

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting
April 25, 2022
REGULAR MEETING

Council meeting

7:00 P.M. – The council meeting was called to order by Mayor David Leshinski and opened with the Lord's Prayer followed by the Pledge of Allegiance.

The roll was called:

Councilmember Michele Jeffers	P
Councilmember Scott Jones	P
Councilmember Jeanne Maschari	P
Councilmember Becky Siesky	P
Councilmember Jeri Leigh Siss	P
President Pro Tempore David Troike	P

Ex officio members:

Fiscal Officer Michelle Henke	EA
Records Clerk Laurie Beran	P
Assistant Law Director Jacob Homolya	P

(EA – excused absences)

APPROVAL OF AGENDA April 25., 2022 with the addition of SAFD approve appointment of Assistant Fire Chief and termination of a Firefighter, plus marking of roads, Councilmember Maschari moved to approve agenda with additions. Councilmember Troike second. Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

APPROVAL OF MINUTES April 11, 2022

Councilmember Troike moved to approve minutes as presented, Councilmember Jones second. Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

VISITORS

SAFD: Dennis Hevener

SABPA: Pellittieri

Wreaths Across America: Kathryn Kennedy 6083 Dorwood Dr. Lorain; George Roling 61120 N. Dewey Rd. Amherst; John Sekletar 378 Long St. Amherst.

Gave a brief presentation on the Wreaths Across America national program where people from the community donate to put wreaths on veteran's graves for the winter. The group works with the V.F.W., American Legion and other community organizations. If possible, a storage space would be helpful for during the summer months. The wreaths are placed on December 17th across the nation, and it would be up to the Cemetery Board for the date of removal. We are asking for permission to place the wreaths. They also made note that Mr. Roling was a World War II Veteran who supports this endeavor and just had his picture completed at Patriot's Park in Amherst.

Councilmember Maschari moved to approve the placement of the wreaths, upon approval of the Cemetery Board. Councilmember Jeffers second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Lorain County Community Development: Don Romancak

County Commissioners have asked for 20 million in the federal budget for the Northwest Sewer Project (aka Baumhart Sewer). Baumhart Rd. is still the best way to get it close to the village. The 48" line would be a direct line from the PQM plant in Lorain to Baumhart, Middle Ridge to the Turnpike, Middle Ridge to the Quarries. If it can get as far as the Quarries, the last mile is more feasible. There would need to be lift stations involved due to the geology of the land (vast amount of sandstone). Commissioners are looking for a non-school TIF, were not looking at the residents to contribute to this project. Financed Non-school TIF means no money from new projects would be taken tax money from the school. If this

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

proposal goes through the Village would need to decide who is in control of the Village system, the village or the county.

Councilmember Troike inquired as to what happened with the project that was submitted in the fall of 2021. Mr. Romancak responded that even though it was one of the top 10 on the priority list of the county commissioners, that state rejected the proposal. Councilmember Siss asked if there have been any recent conversations with IRG and any discussion on the village having their own package plant. Mr. Romancak responded that he is not aware of any recent discussion with IRG. The county has had internal conversations if the EPA would approve it, it seems the EPA would frown on it. If there is a development, the EPA would prefer the waste go to an existing plant.

MAYOR

NOPEC Grant Balance – current is \$8876.00, if the ordinance is approved this evening the new balance would be \$12,818.00 in June. Councilmember Siss requested a Board Submittal form be devised by the Clerk and it should include detailed instructions regarding estimates and dates. The form to be completed by May 2, boards submit to Mayor by June 6, Building & Grounds committee recommend June 13, council vote on June 27.

Councilmember Siss moved to have a Departmental NOPEC Grant Request Form developed. Second by Councilmember Troike.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

FISCAL OFFICER

April financial reports and payment listing 3/24-4/21/22 were presented. The March Reconciliation is complete and available for review and Council signatures. Mandatory reporting of SLFRF (ARPA) Compliance Report to the U.S. Treasury was completed on April 19th,

Mayor's Court March 2022 Village: \$8,496.00 County/State: \$2379.00

The Fiscal Officer completed 10.5 hours of training through the Local Government Officials Conference sponsored by the Ohio State Auditor.

Fiscal Officer met with Peck & Gambish the village's Tax Administrator regarding the income tax credit and different formulas for income generated have been provided to council. Income tax above 1% requires voter approval. Peck & Gambish have given notice that they will be discontinuing their Municipal Tax Services. The village will need to have a new provider in place prior to September 30, 2022. Councilmember Siss reminded council that a message still needs to be crafted for residents.

Aaron Appell, Bramhall Engineering, recommends the village join NOACA in order to access infrastructure funds for future projects. The engineer further explained that the company can be flexible

in customizing their service level to meet the needs of the village. They can create specs/scopes of work for projects, such as road patching, as well as creation of bid sheets to better qualify contractors.

RECORDS CLERK

Public Notice Postings

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Councilmember Maschari asked where public notices are currently posted. They are posted on the website, town hall, fire department, park, Piggy's.

Councilmember Maschari moved to place a set of notices at East of Chicago Pizza instead of the fire department. Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss nay Troike yea Motion passed.

Scope of Work:

Mowing

Councilmember Troike moved to approve mowing scope of work. Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss nay Troike yea Motion passed.

Potholes

Councilmember Troike moved to approve mowing scope of work. Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss nay Troike yea Motion passed.

Snow plowing

Councilmember Troike moved to approve snow plowing scope of work. Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss nay Troike yea Motion passed.

Councilmember Maschari moved to have Bramhall Engineering form a scope of work for paving of the town hall parking lot. Councilmember Siesky second.

Discussion: Councilmember Siss inquired if we have an estimate on how much a scope of work would be. Councilmember Maschari replied it would cost approximately \$3000.00 or less.

Jeffers yes Jones yea Maschari yea Siesky yea Siss nay Troike yea Motion passed.

ORDINANCE

Ordinance No. 1723-22 An ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council (NOPEC) 2022 Energized Community Grant.

Councilmember Maschari moved to approve Ordinance No. 1723-22. Councilmember Siss second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Ordinance No. 1729-22 An ordinance authorizing the mayor to enter into a contract with Baldwin Group, Inc. for online docketing and payments module, and declaring an emergency.

Councilmember Maschari moved to suspend the rules and pass as an emergency Ordinance No. 1729-22. Councilmember Siesky second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Ordinance No. 1730-22 An ordinance authorizing the mayor to enter into a contract with Bridge Payment and declaring an emergency.

Councilmember Troike moved to suspend the rules and pass as an emergency Ordinance No.1730-22. Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Ordinance No. 1731-22 Codified Chapter 139 (*First Reading*)

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Ordinance No. 1732-22 An ordinance repealing existing South Amherst Codified Ordinance Section 521.12 & 521.14; enacting new South Amherst codified Ordinance Section 521.14, and declaring an emergency.

Councilmember Troike moved to suspend the rules and pass as an emergency Ordinance No.1732-22.
Councilmember Siesky second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Ordinance No. 1733-22 An ordinance enacting new South Amherst Codified Ordinance Section 1141.09 and declaring an emergency.

Councilmember Troike moved to suspend the rules and pass as an emergency Ordinance No.1733-22.
Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

RESOLUTION

Resolution No. 659-22 Council Pro Tempore Building Access

Councilmember Maschari moved to suspend the rules and pass as an emergency Resolution No. 659-22
Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

DEPARTMENTS

Fire

March

EMS	Fires	MVC	MA	Misc.	Tpk.
13 (9/4)	4 (2/2)	2 (1/1)	5	2	1

Training for the month of March was focused on EMS and hand tools.

The department was awarded a \$15,000.00 grant to use for equipment. Would like to thank the Fiscal Officer for her assistance in writing the grant.

Approve the appointment of John Crawford as Assistant Chief.

Councilmember Maschari moved to approve John Crawford as Assistant Chief. Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Acceptance of the resignation of Firefighter Dakota Friedl.

Councilmember Maschari moved to approve the resignation of Firefighter Dakota Friedl.

Councilmember Jones second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Police

Traffic Citations (3/26-4/25) 27 Speed, 6 School Zone, 3 Right on Red

Calls for Service: 5

LCSO: no report available

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

After numerous calls and schedule changes, there will coverage for the Memorial Day Parade.

BOARDS

Cemetery

Obtaining a scope of work for major infrastructure work on flooding issues over gravesites.

Roadways need maintenance.

Seeding and dressing of graves to be done by the board. GoGreen will be installing footers. Board has decided to pour footers twice a year (spring and fall).

Board is working on a walk-in entrance to the cemetery.

Park

Mr. Meade has complained to council regarding the standing water that abuts his property. Liaison will discuss further with the Board.

SABPA

Chlorinator was tested last week and will be running for the season.

Assessment Management update has been sent to the EPA.

COMMITTEES

Committee work session was held 4/24/22 and completed in 2 hours. The next committee meeting will be a virtual meeting on Friday, May 13th from 6-8 p.m.

Bldg. & Grounds

HVAC to be discussed in executive session.

Water plant grant – no response as of today.

Auction items –Quotes were emailed to council for a new tractor that was comparable to the current tractor, which would be approximately 51K. Currently, researching the cost of restoring the tractor.

Street

Pothole repair – batch plant opens this week; roads will get patched weather permitting.

Road markings – edge lines are looking thin; the mayor will contact the county to see when they would be able to schedule and the cost. Mayor asked that the committee to submit a list of the roads they would like done by May 2nd. Mayor recognized Dennis Hevener who stated that the road stripping is used as guide for workers who snowplow.

Councilmember Troike moved to purchase a dump truck properly equipped with snow removal equipment, not to exceed \$26,000 a year, for five (5) years. Councilmember Maschari second.

Discussion: Councilmember Troike there are two quotes that were done last summer, and we adjusted the cost.

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Councilmember Siesky asked for a virtual Street Committee meeting to be held on May 13th at 8:00 p.m.

Councilmember Jones moved to get an estimate to remove the chain-link fence and install new village signs. Councilmember Troike second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Service/Sidewalk

Service Worker

Councilmember Jones moved for a sponsored add not to exceed \$50.00 on Indeed.Com. Councilmember Maschari second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Audit/Finance

Audit was completed on the first three months of 2022.

Next finance meeting will be May 10 at 7:00 p.m.

Ordinance

Virtual Meetings May 12th at 11:00 a.m.

Councilmember Jones moved to have a letter sent to the property owner of 431 W Main St, who is in violation of Sidewalk Ordinances 901.6 (a) and 901.6 (b) and for the sidewalk to be rectified within fifteen (15) days and copied to the realtor. Councilmember Troike second.

Reference:

901.6 (a) Where a driveway is of loose stone or gravel, said stone or gravel shall not cover the sidewalk. A through sidewalk must be maintained through the driveway and must meet the above sidewalk requirements.

901.6 (b) An existing sidewalk shall not be removed to avoid compliance with this chapter.

Discussion: Councilmember Troike said this was brought back to council because the house is up for sale and the property owner was aware that the sidewalk needed to be repaired/replaced. Action started when a complaint was received. Council feels that the current owner should be responsible for the repairs, not a new owner.

Councilmember Maschari asked the law director if you can require the fifteen (15) day stipulation when the ordinance states forty-five (45) days for compliance weather permitting? Law Director: The Zoning Inspector shall serve written notice upon any person or property owner whose sidewalk does not comply with the provisions of this chapter. Such person shall have forty-five days to correct the defect, weather permitting. Each day of failure to comply with this section shall constitute a separate offense. And when this is received they have forty-five (45) days to remedy the situation, so no, the zoning inspector cannot require fifteen (15) days. Councilmember Maschari asked, "So we just need to modify the motion on the table to be forty-five (45) days?" Law Director: could you amend the ordinance; you may be able to as long as is not conflict with state law. Councilmember Maschari asked, "If you sent the letter last year and didn't act on it, can you still use that letter as your forty-five days? Law Director, "So, yes. So, I would recommend these notices be sent certified mail and they have a signature received. Is it necessary, no. but it serves as a notice that it was received. If you sent it regular mail, you're not gonna have it documented

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

it was received and that would set you up for a challenge." That wasn't the question, would it be sufficient to move forward under this chapter? Technically sufficient, however going forward you don't want to send a notice and act on it two years later. The resident may have assumed that you have forgotten about and if you want to enforce it, send the notice and stay up on it. "If it was certified mail and you have documentation of it, that would be sufficient to move on it."

Councilmember Maschari stated that she believes that the O.R.C. requires council to pass a resolution regarding an assessment on a property in order for it to be properly filed with the county. Councilmember Siesky inquired if the house is up for sale, do we have the right to contact the realtor? Questions was raised by Mr. Pellittieri regarding the resident getting their own legal counsel who would document other residents who had the same violation not being cited, would the non-enforcement of existing violations set a precedence in favor of the resident? Law Director's response was, "Yes, disparate treatment would be an argument for defense...it's a point well taken." Response to Councilmember Siesky's question is that there would be a disclosure statement that has to be filled out by the seller. Councilmember Troike stated that we have been told more than once that we are a complaint driven community. There was a complaint and that is why we are attempting to enforce the ordinance, we are trying to make change in the community. Mr. Pellittieri, "If were going to make change, make the change throughout the entire village, start enforcing it on all the sidewalks, not just him. There is one here at the church." I'm not saying don't enforce the ordinances, I'm just saying enforce throughout the village.

Councilmember Siss stated that the Sidewalk Committee is getting together to work on Phase 2 of Ordinance Enforcement. She then requested a copy of all documentation that was sent to Mr. Urig from the mayor's office be copied to council and the law director by Friday, April 29th.

Councilmember Maschari moved to have a special event packet, Councilmember Troike second. Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Safety

Councilmember Troike moved to approve if necessary \$400.00 for outsourcing traffic control at the parade. Councilmember Maschari second.

Discussion: Clerk was recognized to read a statement from the fiscal officer. The Fiscal Officer stated, "I heard council was interested in paying for security to have the parade. Would they consider an incentive for Frazier to offer his guys to see if it would help get them in. I think it would be nice since gas is so expensive and some of them come from pretty far away." Councilmember Maschari talked with Chief Frasier this afternoon and he felt they would be able to have the parade, the department would not be "in" the parade. I did mention to him about possibly giving them an incentive. The Chief mentioned that what you're going to get for security, and you only pay your officers \$12.00 an hour is offensive. Councilmember Maschari said that Chief Frazier was waiting on an answer from the Fire Chief, if the department could help out with traffic control. Fire Chief said, "As of now I have seven (7) that have responded that they could be there." The fire chief went on to say that if the department was blocking one end of the route and had to leave for a call, that end would be unprotected. For the record Councilmember Siss stated, "The communication that was given to committee, was that it was based on the availability of the police, not based on price of police. So, that's why the recommendation would be if needed that we would outsource and pay for outsourcing. Not that we didn't want to pay an incentive or something like that. It was expressed to us at committee that the conversations were had the police didn't

RECORD OF PROCEEDINGS
Minutes of Village of South Amherst Meeting

have anyone available. Now, if we knew that an incentive was an option or to give them a little bit extra to maybe persuade decisions of availability and make them move their calendars around, we would have made the recommendation that it would not be outsourced but go to our own police force. I just want to make sure that it is on the record that there was no intention of the council to be offensive or exclude our police force, we very much appreciated. The original intent was based on what we thought their availability or lack thereof was based on the communication with the chief."

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Councilmember Siss requested an updated list from the mayor regarding participants for the Memorial Day Parade by April 29th.

Community Economic Development

Putting together an interest form this week, interviewing in May, up and running in June

MISCELLANEOUS

Councilmember Jones moved to create an SOP for social media official Facebook page, records retention compliance and current Facebook page administered by David Troike be the official Facebook page of South Amherst. Councilmember Siss second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Councilmember Troike moved to eliminate the committee meeting of the whole, committees will now meet individually. Councilmember Maschari second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

Executive Session to discuss litigation.

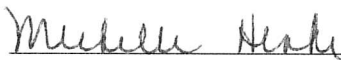
Councilmember Jones moved to enter executive session at 9:36 p.m. Councilmember Maschari second.

Jeffers yes Jones yea Maschari yea Siesky yea Siss yea Troike yea Motion passed.

ADJOURNMENT

Councilmember Siss move to adjourn at 10:09 p.m. Councilmember Troike second.

Respectfully submitted,


Fiscal Officer Michelle Henke

Mayor David Leshinski