

Village of Windham, Ohio
Minutes of the Council Meeting

Held November 24, 2009

At 7:03 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.

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

Also present, Village Solicitor Tom Reitz, Village Administrator Maurice Hankins, Fire Chief Simpson, Police Chief Ed Perdian, Bruce Rininger, Brenda Slusher, C. James Moore, Denise Bly, Jena Miranda, Tom Byich, Pastor Fred Youngen, Harry Skiles, Bill Isler, Patrolman and Mrs. Scott Hearn, Patrolman Homer Hood.

All present observed a moment of silence for Richard Sands at the request of Mayor Donham. Mr. Sands had been very active in our community.

The Mayor asked we might move two items from the end of Safety Personnel and Rules to this point in the Meeting while awaiting the arrival of Scott Garrett. Mrs. Meszaros moved and Mr. Slusher seconded the motion to make the change in the Agenda. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Slusher made a motion to approve Scott Hearn as Full Time Patrolman with effective date upon compliance with requirements for full time status with Ohio Police and Fire Pension Fund. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Patrolman Scott Hearn and Mrs. Hearn were brought into the meeting and Mayor Donham swore in Patrolman Hearn who was then given a round of applause.

Councilman Scott Garrett entered the meeting at this point at 7:10 PM.

Patrolman Homer Hood was then given a Merit of Commendation the text reading as follows: Let it be known that on the 24th of November 2009, Windham Police Officer Homer J. Hood is honored and recognized for his handling of a field police call to service involving a suicidal male on the 18th of June 2009. Officer Hood responded and intervened appropriately and professionally and prevented the situation from escalating further.

Officer Hood has the acknowledgement and appreciation of his peers regarding his response to this particular service call, council recognition and a copy of this COMMENDATION to be placed in his personnel file.

Signed Mr. Robert Donham, Mayor Edward M. Perdian, Chief of Police.

Officer Hood received a round of applause from those in attendance.

The minutes of the October 27, 2009 Regular Council Meeting. Mrs. Barrett made a motion to approve the minutes which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Village Fiscal Officer reports, Lloyd Billman The Village Fiscal Officer gave the Income Tax Revenue for October 2009 year to date as \$447,073.41 and stated that of this total, \$35,614.71 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of October 2009 in the amount of \$208,229.04 in checks, charges, etc. Check numbers 23208 through 23396 were paid from the Primary Checking Account during October. Check numbers 23266, 23287 and 23326 were voided during October 2009.

The Fiscal Officer stated that the October 2009 Bank Reconciliation with an all funds reconciled balance was \$690,897.22.

Mr. Snyder was absent due to the death of his brother Ken so there was no report from the Council President.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for October 2009 by Scott Garrett. Mr. Garrett gave the monthly reports relating to both Police and Fire Departments.

Mayor's Communication and Correspondence Mayor Donham said he has nothing to report.

Prior requests of guests to speak Mayor Donham recognized Pastor Fred Youngen and Tom Byich who represented the Renaissance Family Center and said it would be proper for Council to enter Executive Session at this time.

Atty. Retz explained that Mr. Slusher has a conflict because he serves on the Board of the Renaissance Family Center, but should not lose his rights as a citizen and would be entitled to enter into executive session as a board member of the Renaissance Family Center along with Tom Byich and Pastor Fred Youngen..

Mrs. Barrett made a motion to enter into Executive Session to discussion acquisition of interest in property and invite Pastor Youngen, Mr. Byich, Mr. Hankins and Mr. Slusher. The motion was seconded by Mr. Garrett. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Abstain: Mr. Slusher because he serves on the board of the Renaissance Family Center. Motion carried and Council along with invitees entered executive session at 7:25 PM

Mrs. Rininger made a motion to return from executive session which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Abstain: Mr. Slusher for the aforementioned reason. Motion carried and Council returned from Executive Session at 9:06 PM.

Finance Committee Report by Scott Garrett. Mr. Garrett said the minutes for the Finance Committee meeting have been passed out.

Mrs. Meszaros made a motion to approve the Fiscal Officers expenditures for the month of October 2009 of \$208,164.04 in checks, charges, etc. Check numbers 23208 through 23250 and 23252 through 23396 were paid from the Primary Checking Account during October. Check numbers 23266, 23287 and 23326 were voided during October 2009. The motion was seconded by Mr. Slusher. Vote of Council: Yeas: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of October 2009 of \$65.00 in a check # 23251 which was paid from the Primary Checking Account during October. Mr. Slusher seconded the motion. Vote of Council: Yeas: Mr. Garrett, Mrs. Barrett, Mrs. Rininger, Mr. Slusher. Nays: None. Abstain: Mrs. Meszaros because her husband owns Meszaros Motorsports which is the payee of this check. Motion carried.

Mrs. Barrett made a motion to approve the October 2009 Bank Reconciliation with an all funds reconciled balance of \$690,897.22 and the following monthly reports for the month ending October 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 October 31, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mrs. Meszaros. Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried

Mr. Garrett read Ordinance O-2009-32 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM, AS SET FORTH BELOW AND DECLARING AN EMERGENCY** as third reading and made a motion to adopt which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-34 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

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

Mr. Garrett read Ordinance O-2009-33 **AN ORDINANCE APPROVING THE PERMANENT APPROPRIATIONS FOR 2010 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY** which was on third reading and made a motion to adopt which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-38 **BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY** and made a motion to suspend the rules which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett then made a motion to adopt Ordinance O-2009-38 which was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-39 **AN ORDINANCE AMENDINGN ORDINANCE No. O-2009-37, TO REFLECT THE CURRENT SALARIES AND WAGES OF ALL FULL-TIME AND PART-TIME EMPLOYEES WITHIN THE VILLAGE OF WINDHAM, COUNTY OF PORTAGE AND STATE OF OHIO, REPEALING ALL PRIOR INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** as first reading.

A question was raised by Mrs. Rininger about the 2% increases and answered that both the minimum and maximum rates were increased by 2%. She also asked if most of the people in the ranges were at the top of their range, and the Mayor answered no he didn't think so. Mrs. Barrett said it didn't sit well with her that the rate for School Crossing Guards was increased when they wouldn't even have been working two months at the time the increase went into effect. The increase for the School Crossing Guards will be removed before the second reading and vote.

Mr. Garrett read Resolution R-2009-35 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW** and made a motion to suspend the rules which was seconded by Mrs. Barrett. Atty Reitz said both Resolutions R-2009-35 and R-2009-36 read the same and the wording in Section One should be included to differentiate between them. Mr. Garrett then read Section One which says The Village Fiscal Officer shall have the authority to create purchase order 806-2009 in the amount of \$5,250.00 to Arcadis FPS for engineering services and purchase order 818-2009 in the amount of \$5,170.00 to Lamberts Roofing for repair of wind damage.

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

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

Mr. Garrett read Resolution R-2009-36 **A RESOLUTION AUTHORIZING THE VILLAGE FISCAL OFFICER OF THE VILLAGE OF WINDHAM TO CREATE THE FOLLOWING THEN AND NOW PURCHASE ORDERS AS LISTED BELOW** along with the language in Section One which states The Village Fiscal Officer shall have the authority to create purchase order 853-2009 in the amount of \$4,500.00 to Bochert Excavating, Inc for Village matching fund portion of catch basin project # CG03M. and made a motion to suspend the rules which was seconded by Mrs. Meszaros.

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

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

Safety / Personnel / Rules Committee: Linda Rininger Committee Member. Mrs. Rininger said she wanted to announce that the Windham Volunteer Fire Department Joint Fire District has made their selection for the fifth member; it is Don Altieri. There were three or four candidates and all were very well qualified. She said she thought he would be a great addition.

Mrs. Rininger read **Ordinance O-2009-40 AN ORDINANCE AMENDING THE SECTION 155.05(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM TO REVISE THE DATES OF HOLIDAYS FOR VILLAGE OF WINDHAM EMPLOYEES, AND REPEALING ALL PRIOR AND INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** as first reading. Mrs. Meszaros asked if this would take effect this year, and Mrs. Rininger said it would take effect next year. It would not require a suspension of the rules since the Presidents Day Holiday is in February.

Mr. Slusher made a motion to approve Sandra Smith as crossing guard starting November 12, 2009 at a rate of \$7.30 per hour which was seconded by Mrs. Meszaros. Vote of Council: Ayes:

Mrs. Rininger, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: None. Motion carried.

Mrs. Barrett made a motion to approve Renee Turk as crossing guard starting November 12, 2009 at a rate of \$7.30 per hour which was seconded by Mrs. Meszaros. Mrs. Rininger said the only concern she had was the start date which was almost two weeks ago. Mayor Donham said there was some confusion and some thought they had been approved last meeting, but that was for the position itself. Mrs. Meszaros said she had spoken with Mrs. Kropinak and they are working out very well and are making a very positive impact. Mr. Garrett said he lives across from the school and notices that the students are more orderly and not walking in the street, but are walking on the sidewalks now and crossing at the cross walks.

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

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

Utilities report by Randy Slusher. Mr. Slusher read **Ordinance O-2009-41 AN ORDINANCE AMENDING SECTION 921.01(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM TO ESTABLISH SEWER RATES FOR CUSTOMERS OF THE VILLAGE OF WINDHAM, REPEALING ALL PRIOR AND INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** as a first reading.

Mr. Slusher read Ordinance O-2009-42 **AN ORDINANCE AMENDING SECTION 923.03(a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM TO ESTABLISH WATER RATES FOR CUSTOMERS OF THE VILLAGE OF WINDHAM, REPEALING ALL PRIOR AND INCONSISTENT ORDINANCES AND DECLARING AN EMERGENCY** as a first reading.

On the next item, Fiscal Officer Billman explained that a bankrupt landlord offered and paid \$2700.00 as a security to be used in case of non-payment of Water and Sewer bills during a given month. He said that State Auditor Ed Rance advised that this would be proper to encumber the money made payable to Windham Utilities and that is the reason the purchase orders were created.

Mrs. Barrett made a motion to approve the creation of purchase orders # 844-2009 and 845-2009 each to Windham Utilities for security against Water and Sewer bills for a bankrupt landlord which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Slusher, Mr. Garrett, Mrs. Rininger, Mrs. Barrett, Mrs. Meszaros. Nays: None. Motion carried.

Streets and Sidewalks by Randy Slusher. Mr. Slusher had nothing to report.

Housing Rental License Code by Randy Slusher. Mr. Slusher said he had nothing.

Village Buildings and Properties by Randy Slusher. Mr. Slusher said he had nothing.

Planning and Zoning Commission by Randy Slusher Nothing to report.

Solicitor's Report by Tom Reitz. Atty. Reitz said he had no report.

Guest Recognition. None.

Any Other Business Properly Before the Council.

Mrs. Rininger said Ron Kilgore was selected as the township resident representative to Windham Volunteer Fire Department Joint Fire District. He is gathering information and becoming very involved. Mrs. Rininger made a motion to approve the selection which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mrs. Barrett moved to adjourn which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried and Council was adjourned at 9:35 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor