

Village of Windham, Ohio

Minutes of Regular Council Meeting

Held on September 26, 2023

At 6:00 pm Mayor Scott Garrett called the Regular Council Meeting to order and led in the Pledge of Allegiance.

Roll Call: Lawrence Cunningham – Present Sherri Pennington – Present
 Cheryl Belknap – Present Terrie Altieri – Present
 David Belknap – Present

Also present were Village Solicitor Tom Reitz, Solicitor Tom Reitz's associate Charles Gasior, Village Administrator Ryan Wagner, Housing Inspector Damel Walker, Police Chief Rick Garinger, Sam DeSalvo, Sheila Moore, Bob Gage and Patrice Conway.

Mayor Scott Garrett asks for a motion to approve the August 22, 2023 Regular Council Minutes. Terrie Altieri makes a motion to approve the August 22, 2023 Regular Council Minutes. Cheryl Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Scott Garrett asks for a motion to approve the August 22, 2023 Public Hearing Meeting for the 2024 Proposed Budget Minutes. Terrie Altieri makes the motion. Clerk of Council Katrina Washington asks Village Solicitor Tom Reitz if Terrie Altieri can make that motion if she was not present for the meeting. Village Solicitor Tom Reitz recommends that Terrie Altieri should not make the motion. David Belknap asks if Terrie Altieri was not present at that meeting. Terrie Altieri interrupts stating that she did not come in until about ten (10) minutes till. Mayor Scott Garrett agrees. David Belknap says that Terrie Altieri was present. Village Solicitor Tom Reitz advises Council to amend the minutes to reflect the time that Terrie Altieri arrived. Terrie Altieri agrees. Clerk of Council explains that later in the minutes it does state that Terrie Altieri walks in. Agreeing that she will add the time that Terrie Altieri arrives. Council President Lawrence Cunningham makes a motion to approve the August 22, 2023 Public Hearing Meeting for the 2024 Proposed Budget Minutes with the Amendment of adding the time that Terrie Altieri arrived. David Belknap seconded the motion and it carried by a 4-0 Roll Call Vote with Terrie Altieri abstaining from the vote.

Fiscal Officer's Financial Reports by Katrina Washington

Income Tax collected Year to date August 31, 2023: \$505,286.91

The Expenditures for the month of August, 2023: \$148,557.35 in checks and charges. Check numbers 38608, 38615, 38616, 38618 through 38634, 38636 through 38638, 38640 through 38642, 38644, 38646, 38648 through 38655, 38657, 38658 and 38660 were paid from the primary checking account during August 2023 with 5 checks voided during the month. Direct Deposit Vouchers 662-2023 through 664-2023, 667-2023 through 688-2023, 692-2023 through 699-2023, 701-2023 through 706-2023, 708-2023 through 725-2023, 727-2023 through 738-2023, 766-2023, 769-2023, 771-2023

were also paid during the month of August 2023. The all funds balance for August 2023 was \$2,297,284.11.

Mayor Scott Garrett opens the floor to anyone having old business to discuss.

None

Mayor Scott Garrett opens the floor to Council President Lawrence Cunningham for the Council President's Report.

Council President Lawrence Cunningham has nothing to report at this time. Terrie Altieri informs Council President Lawrence Cunningham that he has to do the third read of ORDINANCE O-2023-09. Council President looks the paper.

Council President Lawrence Cunningham does a third read of ORDINANCE O-2023-09 **AN ORDINANCE AMENDING SECTION 123.01- POSTING OF ORDINANCES.**

Council President Lawrence Cunningham makes a motion to open discussion on ORDINANCE O-2023-09. Terrie Altieri seconded the motion and it carried by a 5-0 Roll Call Vote.

Terrie Altieri asks if this is the Ordinance for the five (5) posting locations around town. Mayor Scott Garrett and Clerk of Council Katrina Washington confirm.

With no further discussion David Belknap makes a motion to close discussion on ORDINANCE O-2023-09. Terrie Altieri seconded the motion and it carried by a 5-0 Roll Call Vote.

Council President Lawrence Cunningham makes a motion to pass ORDINANCE O-2023-09. David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Scott Garrett opens the floor to Terrie Altieri to present the Dispatchers Police, Fire and Rescue Reports for August 2023.

Terrie Altieri makes a motion to accept the Dispatch Police, Fire and Rescue reports for August 2023. Cheryl Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Scott Garrett opens the floor for Mayor's Communication and Correspondence.

Mayor Scott Garrett thanks Village Administrator Ryan Wagner for all the work he has put in with the County to get the permits. The Village can move forward and hopefully beat the snow and get the salt shed built.

Mayor Scott Garrett opens the floor to Finance. Terrie Altieri offers to present the information to Council.

Terrie Altieri makes a motion to approve the Fiscal Officer's expenditures for the month of August 2023 as reported. Sherrie Pennington seconded the motion and it carried by a 5-0 Roll Call Vote.

Terrie Altieri makes a motion to approve the all Funds Bank Balance for August 2023 as reported. David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Terrie Altieri opens the floor to Fiscal Officer Katrina Washington to present information and a contract with a supplier to lower and freeze the Electric Rates. Fiscal Officer Katrina Washington explains to Council that a third-party company has reached out to her; for multiple months now; about having them be our supplier rather than Ohio Edison. This would put a cap, or a freeze on the electric rates for whatever length of time

Council chose. Mayor Scott Garrett asks who the third-party company was. Fiscal Officer Katrina Washington and multiple Council members say Energy Harbor. Fiscal Officer Katrina Washington directs Council to the handouts they have in front of them; email correspondents she has had with the representative, and a contract example. Further explaining that she does not know if that is the contract they would receive or just an example of a contract. She did fill it in with all The Village's electric accounts per Village Solicitor Tom Reitz. Mayor Scott Garrett shares that he has often wondered; asking Village Solicitor Tom Reitz. When it comes to electric rates, is The Village allowed to go to different providers under Ohio Choice. Village Solicitor Tom Reitz says of course. Mayor Scott Garrett asks if there is a difference for a Municipality. Village Solicitor Tom Reitz explains that it is not as easy to do as a Municipality. Explaining that the Council has a contract in front of them, which is considerably more comprehensive than what The Village currently gets. Further explaining that with this company; Energy Harbor; they have a substantial penalty for withdrawing before the end of the term. Many times; in your residential contract; you can withdraw without penalty at any time. That is not the case here. Frankly; without numbers put into it and without doing some additional outside research; he can not figure out how heavy the penalty is. Further explaining that this is a company that has a pretty heavy-handed reputation. They were a division of First Energy at the time when Householder was convicted of receiving bribes. This company was a division of First Energy at the time. They have since split off from First Energy, but the guy who was the head of the department is the CEO of the company right now. It is kind of significant within legal circles, that Householder was convicted of accepting bribes but nobody has been prosecuted. First Energy has avoided that by diversifying their business practices, so that there is not a different company providing the power through the distribution system. Further explaining that Council's guess is as good as his on whether this company is tainted by that or not. Village Solicitor Tom Reitz did not like the email sent by the Synergy Broker. She did not seem helpful in her answers. Village Solicitor Tom Reitz informed Council that Fiscal Officer Katrina Washington posed a number of questions to him. After reading all the fine print, Village Solicitor Tom Reitz still couldn't answer. Village Solicitor Tom Reitz made the decision that it would be best for Council not to act on this legislation presented tonight. That Council should rather receive the documents and take a month or two to investigate. Further explaining that Energy Choice; in general; is a positive thing. The Village can save money by getting a better rate. He just can't say to Council that this is the best choice. Village Solicitor Tom Reitz explains to Council that we wanted to bring the information before Council so that it was on the table and in front of Council for their consideration. Requesting direction from Council about what should happen next with respect to an investigation. Further suggesting Council to talk about that at their next Committee of The Whole Meeting. Mayor Scott Garrett agrees, stating that there are multiple companies that provide. Sherri Pennington wonders what the savings would look like. Fiscal Officer Katrina Washington informs Council that the representative was claiming that the current rates they can offer would cut the electric bill almost in half. Further stating though that the representative is also a sales woman. It's like going to a used car dealer. Terrie Altieri informs Council that the numbers provided in the email are just the supply, that Ohio Edison is still going to be the supplier. Saying that there will be a double charge. Mayor Scott Garrett agrees. Fiscal Officer Katrina Washington says that is not how the lady explained it to her, but like Village Solicitor Tom Reitz explained as well. The representative was not very informative, referring to the emails before Council. Fiscal Officer Katrina Washington further explains to give Council a better idea of the

company in general. The representative she spoke with works for Integrity Energy. She has been speaking with multiple people from the company for months. They would say they would send me information, it would never come. The company representative would call again a month later asking if Council approved or denied. Advising Council, the consider that as well. Fiscal Officer Katrina Washington explains to Council what The Village's current electric bills are doing, to give them a better picture of what is going on. Stating that it is going up. Further explaining that The Village has a total of eighteen (18) different electric accounts. Between water plant, general fund and everything. When you take just four (4) of those eighteen (18) accounts, since March 2023. The Village's electric bill has gone up over eight hundred dollars (\$800); and that is just four (4) accounts that Fiscal Officer Katrina Washington looked at. Fiscal Officer Katrina Washington advises Council that she believes the rates are going to keep going up and will not come back down. Fiscal Officer Katrina Washington advises Council that somebody should defiantly look into it. Further explaining that she does not have the time to do that; she wishes that she could; but she does not have the time to research it all. Mayor Scott Garrett and Terrie Altieri said they could take a look into it. Mayor Scott Garrett explains that what happens a lot of times is that you get in with a great rate, but when that term ends your rates sky rocket. Village Solicitor Tom Reitz says that in light of the substantial penalty that is involved, and the information that Fiscal Officer Katrina Washington just shared with Council; that the costs are going up even though the usage is not. It is advised that Council do something like this as soon as possible, but elect to do it for a year. Further explaining to put a tickler system in place to review it two (2) months before it expires. This is help avoid the spike like Mayor Scott Garrett explained. Suggesting Council to at least get some benefit now, even if in ten (10) months, Council decides that there is a different supplier they would like to go with. Further suggesting that Council focus on that at the Committee Meeting. Mayor Scott Garrett says that they can look at that.

Terrie Altieri does a first reading of **RESOLUTION NO. 2023 – 11 A RESOLUTION AUTHORIZING AN OHIO ELECTRIC SUPPLY AGREEMENT - PRICNG ATTACHMENT WITH ENERGY HARBOR, LLC.** WHEREAS, the Council of the Village of Windham has received an overture from Energy Harbor, LLC under which Energy Harbor, LLC could provide a projected savings on the cost of electrical utilities to the Village of Windham

Mayor Scott Garrett opens the floor to Terrie Altieri for Safety and Personnel

Terrie Altieri does a second read of **ORDINANCE 2023 - 10 AN ORDINANCE FIXING COMPENSATION FOR MEMBERS OF THE COUNCIL OF THE VILLAGE OF WINDHAM, OHIO AND REPEALING ANY INCONSISTENT ACTIONS.**

Terrie Altieri motions to open discussion on **ORDINANCE 2023 – 10.** David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Village Tom Reitz reminds Council that they requested substantial revisions to **ORDINANCE 2023-10**, which he has done so. Further asking Council if the legislation currently presented before if what Council had in mind. Terrie Altieri says yes. Mayor Scott Garrett says thank you.

With no further discussion at this time Terrie Altieri makes a motion to end discussion on **ORDINANCE 2023-10.** David Belknap seconded the motion and it carried by a 5-0 Roll Call Vote.

Mayor Scott Garrett opens the floor to David Belknap for Utilities
David Belknap has nothing to share at this time.

Mayor Scott Garrett opens the floor to Cheryl Belknap for Service Committee
Cheryl Belknap has nothing to share at this time.

Village Solicitor Tom Reitz asks Council if this is where the contract the salt shed should be considered. David Belknap opens the floor to Village Administrator Ryan Wagner. Village Administrator Ryan Wagner explains to Council that there wasn't really a contract, it was a bid. The Village accepted the bid to build the salt shed. Mayor Scott Garrett asks if the bid was for thirty-four (34). Village Administrator Ryan Wagner confirms thirty-four (34) eight (8). Further explaining that he got three (3) different bids and this was the best price by far. Mayor Scott Garrett explains that it is the same company that did the roof repair. Village Administrator Ryan Wagner explains that when we talked to Council earlier, it was his understanding that you just wanted him to approve it. Asking Village Solicitor Tom Reitz if they can do that under Emergency Measure. Village Solicitor Tom Reitz explains to Village Administrator Ryan Wagner that he can't approve it, which is why legislation was drafted and presented to Council to approve it tonight. David Belknap has a question on the contract. Stating that originally Council discussed adding fiber. The contract presented to Council says "install six (6) inches concrete pad with rebar". Wondering if they are going to do commercial fiber in there. Village Administrator Ryan Wagner says yes. David Belknap asks if we could get an updated contract with that in there. Village Administrator Ryan Wagner says yes. Also asking Village Solicitor Tom Reitz if that is going to hold us up for today. Village Solicitor Tom Reitz informs Council that this type of discussion; the smaller adjustments; are the type of things that he contemplates when he drafts the Resolution the way he did. Stating that in Section 1 The Council approves the proposal from Stier Home Improvement in substantial conformity. Further explaining that Council can act on the Resolution tonight and tell the Village Administrator to have them add that because that is when it is acceptable. David Belknap explains the effects the fiber have vs the rebar in the concrete. David Belknap asks Village Administrator Ryan Wagner if the building will have metal siding all the way around. Village Administrator Ryan Wagner says yes. Further explaining that; if Council approves; they were going to go with a charcoal grey side with a black roof. Council President, Terrie Altieri says that is fine with them. Scott Garrett agrees further stating that he will just be happy to have a place to put salt.

David Belknap makes a motion to approve **RESOLUTION NO. R-2023- 12 A RESOLUTION AUTHORIZING A CONTRACT WITH STIER HOME IMPROVEMENT FOR THE CONSTRUCTION OF A 20 X 32 FOOT STORAGE BUILDING AND DECLARING AN EMERGENCY.**

Village Solicitor Tom Reitz asks David Belknap if he makes that motion subject to the concrete having the fiber inserted into it. David Belknap says yes, his motion is made with the addition of the fiber being added to the concrete. Sherrie Pennington seconded the motion and it carried by 5-0 Roll Call Vote.

Mayor Scott Garrett opens the floor to Council President Lawrence Cunningham for Economic Development

Council President Lawrence Cunningham informs Council that he spoke with a developer about trying to get apartments in The Village. He is waiting to hear back from them.

Mayor Scott Garrett opens the floor to Sherrie Pennington for Parks and Recreation
Sherrie Pennington asks Council if they wanted to meet an hour earlier at The Committee of The Whole Meeting to start discussing some type of summer event. Wondering if meeting at 5pm would work. David Belknap says that would work for him. Council agrees to meet at 5pm instead of 6pm. Terrie Altieri asks if that has to be posted. Clerk of Council Katrina Washington says that she believes so. Also asking what topic they would be discussing. Sherrie Pennington says Summer Fest. Clerk of Council Katrina Washington asks if they are calling it Summer Fest. Sherrie Pennington says that they don't know, they have not decided. Council asks about Parade of Lights. Sherrie Pennington says Council can discuss that too. Council President Lawrence Cunningham says the date for Parade of Lights is December 10, 2023.

Mayor Scott Garrett opens the floor the Planning Commission

Mayor Scott Garrett sends his best wishes to Zoning Inspector Nick Bellas on his procedure. Cheryl Belknap asks to speak on Zoning Inspector Nick Bellas' behalf. Zoning Inspector Nick Bellas said that the Planning Commission will have to look into some things. He also informed Cheryl Belknap that there have been permits and violations going out. There was a gentleman that approached him about having shipping containers. Wondering why he couldn't have one. Mayor Scott Garrett said that can be discussed.

Mayor Scott Garrett opens the floor to- Housing Inspector Damel Walker

Housing Inspector Damel Walker informs Council that he is still dealing with the issues for the 9515 Community, but he did get the second letter out. The owner did receive it. He was given sixty (60) days. Based on what Housing Inspector Damel Walker was reading, there is a total of ninety (90) days that the owner has total before we can really make any moves to prosecute. Housing Inspector Damel Walker has been talking with Village Solicitor Tom Reitz about the process and getting prosecution started. Village Solicitor Tom Reitz informs Council that we got good service on the owner for the first time. So now the clock is ticking. At the end of that sixty (60) days, Village Solicitor Tom Reitz would be in the position to file criminal complaint against him if he has not fixed everything. Further explaining that this is really good progress. Mayor Scott Garrett asks if Housing Inspector Damel Walker could touch base with Ms. Shaffer to share the news. Housing Inspector Damel Walker informs Council that he has already spoken with Ms. Shaffer. She is pretty happy, but she wants to bring all the News Outlets to The Village.

Mayor Scott Garrett opens the floor to Village Administrator Ryan Wagner,

Village Administrator Ryan Wagner asks Council to consider changing the shutoff date from the twenty-eighth (28th) of every month to the third (3rd) of the month. Further explaining that right now the Utilities Clerk has sixty plus (60+) shutoffs every month that she has to handwrite the door tags for. She was wondering if The Village would consider going back to shutoffs being on the third (3rd) of the month again. Village Administrator Ryan Wagner explained that this month there were some issues and shutoffs couldn't be done until the third (3rd). There were only ten (10) on the shutoff list. Further explaining that people get paid, social security checks come in and more on the third (3rd). It cuts it down tremendously. It also saves a lot of time for the guys going out because they have to go pass out all the door tags then go back and turn people back on. The current process puts a lot of strain on the Utilities Clerk and the guys. The Village

Administrator says that if we just wait five (5) days, we aren't losing any money. Mayor Scott Garrett asks Village Solicitor Tom Reitz what The Village's Ordinance say, asking if that has to be changed. Village Administrator Ryan Wagner interrupts saying that he has looked at the Ordinance. Explaining that it was changed but; if he read it right; there is a provision that Council could give Village Administrator Ryan Wagner the authority to say yes that's ok. Village Solicitor Tom Reitz informs Council and Village Administrator Ryan Wagner that if they would have mentioned it to him in advance he would be able to better answer their questions. Mayor Scott Garrett and Village Administrator Ryan Wagner apologize. David Belknap asks how much does The Village charge each time a shutoff notice is sent out. Village Administrator Ryan Wagner says they only get charged twenty-five dollars (\$25) if we physically shut them off. David Belknap asks if we charge another twenty-five dollars (\$25) when we go back out and turn it back on. Village Administrator Ryan Wagner says that it is just twenty-five (\$25) flat. Village Solicitor Tom Reitz informs Council that the Ordinance says in Chapter 927.04 that all water read payments are due in full on the fifteenth (15) of each month. It goes on to say that any, all unpaid balances, outstanding after the fifteenth (15) of each month shall incur a one-time penalty in five dollars (\$5) to be added to the unpaid balance. A customer's water supply may be shutoff for premises for when the water rent remains unpaid for a period of thirteen (13) days after the payment is due. That is where you get the twenty-eighth (28). Mayor Scott Garrett also states that is where you get the twenty-eighth (28). Village Administrator Ryan Wagner says that it says it may. Village Solicitor Tom Reitz also says that it says it may. Mayor Scott Garrett asks for clarification on if that gives him a little leeway then. Village Solicitor Tom Reitz explains that it does not say may at The Village Administrator's discretion, so he is wise to ask Council about it. Council should consider if they want to adjust that to say the third (3rd) of the next month. Asking that if Council would like to have that adjusted to let him know so he can adjust The Village's Ordinances. Mayor Scott Garrett asks Council for discussion. David Belknap likes the idea. Council President Lawrence Cunningham says that is fine. Mayor Scott Garrett says let's do it. If it will help make life a little easier for our residents we should. Further explaining that it is a hardship because our water is not cheap.

Village Administrator Ryan Wagner informs Council that a resident brought the water rates to his attention. Explaining that after so many gallons the water rates go up. The resident informed Village Administrator Ryan Wagner that when he gets to that point, he starts to conserve water. He won't wash his car or anything because they don't want to pay more. The resident suggested maybe dropping the rates after that point, residents would be more apt to use more water because they won't feel like they are being penalized. Village Administrator Ryan Wagner informs Council that the water plant can make eight hundred (800) gallons a minute with just two wells. He believes that dropping that price down a little to sell a little more water, would not financially hurt us. It would also give residents an incentive to use more water. David Belknap says that it would also help out turnover rates in our towers too. Mayor Scott Garrett says that he has seen some communities give a lower rate after a certain amount. Question is, what is that rate. Wondering if we are talking about six (6) seven (7) thousand gallons. At what point do we lower the rate. Village Administrator Ryan Wagner says that is something that we could discuss and do some research on. Mayor Scott Garrett thinks that what we should look at is how many people are at each bracket. To see if it will cost a substantial revenue by doing so. Village Administrator Ryan Wagner informs Council that they will take a look at things to propose the option.

David Belknap asks Village Administrator Ryan Wagner about the Hard Labor Quote paper he received. Village Administrator Ryan Wagner informs Council that it was just something for Council to have to look at for the Committee Meeting. Informing Council that he won't be able to get to it until probably then anyways. David Belknap said that was going to be his next question, because we don't want to wait too long since it is going to get cold. Village Administrator says as long as we get it before it snows. Mayor Scott Garrett asks when do they stop making hot patch. Village Administrator Ryan Wagner asks resident Sam if he knows. Sam says that when you get a consistent temperature around frost, they usually start cutting back on making hot patch. The reason is because with hot patch you go and pick it up and it has to remain hot by the time you get it back.

Mayor Scott Garrett opens floor for last chance for Council to speak on any subject

Council President Lawrence Cunningham asks David Belknap if he got any information about the All Call thing. David Belknap says that he put in a couple more things. Asking Fiscal Officer Katrina Washington if she received anything in her email to be forwarded. Fiscal Officer Katrina Washington thinks that there may have been one email, but she didn't know if it was legit because David Belknap was supposed to let her know when to watch for something. David Belknap says there should have been a couple come through. Fiscal Officer Katrina Washington says that she thinks she has only seen one. David Belknap says that he will follow up on that again. He did also ask the school who they use because they use the One call system.

Cheryl Belknap asks Council why the Wastewater trucks don't have The Village of Windham on their trucks when everything else for Windham has the name on their vehicles. Mayor Scott Garrett says he has no idea. Terrie Altieri asks Village Administrator Ryan Wagner if he noticed that. Village Administrator Ryan Wagner said he guesses he never really paid any attention. David Belknap says more money in lettering.

Village Administrator Ryan Wagner shares that The Village's older dump truck has forty-four thousand (44,000) miles and the dump bed is rusting off of it. Mayor Scott Garrett asks how old the truck is. Village Administrator Ryan Wagner thinks it is a 2016. It was a metal bed and it used to be the salt truck. Further explaining that The Village could get a new bed, if Council would like. He could price some dump beds but if Council is not interested, he would rather not mess with it. David Belknap asks if we need a dump bed for that one. Village Administrator Ryan Wagner says yes because if we do water breaks and stuff like that, we don't want to drop rocks in the aluminum bed on the new salt truck. David Belknap asks if we could get a price on a new bed because he thinks a new bed would be substantially cheaper than a new truck. Depending on the condition of the truck as a whole. David Belknap also asks if we can start getting our vehicles undercoated to prevent this.

David Belknap informs Council that Mantua just switched all their street guys over to driving around UTVs, like out gator. Because it saves on their wear and tear on their big trucks. It saves on gas, maintenance, it saves on so much. Mayor Scott Garrett suggests look at our newer vehicles, this is the time of the year that we should get them undercoated. Asking David Belknap if he knows of anyone that does that in the area. David Belknap says that he will get a list together because there are several places that do it.

Sam asks Village Administrator Ryan Wagner about the bed he said was rusting. Wondering if it is bad bad, like you can see through it. Village Administrator Ryan

Wagner says that it is just the side rails. Sam asks if there is anyone in town that can fix it. Village Administrator Ryan Wagner says that we could, but do we really want to weld plates to it. It's going to look, it's the side of it. Sam suggests getting a grinder to cut out the bad spot, weld the new spot in, flat wheel, a little bit of paint because it's black. Village Administrator Ryan Wagner says it could be done. David Belknap says it depends on the extent of the damage. Sam says that if you can stand in the bed and you can't see through it, it is still a good dump box. Village Administrator Ryan Wagner agrees but says that it is something to consider. He's just bringing it up. It's rusting out. We could weld plates to it if Council would like. Mayor Scott Garrett says that Council can discuss it further at the Committee meeting. David Belknap tells Village Administrator Ryan Wagner that he can meet with him soon and they can go down and look at it together.

Mayor Scott Garrett opens the floor to Village Solicitor Tom Reitz.

Village Solicitor Tom Reitz takes the liberty to introduce his partner Chuck Gasior. Further explaining that Chuck has been Tom's law partner for a number of years. He is the person Village Solicitor Tom Reitz is proposing to Council to complete his Solicitors contract when he stands down at the end of December. He has substantial experience in political subdivisions; mostly boards of educations. Village Solicitor Tom Reitz has generally told Chuck some things about The Village of Windham and anticipates to receive some questions about things that took place tonight. He wanted Council to be able to put a face to the name and give Council the opportunity to speak with Chuck. Solicitor Tom Reitz asks for permission to open the floor to Chuck Gasior. Mayor Scott Garrett gives permission. Chuck Gasior shares that he is a lifelong resident of North East Ohio, growing up in the Youngstown area. Further explaining who he also represent; the board of education and the Portage County of Engineers office. So, he is familiar with the Municipalities and procedural call that Council is doing tonight. Chuck also explains that he has twenty (20) years as an attorney and would love to take over for Tom afterwards. Informing Council that if they have any questions for him, he is always open to having them. If Council can't think of any today, Council can email them or call. Mayor Scott Garrett shares that Solicitor Tom Reitz has been with The Village for twelve (12) years now. Further explaining that Council loves Village Solicitor Tom Reitz and the service that he has given The Village. Council appreciates this and takes his advice very strong.

Village Solicitor Tom Reitz informs Council that is knows Council has a vacancy and probably thought about it in terms of we are going to select somebody to replace Maurina Collins. That is a personnel decision so it would be appropriate for an Executive Session. Further stating that there were some inquiries to Solicitor Tom Reitz on that topic. Explaining that it does not work out that way. Village Solicitor Tom Reitz explains what he thinks is the proper analysis. When there is a vacancy on The Village Council, the vacancy shall be filled by an election by the legislative authority for the unexpired term. If the legislative authority fails within thirty (30) days to fill such vacancy, then the Mayor shall fill it by appointment. So, it is an election. Village Solicitor shares that it is his understanding that Council got the word out and solicited people who are interested in serving on The Village Council. That is great. It is not a statutory requirement, but he commended Council for doing that. He really thinks that was the right way to go about it. Further explaining that if Council is going to fill the vacancy tonight, Council is going to have an election. Now, Council will look at the section of the Ohio Revised Code which authorizes Council to go into an Executive Session. There are six (6) different baizes

which are legitimate reasons to go into an Executive Session. As Council well knows, appointment or personnel is one of them. The statute, which is statute Ohio Revised Code 121.22 subparagraph G1 says to consider the appointment, employment, dismissal, discipline, promotion, demotion, compensation of public employee or official, or the investigation of charges or complaints brought against the public employee or official, or the regulated individual. And then there is a provision that says you can go into Executive Session unless the employee asks for it to be held in the public. Village Solicitor Tom Reitz asks Council if they notice what's missing. Chuck Ga... also says that it is also known in the Ohio Sunshine Law. Village Solicitor Tom Reitz explains that the portion that is missing in this statute is to discuss an election. It is not one of the expressed reasons for going into an Executive Session. Because of this it is recommended to Council not to enter into Executive Session to conduct the election. Village Solicitor Tom Reitz suggests Council to speak to the candidates, to form your opinions, to discuss amongst yourselves. That is actually consistent with one of the hallmarks of Ohio Law which is elections are free and open. They should be transparent and they should be available for all to see. Mayor Scott Garrett asks Council if they want to move forward today or would they like to have all three (3) present to speak with them. Further stating that Council has all their applications and have read them. Cheryl Belknap thinks Council should talk to them. Terrie Altieri agrees. David Belknap reminds Council that we also sent out Letters of Intent and it was noted that it was going to happen today. Council President Lawrence Cunningham says that Council was going to pick one without talking to them, so what is the difference. David Belknap agrees stating that Council should do it tonight because the meetings are on Tuesdays. Mayor Scott Garrett asks if it says the ballot should be done privately or public. Village Solicitor Tom Reitz informs Council that it does not say. Mayor Scott Garrett explains that there are three (3) candidates. Mayor Scott Garrett informs Council to write down who they would like, then we can go one at a time and say this is who I would like for that position. Then whoever has the most votes gets it. The only time the Mayor would vote is if there was a tie. Terrie Altieri would like to discuss the candidates first. Mayor Scott says yes and opens the floor for Council to have an open discussion about the three (3) candidates. Further stating that Council has three (3) good candidates and he is happy that Council has three (3) people that are interested. All of them have a tie to this community and would be very beneficial to be on Council. Cheryl Belknap shares with Council that the lady that lives on Horn Rd has been to all the Council meetings for the last eight (8) months. Mayor Scott Garrett agrees. Cheryl Belknap further explains that she doesn't just show up to say something. David Belknap asks where she lives. Council President Lawrence Cunningham says she lives on Wolf Rd. Clerk of Council Katrina Washington informs Council to say her name, which is Marilyn Gage. Cheryl Belknap says that she has been coming for eight (8) months and takes notes daily. Her and her husband have an interest in Windham. They aren't just hear for today and then we don't see them for six (6) weeks. Terrie Altieri has the same identical feeling about Mrs. Gage. Terrie Altieri has watched her sit here every meeting, not just the Council Meetings. She is also here for the Committee of The Whole. If she's not here then her husband is here and they have listened. Terrie Altieri doesn't think she has heard anything negative from either one of them about the town, like we have in the last two (2) months. Terrie Altieri would really like to see her become a member of Village Council. David Belknap thinks Mr. DeSalvo would be a great candidate. Not only does he have mechanical abilities he also works for the Village of Garrettsville. He has been here his entire life. David Belknap thinks that him just being able to have a different opinion on things that most of us don't have; like the bed. If we

could cut that out and save a lot of money, because those dump beds are not cheap. Those are probably going to be upwards to twenty thousand dollars (\$20,000), it will save our Village money. So, that is another aspect that Mr. DeSalvo brings that some of us don't have. Mayor Scott Garrett agrees, asking if anyone else would like to speak. Sheila Moore asks who the candidates are. She knows who two (2) of them are but not the third (3). Sherri Pennington says Denise Walker. Terrie Altieri says Damel's wife. Clerk of Council Katrina Washington says Marilyn Gage, Samuel DeSalvo and Denise Walker were the three (3) Letters of Interest that Council received. Mayor Scott Garrett says Council is going to put up a vote and he is going to tally up the votes. The person with the most votes, that is going to be our next Council person. Mayor Scott Garrett asks if Council agrees. Terrie Altieri says yes.

Lawrence Cunningham – Denise Walker
Cheryl Belknap – Marilyn Gage
David Belknap – Sam

Sherri Pennington – Denise Walker
Terrie Altieri – Marilyn Gage

Votes were tied with two (2) for Denise Walker and two (2) for Marilyn Gage. Mayor Scott Garrett stated that he thinks both are very good candidates. Further explaining that he has seen Mrs. Gage at a lot of the Village meetings and helping out in the Community. Mayor Scott Garrett broke the tie by placing his vote for Marilyn Gage. Marilyn Gage will fill the vacancy on Council.

Village Solicitor Tom Reitz informs Council that there was an issue that Fiscal Officer Katrina Washington inquired about for payroll for an employee that has been terminated. Further explaining that he had heard some things about this; but as in the case with most personnel decisions; it is not necessary for me to know. But he wanted Council to know that when an employee is terminated, it is important for the department head to tell Fiscal Officer Katrina Washington the last day of that employee. That is the case whether it is termination, involuntarily, or voluntarily when that happens. Because Fiscal Officer Katrina Washington uses that date to figure any vacation which has been earned, so that the employee gets that. Occasionally there is Comp time which the employee may be entitled to. And there has been some controversy about sick leave. You don't get paid your sick leave when you are terminated. If you are a long-standing employee and you take a job with another political subdivision, your sick leave can transfer. If the end of your employment is because you retired, there are some provisions in The Ohio Revised Code that you get paid a portion of your sick leave. But it is not elective. The employee can't say I'm leaving, I have accrued all this sick time while I was here, I would like to be paid it. That is not an option with The Ohio Revised Code. Village Solicitor Tom Reitz wanted to touch on that so that if there were any questions about this, it would be cleared up and Fiscal Officer Katrina Washington would know. Council President Lawrence Cunningham thought it was stated that October 1 was the last day for that employee. Terrie Altieri and Village Administrator Ryan Wagner agree. Village Administrator Ryan Wagner asks Village Solicitor Tom Reitz if Council decides that we have an employee; not under disciplinary actions but under financial reasons; we are going to let you go in two (2) weeks. Are you saying that in those two (2) weeks, he's technically still employed. Village Solicitor Tom Reitz states that technically the employee should still be working. Further explaining that you can't pay somebody for two (2) weeks to not come in. Village Administrator Ryan Wagner said he understands. Asking if that excludes him from using the sick time that he has. Village Solicitor Tom

Reitz states that if he is actually sick during that time, not a Oh, I've been terminated. I feel poorly. Village Administrator Ryan Wagner asks if that means after the first day should we ask for a doctor's excuse. Village Solicitor Tom Reitz says yes, you are absolutely in your rights to do that. Village Administrator Ryan Wagner says that he thought it was three (3) days. Village Solicitor Tom Reitz informs Village Administrator Ryan Wagner that if he is the department head. Mayor Scott Garrett asks if the employee has Comp time or vacation leave, he can use those. Village Solicitor Tom Reitz informs Council that he is entitled to that. Mayor Scott Garrett says to check on that and if not then he has to work. Village Administrator Ryan Wagner says that he had forty (40) hours of vacation and sixteen (16) hours of Comp time. Village Solicitor Tom Reitz informs Council that if they decided his last day was October 1 and he is actually working. Then you figure out what the vacation time and Comp time is in that time period. If he becomes ill, actually ill, during the time he wouldn't be employed here anymore. It is appropriate to get some kind of quantifiable evidence from a medical provider. Further explaining that you don't need his medical records, but a note from a doctor that says he can't work that's all.

October Calendar

Committee of The Whole Meeting Tuesday October 10, 2023 at 5 p.m.

Regular Council Meeting Tuesday October 23, 2023 at 6 p.m.

Regular Council Meeting date was changed due to further education course for Fiscal Officer Katrina Washington

Police Chief Rick Garinger informs Council that water line break in the Plaza. Informing Council that he has not been billed for all that water that was lost. Police Chief Rick Garinger plans on moving forward to with the charges on disruption of a Public Service. But he has not paid any penalty for the break like other residents do. Mayor Scott Garrett suggests getting the Water Superintendent involved to figure out an estimate for that loss. Mayor Scott Garrett asks Village Administrator Ryan Wagner to reach out to the Water Superintendent to see if he put something together for that. Village Administrator Ryan Wagner says yes.

Sam DeSalvo informs Village Administrator Ryan Wagner that he is volunteering to help fix the dump truck bed, just let him know. Mayor Scott Garrett and Village Administrator Ryan Wagner both appreciate the offer to help. Village Administrator Ryan Wagner asks if he volunteers, does our insurance cover him. Village Solicitor Tom Reitz says that workers compensation will cover a volunteer. Village Administrator Ryan Wagner asks if it would cover himself if he was to operate machinery or equipment. Village Solicitor Tom Reitz says yes, he is an employee.

Council President Lawrence Cunningham asks Fiscal Officer Katrina Washington if Mrs. Gage will need to come do all her paperwork. Fiscal Officer Katrina Washington confirms.

Village Administrator Ryan Wagner informs Council that it was his understanding that Maurina Collins has a key to the Wastewater Plant. He was wondering if we would be able to get that back. Terrie Altieri didn't think she had a key. Sherri Pennington said she does. David Belknap said Maurina Collins has had a key for over a year now. Sherri

Pennington said they were doing something down there she got it. Terrie Altieri said that she will get the key back.

With no further business to discuss David Belknap makes a motion to adjourn the Regular Council Meeting. Council President Lawrence Cunningham second the motion and it carried by a 5-0 Roll Call Vote.

Regular Council Meeting was adjourned at 7:16 pm.

Respectfully Submitted,

Attest,

Katrina Washington
Clerk of Council

Scott Garrett
Mayor

NOTE: THESE MINUTES ARE A SUMMARY BY DIRECTION OF COUNCIL
All Council and Committee Meetings will be held in Windham Council Chambers,
unless otherwise noted