

Village of Windham, Ohio
Minutes of the Council Meeting

Held September 22, 2009

At 7:06 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, Barbara Simpson, Housing Inspector Tom Brett, Bruce Rininger, C. James Moore, Cecilia Swanson, Township Trustee Dann Timmons, Township Trustee Howard Furl, Township Trustee Brian Miller, Township Fiscal Officer Jayme Neikirk, Sam and Marsha Byich, Terrie Altieri, Terri Gunnoe, Denise Bly, Pat Schaefer, Dick Viebranz, Susan Hankins, Ted St. John, Mike Iwanyckyj, Daryl Cottle, Joe Veccia, Jim Starkey, Deb Blewitt, Jesse Wirick, George Bengston, Annette Bengston and many others. The room was full with 51 seats occupied in the audience.

Mayor Donham explained the first item on the Agenda is a Joint Resolution for the creation of a WVFD Joint Fire District. It has been a long painful process for the entire community and I know myself and council are extremely excited to be able to bring the Resolution up tonight and have the Trustees here also to really present a monumental task. We will conduct our meeting here, pass this resolution to enter into a joint fire district; we will then take a recess while the Township Trustees take the stage; they will have a Special Meeting here with the intent of doing the same and then they will adjourn their meeting and we will have a joint signing of the Resolution here and spend the rest of our time and efforts on putting this thing together correctly for the benefit of the Community and certainly for the firemen. And so we are extremely excited to see everybody here and certainly thank you all for coming out. With that said we have **Resolution R-2009-31 Joint Resolution for the Creation and Operation of The WVFD Joint Fire District** which was read by Phil Snyder as chair of the Safety Committee. Mr. Snyder then made a motion to suspend the rules which was seconded by Mr. Slusher. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder then made a motion to adopt Resolution R-2009-31 which was seconded by Mr. Garrett. Mrs. Rininger asked what changes were made. Mayor Donham explained that the changes which were made from the last agreement that you had were the length of term of the dispatch and the change from a three to a five person board. Mrs. Rininger said so the appointed persons are one year terms and Mayor Donham said they are two year terms. Mrs. Rininger said the fifth member who is appointed by the other four members would serve a one year term. Mayor Donham said yes, and that person could succeed her or himself but would have to be approved each year by the other four members. She also questioned on Article 8 you have to fix that one number, you have three with four in parenthesis which is it. Mayor Donham explained that it is four; it would be a supermajority of the board would be required the same as our suspension of the rules and a simple majority for normal business but these specific actions require four votes. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder made a motion for the Council to go into recess which 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 and Council was in recess at 7:13 PM.

At this time Council vacated their positions on the stage and the Township Trustees and Township Fiscal Officer assumed the stage to hold their Special Meeting.

Following the Special Meeting of Windham Township Trustees there was a joint signing by the Township Trustees and the Mayor of the documents which became official documents of the Village and Township of this historic event.

Mr. Snyder then made a motion to resume the Regularly Scheduled September Council meeting which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None and Council resumed the meeting at 7:29 PM.

Mayor Donham asked if there were any prior requesting individuals who wished to speak about the Fire District at this time. Former Mayor C. James Moore rose and said he had some comments. Mr. Moore spoke from notes and the following is a transcription from his notes. He thanked the Township Trustees for coming down here tonight and the whole community for coming down to see it. We are here making very positive history tonight for our community of Windham. I especially like the fifth whereas in the preamble in the Joint Resolution for the creation of the Joint Fire District which reads as follows:

WHEREAS, the Village and Township believe that the residents of the Village and Township will be better served by the creation of a joint district for the provision of fire protection services.

Joint being the key word; coming together as one creating a Joint Fire District under the procedures allowed by State Law. "Joint" like our schools and our five member Board of Education

January 1, 2004, five years, eight months twenty-two days and nineteen hours since the parties have had an agreement on the operation of the Windham Fire District. This day has been a long time coming. I would like to give recognition to the Joint Fire District Exploratory and Advisory Committee. The members who provided their time and services in 2007 to explore other Joint Fire Districts and provide their recommendation to the Village and Township in July 2007. They are as follows:

Maurice Hankins retired assistant fire village resident and former Mayor, George Bengston retired fireman village resident and prior township trustee, Don Vanderbloom retired fireman and village resident, Phil Snyder village resident and Council Safety Committee member, Rachel Barrett village resident Council Safety Committee member and former village clerk, Bruce Rininger retired fireman and village resident, Robert Donham village resident and Council Safety Committee member. These good citizens believed in this cause and served our Windham Community.

I would like to give special thanks to Maurice Hankins who chaired that committee and was very dedicated and worked very hard. "Boy does he like to talk". Mayor Rob Donham who has done an excellent job of handling this very important issue with legal counsel and Village Council. I have enjoyed working with him very much. The Village Council Members, you have worked hard to make the right voting decision on this very difficult issue.

And previous Council Members Marian Garrett and Jodi Minotti as well as the twenty-eight firemen at their June meeting who voted in favor of the Joint Fire District.

Thanks to all of you for your service on this history making cause and progress for our Community of Windham, Ohio. Former Mayor Moore received a warm round of applause from those assembled.

Mayor Donham thanked Mr. Moore and said the fellow members of Council, myself and everyone who has worked on this knows how truly difficult it was or else it wouldn't have taken such a long time and we are all very relieved that this didn't destroy the community and the Fire Department as a whole. Thank you and thank all the members of Council who worked very hard on this.

Mr. Viebranz spoke about the grass and weeds growing up around a small brick building owned by the Village which is on South Main Street near Mr. Wertz's house. He said it looks very unsightly. Mayor Donham said we would take care of it.

The minutes of the August 18, 2009 Regular Council Meeting. Mr. Snyder made a motion to approve the minutes which was seconded by Mrs. Barrett. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

The minutes of the August 31, 2009 Special Council Meeting. Mrs. Barrett made a motion to approve the minutes which was seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Barrett, Mr. Garrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

The minutes of the September 8, 2009 Special Council Meeting. Mrs. Barrett made a motion to approve the minutes which was seconded by Mr. Snyder. 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 August 2009 year to date as \$365,278.31 and stated that of this total, \$28,264.82 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of August 2009 in the amount of \$139,689.07 in checks, charges, etc. Check numbers 22928 through 23063 were paid from the Primary Checking Account during August. No checks were voided during August 2009.

The Fiscal Officer stated that the August 2009 Bank Reconciliation with an all funds reconciled balance was \$697,900.91.

Village Council President, Phil Snyder. Mr. Snyder said he is continuing to work on the Village Employee Handbook and copies have been passed out for Council to review. Originally they were looking at the Solicitor to be the Equal Employment Officer, but this would not be workable and more details will be worked out at the next Committee meeting. He is still hopeful to have it completed by the first of the year.

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

Mayor's Communication and Correspondence Mayor Donham said this is the point at which he informs what is coming. He said this has been the Fire Department for at least the last nine consecutive months. He said there are two big things that we have accomplished during the last year and a half. One is securing the agreement to run the Water and Sewer Lines into the Ravenna Arsenal and that is up and running and the engineering has been started on that. The other big agreement that we have now is the Joint Fire District. There are still a few big ticket items so to speak on our horizon; one is our ongoing infrastructure improvement

program. We will see our first project out of that next year when we resurface Main Street from the Arsenal Gate at the railroad tracks to the Turnpike and that will be an ongoing program where we attempt to do a section of road each year and probably a Water and Sewer project upgrade each year also. The other thing that we are currently negotiating that will now take up quite a bit of time is the ongoing negotiations with the County over their involvement with our water and sewer and how we can get the best rates and the best terms for everyone that we supply water to and that is Village residents and Township residents. Those are things that you can be looking out for in the near and distant future that this Council will be tackling. Those are my only communications for tonight and I have to apologize to Cecilia for pushing you this far in the agenda. I didn't want you to get lost in the hoopla at the beginning. Cecilia is here; she is the Director of the Portage County Library System. She is here to talk about the levy that is on the November ballot.

Prior requests of guests to speak Cecilia Swanson thanked for the support we have given to the local branch. This is one of the few communities in the County who have supported the library. She said this year has been like a roller coaster ride. Earlier this year, the budget was cut 30% after it had already been cut by 20%. A lot of people flooded the legislature and have reduced the cut by 11%. We are very grateful for the support. The library gets a percentage of the general fund budget of the State. When the economy of the State is down, obviously our budget suffers as well. The libraries have been making cuts since 2001. All of the library money comes from the State and none from the County. The hours in Windham library have been cut to 25 hours per week. If the levy passes, hopefully the hours can be restored. The only way we can buy new materials is through donations. The levy is for .5 mills on the November 3rd election.

Mayor Donham said he thinks he can speak for the Community. He thinks the levy will do very well here because the library is very dear to us.

Finance Committee Report by Scott Garrett. Mr. Garrett said the minutes for the Finance Committee meeting have been passed out and you can review them at your leisure.

Mr. Garrett made a motion to approve the Fiscal Officers expenditures for the month of August 2009 of \$139,654.07 in checks, charges, etc. Check numbers 22928 through 23050 and 23052 through 23063 were paid from the Primary Checking Account during August. No checks were voided during August 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.

Mr. Garrett made a motion to approve expenditures for the month of August 2009 of \$35.00 in a check # 23051 paid from the Primary Checking Account during August. The motion was seconded by Mr. Snyder. Vote of Council: Yeas: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Rininger, Mr. Slusher. Nays: None. Abstain: Mrs. Meszaros. Motion carried. Solicitor Reitz said it would be good if Mrs. Meszaros gave her reason for abstaining. She said the check was paid to Meszaros Motorsports which is a business owned by her husband.

Mr. Garrett made a motion to approve the August 2009 Bank Reconciliation with an all funds reconciled balance of \$697,900.91 and the following monthly reports for the month ending August 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 August 31, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and

Encumbrances. The motion was seconded by Mrs. Barrett. Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher. Nays: None. Motion carried

Before the next item on the agenda, the Fiscal Officer explained that there were nine changes to the appropriations and were noted on the front copy attached to the new Ordinance. He explained the changes stating that the major change was due to Bureau of Workers Compensation due to an audit yesterday by BWC and we learned that Council members, Mayor, Solicitor and Zoning Inspector need to be counted and \$5067 additional was needed. Bottom line is we are at \$2,299,618.43 which is still well within the revenue.

Mr. Garrett read Ordinance O-2009-29 **AN ORDINANCE APPROVING AND ADOPTING AN AMENDMENT TO THE PERMANENT APPROPRIATIONS FOR 2009 FOR THE VILLAGE OF WINDHAM, CALLED FOR IN THAT BUDGET, AND DECLARING AN EMERGENCY** as third reading and made a motion adopt which was seconded by Mr. Snyder. Mr. Garrett wanted to clarify that the appropriation which we are voting on still includes the Fire and EMS. Will that still be appropriated or do we need to change. Mayor Donham said there are still details remaining to be worked out. Mrs. Meszaros asked about the status of the SRO and the Mayor said he is waiting for a call back from Don Altman. Mayor Donham said the last place we left it is if their Auditor is ok with it they are ok with it. Vote of Council: Yeas: Mr. Garrett, Mr. Snyder, 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 first read.

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** as first read. Mrs. Rininger questioned that the Fire District funds were not in this legislation and the Mayor explained that there were things remaining to be worked out and this is just a first reading.

Mr. Garrett read Ordinance O-2009-26 **AN ORDINANCE ESTABLISHING A COMPETITIVE BIDDING POLICY OF THE VILLAGE OF WINDHAM** as third reading and made a motion to approve 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. Ordinance O-2009-30 **AN ORDINANCE AMENDING THE SECTION 155.02 OF THE VILLAGE OF WINDHAM ADMINISTRATIVE CODE WITH RESPECT TO EMPLOYEE VACATIONS** was given a second reading by Mr. Snyder.

Mr. Snyder asked for a Committee meeting next Wednesday, September 30th at 7:00 PM with the Fire Department.

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

Utilities report by Randy Slusher. Mr. Slusher said he had nothing for this committee.

Streets and Sidewalks by Randy Slusher. Mr. Slusher questioned Mayor Donham if the Main Street paving project would be from the Arsenal to the Turnpike or from the Arsenal to the Village limits..

Housing Rental License Code by Randy Slusher.

Mr. Slusher gave the second reading of Ordinance O-2009-31 **AN ORDINANCE AMENDING THE HOUSING, MAINTENANCE AND OCCUPANCY CODE OF THE VILLAGE OF WINDHAM BY ESTABLISHING A PENALTY FOR DEFACING OR REMOVING A PLACARD POSTED BY THE HOUSING INSPECTOR.**

Village Buildings and Properties by Randy Slusher.

Mr. Slusher said he had nothing except the new business brought tonight by Mr. Viebranz. He also asked if anyone had a firm date on the sale of the East Elementary School Building by the Schools. The date of November 15th was questioned. Mayor Donham said we should secure the building and move all of our offices into that building. As soon as the Mayor hears something, we will try to get it in a regular meeting but if we have to have a special meeting, we will do that.

Planning and Zoning Commission by Randy Slusher No report.

Parks and Recreations by Phil Snyder. .No report.

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

Solicitor's Report by Tom Reitz. Atty. Reitz said there is an incident which took place in the Police Department. A defendant brought suit against the Police Department saying that he wasn't treated properly while he was in the Windham Police custody. He has checked with our insurance carrier who said this is a covered expense.

Guest Recognition. Chief Perdian said that on Sunday, September 20th we were honored with the presence of the Boston Heights Police Department for an Officer Jared Dean Memorial at K. T. Elementary which was coordinated by Mrs. Meszaros. The other thing was we were requested to supply a K9 unit by the Highway Patrol on the Turnpike and there was found to be drugs and money. The Highway Patrol said we will get a portion of the money confiscated probably about \$8000. Mayor Donham said he was glad because Lloyd increased the budget by \$8000.

Mrs. Meszaros said she wanted to thank Chief Perdian for his assistance with the first annual Jared Dean Memorial Bike Ride. Also she wanted to thank the Firemen who assisted with the event. Also the Varsity Football players needed to be thanked for their help with cleaning up the area.

Mrs. Byich said she wished there had been some publicity before the event. Mrs. Meszaros explained that it was put together rather quickly and a good date was difficult to come up with.

Mr. Snyder moved to adjourn which was seconded by Mrs. Rininger. 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 8:19 PM.

Respectfully submitted,

Attest

