

REGULAR MEETING OF THE COUNCIL OF THE VILLAGE OF SILVER LAKE

Monday May 21, 2018

7:00 p.m.

The Village of Silver Lake Council met in a regular session on Monday, May 21, 2018, at Silver Lake Village Hall, 2961 Kent Road, Silver Lake, Ohio.

With President of Council Mr. Gerald Jones presiding, the meeting was called to order at 7:00 p.m.

Mr. Jones led the Pledge of Allegiance.

The following members were present and responded to roll call: Mr. Dann Nivens, Mr. Tim Nichols, Mrs. Betsy Meyer, Mr. Gerald Jones, Mr. William Church, Mrs. Therese Dunphy, Mr. Matthew Plesich

Roll call of Council - 7 members present

Mr. Jones asked if there were any additions or corrections to the minutes of the May 7, 2018, Council meeting.

There being no additions or corrections, the minutes were approved as submitted.

Mr. Jones asked Mr. Sean Housley, Clerk-Treasurer, for the reading of any pending legislation that is up for first reading.

RESOLUTION NO.: 40-2018 A RESOLUTION CONFIRMING THE MAYORAL APPOINTMENT OF JAMES DESTRO TO THE CITIZENS HOUSING COMMITTEE REPRESENTING DISTRICT "B", OF THE VILLAGE OF SILVER LAKE FOR THE TERM ENDING DECEMBER 31, 2021, AND DECLARING AN EMERGENCY.

Mr. Jones assigned Resolution No.: 40-2018 to the Personnel and Public Affairs Committee.

ORDINANCE NO.: 41-2018 AN ORDINANCE TO AMEND APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE VILLAGE OF SILVER LAKE DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND DECLARING AN EMERGENCY .

Mr. Jones assigned Ordinance No.: 41-2018 to the Finance & Appropriations Committee.

SECOND READING:

RESOLUTION NO.: 37-2018 A RESOLUTION APPROVING AN AGREEMENT WITH WICHERT INSURANCE SERVICES, INC. FOR THE PURCHASE OF PROPERTY, INLAND MARINE, CRIME, AUTOMOBILE LIABILITY, GENERAL LIABILITY, PUBLIC OFFICIALS/EMPLOYMENT PRACTICES LIABILITY, LAW ENFORCEMENT LIABILITY, AND UMBRELLA LIABILITY INSURANCE COVERAGE FOR THE VILLAGE OF SILVER LAKE, AND DECLARING AN

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EMERGENCY.

Resolution No.: 37-2018 was previously assigned to the Planning, Zoning and Insurance Committee.

THIRD READING: None

Comments from the audience: None

PLANNING, ZONING AND INSURANCE COMMITTEE – MR. NICHOLS

Mrs. Janie Geis from Wichert Insurance Agency was present to answer any questions.

Mrs. Geis said she met with the Mayor, Mr. Housley and Mr. Nichols.

Mr. Nichols said she answered all his questions to his satisfaction.

Mrs. Geis said we have what we call a flat renewal. We increase your property values each year by about two percent. We did add some equipment this year. That added about \$100,000. The expiring premium was \$30,085, and the renewal premium is \$30,110.

Mrs. Dunphy asked about cyber insurance.

Mrs. Geis said about 75 percent of our clients are purchasing cyber liability. In the State of Ohio there is sovereign immunity for all your operations as far as police, your decisions as Council, maintenance of the streets, and so forth. The cyber realm for public entities has not truly been tested. We have not seen a client who has had one. Some of our largest clients have data centers where IT teams caught it. The City of Akron had a breach of property records a few years ago and the City absorbed all costs to notify people. You have exposure here with ACH payments for water/sewer bills, the website, and the Police Department has a LEEDS terminal. Social Engineering Fraud is currently covered for a small amount under the Crime section of the policy. Computer Fraud and Fund Transfer Fraud can also be found on a cyber liability policy, but you don't currently have one. You are purchasing some of the ancillary coverages.

Mrs. Geis said general liability, auto liability and law enforcement liability are all occurrence based. That means the claim is triggered during the policy term when it actually occurred. If there is a claim from two years ago, it will go back to that policy. For cyber liability, the claim is triggered on the day of discovery; when you discover a breach.

Mr. Heydorn said the occurrence based aspect of what she's talking about are the major source of litigation. They are usually keyed into when the cause of action occurs. It's usually when they're discovered by the claimant.

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Mr. Nichols said Mrs. Geis was totally knowledgeable and professional.

Mr. Nivens said if we are using an offsite training facility for live fire training, does that have any bearing on our policy?

Mrs. Geis said yes, if there would be an accident, that is included.

FINANCE AND APPROPRIATIONS COMMITTEE – MR. CHURCH

ORDINANCE NO.: 41-2018

Mr. Housley explained we reallocated how we charge telephone services and the other amendment relates to the vehicle the Service Department planned on purchasing. Originally they had budgeted \$16,000 for a truck/SUV.

Mayor said a car was confiscated and the bank did not want the car, so they are giving the car to us. It's a 2011 Ford Escape. It needs some work. We need to put \$3,000 in the Service Department account for those repairs. That means we will not have to buy the pickup truck budgeted for this year and \$13,000 is being returned to the proper account. Mr. Lipan feels we can get a few good years out of it. We will also add a trailer hitch.

There being no further comments or questions, Mr. Church said this Resolution would be brought out for adoption.

PERSONNEL AND PUBLIC AFFAIRS COMMITTEE - MRS. MEYER

RESOLUTION NO.: 40-2018

Mayor said I do not know Mr. Destro personally, but we had a nice chat. He seems very interested in doing this job. In addition, his house was one of the last houses to be dye tested. Every house on the list did pass the dye test.

Motion to suspend the rules by Mrs. Meyer, seconded by Mrs. Dunphy
 Roll call on suspension: Ayes 7 Nays 0
 Motion to adopt by Mrs. Meyer, seconded by Mr. Nivens
 Roll call on adoption: Ayes 7 Nays 0

Mrs. Meyer said the Personnel Placement Committee met earlier this evening and is recommending the following:

Placement of **Officer Paul Ondecker** to Patrol Officer Step 2 on the Salary Ordinance, effective June 25, 2018. Salary of \$39,317.56, a 2.5 percent increase.

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Motion to approve by Mrs. Meyer, seconded by Mrs. Dunphy.
All members signified approval by saying aye.

Finance and Appropriations Committee – Mr. Church

Mr. Church stated **Resolution No.: 41-2018** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Church, seconded by Mr. Nivens
Roll call on suspension: Yes 7 No 0
Motion to adopt by Mr. Church, seconded by Mrs. Dunphy
Roll call on adoption: Yes 7 No 0

Mr. Church asked if there were any questions regarding the payment of claims. There were no questions.

Planning, Zoning and Insurance Committee - Mr. Nichols

Mr. Nichols said **Resolution No.: 37-2018** was discussed in Committee and is ready for adoption.

Motion to suspend the rules by Mr. Nichols, seconded by Mrs. Meyer
Roll call on suspension: Yes 7 No 0
Motion by adopt by Mr. Nichols, seconded by Mr. Nivens
Roll call on adoption: Yes 7 No 0

Discussion regarding charges to unmetered residences on North Dover Road

Mr. Nichols said when I was campaigning, residents of North Dover let me know they were being charged \$16.00 per month more starting in 2017. This was due to potential use of the one fire hydrant on Graham Road which services them. North Dover is a private street. We do plow it in the winter, but they pay for their own repairs. If there is a fire to be serviced by that hydrant, they would have to call multiple trucks, as the fire hose on a truck is about 1,000 feet long. The other issue would be water pressure. Lastly, it would be setup time. How long does it take for them to put this all together? Would it be as fast as the normal expectations in a normal situation? My response was that I would bring it up, with my primary concern being safety.

Mr. Nichols said that Mr. Housley printed the minutes from many of the relevant discussions that took place in 2016. My perception from the minutes is that it's not totally clear what our intent was. Early on we were focused on the issue of fire protection. Later, we moved into more of water system maintenance. To me, if you're within 1,000 feet of a hydrant, there's a benefit that could occur. Towards the north end, to me it's a little muddy. Is the response fire trucks and hoses, or is it a tanker, or is it both?

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My proposal is to talk to the Cuyahoga Falls Fire Chief to see what he had to say. If the response is we would respond with a tanker, to me that would take care of the safety issue. However, it would be unfair for those residents to contribute to a water system from which they have no benefit. If they are served by a tanker, I would like to take that up with the Mayor and Council President to talk about options. If the response is with a series of hoses, I would ask the Chief if he would be willing to hold an exercise to see if this falls within acceptable norms. What metric do they hold themselves to for an appropriate safety response time? My concern is if they are doing this with a series of trucks and hoses, the safety issue remains.

Mr. Plesich said I think those questions were addressed and most of the residents were here in the room when we talked about this. Those questions, I believe, were answered, maybe not to their satisfaction, but I think everything you brought up here today is something we knew on Council at the time the vote was taken.

Mr. Nivens said a fire at Silver Lake Country Club was handled with a tanker, which holds about 3,000 gallons of water. It worked fairly efficiently. I think if we ask the Fire Chief to set up a demo, it is an intensive personnel issue, and he is not going to tie up three trucks.

Mr. Heydorn said this is the Chief's specific plan. The first thing that happens is a tanker truck comes in and immediately sets up firefighting within about three minutes. Then the pumper trucks move in. Each one has 1,000 feet, and when it gets to the next pumper truck it adds pressure. I think he plans to bring in three trucks for when the tanker truck is depleted. Clearly he has a plan and that's what he told us he would do.

Mr. Nichols said that degree of specificity is not in the minutes. I would like to know what the plan is.

Mr. Church said my thought is there are fire hydrants on Country Club Lane. I wonder how difficult it would be to run a water line from Country Club Lane to North Dover Road.

Mr. Nivens added there are two hydrants on Graham Road.

Mr. Nichols said where I will end up on this is probably not where you're at. There are other possibilities. At Woodland and North Dover, at the far northwestern house, there is a Stow hydrant. When there is a fire, Cuyahoga Falls responds. He needs to know the address and if Stow can respond. There is also a hydrant on Leewood Road.

Mr. Plesich said I wonder what the issue is here. Is it getting the fire trucks in or the monthly fee?

Mr. Nichols said if it's determined that those at the bottom cannot get a benefit from that hydrant, I don't think they should be paying for it.

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Mr. Church said I think we did determine there was a benefit. I think we're talking about the principle of it.

Mr. Nichols said I'd like to see that benefit. Primarily it's safety. Are they protected?

Mr. Jones said they may be getting a benefit on insurance rates. If they are not getting the benefit and we pull that charge off, they're still in the same boat.

Mr. Nichols said if the Fire Chief thinks the first response would be a tanker truck. That's their primary protection. If that is what's happening, they're not getting a benefit from the hydrant.

Mr. Nichols will talk to the Chief and get back to Council.

REPORTS OF VILLAGE OFFICIALS

Mayor Hovey reported Chief Conley had to leave. I am reporting for Mr. Lipan that Pro Tree has begun removing the trees in the back. Hydrant flushing continues. Flowers are being planted on the island. Students did mulching for a service project. We are patching water break holes before paving.

Mayor reported that through the work of Mr. Church and with the support of Don Sitts, we are going to line the tennis courts with pickle ball courts. It's one of the fastest growing sports around. Mr. and Mrs. Sitts will pay for it in honor of the Centennial.

On a personal note, I am happy to announce I have another grandson.

Mr. and Mrs. Jones had some health issues recently. They have both overcome them. I'm happy to see you're doing well.

Mr. Plesich asked if they are replacing gas lines in the Village. Mayor said they don't always tell us what they're doing. There are yellow pipes laying around, and we will look into it.

Mr. Heydorn said they have to locate the lines before they start digging.

Mr. Jones asked about charging for the pavilion.

Mayor said we might be the only community that does not charge. People are coming here because it's free. There is a lot of undue cleanup that sometimes has to be done. We think we should charge a fee and a refundable security deposit. We are incurring costs for damages and cleanup. A couple members of the Park Board said we should be doing it. Anything that would be done would have to be set by Council. It was built with a federal grant, so we may not be able to keep it to Silver Lake residents only.

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Mr. Robert Heydorn, Village Solicitor, said he would have to look at the agreement we signed for the grant. I would have to see whether or not we can charge differential fees.

Mayor said I would need an opinion of Council if you want to do it. I can set up a fee structure for Council to look at. We do not charge for our baseball fields.

Mr. Nivens said there is a program through the Stow Municipal Court whereby people who cannot pay their fees can perform some work for the Village.

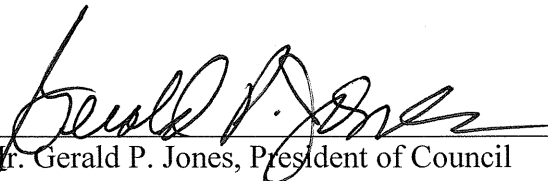
Mayor said he had not heard of it, but he would look into it.

Mr. Sean Housley, Clerk-Treasurer, had no report.

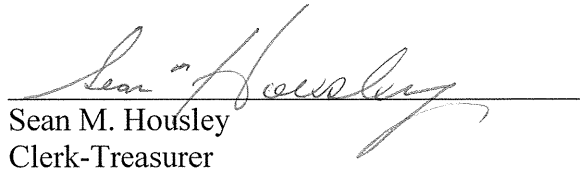
Miscellaneous Business

There being no further questions or comments, Council adjourned at 8:01 p.m., until the next regular meeting of Council on Monday, June 4, 2018, at 7:00 p.m.

APPROVED:


Mr. Gerald P. Jones, President of Council

ATTEST:


Sean M. Housley
Clerk-Treasurer

prepared by: Darlene Pedicino

reviewed by: Suzanne Lipan