-time and was scheduled off. The Fiscal Officer has over 400 hours of flex time in addition to her vacation time and she chose to make it a long weekend. Berger stated that things happen that are not anticipated, and it is a failure of imagination. This was an unusual situation, and it was a question of how to deal with it. Carroll asked what the urgency was with the call, and the Mayor stated the caller was some sort of veteran who saw the

article in the newsletter and Friday decided to send in his information. He did not send it properly, and without stereotyping him, the Mayor said he was an older man who got intense and did it. The Mayor further explained that the information had been requested in January. Friday was the man's day to send a picture of his daughter. The Fiscal Officer stated that there was no deadline associated with the request, and the newsletter specified where it should be sent. The message the Fiscal Officer received from the man was asking where he should send the information. Within five minutes, he called back and said he had called the Village several times, and every call was routed back to the Fiscal Officer, and he felt sorry for her. However, he said he wanted to speak to a human. The Fiscal Officer explained that on occasion when she calls the Building Department and the Building Department Administrative Assistant is not there, the Fiscal Officer gets voicemail. Similarly, if no one is available at Village Hall, it goes to voicemail. Carroll acknowledged the issue and said a solution for the man would have been to email the message since most people have email on their phones. The Mayor stated that it was poor planning. Berger relayed that his first inclination would be to dial a phone and not to text. The Mayor explained that eventually, the man figured out how to leave a message, which the Mayor received and returned his call.

Berger stated that the Building Department had been considering software updates and had viewed several presentations. The existing company offers an update at a significantly smaller cost than going with another company. The Mayor suggested that there would be \$10,000 - \$30,000 worth of software costs involved that needed to be budgeted. The Fiscal Officer asked if this was for this year or next. The Mayor wanted it by the end of this year. The Building Department Administrative Assistant/Board Clerk/Assistant Zoning Inspector felt all the Village needed was the \$10,000 base plan. The Mayor could not remember which software company offered this package. Berger explained that the more expensive packages had more than what the Village would need. The base system would allow the general public to access the Building Department online. They could make permit applications, and credit card payments could be taken. Scheduling requests could also be made through the system. Berger said this would be the recommendation but thought a line item needed to be placed in the budget for the upgrade. The Fiscal Officer explained that for this year, it would be necessary to amend the budget. Berger added that the maintenance fee for the software was only \$1,000 a year. Berger advised that there would be a lot of work that was required. The Mayor said he would like to see nothing done the rest of the year and budget for it the following year. Berger said it would be necessary to spend the money this year to put the software in place to go live January 1st. Carroll thought this made sense. The Fiscal Officer verified this was \$10,000, and the Mayor stated he would not guarantee that. Berger said this was the low end. He explained that the company could take the existing records and dump them into the new software package. It would have the capability to look up plots, parcel numbers, and view all the permits that had ever been associated with a piece of property. Carroll asked when there would be a definitive recommendation, and Berger thought July. Berger added that there would be no server, and that the information would be backed up to the cloud.

Berger returned the discussion to the ARPA funds and infrastructure. He said the suggestion was to think about taking some of the load off the Chief from a technology standpoint and hire a

technology consultant or someone to handle those issues. Berger asked if technology were considered infrastructure, could the Village hire a technology consultant for the next two years to address technology issues, funding it with ARPA funds. Carroll asked if Berger discussed this with the Police Chief, and whether this was a responsibility he was looking to shed. The Mayor stated that the Chief was not looking to shed it, but said the Chief said he has worked harder than he has ever worked. The Mayor thought that with addressing the Building Department software and a new website, it should be taken off his shoulders and given to someone to do it on a limited basis. Carroll reminded the committee that the Chief just got another employee who could take some of the internal work. The Chief has done a good job with the Village's technology and having some of it inhouse has been nice. The Fiscal Officer offered that when there is a problem with the phone system, the Chief is notified, and he is able to address it. If it is outsourced, there would be waiting and downtime. Regarding the Village website, the company would be setting it up. Berger asked if the Village would have less technology in five years than today and if the demand will only go up, did the Village need a technology person. Carroll weighed the pros and cons of having an IT service. Berger suggested that it could be parceled out or the Village could hire someone on staff. The Fiscal Officer explained the service she utilizes to maintain her fiscal software. Berger said that the Chief has attended meetings to navigate the Zoom Council meetings, and added that there is an effort to run a lean operation, but questioned when lean is too lean. He asked what would happen when the Chief of Police decides to retire, and his predecessor is not a technology person. The Mayor stated it was time to have a discussion with the Chief to determine what the future looked like. Carroll suggested talking to the Chief to see if this was a burden on him now that he has additional staff. Berger asked if there were a couple of jobs to band together with the technology person to create a full-time position. The Mayor stated he hoped not. Berger thought this was a discussion to pass to HR. Nothing would be budgeted for the moment.

Berger stated that at the last Council meeting, there was a request for \$70,000 from the Chagrin Suburban Fire Department for their renovation. From a finance perspective, the Village has \$70,000. Berger questioned whether it was an appropriate use of money, and said he did not think so. If they want to raise their fees or put it in the contract, then they can do that. Carroll agreed and said the Village would not pay for a home addition to hold the contract Building Inspector's manuals. If they were a fire district, it would be a different discussion. Carroll asked the Mayor if he met with the other elected officials, and the Mayor stated no. He would see the Fire Chief in the morning. He thought it would be at the end of June before the six communities were approached with the proposal. The Mayor thought there would be push-back. Berger stated that was good and the Village should also push back.

Berger stated he could not have a discussion about Manor Brook, which was an agenda item, and said the Mayor could talk about easements. The Mayor relayed that he wanted to first discuss Sugar Bush. Berger stated that from a Finance standpoint, Council authorized \$6,500. The Mayor stated he looked at it two to three weeks ago and it would cost more than that. There was no bid yet. The Mayor reported that some Sugar Bush residents got together over the weekend and were ready to come in with a check for \$6,500. The Mayor told them to hang on because he thought it would be more than this. Carroll thought that Sugar Bush would be getting the bid,

and the Village agreed to fund \$6,500 based on an old quote. Council would have to weigh in as a whole to consider increasing the match. Berger stated that it was not a 50%-50% proposition from what he recalled. Berger added that it was a private piece of property and a private project, and he was trying to understand the rules of the game. Carroll explained that with the Bell Road project, it could be argued that the Village contributed to the Sugar Bush silt pond filling very quickly due to the lack of some infrastructure or dredging. He compared the situation to driveways that required repair after completion of paving. The Village paid to have the repairs done, but if the cost of doing so over time increased, it would be on the resident. Berger referred to the discussion earlier in the meeting about silt ponds where an 80%-20% deal was proposed. He asked if the Sugar Bush silt pond would fall under the same rules as other silt ponds in terms of receipt of ARPA funds. Berger thought that since the Village contributed to the problem, it would not be an 80%-20% deal, and should probably pay more than 20% of the project. The committee discussed the necessity to obtain the quote to determine the Village's portion in lieu of anticipating a cost and leaving the remainder to Sugar Bush to cover. Carroll felt they should obtain a minimum of three quotes. Berger said that the committee could then see how much funding it could get for Sugar Bush based on the bids, adding that the Village has money at the moment so that would not be a problem.

The Fiscal Officer reported that the Solicitor would like the opportunity to speak to the Finance Committee about ideas to reduce solicitor costs. Berger said he would have this discussion seven days a week. The Fiscal Officer asked if she should invite the Solicitor to the next meeting, and Berger agreed.

Berger told the committee it could discuss Manor Brook and he would sit on the sidelines. Carroll agreed that Berger could not participate. The Mayor asked if there were any change in thought besides \$1,000 to Manor Brook. Carroll stated not at this point and said based on an email from Porter, it was not looking good. Porter received correspondence from Nancy Moran and the property issue was still being decided. They were not inclined to do anything until they figured out the property transition issue. From a financial standpoint for the funding, Carroll stated it was still \$1,000 until the Village heard back from the homeowners' association (HOA). Once they countered, or if they countered, then Council could weigh in to make a determination.

The Mayor asked if Carroll were to live in Manor Brook, would he give the Village an easement. Carroll said yes. The Mayor asked why Manor Brook should give the Village an easement for their property. Carroll replied that it was a project the Village was asking to be done. They did not have to do the project and could easily step away. He viewed the project as worthwhile. Carroll stated that he would not be looking to make money on it, and that most easements were much less than what was being proposed. The Mayor rephrased his question to ask what the Manor Brook residents had to gain from the project. Carroll stated they might gain nothing. The Mayor suggested then that they should probably want to gain financially. Carroll disagreed and speculated what may or may not be the motivation of the HOAs involved. From his discussions with Porter, it would appear that Peter Daughtery was all in for the amount offered, but there was the whole issue with the transfer of property. Manor Brook Gardens may want to make money on it. If it were that important to the Village, as Porter indicated, it could be taken by imminent

domain. That would not be Carroll's preference. To be blunt, Carroll said he had asked multiple times if there were any hidden costs and the Mayor made the comment in a Council meeting that Carroll was questioning his integrity. It seemed to bother the Mayor, and Carroll said that perhaps he was questioning it. He added that he was in receipt of emails that showed correspondence discussing \$10,000 because of trees and \$8,000 in legal fees which were never brought to Council until the eleventh hour. The Mayor had this discussion with the members of the HOA board and never shared it with Council. Furthermore, with 319 grants, most often a private entity would bring the 319 project to a community and ask for financial help to offset the 319 project costs. The Village took the lead on this project, which would be outside the norm. The project area was identified as one that could have an impact with stormwater, although it was not directly stormwater mitigation.

In answer to the Mayor's question, Carroll offered that if he were a Manor Brook resident he could say he wanted to make money on the project, and then the Village could say it was not going to do the project or possibly take it by eminent domain or give a fair market easement. However, Council had weighed in and felt \$1,000 was an appropriate amount and had not received a counteroffer. Once they countered, there could be negotiation, but currently \$1,000 was the offer. He could see the amount possibly increasing, but \$18,000 would never happen. He said Porter relayed that Whitetail Run had recouped some of the legal costs, and Carroll felt badly for the HOAs with how they got themselves into a pickle trying to straighten out the property ownership relative to easements. However, this was an internal issue and not an outside project issue. The Mayor asked Carroll if he thought it was worth \$15,000 to take it by eminent domain to help the flooding issue. Carroll said he did not say that.

Berger asked to add one piece of information that would help the discussion. His understanding was that the title to the properties is now being returned to Thomas and Thomas. It was not being transferred directly from Whitetail to Manor Brook. It was going back to Thomas and Thomas with the intention that it was then going to be transferred to Manor Brook Gardens. There was discussion about doing a deal with Whitetail and then when the property transferred, the easement would run with the property. Berger stated that it did not look like Whitetail would have any control over that because the properties were being transferred back to Thomas and Thomas, or at least are. The one property is owned by Whitetail Run, and that is a no brainer and that one the Village should be able to do easily. Carroll said he appreciated the information which was for informational purposes only. He said Porter indicated that from talking to Peter, it was an easy discussion. Hopefully when the transfers take place of the other three parcels, a reasonable discussion can be had about an easement.

Carroll would not speak for the rest of Council but said he was confident that \$15,000 would not happen. The discussions had been ongoing relative to whether the project helped Manor Brook, and he had had discussions with the Engineer in Streets Committee about identifying positive impact. Other options were available for consideration. The goal would be for this project to go forward, but it must be reasonable. \$15,000 for an easement was unheard of. Even if the Village were to purchase the land from Thomas and Thomas, there could still be an issue with Manor Brook or Whitetail claiming the property.

Carroll reiterated that in answer to the Mayor's question, the negotiations remained at \$1,000/\$250 per parcel and the Village would wait to see what headway was made with property transfers. He reiterated that he felt confident \$15,000 would not fly.

Berger offered to complicate the discussion. He stated that there was discussion of changing the culvert pipe under Chillicothe Rd. that feeds Manor Brook. Berger said he could tell the committee that from discussions with people in the neighborhood that if the Village did this without having the Stream Enhancement project in place, there would be all sorts of hate and discontent because the Village would be dumping a whole lot more water into a system that was not prepared to handle it. Carroll explained that as he understood it, when the pipe is changed, the inlet will be sized the way it currently is sized. It will restrict it so it will not change. This was based on discussion in Street Committee with the Engineer, and Carroll offered to double check with him. Berger stated that it is 12" on the east side and 24" on the west. Carroll suggested Berger attend the Special Council Meeting where stormwater will be discussed. It is Carroll's understanding that it will be restricted until something is done downstream. Berger stated that this is an issue, and it will bother Manor Brook bigtime because they will be the ones impacted by it. Carroll offered that perhaps this would make the easement discussion that much easier. Berger agreed.

Carroll reiterated that the current offer is \$1,000, \$250 per parcel. Berger said OK. Carroll further relayed that Porter has had discussions with Nancy Moran and Peter and Whitetail sounds easy, but the Manor Brook part needs to be figured out. When there is a counteroffer, Council will have the discussion. Again, \$15,000 would probably not happen. Carroll asked the Mayor why he said \$15,000. The Mayor said this was what Jim McSherry and the Solicitor thought it would cost to take it by eminent domain, but that was a couple of years ago with Jim McSherry. The Mayor said he was just saying the Village was taking this land because it was an improvement and would make the Village better and you don't give them a penny. Berger clarified the Mayor was talking about three pieces because the fourth piece has the water plant on it, so that would be hard to take by eminent domain. Carroll verified that this parcel has the water plant on it, and Berger explained that when entering Manor Brook Dr. off of Chillicothe Rd., on the left-hand side is a gravel drive just beyond the stream. This goes to the water plant. He suggested thinking of it as four rectangles, and stated it is the southwest rectangle that is the water plant and is owned by Whitetail. He added that this would be an interesting eminent domain discussion. Carroll said this would be the easement with which Whitetail was good to go. Berger said yes. Carroll added that he was partially optimistic that the Village could work things out with Manor Brook.

Berger adjourned the meeting at 9:03 a.m.