

*Village of Windham, Ohio*  
**Minutes of the Council Meeting**  
Held February 24, 2009

At 7:05 PM, the Honorable Mayor Robert W. Donham II called the meeting to order and led in the pledge of Allegiance to the Flag of our Country.

Mayor Donham asked all to observe a moment of silence for our recently departed solicitor, Mark Manlove.

Roll Call:      Rachel Barrett – present,                      Scott Garrett – present,  
                     Kelly Meszaros – present,                      Linda Rininger – present,  
                     Randy Slusher – present,                      Phil Snyder – present

Also present, Village Solicitor Tom Reitz, Village Administrator Maurice Hankins, C. James Moore, Bruce Rininger, Audrey Roth, Francis Ballard, Nancy Packard, Police Chief Perdian, Brenda Slusher, Fire Chief Simpson, and Dixie English

**The minutes of the January 27, 2009 Regular Council Meeting, and February 10, 2009 Resumed Council Meeting** were reviewed and Mrs. Rininger said the February 10<sup>th</sup> minutes are not correct. She said the section where Mrs. Bauer rose and asked why there is not a single woman on the utility committee. That's not what she asked. She asked why there is not a single woman chairing any committee. Mrs. Barrett said there is also another correction on the same page a little further up where there on Ordinance O-2009-4 a motion by Mr. Snyder and also a second by Mr. Snyder which should read seconded by Mr. Slusher. Mr. Snyder moved to accept the minutes with the corrections and Mrs. Meszaros seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

**Village Fiscal Officer reports, Lloyd Billman** The Village Fiscal Officer gave the Income Tax Revenue for January 2009 as \$63,017.30 and stated that of this total, \$4,802.05 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of January 2009 in the amount of \$150,643.83 in checks, charges, etc. Check numbers 21755 through 21906 were paid from the Primary Checking Account during January with no checks voided during the month.

The Fiscal Officer stated that the January 2009 Bank Reconciliation with an all funds reconciled balance was \$686,000.15

The Fiscal Officer noted that our 2008 audit will cost \$15,000 and asked Council to approve this expenditure. He added that this is the lowest audit cost in his experience for the Village.

Also, the Fiscal Officer pointed out that an Ordinance O-2009-6 had been distributed as a previously passed Resolution R-2009-6 and apologized for the error. The correct Ordinance was at everyone's place at the table.

**Village Council President, Phil Snyder** Mr. Snyder said he had no report at this time.

**Dispatchers, Police, Fire and Rescue Squad (EMS) reports for January 2009 by Phil Snyder.**

Phil gave the monthly reports relating to both Police and Fire Departments.

Mayor Donham said that the January numbers are between 30 and 40% of what they were for 2008 and he is pleased at the continued improvement.

**Mayor's Communication and Correspondence**

Mayor Donham said the Mayor's annual report for 2008 will be distributed to Council Members and inserted into the Water Bills..

**Prior requests of guests to speak:** There were no prior requests of guests to speak.

**Finance Committee Report by Scott Garrett.** Mr. Garrett made a motion to approve the \$15,000 amount for our 2008 audit which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mr. Slusher, Mrs. Meszaros, Mrs. Barrett, Mrs. Rininger. Nays: None. Motion carried.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of January 2009 of \$150,643.83 in checks, charges, etc. Check number 21755 through 21906 were paid from the Primary Checking Account during January and no checks were voided during January 2009. The motion was seconded by Mr. Snyder. Vote of Council: Yeas: Mr. Garrett, Mr. Snyder, Mr. Slusher, Mrs. Meszaros, Mrs. Barrett, Mrs. Rininger Nays: None. Motion carried.

Mr. Garrett then made a motion to approve the January 2009 Bank Reconciliation with an all funds reconciled balance of \$686,000.15 and the following monthly reports for the month ending January 31, 2009: Fund Summary, Appropriation Summary, Revenue Summary, Payment Register, Charge Register, Expenditure Summary, Cash Summary by Fund, also for the following Year to Date Reports through January 31, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. This was seconded by Mr. Slusher. Ayes: Mrs. Rininger, Mrs. Meszaros, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried

Mr. Garrett read Resolution R-2009-8 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW.

Mr. Garrett made a motion to adopt the Resolution which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mr. Slusher, Mrs. Meszaros, Mrs. Barrett, Mrs. Rininger. Nays: None. Motion carried.

Mr. Garrett made a motion to spend \$99.26 for flower (\$95.00) and sympathy card (\$4.26) for our departed solicitor Mark L. Manlove. Mr. Snyder seconded the motion. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mr. Slusher, Mrs. Meszaros. Nays: Mrs. Barrett, Mrs. Rininger. Motion carried.

**Safety / Personnel / Rules Committee by Phil Snyder.**

Mayor Donham said that the proclamation and badge retirement for Officer Dean are in process at this time.

Mr. Snyder read Ordinance O-2008-30 AN ORDINANCE ADDING SECTION 155.16 TO THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM IN ORDER TO PROVIDE A CELL PHONE ALLOWANCE FOR FULL TIME VILLAGE EMPLOYEES DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT

ORDINANCES. This was the third reading and a motion to adopt was made by Mr. Snyder which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mr. Slusher. Nays: Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros. The vote being tied at three to three, Mayor Donham cast the tie breaking vote as Aye. The Motion was carried and the Ordinance will go into effect on March 26, 2009.

Mr. Snyder read Ordinance O-2008-31 AN ORDINANCE ADDING SECTION 155.05(a) OF THE CODIFIED ORDINANCE OF THE VILLAGE OF WINDHAM TO ADD TWO FLOATING HOLIDAYS FOR FULL TIME EMPLOYEES DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES. This was the third reading and Mr. Snyder made a motion to adopt which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mr. Slusher. Nays: Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros. The vote being tied at three to three, Mayor Donham cast the tie breaking vote as Aye. The Motion was carried and the Ordinance will go into effect on March 26, 2009.

Mr. Snyder made a motion to approve the Fire Department Roster Changes as submitted by Chief Simpson. Mrs. Barrett seconded the motion. After it was discovered that the Council Members did not have a copy of the Fire Department Roster, Chief Simpson went and made copies for Council to review. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Motion carried.

Mr. Snyder made a motion to adopt Resolution R-2009-7 A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO RENEW THE CONTRACT WITH ANTHEM BLUE CROSS/BLUE SHIELD FOR HEALTH INSURANCE WITH EMPLOYEE OPTIONS FOR DENTAL AND VISION FROM MARCH 1, 2009 TO FEBRUARY 28, 2010 WITH THE SAME COVERAGE AS LAST YEARS AGREEMENT AND DECLARING AN EMERGENCY. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried.

Mr. Snyder read Ordinance O-2009-6 AN ORDINANCE REVISING SECTION 155.06, ENTITLED HEALTH INSURANCE, OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM. He then made a motion to suspend the rules which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Meszaros. Nays: Mrs. Rininger Motion carried.

Mr. Snyder then made a motion to adopt Ordinance O-2009-6 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried.

Mr. Snyder then made a motion to follow the Safety Committee guidelines and offer Health Insurance to all Village Employees who are not Full-Time and work regularly in excess of 24 hours per week. It was determined that work regularly would mean that they had been working that number of hours for at least one year. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried.

Mr. Snyder then read Resolution R-2009-9 A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO ESTABLISH A SCHOOL RESOURCE OFFICER GRANT FUND NUMBER 2124 FOR THE PURPOSE OF PROVIDING FOR AND FUNDING OF NECESSARY SCHOOL RESOURCE EXPENSES AND DECLARING AN EMERGENCY. He then moved to adopt the Resolution which was

seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried.

**Service Committees: (Utilities, Street & Sidewalks, Housing Code, Buildings & Properties)  
Utilities**

**Utilities report by Randy Slusher.** Mr. Slusher said he had nothing to report on Utilities.

**Streets and Sidewalks by Randy Slusher.** Mr. Slusher said he would like to mention that someone had cleared the sidewalks of the Elementary School on down to Jim's Fuel and Deli during our last big snowfall. He wanted to thank the person responsible but was unable to find out who had performed the good deed.

**Housing Rental License Code by Randy Slusher.** Nothing to report from Randy

**Village Buildings and Properties by Randy Slusher.** Mr. Slusher said they discussed the overhang on the buildings and were in search for a contractor who would put in a bid to change the overhang. If anyone knows of one, please see Maurice.

**Planning and Zoning Commission by Randy Slusher** Mr. Slusher said he had nothing.

Mayor Donham said he would like to make an appointment of an individual to replace Tom Denvir, Sr. on the Planning and Zoning. He appointed Diane Roman. Mr. Snyder made a motion to approve the appointment which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mrs. Meszaros. Nays: Mr. Slusher. Motion carried.

**Parks and Recreations by Phil Snyder.** Mr. Snyder said that they have set a tentative date of May 16<sup>th</sup> for Park Earth Day and will have a park walk thru on March 2, 2009 at 5:00 PM. He hoped they would get more participation from the Hot Stove on the Park this year.

**Bicentennial Committee by Kelly Meszaros** Kelly said there is one last wrap-up meeting yet to be held but they haven't set the date as yet for the meeting..

**Economic Development and Long Range Planning by Phil Snyder** – Nothing to report.

**Guest Recognition.** Maurice said that all water deposits were decreased for active accounts and have been taken off the water bills.

Mrs. Ballard explained about matters she had discussed at the last recessed meeting which were not kosher relating to committee appointments. Council is not allowed to have two members on the Park Board and cannot specify a Council member as Resident in order to avoid that conflict. She also questioned entering executive session and citing personnel reasons. There has to more detail given.

Mayor Donham explained that we have only gone into executive session when our Village Solicitor was present and didn't at the last Safety Meeting since legal counsel was not present at that meeting. Unfortunately our solicitor had passed away and that was the reason he wasn't there. He also said that Mrs. Ballard had served as a member of Council and knows how this operates.

Mrs. Ballard also questioned if everything on the Council is an emergency. She noted that there were numerous instances of legislation passing as an emergency measure. She said as a voter she is uneasy with that process.

Mayor Donham said he would extend Mrs. Ballard's time one more minute.

Mrs. Ballard asked if the Committee Members had been changed. She is disappointed that there are not more females involved on committees.

Mayor Donham said that he had made one change upon the advise of legal counsel.

Mrs. Ballard said she would be back to the next Council Meeting to continue.

Mrs. Dixie English, a Windham Township resident, was recognized and asked questions about the EMS service and why when she was violently ill, Community Ambulance would not send anybody to her aid. Our dispatch, after being instructed by the Mayor, called Community and she was transported. The Windham Volunteer Fire Department could not transport because only one EMS was available.

After some additional discussion, Chief Simpson apologized for the unfortunate experience she had.

Mr. Garrett then made a motion to enter into executive session which was seconded by Mr. Slusher in order to discuss personnel issues to employ an interim solicitor and potential sale of Real Estate. The Vote of Council was Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried and Council left to go into executive session at 8:21 PM.

Upon returning to Council Chambers, Mrs. Barrett moved to return to regular session which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried and Council resumed regular session at 9:42 PM.

Mr. Snyder read Ordinance O-2009-7 AN ORDINANCE AUTHORIZING THE MAYOR AND THE VILLAGE FISCAL OFFICER TO ENTER INTO AN AGREEMENT WITH THOMAS REITZ AUTHORIZING HIM TO SERVE AS INTERIM VILLAGE SOLICITOR FOR THE VILLAGE OF WINDHAM COMMENCING ON FEBRUARY 13, 2009, SETTING THE TERMS OF HIS COMPENSATION AND DECLARING AN EMERGENCY. Mr. Snyder then moved to suspend the rules which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried.

Mr. Snyder then moved to adopt Ordinance O-2009-7 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Meszaros, Nays: Mrs. Rininger. Motion carried.

Mrs. Barrett then moved to advertise for a Village Solicitor and Mrs. Rininger seconded the motion. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays: None. Motion carried.

Mr. Snyder then moved to approve the letter to be sent by Mayor Donham to the Portage County Water Authority. Mr. Slusher seconded the motion. Vote of Council: Ayes: Mr.

Snyder, Mr. Garret, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros. Nays; None.  
Motion carried.

Mr. Snyder then moved to adjourn the meeting which was seconded by Mr. Garrett. Vote of  
Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs.  
Meszaros. Nays: None. Motion carried.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor