

Village of Gates Mills
MINUTES OF A REGULAR MEETING OF COUNCIL
November 8, 2011

A regular meeting of the Council of the Village of Gates Mills, Ohio was held on Tuesday, November 8, 2011 at 6:30 P.M. in the Village Hall.

Councilmembers present: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider.

Councilmembers absent: Welsh.

Mayor White presided.

It was moved by Councilmember Riley, seconded by Councilmember Schneider, that Councilmember Welsh be excused from the meeting.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider.
Nays: None.
Motion carried.

The minutes of the meeting of October 11, 2011 were presented by the Clerk. It was moved by Councilmember Reynolds, seconded by Councilmember Barnes, that the minutes be approved as amended.

Roll call: Ayes: Barnes, Bletcher, Reynolds, Riley, Schneider.
Nays: None.
Abstain: Nemastil.
Motion carried.

Pay Ordinance #1135 in the amount of \$308,280.39 was presented by the Clerk. Councilmember Bletcher questioned the Ecolab invoice for \$2,297 for a three year supply of soap. He said the purchase was made from a company in Chicago. The price was about five times the price of a local company. He said that he talked to Service Director Biggert about sending it back. To help in do this and hopefully avoid a restocking fee, he suggested the invoice be excluded from the approval of this Ordinance. Service Director Biggert said that at the bottom of the invoice it states the price includes a rental fee for the dispensing equipment. He is waiting for a return call about his question but agrees that most of the product should be returned and we should buy it somewhere else. Councilmember Schneider asked if the product is made only by Ecolab. Service Director Biggert said his big concern is that they have the right to remove the equipment if we do not use their products. Finance Director Lechman asked Law Director Riehl if the approval of this check could be withheld since it had already been cashed. She added that all Councilmembers had a copy of the checks written two days before they were mailed. Law Director Riehl said Council can approve the Ordinance excluding this check. Councilmember Riley requested Service Director Biggert give Council a report showing exactly what the final cost is. Councilmember Reynolds requested they be given the information before the next council meeting. Clerk DeCapite said her company has a similar equipment arrangement. They buy their supplies from Ohio Soap. She can

supply contact information. It was moved by Councilmember Bletcher, seconded by Councilmember Reynolds, that Pay Ordinance #1135 excluding check #4702 payable to Ecolab be approved. Finance Director Lechman asked Law Director Riehl at what point the expenditure would be approved. Law Director Riehl said we should wait until the final cost is known.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider.
Nays: None.
Motion carried.

The financial statement for the period ending October 31, 2011 was presented by the Clerk. Councilmember Barnes said we are expecting another \$160,000 - \$200,000 in Municipal Income Tax. The department heads continue to do a good job. The Service Department is later than last year in road work expenses. The Village is on track to have a good year.

Councilmember Welsh entered the meeting.

Chief Szeredy presented a written report for the Police Department for the preceding period. There were two house burglaries last month. He is asking the public to be the eyes and ears and reporting all concerns to the police department. The signs were installed on the walking bridge asking people to walk – not to ride skateboard, bicycles, or rollerblades, etc.

Service Director Biggert submitted a written report for his department for the preceding period. Road paving is behind because of the weather but the contractor said the work will get done this year. Councilmember Reynolds asked why Chagrin River Road was closed between Shaker and Fairmount. Village Engineer Chris Courtney said this area was in Hunting Valley. The channels and culverts were cleaned out in order to avoid high water. The road should be open in a day or two. Councilmember Bletcher thanked Village Engineer Courtney for helping a resident on SOM; it was beyond the call of duty.

Chief Robinson presented a written report for the Fire Department for the preceding period. Councilmember Schneider asked if the Mlakar's were installing a gas well. Service Director Biggert said a driveway is being installed.

Resolution #2011-29 entitled "A Resolution Authorizing The Mayor And The Clerk To Enter Into An Agreement With First Communications To Furnish Telephone Services To The Village Of Gates Mills For A Period Of Three Years," was introduced by Councilmember Barnes and given its second reading by the Clerk. Councilmember Barnes explained that First Communication would not add to the contract the language we wanted which would protect the Village from costs being added during the term of the contract. They proposed language allowing us to look for another vendor in 18 months. If we find a vendor who offers a cost of at least 10% less, and First Communications does not meet that cost, we have the option of getting out of the contract without penalty. Councilmember Bletcher explained there are two parts to additional charges – government imposed and allowed charges. He asked Law Director Riehl how additional charges can be legally added once we have a contract without being in violation of the contract. If we find an additional charge on our bill that is not government mandated, could we challenge the charges and tell them we are not going to pay. Law Director Riehl said we could.

Councilmember Schneider asked about the “additional equipment” that is in the contract. Service Director Biggert said it could be fax or analog equipment. First Communications will now be our local and long distance carrier. The 911 equipment is totally separate. Councilmember Bletcher asked if First Communications was providing any equipment. Service Director Biggert said no.

Councilmember Bletcher summarized by saying that First Communications must abide by the line items they have quoted. Any new line items that are not required by the Federal government, like taxes, we will audit. “As Law Director Riehl said, we will contest these and say they are outside the terms of our contract.”

Councilmember Schneider asked if the Resolution should be passed now so it can go into affect quickly. Service Director Biggert said it will take time for the conversion. There will be parallel testing for a couple weeks. He thinks the switch will be done the beginning of January.

It was moved by Councilmember Barnes, seconded by Councilmember Bletcher, that the rules requiring ordinances to be read on three different days be suspended and that Resolution #2011-29 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

It was moved by Councilmember Barnes, seconded by Councilmember Riley, that the amendment (discussed above) written by First Communication be added to the contract.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Bletcher, that Resolution #2011-29 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Resolution #2011-30 entitled “An Ordinance To Provide For Temporary Appropriations For The First Quarter of 2012,” was introduced by Councilmember Barnes and read by Clerk. It was moved by Councilmember Barnes, seconded by Councilmember Nemastil, that the rules requiring resolutions to be read on three different days be suspended and that Resolution #2011-30 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.

Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Nemastil, that Resolution #2011-30 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Ordinance #2011-31 entitled “An Ordinance To Amend The Annual Appropriation Ordinance No. 2011-03 To Increase Or Decrease Certain Appropriations And Other Expenditures Of The Village Of Gates Mills, Ohio For The Fiscal Year Ending December 31, 2011,” was introduced by Councilmember Barnes and read by the Clerk. Councilmember Riley asked if the \$27,200 in Section 3 of the Ordinance for Wastewater Plant Fund was an amount additional to the original \$24,200 or the final amount. He was told the final amount was the total which is \$41,400. Service Director Biggert explained that the Village paid for the work at the Chartley and Andrews Lane pump stations, which was the County’s responsibility. That expense offset the County’s expense for the Wastewater Treatment plant maintenance. The County’s expense has now exceeded the Village’s expense, so the Village was charged \$28,777 this year and will be charged more next year. Engineer Courtney said the Wastewater Treatment Plant expense will be about \$40,000 next year. The cost to maintain the Village’s pump station will be about \$10,000. The cost of maintaining the County’s pump stations is assessed by the County to those who use it. Councilmember Riley asked how much the repair to our pump station will cost. Service Director Biggert said approximately \$16,000. Councilmember Riley asked how much will be saved by making improvements to the Village’s pump station. It was decided there will be a return in 5-10 years.

Councilmember Bletcher said a committee should study the cost and charges for the usage of the wastewater plant; review how much should be charged to the entities for their use. Engineer Courtney said he has been looking at different sewer rate schedules and what it costs to operate and maintain. The use of the Village’s plant is the worst case scenario – limited number of users with the pump station, force main, and plant all serviced by the County. It is a costly service with limited users. Councilmember Bletcher said he felt that the cost should be allocated to each user – if the entities use 20% of the plant capacity they should pay 20% of the cost. Councilmember Schneider said she wasn’t sure it would be a realistic charge. She thinks we should look at the numbers. It was moved by Councilmember Barnes, seconded by Councilmember Bletcher, that the rules requiring ordinances to be read on three different days be suspended and that Ordinance #2011-31 be placed upon its final passage.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

It was then moved by Councilmember Barnes, seconded by Councilmember Bletcher, that Ordinance #2011-31 be approved.

Roll call: Ayes: Barnes, Bletcher, Nemastil, Reynolds, Riley, Schneider, Welsh.
Nays: None.
Motion carried.

Business from the audience:

MaryAnn Kish said there is a house for sale on Battles Road that has a pool and no fence. Service Director Biggert said it will not pass inspection. The inspection will not be done until after the house is sold. MaryAnn said she had to put up a fence which she resents, so others should have to put up a fence, also. MaryAnn said there are a couple of homes on Battles Road without fences. Councilmember Schneider asked her to give Service Director Biggert the addresses of these homes. Councilmember Reynolds asked if people can get insurance coverage if they do not have a fence around their pool. MaryAnn said she can't get insurance and she has a fence. She brought up this subject four years ago and nothing has been done about it. She asked if the Village would be liable if something happens and there is no fence. Law Director said under the State law the Village would not be liable.

There being no further business, it was moved by Councilmember Reynolds, seconded by Councilmember Nemastil, and unanimously carried, that the council meeting be adjourned.

Respectfully submitted,

Beth DeCapite, Clerk

Approved:

Connie White, Mayor