Village of Windham, Ohio

Minutes of the Council Meeting

Held June 23, 2009

At 7:00 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 – present
	Kelly Meszaros – present,	Linda Rininger – present,
	Randy Slusher – present,	Phil Snyder – present

Also present, Village Solicitor Tom Reitz, Village Administrator Maurice Hankins, Police Chief Perdian, Fire Chief Simpson, Housing Inspector Tom Brett, Bruce Rininger, Nancy Packard, Carol Kropinak Superintendent of Windham Schools, Pat Schaeffer, Janice Krocher, Mike Iwanickyj, Joe Veccia, Denise Bly

The minutes of the May 27, 2009 Regular Council Meeting were reviewed and after Mr. Snyder moved to accept the minutes, Mrs. Rininger said there was a change needed in the minutes but due to the fact that neither the Fiscal Officer nor Mrs. Rininger had a good audio recording of the meeting due to failing batteries the minutes could not be approved at this time. Mr. Snyder then moved to table the approval of the minutes until the July Council Meeting. The motion was seconded by Mr. Garrett. 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 May 2009 year to date as $254,534.53 and stated that of this total, $15,114.45 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of May 2009 in the amount of $170,564.84 in checks, charges, etc. Check numbers 22389 through 22584 were paid from the Primary Checking Account during May. Check # 22408 was voided during May 2009.

The Fiscal Officer stated that the May 2009 Bank Reconciliation with an all funds reconciled balance was $768,602.18

Village Council President, Phil Snyder Mr. Snyder said he has nothing to report at this time.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for May 2009 by Phil Snyder. Phil gave the monthly reports relating to both Police and Fire Departments.

Mayor's Communication and Correspondence

Mayor Donham said he would like to congratulate the Police Department as they are again down about 33% from the same month last year on the number of complaints and there are more arrests than last year at this time. Mrs. Rininger asked if she could ask a question. She wanted to inquire from the Chief the procedure when someone walks into the lobby of the Police Department. She was told that the dispatcher would assist them as soon as practical because the dispatcher may be busy on an emergency call. There is a dispatcher in a wheel chair and he can't get up and come to the window. She also inquired how many cad calls they logged for the month. The Chief responded he would have to look but probably in excess of

2000. The cad calls are for all information including an officer calling off and are for a gambit of information.
The Mayor also wanted to stress to everyone in the audience and Council that the Township Trustees have the joint district Fire Department proposal from the Village. Council has review the proposal. It seems to be as logical and fair as you can possibly be with joint operation of both personnel and finances and I think it is the perfect long term situation. In the absence of that agreement, both sides will be moving forward. I just wanted to inform everybody that they have that, and it will up to them at this point.

Prior requests of guests to speak: Mrs. Carol Kropinak, Superintendent of Windham Schools. Mrs. Kropinak said she was addressing her remarks to Council rather than the audience. Earlier this year, Rob and my administrative staff and I have been having dialogue to increase the positive interaction with the schools and that is greatly appreciated, because what's good for the schools is good for the community and visa versa. We will continue that as we move forward. The item that I would like to talk to you tonight is the issue of School Resource Officer. When I started at this school eight years ago we had a School Resource Officer Tracy Mitchell, and that was very positive. Unfortunately, something like 9 1 1 occurred and all that funding went away. And Chief Perdian has attempted to apply for grants and they haven't worked out because Homeland Security basically took all of that money. Earlier this year, Windham Schools had an opportunity to receive some additional funding because of our poverty status to help facilitate the improvement of the educational environment. Perfect compliment, the School Resource Officer which is fantastic. I contacted the Chief about that and I have a couple of pieces of paper which I will share with you. I'm not going to spend your time tonight engaging in a long dialogue, but I would like you to look at our concerns and help facilitate to insure that this moves forward. I actually have a principal who looked at me and said, "I'm not so sure we ought to look at crossing guards this year. I'm not sure we're going to see them." We have $25,000 that we have said to the Village, we want to pay you this money; what can you do for us. And an initial proposal and a secondary proposal were very different. I have some concerns. I have put them in writing. I have crunched some numbers. I get rumors all the time. You get rumors. Rumors are just that, they are rumors; and I investigate and if they are true then we correct them and they are not rumors anymore. If they are rumors, we'll just ignore them, but if they are accurate we need to look at them a little bit. And so I'm looking to the Village to help us facilitate this and implement it prior to the next school year. Mayor Donham said we have the fund in place and asked the Chief if we will have an officer in place by August. Chief Perdian responded we are going to go through an interview process. Carol Kropinak and I have been discussing how that would actually take place because we want to put the best person in that position. We want someone who will be a student liason with the school. Mrs. Kropinak said we need the best officer we have the third week of August. Mrs. Rininger ask how long have you been trying to get this resolved. Mrs. Kropinak said the first proposal that he gave me was March 9th. The proposal that I received May 26th is very different, and that is one of my concerns. Mayor Donham said there are two different solicitors for those two documents. Mrs. Kropinak said OK and maybe there is a reason. Mayor Donham explained unfortunately we had the passing of Mark Manlove and Tom Reitz is our new solicitor. He drafted the second one. Mrs. Kropinak said her concern was not so much the length of the SRO program because we might get funding for that, but I certainly can't see a bill for $25,000 next spring without a guarantee. But also the Chief had approached me earlier this spring about us sharing in the cost of crossing guards. Windham Schools did not have the money to cover that, but with this funding that we have, we can because it falls under the aspect of providing a safe environment for our kids. And right now those of you who have children at the Elementary, who are your crossing guards? Classroom aids who would be better utilized with function within the building. But the Chief said, let's share the cost of crossing guards. But initially there were funds which would have come out of the $25,000 to help pay for those

crossing guards. And now we're looking at perhaps one parent volunteer. Mayor Donham said it is important to get both, but the Village is going to have a hard time especially this year and it will be low on the priority list because of funding. Mayor Donham asked if the $25,000 was to be for one year. Mrs. Kropinak said if the funding is available to us again next year, we would very much like to continue that program. She said Governor Stickland is being so kind and cutting our legs out from under us and giving us this mandate of what he wants in education and reducing the funding to go along with it. The Mayor said that if we were looking at $25,000 per annum, crossing guards should be no problem. I think we were looking at a three or five year program at $25,000. Mrs. Kropinak said we were originally looking at a two year program at $25,000 and now it's down to a one year program at $25,000. Whatever that $25,000 will buy is to the best of your abilities and our needs. The Mayor said we can set the parameters and see how long the money will last. Mrs. Kropinak said she is available all summer.
Mrs. Meszaros asked the Chief if he recalled their conversation in April after our original memorandum of understanding that he was going to change the wording on the SRO posting to let any applicants know that when they weren't being utilized on the SRO, that they would resume their normal duties. She asked for a copy of the latest posting and the wording hasn't changed. Why is that? The Chief responded that the posting pretty much says that if they weren't being utilized in the SRO program, then they would resume their normal duties. Mrs. Meszaros said no it doesn't. The Chief offered to get her a copy. Mrs. Meszaros said they are concerned to sign up for the program, if they aren't going to be used as an Officer outside of the SRO. The Chief explained that the Officer would be utilized in his original duties when not being utilized as an SRO. Mayor Donham said we would get this resolved. Atty. Reitz said we have a contract, and the contract could be amended.

Finance Committee Report by Scott Garrett. Mr. Garrett said that the finance minutes have been passed out and urged Council to review them.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of May 2009 of $170,564.84 in checks, charges, etc. Check numbers 22389 through 22584 were paid from the Primary Checking Account during May. Check # 22408 was voided during May 2009. The motion was seconded by Mr. Snyder. Vote of Council: Yeas: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mrs. Meszaros made a motion to approve the May 2009 Bank Reconciliation with an all funds reconciled balance of $768,602.18 and the following monthly reports for the month ending May 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 May 31, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. The motion was seconded by Mr. Snyder. Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried

Solicitor Reitz reminded council that Ordinance O-2009-8 was tabled last meeting and would require a motion to take it off the table. Mr. Snyder then made a motion to take Ordinance O-2009-11 off the table which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried. Mr. Garrett asked if this Ordinance could take effect in 2011. Mrs. Rininger suggested to Mr. Garrett that it could take effect January 1, 2011 and give us additional time and would be more fiscally responsible. The Fiscal Officer asked about the interim legislation which would take effect January 1, 2010. This legislation was passsed during the time that Mayor Moore was in office. After some discussion, and guidance from Atty Reitz the original Ordinance O-2009-8 was amended and O-2007-9 would not take effect but Ordinance O-2009-8 could take

effect January 1, 2011. Atty Reitz then gave the changes to the legislation to accomplish this and the marked up corrections were incorporated into the Ordinance. The motion to amend Ordinance O-2009-8 was made by Mr. Garrett and seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: Mrs. Barrett. Motion carried. Mr. Garrett then made a motion to approve Ordinance O-2009-8 as amended which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: Mrs. Barrett. Motion carried.

Mr. Garrett then gave the third reading of Ordinance O-2009-11 AN ORDINANCE REVISING SECTION 181.10 OF THE WINDHAM CODIFIED ORDINANCES WITH RESPECT TO THE TIME FOR PAYMENT OF ESTIMATED TAXES TO THE VILLAGE OF WINDHAM. Mr. Snyder made a motion to adopt the Ordinance which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Garrett read Ordinance O-2009-19 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. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: Mrs. Rininger. Motion carried.
Mr. Garrett then made a motion to adopt Ordinance O-2009-19 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: Mrs. Rininger. Motion carried.

Mr. Garrett read Ordinance O-2009-20 AN ORDINANCE APPROVING AN AMENDMENT TO THE PERMANENT APPROPRIATIONS FOR 2009 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY. Mr. Garrett made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mr. Slusher. Nays: Mrs. Meszaros, Mrs. Rininger. Motion defeated.
The Fiscal Officer said, "May I point out to Council that by not suspending the rules we are not able to pay our Bureau of Workers Comp because we can't change the appropriations. We won't be able to pay it September 1st so we go into default and go back to payments." Mrs. Rininger asked if she could give her reason. She said the thing about this which concerns her is we are showing an increase in our expenditures which I understand without an offsetting increase in revenue. The revenue that you have posted is $125,000 which is going to be dropped into a fund for a very specific reason and not going to be available to the Village. So where are we going to generate the additional revenue?
Mayor Donham explained that we have a revenue certificate as far as where it's at and you're right it's going to be tight.
Mrs. Rininger said, "Yeah its going to be real tight".
The Mayor continued that we explained that we had to amend this budget at $36,000 for the Solicitor line item and into Lori's line item $9,000 for Income Tax collections should she collect additional this year. If she collects $27,000, 30% of that would come out of this for collection fees. The other one was Worker's Compensation.
Mrs. Rininger said that I understand. She asked if it has increased since the beginning of the year.
The Mayor said we appropriated the reduction and then they sent us a larger than expected amount. Mrs. Rininger asked what percentage of an increase was that and the Mayor replied, I don't remember what the percentage was. The Water Department alone pays a 30% payment to BWC because of a past employee. Mrs. Rininger said she went through this and she understands that we need to approve this to pay the Worker's Comp but where are we going to

get this from? The Mayor said that what we have appropriated tonight is under the revenue but not by a lot. We are about 10 or 15 thousand under the revenue. We have cash reserves and I don't want to cut departments budgets. Mrs. Rininger said I know we have cash reserves, but we spent over $20,000 more this month than we brought in so the cash reserves are not an endless reserve. That is why this budget has me so concerned. The Mayor said when we look at the 2010 budget, we are going to take a serious look at some line items on revenue projections and say at the end of September and November where we are comfortable putting ourselves for next year. It is under the revenue for this year even with the revised Income Tax but it is not a deficit which is only the second time we have done that. Mrs. Rininger said she fears that we will have to cut something. The Mayor said we will keep a close eye on it. We have been paying down debt for the past three audits. Mrs. Rininger asked if we were getting a discount for paying the audit off in full. The Mayor said they have done away with that but our cost is so much cheaper now since it's a clean audit. Our 2008 audit was 20% of the cost of the 2004 audit. Mrs. Meszaros said her concerns are the same as Mrs. Rininger's. Mrs. Rininger said the main concern is what we are going to be taking on here in a few months. Mr. Donham said we are getting the chicken before the egg here and we will discuss in more detail when we get to the lawsuit, but I am comfortable passing this tonight. Mr. Snyder asked what additional money it would cost us if we didn't pay the Worker's Comp. Mr. Donham said we would get into the penalty phase and didn't recall the percentage. The Fiscal Officer said he was afraid if we don't pay our balance in September, they will take us back out of group again and our premium percentage would go up. Mayor Donham said he would strongly recommend reconsidering the ordinance. Atty Reitz said the procedure would be a motion to reconsider and second by two who were not originally in favor of suspending the rules. Mrs. Rininger made a motion to suspend the rules which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Garrett moved to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Garrett made a motion to adopt Ordinance O-2009-20 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher. Nays: Mrs. Rininger. Motion carried.

Mr. Garrett made a motion to suspend the rules on Resolution R-2009-19 A RESOLUTION APPROVING THE 2010 PROPOSED BUDGET AND AUTHORIZING THE FISCAL OFFICER TO SUBMIT THE BUDGET TO THE PORTAGE COUNTY AUDITOR AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Snyder. Vote of Council Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Garrett made a motion to adopt Resolution R-2009-19 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried

Mr. Garrett made a motion to suspend the rules on Resolution R-2009-20 A RESOLUTION ESTABLISHING A NEW FUND TO BE KNOW AS THE FIRE AND EMERGENCY MEDICAL SERVICE OPERATING FUND OF THE VILLAGE OF WINDHAM AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried
Mr. Garrett then made a motion to adopt Resolution R-2009-20 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried

Safety / Personnel / Rules Committee: Phil Snyder Chair. Mr. Snyder gave the third reading on Ordinance O-2009-10 AN ORDINANCE REVISING SECTION 121.01(i) ENTITLED Reading of Legislation OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM and Mr. Snyder made a motion to adopt the Ordinance which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Resolution R-2009-21 A RESOLUTION ADOPTING AN IDENTITY THEFT POLICY AND DECLARING AN EMERGENCY which was seconded by Mr. Slusher. When Mr. Donham asked if there was any discussion on this, Mrs. Rininger said 'What is this?' Mr. Snyder said it is an identity theft Resolution which has to be passed this month. Mayor Donham said that our Solicitor could speak to this a little bit more. Atty. Reitz said the Federal Trade Commission has used it's authority to indicate that all organizations which extend credit must have an identity theft policy and since we charge for water and sewer after the service has been provided, we fall into this category. The policy itself is a generic document which I generated and shared with your staff and they went thru and have marked the portions which are applicable to your specific procedures. So although I am the author of the things that are here, the parts that are in it were generated by those who actually do the work and know the procedures quite well. So that being the case, I encourage you to suspend the rules and pass it as an emergency as the deadline is upon us. Mrs. Rininger said that was my question, is this realistically something the staff can do. Mrs. Meszaros stated that this is something that is pretty generic and standard in the industry. Mayor Donham explained that Atty Reitz generated this as a checkmark list and Maurice, Lori and Terri went down the list and included those which apply to us. Mrs. Rininger said, as long as they can do it. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Snyder made a motion to adopt Resolution R-2009-21 which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mayor Donham asked that Ordinances O-2009-22 and Resolution R-2009-22 be moved until after that executive session.

Resolution R-2009-23 A RESOLUTION ESTABLISHING A POLICY AND AUTHORITY TO CARRY OUT A POLICY WITH RESPECT TO SPECIAL EVENT PARKING AND DECLARING AN EMERGENCY was given a first reading by Mr. Snyder.

Service Committees: (Utilities, Street & Sidewalks, Housing Code, Buildings & Properties)
Utilities
Utilities report by Randy Slusher.
Mr. Slusher gave a first reading two Ordinance O-2009-21 AN ORDINANCE ESTABLISHING A CLOTHING ALLOWANCE FOR EMPLOYEES OF THE WATER, SEWER AND STREET DEPARTMENTS OF THE VILLAGE OF WINDHAM.

Mr. Snyder moved to suspend the rules on Ordinance O-2009-23 AN ORDINANCE ESTABLISHING CRITERIA TO BE ENTITLED TO RECEIVE POTABLE WATER FROM THE VILLAGE OF WINDHAM SANITARY TREATMENT SYSTEM, AND DECLARING AN EMERGENCY. The motion was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mr. Slusher, Mr. Garrett, Mrs. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Snyder then moved to adopt Ordinance O-2009-23 which was seconded by Mr. Garrett. Mrs. Rininger inquired about the rate structure and was told it is in the Codified Ordinance. Vote of Council: Ayes: Mr. Slusher, Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mr. Maurice Hankins, Village Administrator, had a question on Ordinance O-2009-21 which had been given a first reading and the Mayor allowed further discussion on the Ordinance. He said the whole concept being presented is to save money. We have conservatively estimated a savings of 40% of $5200 by going to this system. If we don't vote on it tonight, we won't save that much since it wouldn't pass until August. We pay a lot in service charges for which we receive no value. We have Uniforms, mats, toilet paper and paper towels. Mrs. Rininger said she doesn't believe in saving the Village money on the backs of the employees. Mr. Hankins said that all six employees have been polled and are in favor of the clothing allowance for Water, Sewer and Street workers. Mrs. Rininger said we don't have good numbers to see if $300 will even buy a full uniform. Mr. Hankins said even if we go for the high cost for uniform pants which is Cintas, we will have enough money. Mrs. Rininger asked if we could hold this until next month to do more investigation. Mr. Hankins said we wouldn't realize as large a savings if we wait. If Council would like to suspend the rules, it could be voted upon and take effect in 30 days according to Atty Reitz. Mr. Snyder further clarified the savings of $2000 which is 40%. Mr. Snyder said it is fiscally responsible to consider this tonight. Maurice said that it is possible to purchase a washer and drier if any objection was raised by the employees, but in the future this could be the solution. Mr. Garrett inquired about the contract and Maurice said he would have to call and cancel the contract. He wasn't even sure we have a contract. Mr. Garrett said this would give us more flexibility. The employees are currently wearing their old tee shirts which say Village of Windham because of comfort. After additional discussion, it was decided to go ahead and vote to suspend the rules. Mr. Slusher made a motion to suspend the rules which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Slusher, Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros.. Nays: Mrs. Rininger Motion carried. Mr. Slusher made a motion to adopt Ordinance O-2009-21 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mr. Slusher, Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros. Nays: Mrs. Rininger. Motion carried.

Streets and Sidewalks by Randy Slusher. Mr. Slusher made a motion to advertise in the Record Courier for bids for Storm Sewer Catch Basin Replacement program with bid opening at noon on July 8, 2009 in Windham Village Council Chambers. July 28, 2009 Council will approve and award bids for this program. Mr. Snyder seconded the motion. Mayor Donham said this is an Ohio Public Works Commission Grant for $65,000. Vote of Council: Ayes: Mr. Slusher, Mr. Snyder, Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger. Nays: None. Motion carried.

Mrs. Rininger asked a question which went back to the Utilities Committee. She asked why a matter involving Council Procedure was discussed in the Utilities Committee. She also asked why other members were not permitted to discuss the matter and it wasn't on the agenda for the Committee Meeting. Mr. Garrett said that was after our last open Council Meeting after Executive Session. The question was on Council Procedure when Council Members are in the audience and are not permitted to comment because they were still in the Utility Committee. The Mayor made a comment during the Utility Committee Meeting during which most Council members show up and it has been the advise of our solicitor that this is not permitted because of the sunshine laws; this causes an illegal meeting because a majority of Council is there and discussing issues and it has not been advertised as an Open Meeting of Council. The Mayor said he would not jeopardize future legislation because of discussion which are not proper in a Committee Meeting. He said he would contact Mrs. Rininger since she was not there. The

repercussion of violating Sunshine Laws is that you invalidate anything that you bring up to discuss. He said he would shut the committee meeting down if he saw that happen. Mr. Reitz said that he would fault us on it also, but we should record all our meetings including the Committee Meetings. Mr. Garrett said we could advertise all of our Committee Meetings as a full meeting of Council and would be permitted to discuss. Mr. Reitz said it could be advertised as a meeting of Council, however the vote necessary to take action is the majority of the Committee Members, so you get your cake and eat it too. That is something the rules committee should be considering.

Mrs. Meszaros said she received a letter from a resident who wished to have her concerns brought before Council. Mr. Snyder and Mr. Slusher will go to the site and investigate the concern this week and bring it before the committee.

Housing Rental License Code by Randy Slusher. No report.

Village Buildings and Properties by Randy Slusher. No report.

Planning and Zoning Commission by Randy Slusher No report..

Parks and Recreations by Phil Snyder. Mr. Snyder said he wanted to comment upon something he read in the newspaper today. They are talking about large cuts in library funding. Mrs. Packard said they may not be open in July because of the 30% proposed cut which is in addition to the 20% cut earlier this year. She said she will have to decide how to mothball that building. Please contact your legislators concerning this. Mrs. Meszaros said there is very little for children to do in the summer. Mrs. Packard said this is a two year budget. The 50% cut is from the state public library fund. Mrs. Rininger asked if they are permitted to use volunteers and was told they aren't allowed.

Economic Development and Long Range Planning by Phil Snyder – No report.

Solicitor's Report. Attorney Thomas Reitz said he attended a tour of the Water and Sanitary Sewer facilities last week and this was very helpful in the upcoming negotiations with Portage County.
For the first time since he was hired, he contacted Atty. Chip Comstock which was very meaningful and helpful because he can now better advise Council about matters on the lawsuit against the Township Trustees concerning the Fire Department.

Guest Recognition. Pat Schaffer inquired about the paving of the roads. There are no edge lines where she lives and this is hazardous at night. Mayor Donham said the pre-applications for paving main street paving was number one and is a 80/20 match. We get $60,000 per year to maintain the streets and it costs $160,000 to pave from the turnpike to the aersonal. She asked how much paint costs. Mayor Donham said it costs $7 per gallons and they have to pay a contractor and for something that small, it would cost about $6000 to $7000. It will be on a prioritized list. He said he will take a ride through there this evening and check it out.

Lou Berrell said there are 3400 supposed to be trained in the arsenal this summer.
Mayor Donham said right now we have a controlled opening from 10 till 2 and we have 1200 soldiers in there, they come in two weeks at a time. As far as having a manned gate, it is a work in progress, because it is a cost to them. We are starting to see more of them in town. When it more permanent base, we are looking at having 5000 to 6000 in there in any given end of the week Thursday through Sunday and full time employment in there of about 120 to 200 people. The discussions we have had because we are providing Fire and EMS and are going to provide

water and sewer, a lot of those guys are looking to the community for houses and everything else, so it's something that's on our radar. We continue to provide those guys with good services and be a good partner with them. Right now we are trucking water and we are giving them a bulk rate for water.
Mr Berrell asked where are they at, they're not here. Mayor Donham replied, no they're inside the arsenal. They are shooting guns and driving tanks. They have to get their requirements done. That's Ohio National Guard in there; the vast majority of them are getting their two week training done. They come in to pay their hardware bill and to eat at the restaurant and so forth. The road on the inside of the gate that comes to South Main Street is in deplorable condition. As they upgrade that right now we just gut another Federal earmark for two million dollars to upgrade the barracks. They will be getting more earmarks to upgrade the roads, the electric and so forth. We have more contact with them now than we have in forty years. I think Council has done a good job and we will do what we can.

Janice Krocher spoke about tall grass and the neighbors who moved out. The grass is almost up to my waste and it really needs to be cut. Maurice explained the procedure which we are following to get that taken care of.

Mrs. Rininger spoke to Chief Perdian and said she wanted to compliment one of his officers for handling a situation and defusing a condition which could have become quite volatile. He contained it and handled it very well. What she thought was the ultimate compliment was that after he had handled the situation, the individual from the Garrettsville Police Department who had been called to assist, patted him on the back. She said she wanted to have the Chief pass on that Officer Hood did a professional job. Chief Perdian said he told Officer Hood verbally and is going to work on a commendation as well.

Mr. Snyder then made a motion to enter into executive session which was seconded by Mr. Slusher in order to discuss an update upon the lawsuit against the Windham Township Trustees. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council left to go into executive session at 8:54 PM.

Mr. Snyder moved to return from executive session which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council returned to regular session at 9:46 PM.

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-22 AN ORDINANCE CONFIRMING VARIOUS POSITIONS WITHIN THE VILLAGE OF WINDHAM FIRE DEPARTMENT AND DECLARING AN EMERGENCY which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Snyder made a motion to adopt Ordinance O-2009-22 which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Resolution R-2009-22 A RESOLUTION CONFIRMING VARIOUS EMPLOYEES WITHIN THE VILLAGE OF WINDHAM FIRE DEPARTMENT AND DECLARING AN EMERGENCY which was seconded by Mr. Garrett. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Snyder then made a motion to amend section 1 of the Resolution by deleting the roster as it appears on the printed Resolution and substituting the roster as provided by Chief Simpson on

June 17, 2009. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.
Mr. Snyder then made a motion to adopt Resolution R-2009-22 as amended which was seconded by Mr. Slusher. Mrs. Meszaros said she would like to make a statement on this; she just wanted to say how extremely disheartened she is that it has come to this. Mrs. Rininger said she agreed with Mrs. Meszaros. Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried.

Mayor Donham said that we have the Windham Bicentennial Festival coming up in 2011 and we had a request about insurance about the two fund raising events and the event itself. Lynnea St. John asked me to bring this up and said the first one is July 11th and he doesn't know how that is secured or the cost. He said that he does have reservations, not about the event itself but about the insuring the fund raising events considering the fund raising chair. I don't know whether anyone else does have some thoughts about this. Mrs. Meszaros said we don't want this to become an issue. She said she certainly would not want the events to not get off the ground because of that issue. Mr. Snyder said he agreed with her, but we have past history that makes it really really difficult to be supportive. Mr. Donham said he would feel more comfortable if the Township would secure the insurance and we would split the cost with them and pay them 50% of the cost for the insurance. Mr. Snyder said that would be acceptable. Mrs. Rininger said, yes do that. Mayor Donham said he would contact Lynnea about that.

Mr. Snyder made a motion to adjourn which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council was adjourned at 9:54 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor