

Village of Windham, Ohio
Minutes of the Council Meeting

Held April 28, 2009

At 7:07 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. The meeting was preceded by a work session which began at 6:30 PM.

Roll Call: Rachel Barrett – present, Scott Garrett – absent arrived at 9:03 PM,
 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, Police Chief Perdian, Brenda Slusher, Fire Chief Clair Simpson, Denise Bly, Marsha Byich, Nancy Packard, Kay Meisner, Audry Roth, Don Altieri, Carla Altieri and Terri Altieri, and several friends of Don Altieri

Mayor Donham said the first item on the agenda is a proclamation for Don Altieri. The text of the proclamation is as follows:

WHEREAS, Donnie Altieri was born in Elkins, West Virginia on August 1, 1944, and came to live in Windham with his family in 1954; and

WHEREAS, he attended Windham schools until 1964 when he joined the US Army for three years where he received his diploma; and

WHEREAS, he married Carla Geiger, a Hiram resident, on February 22, 1969 and had two children, Brian and Marsha; and

WHEREAS, he purchased D & A in March of 1969; and

WHEREAS, he has always supported the local school organizations such as athletics, yearbook etc.; he has sponsored numerous Windham Hot Stove Leagues, bowling leagues, Windham Fire Department, Fun in the Sun Organization etc.; and

WHEREAS, he is a member of the Windham United Methodist Church, Windham Lions Club and the American Legion, and was a Windham Township Trustee for 16 years; and

WHEREAS, he serviced State Highway Patrol and Village vehicles and also served as the source of fuel for the Windham Fire and Police Departments for many years; and

NOW THEREFORE, IT IS PROCLAIMED, that the Village of Windham Council and Mayor hereby recognize Donnie Altieri. Donnie has been a personal Windham icon on the corner of East Center Street and Maple Grove Road for 40 years and will be sorely missed.

SIGNED BY THE MAYOR, OF THE VILLAGE OF WINDHAM, THIS 28TH DAY OF APRIL 2009.

Robert W. Donham II
Mayor, Village of Windham

Mr. Altieri responded, "I would like to thank Council and everybody here for this. It is really touching, and I have spent forty years here and I've tried to give it my best. I guess there comes a time for everybody and I've been supported by everybody out here. There have been good times and bad, but more good than bad, and I really appreciate this. Thank you very much." This was followed by applause by all present. Mayor Donham said he won't hold all those years as Trustee against Don which elicited laughter. The Mayor said we would have a short recess so that the audience could wish Don well in his retirement. The meeting was called back to order at 7:18 PM.

The minutes of the March 24, 2009 Regular Council Meeting and April 2, 2009 Special Council Meeting were reviewed and Mr. Slusher moved to accept the minutes and Mr. Snyder seconded the motion. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Village Fiscal Officer reports, Lloyd Billman Fiscal Officer Billman said he wanted to thank Council for permitting him to attend the Local Government Officials Conference in Columbus. It was very beneficial. You can always pick up some new things, and the Fiscal Officer noted that he attended the first time clerks sessions on Thursday and felt a little out of place at times, however toward the end of the day a lady said she has been a clerk for ten years and still attends the sessions for new clerks and gains some knowledge each time.

The Village Fiscal Officer gave the Income Tax Revenue for March 2009 year to date as \$136,740.77 and stated that of this total, \$8,447.27 is due to estimated payments from declarations.

The Fiscal Officer gave expenditures for the month of March 2009 in the amount of \$199,831.84 in checks, charges, etc. Check numbers 22064 through 22233 were paid from the Primary Checking Account during March. Checks # 22113 and 22212 were voided during March 2009.

The Fiscal Officer stated that the March 2009 Bank Reconciliation with an all funds reconciled balance was \$684,682.11

Village Council President, Phil Snyder Mr. Snyder said he had nothing at this time.

Dispatchers, Police, Fire and Rescue Squad (EMS) reports for March 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 will refrain until the executive session when he will give an update on the Fire Department progress with the lawsuit against the Township.

Prior requests of guests to speak: None.

Finance Committee Report by Scott Garrett. Mr. Snyder acted in the absence of Scott Garrett for this section. Mr. Snyder made a motion to approve the Fiscal Officers expenditures for the month of March 2009 of \$199,831.84 in checks, charges, etc. Check number 22064 through 22233 were paid from the Primary Checking Account during March. Checks # 22113

and 22212 were voided during March 2009. The motion was seconded by Mrs. Meszaros. Vote of Council: Yeas: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder then made a motion to approve the March 2009 Bank Reconciliation with an all funds reconciled balance of \$684,682.11 and the following monthly reports for the month ending March 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 March 31, 2009: Cash Summary by Fund, Comparison of Budget versus Actual Receipts, Comparison of Disbursements and Encumbrances. This was seconded by Mrs. Meszaros. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried

Mr. Snyder made a motion to suspend the rules on Ordinance O-2009-9 which was seconded by Randy. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mr. Slusher, Mr. Snyder. Nays: Mrs. Rininger. Motion defeated. After it was explained the reason for the Ordinance and that these expenditures were made in order to pay for expenditures to the County Auditor and Treasurer when monies were received for assessments, etc., the motion was again made to suspend the rules by Mr. Snyder and seconded by Mr. Slusher. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. Mr. Snyder read Ordinance O-2009-9 BEING AN ORDINANCE AUTHORIZING TRANSFERS AND APPROPRIATIONS FOR THE VILLAGE OF WINDHAM AS SET FORTH BELOW AND DECLARING AN EMERGENCY. Mr. Slusher seconded the motion. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder gave the first 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 gave the second reading of Ordinance O-2009-8 AN ORDINANCE ESTABLISHING THE RATE OF PAY FOR THE COUNCIL OF THE VILLAGE OF WINDHAM.

Solicitor Tom Reitz said we did have the second reading of Ordinance O-2009-8 establishing the rate of pay for Council. He said his notes from the last meeting indicate that there was something setting the minimum attendance requirements. Mayor Donham said he marked it down on his Section II right after the per month, he struck the entire line between the commas and put members must attend at least 50% of scheduled meetings to receive that months pay. It was further clarified that this includes committee meetings as well as Council Meeting. Right now you only get paid if you attend the Council Meeting, but this would include all committee meetings as well. Mayor Donham said he would get Lloyd a copy of his changes.

The Fiscal Officer asked that Council to consider the monthly paychecks for this month to be on May 15, 2009 instead of May 1, 2009 since the Solicitor will not be able to provide his bill in time for the May 1, 2009 payroll and the payroll checks have already been signed by the Mayor. Since none of Council had an objection, the monthly pay for Council, Village Administrator and Solicitor will be on May 15, 2009 instead of May 1, 2009.

Safety / Personnel / Rules Committee by Phil Snyder.

Mr. Snyder gave the First Reading of Ordinance O-2009-10 AN ORDINANCE REVISING SECTION 121.01(i) ENTITLED Reading of Legislation OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM.

It was determined that the Resolutions R-2009-11 and R-2009-12 will not be considered and motion votes will be sufficient.

Mr. Snyder made a motion that the Village Fiscal Officer of the Village of Windham be permitted to prepare the November 27, 2009 Payroll on November 25, 2009 due to the Thanksgiving Holiday. The motion was seconded by Mrs. Barrett. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder made a motion that the Village Fiscal Officer of the Village of Windham be permitted to prepare the December 25, 2009 Payroll on December 24, 2009 due to the Christmas Holiday. The motion was seconded by Mrs. Meszaros. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder made a motion to suspend the rules on Resolution R-2009-14 A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE VILLAGE OF WINDHAM AND THE WINDHAM EXEMPTED VILLAGE SCHOOL DISTRICT TO PROVIDE FOR A SCHOOL RESOURCE OFFICER, AUTHORIZING ACCEPTANCE OF PAYMENT FROM THE WINDHAM EXEMPTED VILLAGE SCHOOL DISTRICT AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Slusher. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. Mr. Snyder made a motion to adopt Resolution R-2009-14 which was seconded by Mrs. Meszaros. Mrs. Rininger asked if we had anybody in place for this now. Chief Perdian said not yet, but it has been posted. Some of the officers are interested in it but it is limited to twenty-four hours per week. He said that after the end of the school year, the officers wanted to know if they would be guaranteed their same hours. It was then noted by Mrs. Meszaros that the wording said the SRO will remain a Full-Time Officer. After this anomaly was brought up it was determined that the best course of action is to table this pending further investigation. Mr. Snyder made a motion to table the legislation which was seconded by Mrs. Rininger. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Snyder moved and Mrs. Rininger seconded the motion to observe the Fourth of July Holiday on July 3, 2009 for the Administrative Office. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

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

Utilities report by Randy Slusher. Mr. Slusher made a motion to suspend the rules on Resolution R-2009-13 A RESOLUTION ACKNOWLEDGING PREVIOUS SANITARY SEWER BILLING ERRORS, DIRECTING THE APPROPRIATE TREATMENT OF THOSE ERRORS, AND DECLARING AN EMERGENCY. Mr. Snyder seconded the motion. Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. Mr. Slusher made a motion to adopt Resolution R-2009-13 which was seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Mr. Slusher made a motion to suspend the rules on Ordinance O-2009-12 AN ORDINANCE AMENDING SECTION 921.01 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WINDHAM MONTHLY CHARGE FOR DISCHARGE OF SANITARY SEWER,

EFFECTIVE MAY 1, 2009 (TO BE FIRST BILLED JUNE 1, 2009), REPEALING PRIOR INCONSISTENT LAW AND DECLARING AN EMERGENCY. (Clerks note: The original legislation said TO BE FIRST BILLED MAY 1, 2009 and was amended to say JUNE 1, 2009). The motion was seconded by Mrs. Rininger. Vote of Council: Ayes: Mrs. Barrett, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. The motion to adopt was made by Mr. Slusher and seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Barrett, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried. The motion to amend from First Billed May 1 to First Billed June 1 was made by Mr. Snyder and seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried.

Streets and Sidewalks by Randy Slusher. Mr. Slusher said we are trying to get the streets spruced up and has an agreement with Windham Hardware who will be giving a 15% discount on American Flags. Anyone wishing to donate a flag to be flown by the Village along the streets can go to the hardware and purchase one.

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

Village Buildings and Properties by Randy Slusher. Mr. Snyder made a motion to suspend the rules on Resolution R-2009-15 A RESOLUTION AUTHORIZING THE PARTIAL SATISFACTION OF A CERTAIN MORTGAGE EXECUTED BY MAPLE GROVE I LIMITED PARTNERSHIP, AN OHIO LIMITED PARTNERSHIP AND DECLARING AN EMERGENCY. The motion was seconded by Mr. Slusher. Vote of Council: Ayes: Mrs. Barrett, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Abstain: Mrs. Meszaros. Motion carried.

A motion to adopt was made by Mr. Slusher and seconded by Mr. Snyder. Vote of Council: Ayes: Mrs. Barrett, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Abstain: Mrs. Meszaros. Motion carried.

Mr. Slusher said out of the committees which he chairs, there were five members who missed and only two people called to say they wouldn't be present. He asked that out of common courtesy that members of committees call and report if they are unable to attend.

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

Parks and Recreations by Phil Snyder. Mr. Snyder said they are continuing to work on May 16, 2009 as Park Day.

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

Solicitor's Report. Attorney Thomas Reitz said he was asked to report to the Auditor on any pending litigation. He said there is no major litigation except for the Fire Department lawsuit and Income Tax actions. The Income Tax is civil actions and he has sent out 35 initial collection letters and trusts that Council will consider how he will be compensated for that since it is not a part of his contract.

Mrs. Rininger said she wanted to commend Terri Gunnoe and Lori Lee on the extra effort they put forth on April 15th. They extended the office hours until 7:00 PM and were very courteous. They were slammed with people for three days solid. Linda helped them balance the receipts for the day.

Guest Recognition. Chief Perdian said the Police Department has been working hard and had a very good apprehension on a drug arrest. Mrs. Meszaros said keep up the good work.

Kay Meisner inquired about a property across the street from her which belonged to McGlone. It is an eyesore and is getting worse. Children have knocked down the fence. Mayor Donham said we will send this to the Zoning Inspector. Mrs. Barrett said there is a similar situation on Wilverne Drive. Bob and Chad are pursuing this on Snow Road and the owner must be located first.

Mr. Snyder then made a motion to enter into executive session which was seconded by Mrs. Meszaros in order to discuss an update upon the lawsuit against the Windham Township Trustees. Vote of Council: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried and Council left to go into executive session at 8:27 PM. Mayor Donham said he would like to invite Mr. Moore to go into the executive session. Atty. Reitz said that the Council is now in executive session and must vote to return and then the announcement can be made at the time the vote to adjourn to executive session is taken again.

Mr. Snyder made a motion to return from executive session which was seconded by Mrs. Meszaros. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried at 8:27 PM.

Mr. Snyder moved that Council enter into executive session to discuss an update upon the lawsuit against the Windham Township Trustees and invite Mr. Moore. The motion was seconded by Mrs. Rininger. Vote of Council: Ayes: Mrs. Barrett, Mrs. Meszaros, Mrs. Rininger, Mr. Slusher, Mr. Snyder. Nays: None. Motion carried at 8:28PM and Council left to enter executive session.

At 9:03 PM, Mr. Garrett came in just as Council was coming back into the room. Mrs. Barrett made a motion to return from executive session 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.

Mrs. Meszaros made a motion to adjourn 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 and Council was adjourned at 9:05 PM.

Respectfully submitted,

Attest

Lloyd C. Billman, Clerk of Council

Robert W. Donham II, Mayor