

The Village of Northfield

REGULAR COUNCIL MEETING

October 28, 2015

The meeting was called to order by Mayor, Jesse J. Nehez at 7:30 p.m.

The Pledge of allegiance was led by Mayor Nehez.

ROLL CALL was read by Bradric Bryan. The following were present: Mayor Nehez, Councilpersons Beatrice Greenlee, Linda Bowen, Alan Hipps, Nick Magistrelli, Gary Vojtush, and Jim Daugherty. Law Director Brad Bryan and Service Superintendent and Building and Zoning Inspector Jason Walters were also present. Finance Director /Clerk of Council Tim Clymer, Fire Chief Jason Buss, Police Chief Mark Wentz, and Engineer Richard Wasosky were absent.

APPROVAL OF MINUTES:

Approval of the September 9, 2015 Council Meeting Minutes. Motion for approval by Councilwoman Bowen, seconded by Councilman Daugherty, all approved, zero opposed. Minutes approved.

Approval of the September 23, 2015 Council Meeting Minutes. Motion for approval by Councilman Hipps, seconded by Councilwoman Bowen, 5 votes approving, Council President Greenly abstained. Minutes approved.

Approval of the October 14, 2015 Council Meeting Minutes. Motion for approval by Councilwoman Greenlee, seconded by Councilman Daugherty, 5 votes approving, Councilwoman Bowen abstained. Minutes approved.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES:

Resident Renell Noack expressed her concern about the Resolution giving Finance Director Tim Clymer a raise when for the last several meetings he has not had monthly statements reconciled and when asked he says he has someone helping him and he has no answer for you. Ms. Noack is concerned for the Village. He is asking for an increase when he has not been able to provide those items for the Village. Mayor Nehez advised we have all the statements today, all Council has a copy. Law Director Brad Bryan advised that the reconciliations are finished through the month of September. Part of the issue Tim has spoken to Brad about is the computer program that was purchased in 2012/2013. There have been issues getting that system to work properly. This was the cheaper version of the software that former Finance Director Monica James wanted and was familiar with. Mr. Clymer has been trying to make it work but different things keep happening. Tim has asked Mayor and Council to explore for next year coming up with a different program for the finance software. Mr. Clymer is looking into a few different programs. The one he is recommending that would be appropriate for a Village our size and is tied in with what the Auditors use and is easily compatible is something we could lease for \$5,000 per year rather than having a big up front purchase.

Keith Czerr asked in advance if he could speak his peace in his five minutes without interruption. Last Council meeting he was not able to finish expressing himself about the traffic situation on Route 8. Mr. Czerr was trying to say something positive about it. We have such an influx of traffic, and there is no reason for businesses like Summit Plaza to be in such bad shape. Mr. Czerr presented a few pictures to Council showing the unacceptable conditions around the Village, including a photo of the apron of his driveway where a gas valve that controls the whole street is located. The Gas Company lifted up his cement and never re-poured it. Now his driveway is cracked at the apron. The rest of his driveway has been replaced. Mr. Czerr wants to know why his apron has never been paved over with asphalt when other residents on the streets were. He advised he will never touch the apron because of the gas line. It is the responsibility of the Village or the Gas Company. Jason Walters advised he did not pick and choose which driveways should get done. Jason stated that he spoke with Mr. Czerr before he bought that house and advised him he would have to fix the driveway and the apron.

Mr. Czerr said it was not his responsibility. At that point, he said he told Jason he will never pull up the cement on the apron. If he were to pull up the valve he would be responsible. Jason again told Mr. Czerr he was told he would have to fix the apron. Jason advised Mr. Czerr to call the Gas Company and talk to them about the valve. The Village does not control the Gas Company. Mr. Czerr said the Village allowed the Gas Company to tear that apron up and put it back down on uneven ground. Jason Walters asked when did the Village allow that. He said Jason should know. He should have a record of when they were there to fix the valve. Mr. Czerr advised the Gas Company cut his apron to do a repair and they have to put it the way it was. (This happened before Mr. Czerr bought the house.) Jason asked if he has had the Gas Company out to his house and explained this to them. Mr. Czerr said no. He has called and said Jason has called on many occasions. Jason advised he called for a gas leak. He cannot tell them to fix an apron. Jason Walters said he will come to his residence and look at his apron but will not make any promises. Jason then addressed the weeds at the Plaza that Mr. Czerr is concerned about. Jason advised he is offended that Mr. Czerr would say he is doing nothing about the situation. Jason advised the Plaza is the biggest complaint in the Village. He has had several meetings with them, cited them, and been to court with them. He himself has two hundred plus pictures. It is a never ending cycle. Jason advised he is not disagreeing with Mr. Czerr, and the Mayor also gets many complaints. Councilman Vojtush advised Mr. Czerr that he has a good working relationship with Mr. Shaffron, owner of the Plaza. Councilman Vojtush asked Mr. Czerr if he wouldn't mind, he will speak with Mr. Shaffron tomorrow and see if we can get things done. The Plaza is in Councilman Vojtush's Ward. He didn't realize he had these complaints. Councilman Vojtush will call Mr. Czerr after the meeting with an update.

Katie Vaughn would like to know about the Noise Ordinance in the Village. Brad Bryan advised that the Noise Ordinance for construction is no earlier than 8am, ending at 9pm (7days a week). Ms. Vaughn advised that a few weeks ago, Spennato's started power washing at 12:20am. At 1:18am, she finally called and complained.

Ms. Vaughn advised the Officers rolled in and asked Spennato's employees how much longer until they are done? They continued to power wash for 45 more minutes. Ms. Vaughn advised if she were to have a party and a neighbor called and complained and the Police came, would it be ok for her to say we will be done with the party in 45 minutes. Mayor Nehez asked Ms. Vaughn if she knows what officer responded. She did not. He did not come to her house. Mayor Nehez asked what date did this occur. She advised it was a Tuesday night into Wednesday morning. Law Director Brad Bryan advised we will address it with the Chief. Ms. Vaughn asked what will be done. Brad advised she should not have to put up with an unreasonable amount of noise at that time of night and morning. Ms. Vaughn advised they clean their grates quarterly. They used to do it on Sunday night. They started at 11pm and were done by 1am. Now they start at 12:15am. Mayor Nehez and Brad Bryan advised they will address the situation.

John Duniver wanted to express how proud he of the Village Service Department. Jason and his guys are an asset to the Village, and he just wants to thank them for everything they have done this summer. Mr. Duniver also wanted to express that he agrees with Ms. Noack about the Finance Director getting a raise. Last meeting he was over three months in arrears getting the financial reports out, which in his opinion, is ludicrous. Mr. Duniver thinks at this point, he should not get a raise, since he has not earned it. Mr. Duniver also wants to address the Police Department. John advised he watched two Police cruisers (at night) behind the Dolphin for one hour and forty five minutes sitting there. Mr. Duniver contacted his Councilman about the situation, and the Councilman contacted Chief Wentz. The end result was an e-mail basically saying they better find a better place to hide. Mr. Duniver advised he has also contacted the Mayor several times about this and nothing ever seems to change. Another situation with the Police Department involves a certain Sergeant that knowingly lied to the Police Chief for 12 days and then turned around and admitted he was lying. It is his understanding that previous Policemen who lied to the Police Chief were immediately released from their duties. It is also his understanding that the Police Chief has also said we are not going to look into this situation until after the election. Mr. Duniver wants to know why it has to wait until

after the election. If it is true this Sergeant was lying, he should be reprimanded, or let go. Brad Bryan advised that matter is under investigation by the Police Chief and these things take time. At this time, he cannot say anything further about the specifics of what went on. Brad Bryan advised he has never heard the Police Chief say the election has any impact as to his timing or what is going on. When the investigation is complete, Chief Wentz will give it to Brad, and it will be dealt with at that time.

Charlotte Bowser stated she thought about speaking about the Finance Director's raise also, but Ms. Noack covered much of what she was thinking. Ms. Bowser asked, being a Village employee, not an elected official, do the employees have an annual review. Mayor Nehez advised the employees do have an annual review. Ms. Bowser stated she just does not understand how someone could get a raise when they are not doing their job.

Theresa Schlosser addressed Brad Bryan with a misunderstanding in regards to her 9-1-1 call to the Police for rape, domestic violence, and a hostage situation. Ms. Schlosser advised 9 days after she called she received a letter stating no charges will be filed and her case is closed. Ms. Schlosser advised she never talked to anyone from the Police Department regarding the case. She talked to the Mayor, and he said he would look into it for her, but still nothing was done. Brad Bryan advised Mayor Nehez did speak to Chief Wentz and himself to find out what was done, but that Mayor Nehez wouldn't have been involved in any type of investigation. That is not the Mayor's job. Ms. Schlosser advised Mayor Nehez agreed to meet with her, he said he would do his homework and get back to her. Mayor Nehez told her that he was the boss of everyone here even the Police. Ms. Schlosser advised Brad Bryan in the minutes he stated it is a very serious crime to accuse someone of and they did not move forward with charges because Mr. Bryan did not believe the case could be proven beyond a reasonable doubt. Ms. Schlosser expressed her disappointment that the case did not go forward. Theresa Schlosser advised she spoke to Mayor Nehez on September 23, 2015 when she saw him the night she was passing out flyers for the fight against heroin. Ms. Schlosser advised he stuck his head in the door as she was talking to Councilman Gary Vojtush and advised her he would call her. She has never received a call from Mayor Nehez. Theresa Schlosser stated there was a woman who was married to this man, and she was interviewed by the Police. The woman stated she did not want to be involved because this case did not involve her. Ms. Schlosser advised the woman gave her a letter stating everything Theresa is telling you is true. I lived through it all. Ms. Schlosser advised no one has ever seen any of this stuff. Ms. Schlosser stated she had this letter when she met with Mayor Nehez, and she asked him if he wanted to read it. Ms. Schlosser stated she has a truck full of documentation at home. Mayor Nehez stated he did not need that. Theresa Schlosser advised she has post-traumatic stress disorder, and for her to be here is a miracle. Ms. Schlosser stated it is true what happened to her and stated as a Prosecutor Brad Bryan and the Police should be on her side, not treating her as a criminal. Ms. Schlosser stated Mayor Nehez said on September 23 that he would talk to Chief Wentz about the situation. Chief Wentz told her to this day the Mayor has not talked to me about this incident. Mayor Nehez stated that is a total lie. He has spoken with Chief Wentz about her case many times. Theresa said there are many lies. Mayor Nehez told her he would do his homework and get back to her, and she still has not heard back from him. Mayor Nehez stated he talked to Chief Wentz and Brad Bryan. They would know more about this incident than he would, and Mayor Nehez had them speak with her. Theresa advised all the information in the packet Brad Bryan sent her was all lies, and he closed the case. The report even said she was sleeping with her former husband three days after this happened. Ms. Schlosser went on about her disappointment of how this situation was handled. Mayor Nehez stated he never promised her what would happen. He said he would look into it, and he did. He had Brad Bryan and Chief Wentz get back with her. Ms. Schlosser went on. Brad Bryan advised Ms. Schlosser her 5 minutes were up. Brad Bryan stated they have spoken several times over the past three years for several hours regarding the matter. Police officers spoke to her on more than one occasion after her complaint was filed. He does not do Police investigations. He communicates with the Police while an investigation is going on and makes sure they are handling things properly. Ultimately it is his job to decide if there is enough evidence to charge the offender. There was not enough evidence in this case to prosecute.

Vicky Salsbury stated to Theresa Schlosser she is sorry for what she went through. When Ms. Salsbury was nine years old, her mother was murdered by her father. Her sisters and she raised each other. Ms. Salsbury told Ms. Schlosser every day is a healing process, don't live in the past. Ms. Salsbury asked if AVT use for leaves is permitted. Brad Bryan stated we will not enforce the ordinance against people that are using it for yard work. Ms. Salsbury asked if the Village could do what Macedonia is doing and allow one day of riding. Councilman Vojtush stated he does not mind having a work session about it. Vicky Salsbury stated the detour on Ledge Road is a huge inconvenience. Ms. Salsbury does not feel the signs are clear. She understands it is Macedonia's jurisdiction but feels it is out of control.

Eric Childers stated he is not a resident of Northfield but wants to point out what happened to his mom (Theresa Schlosser). He stated this was a sexual assault that happened in the Village and is disappointed it was thrown out nine days later. Mr. Childers stated that considering you (Mayor Nehez) did say you talked to him (Chief Wentz), and he (Chief Wentz) is saying (according to his mother) you never did, what can his mother expect in regards to that. Who is going to call her with the truth? Second, he asked Brad Bryan about his 40 minute interview by a Police Officer. There is no record of this. Why? He is concerned about how his mother was treated and wants to know who is lying, the Mayor or the Police Chief.

Brad Bryan responded to Eric Childers that three years ago he was advised an officer did interview him and the results of that interview are in the police reports. Mr. Childers stated the officer told him the interview will be recorded, and there is no record of this. Mr. Bryan stated that if it were recorded, the recording would be in the file. Eric Childers stated he wants someone to sit his mother down and explain to her why this case was not prosecuted, She deserves at least that much. Brad advised he has done that. He has talked to her for several hours over the past three years. Brad Bryan advised an investigation was done at the time, and there was a lengthy interview. He will look into it and see what else the Police Department has.

REPORTS OF MUNICIPAL OFFICERS:

MAYOR JESSE J. NEHEZ - No report.

FINANCE DIRECTOR TIM CLYMER – Not present.

ENGINEER RICHARD WASOSKY – Not present.

LAW DIRECTOR BRADRIC BRYAN- No report.

DEPARTMENT HEADS:

Police Department, Chief Mark Wentz- Not present.

Fire Department, Fire Chief Jason Buss- Not present.

Service Superintendent/Building Inspector, Jason Walters-Reported Elm, Magnolia and Heights were completed. There are still some issues that need to be addressed. Jason and Engineer Rich Wasosky will meet with the paving contractor next week, walk the Roads, and to go over these issues. Jason addressed the Ledge Road issue Ms. Salsbury brought up. He will call ODOT and see if he can get better signs. He agrees it is an issue that needs to be addressed. Leaf season is scheduled to begin Friday. Jason may push the schedule back if the Service Department has more Road patching to do. The leaves are not falling down yet. He would rather

push the date back than just pick up a pile or two of leaves. As far as Mr. Czerr's problem, he will check his apron to see if there is a water issue. If it is something he can repair with a little asphalt he will, but he cannot replace or repair the whole apron. As far as the Gas Company, he has no control over them, nor does the Village.

REPORTS OF MUNICIPAL BOARDS AND COMMISSIONS:

PLANNING COMMISSION, ALAN E. HIPPS- No report.

RECREATION BOARD, MAYOR NEHEZ-The Board will start planning for Christmas. They will have a meeting November 5th at 7:30 pm in the Council Chambers.

CEMETARY BOARD, BEATRICE GREENLEE- No report.

REPORTS OF STANDING COMMITTEES:

FINANCE: LINDA BOWEN- There was a finance meeting today. Councilwoman Bowen asked Brad Bryan to read the finance resolution.

Resolution 2015-72 An Emergency Resolution Approving the Payment of the Bills for the Month of October, 2015 Totaling \$401,947.73. A Motion for approval was made by Councilwoman Bowen, seconded by Council President Greenlee. 5 votes yes, Councilman Vojtush abstained. Motion passed.

ROADS/PUBLIC WORKS: JIM DAUGHERTY - No report.

HEALTH AND WELFARE: GARY VOJTUSH - No report. Councilman Vojtush did advise he was not aware of Resolution 2015-71, a Resolution for employee medical, dental, and vision coverage until tonight. He stated he did not have time to present an alternative study for this type of coverage as he did last year, and he would have liked that opportunity. He asked if this resolution had to be passed at this meeting. Brad Bryan advised we would like it passed because the new coverage year starts November 1. Brad Bryan also wanted to point out there was no need to deliberate on the issue because there was essentially no increase. It is the best renewal rate we have ever had in the history of the Village. It is a .04% increase, less than a half percent on the health coverage.

Councilman Vojtush asked if it is appropriate, he would like to make a motion to skip the three reading rule so they can pass it tonight. Councilman Magistrelli seconded the motion. Brad Bryan read the resolution.

Resolution 2015-71, An Emergency Resolution Authorizing the Mayor to enter into Agreements for Employee Medical, Dental and Vision Coverage.

All in favor, zero opposed. Motion to pass made by Councilman Vojtush, seconded by Councilman Daugherty.

Councilman Magistrelli stated he is on the negotiating committee for the Teamsters, and they were just given a quote with a 27 1/2 % increase, and that could come out of the workers' pockets because everyone is under contract. Councilman Magistrelli thought everyone did an outstanding job in getting this great renewal rate. All in favor, zero opposed. Resolution passed.

WAGES AND WORKING CONDITIONS: NICHOLAS MAGISTRELLI- Councilman Magistrelli stated when Finance Director Tim Clymer was hired, the Finance Department was in disarray. There was no money missing, but much of it was not properly accounted for. Councilman Magistrelli stated he has seen Mr. Clymer working late until 9pm on occasion, working on Saturday and Sundays to get things done. Mr. Clymer had a big mess to clean up. He came well recommended. He is young and energetic and has spent a lot of time getting

things done. Some reports may have been late, but they are here and they are correct. Councilman Magistrelli feels Mr. Clymer has done his due diligence and thinks his raise is well deserved. He will vote for it because it is hard to find young people that work hard.

Resolution 2015-60, An Emergency Resolution Pertaining to the Compensation for the Position of Director of Finance. Councilman Vojtush made a motion to table this issue. No second. Councilman Daugherty stated he would like to have a work session so this could be discussed further. Councilman Vojtush advised he has a lot of information to share on this subject, but he would prefer a work session. Councilman Magistrelli made a motion to pass, second by Council President Greenlee.

Councilman Vojtush wanted to remind everyone when Mr. Clymer first came to the Village for the position of Finance Director we did have a mess, and Mr. Clymer was unable to put the accounts back to where they needed to be for quite some time. He did manage to do that, and we did start to receive financial statements, but as mentioned today the program was working or we would not have received those financial statements. The entire time Mr. Clymer was here we had to have an assistant for Mr. Clymer. The assistant did her job quite well, and to his understanding, Mr. Clymer has only done approximately three payrolls and there were problems with payroll and Mr. Clymer had to have someone come help him. Councilman Vojtush stated he also understands Mr. Clymer has an outside person come in and go over our books. This does not give him very much confidence. Councilman Vojtush also said he received an e-mail today from someone requesting him to look into a few things including the property next door the Village and the property at 199 Ledge. Both properties taxes are delinquent for the past three years. Councilman Vojtush stated he does not have full faith in Mr. Clymer, and he believes Mr. Clymer should not receive a raise at this point. He advised he will vote no. Councilman Vojtush advised he did ask in early October for Mr. Clymer to copy his time cards to verify the 29 hours a week he has been working the past year and never received them. Councilman Vojtush also asked for the amount of time and hours spent and paid for someone to be his assistant and has not received that either. Mayor Nehez stated he had no idea Councilman Vojtush made that request. Councilman Vojtush advised he has it in writing and e-mails. Brad Bryan advised he was aware of it and did ask Mr. Clymer this week if they have been provided. Mr. Bryan said he was advised by Tim Clymer he had a very large public records request from the Police Union that he was working on. Councilman Vojtush stated with this raise and the tax delinquency issues, how can we approve a pay raise at this point?

Brad responded that there was an issue with filing the exemptions for the properties on time. The previous Finance Director said she did it but the pro-rated portions of the taxes we received from escrow from the sellers when we purchased the properties were not remitted later on when the taxes were owed. Since property taxes are billed a year in arrears, there was a misunderstanding as to whether they were owed because we are a public entity that is not required to pay them after the exemptions go into effect. It is Brad's understanding is that the exemption forms have been filed, and Tim is working with the County to get the portion of the taxes that we do not owe corrected.

Councilman Vojtush stated when the Village took over the taxes, we bought the buildings and the property taxes were paid, they were zeroed out. We now have a gazebo there instead of a building. The evaluation of the gazebo, and just the property, should not be the same as with the building. Brad Bryan stated he looked at the taxes today when this was brought to his attention. The duplicate for the building next door states it is vacant property with a gazebo. Brad stated the Village is exempt from property taxes after the first year after which the property is acquired. We do not pay property taxes as public entity going forward from that point. Councilman Vojtush stated someone is not doing their job. Brad Bryan said this does need to be resolved. He has addressed it with Tim Clymer and was advised he is speaking with the County about it. Brad said he will look into it and take care of it. Councilman Vojtush again made a motion to table this resolution. Councilman Daugherty seconded the motion. 2 in favor (Vojtush, Daugherty) 4 opposed (Bowen, Greenlee, Hipps, Magistrelli). Motion failed. Motion on the floor to pass. 4 in favor to pass (Bowen, Greenlee, Hipps, Magistrelli) 1 (Daugherty) Abstained, 1 opposed (Vojtush). Motion passed. 4voted yes, 1 no, 1 abstained, with the abstention deemed to have gone with the majority. Resolution 2015-60 is adopted.

FIRE AND SAFETY: BEATRICE GREENLEE- No report.

BUILDINGS & GROUNDS: ALAN HIPPS- No report.

LEGISLATION:

Ordinance 2015-70, An Emergency Ordinance Amending Chapter 618 of the Criminal Code Relating to Animals. - 2nd reading. Council will schedule a general work session for November 11, 2015 at 6:30 to discuss this Ordinance.

OLD BUSINESS; ANNOUNCEMENTS:

NEW BUSINESS;

Councilman Vojtush stated he would like to see a sponsor on each Ordinance, and possibly go back to the last Charter where we use the rules of order when the citizens in the audience can respond to each Ordinance or Resolution. Brad Bryan stated the Codified Ordinances would need to be amended.

Councilman Vojtush also wanted to thank Chief Wentz once again for the amount of work he has done on the Halloween Party. Councilman Vojtush stated Chief Wentz told him he had everything donated.

Mayor Nehez wanted to wish all the candidates good luck at the November 3 Election.

ADJOURNMENT -Motion by Council President Greenlee, seconded by Councilman Magistrelli. All in favor, zero opposed, meeting adjourned at 8:58pm.

Respectfully submitted by:

Timothy Clymer
Clerk of Council