

# VILLAGE OF BENTLEYVILLE

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## REGULAR COUNCIL MEETING MINUTES

03/16/2022

7:00 PM

### CALL TO ORDER: 00:00:39

Mayor Spremulli called the meeting to order at 7:00 P.M.

### PLEDGE OF ALLEGIANCE: 00:00:39

Mayor Spremulli led Council in the Pledge of Allegiance.

### ROLL CALL: 00:01:07

<input checked="" type="checkbox"/> Len Spremulli, Mayor	<input checked="" type="checkbox"/> Kathleen Esposito	<input type="checkbox"/> Terry Hemmelgarn
<input checked="" type="checkbox"/> Kathleen Hale	<input checked="" type="checkbox"/> Alex Goetsch	
<input checked="" type="checkbox"/> Ken Kvacek	<input checked="" type="checkbox"/> Ryan Rubin	
<input type="checkbox"/> Chuck Nemer, Law Director	<input checked="" type="checkbox"/> Jeff Filarski, Engineer	
<input checked="" type="checkbox"/> Gabe Barone, Police Chief	<input checked="" type="checkbox"/> Lloyd Nagle, Service Director	

### MOTION TO ACCEPT THE PRIOR WRITTEN MINUTES: 00:01:22

**CLERK:** A Motion by Rubin to accept prior written minutes and audio recording of the February 16, 2022 Council meeting, second by Goetsch.

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

### MAYOR'S REPORT: 00:01:51

Mayor Spremulli reported that the Law Director would not be in attendance since he was not feeling well.

The Mayor wanted to acknowledge JP Goss, the Eagle Scout that rebuilt the fire pit. The Mayor invited him to attend a future council meeting to introduce himself and noted that he will be getting a thank you letter out to him.

A thank you note was received from Jackie Papa and her family for the flowers sent on behalf of the village employees and council in sympathy on her mothers' passing.

Per Mayor Spremulli, we were contacted by a group called Naaleh Cleveland. The Mayor and Chief met with representative Rabi Chaim Helman who has a connection with one of the Bentleyville residents on Chagrin River Road. The purpose of the meeting was to discuss a 5K run to raise funds for their organization. The Mayor and the Chief met with them to discuss the safest route. There will be no more than 50 participants. There will be a shuttle to bring attendees back and forth between the park and the Newman's' home where there will be a cookout at the end of the run. The event will take place

Sunday June 26<sup>th</sup>. The route will begin at 6505 Chagrin River Road, south onto Franklin, left on Holbrook and loop back around. Mr. Goetsch noted that the route is only 2.7 miles. The Mayor thought maybe they would run it twice.

Mayor Spremulli noted that we are not sponsoring this event. The organizers are asking us if they can do it here. He also noted that the organizers have the necessary insurance required for this type of event.

Chief Barone did have some concerns as to the liability with this sort of event and noted that there may be some requirements such as having a squad on standby and the dress for participants with reflective materials. Chief Barone was not sure if we have a copy of the insurance certificate and the Mayor noted that we would have to follow up on it and make sure we have a copy. The paperwork received by the Mayor confirmed that volunteers would be wearing green safety vests. Mayor Spremulli explained that he is supportive of the event because the event is connected to one of Bentleyville's residents.

Mr. Kvacek noted that he is involved with the Blossom Time run and that there is much expense involved with bringing in officers and the service department. Mr. Goetsch noted that he has been involved in many runs with 200-300 participants that do virtually no traffic control and thought this event will be totally safe. Mr. Kvacek expressed concern regarding having a waiver of liability, however Mr. Goetsch pointed out that since we are not sponsoring the event, there would be no liability concern.

Mayor Spremulli reported that we received the Bedford Court Annual Report which will be in the front office for anyone to look at.

Mayor Spremulli reported that there is a resolution we have on the agenda tonight to enter into a MOU with the Flock Group. As he has indicated in the past, he is not supportive of surveillance cameras in the village and noted that this community does not need that kind of surveillance. He believes that we give up enough privacy as it is. The Mayor explained that Councilman Kvacek has brought it up several times and that the only way to resolve it was to put it on the agenda. It will be on first reading tonight and will be read three times so that any residents can attend a council meeting and give their opinion. If Mr. Kvacek can get three council members to support him, it will pass.

Chief Barone noted that there is a distinction between the commitment to purchase flock cameras, which would cost \$2,500.00 per camera per year, and the resolution that is on the agenda.

The Mayor reported that he and Mr. Filarski will be meeting on March 31<sup>st</sup> with a representative and the Director of the Metroparks to discuss the project that involves our service garage. Per Mayor Spremulli, our service department lease with the Metroparks will expire next year. We exercised our right to entertain an option to extend the lease but have had no response from the Metroparks. At this time, we do not know if our lease will be extended or not. This meeting is to discuss the Metroparks planned renovation at that site and to discuss how we may or may not be included.

Per Engineer Filarski, we will also get an update on what they are planning for the Rail to Trails trail from Solon to Chagrin Falls. Mr. Filarski wanted to hear it from them since it came out in the papers. They have an MOU with Solon and he asked them what is going on with Bentleyville. Mr. Rubin noted that the Metroparks may build us a nicer service garage. Mayor Spremulli said it was possible but that it was also possible they may tell us to go pound salt and it is possible they may ask us for something in return



for something they will do for us, he just didn't know. Mr. Goetsch noted that we don't have much to say on the rails to trails because it is their land. Mayor Spremulli added that the rails to trails program involves the Metroparks, not Bentleyville, so if that program has something to do with our park, we will find out. Mr. Kvacek attended a Solon council meeting where they had a public discussion about it. They had a large map that showed the route from Solon to Chagrin that showed a connector trail from Quarry Rock through our community park. Mr. Filarski noted that it might be the same chart they had a few years ago and were trying to get funding for, but did not. He believes that is what they would like to have, but right now they are just discussing the trail that goes from Solon to the trail on Chagrin River Road. Kathleen Hale noted that some of our residents would like the same assurances as Solon residents as far as being provided with screening etc. along the trail. Engineer Filarski confirmed that they are aware and have put residents in touch with the Metroparks representatives who seem to be very receptive.

Mayor Spremulli reported that he had a conference call with Solon Mayor Ed Kraus, Tim Cosgrove, Partner at Cosgrove Jonhenry, LLC, Senator Matt Dolan and Chagrin Falls Mayor William Tomko to discuss an application being made for capital from the state budget for funds for this project. The Mayor indicated to them that he needed some issues with the Metroparks resolved before he would be participating in any application. There was supposed to be another phone call, but he has not heard anything about it yet. Senator Dolan seemed concerned with the possibility that all of the Mayors were not going to be on board because he was going to support the request for funds the Metroparks, Chagrin Falls and Solon have requested. Mayor Spremulli explained that this is a side issue and that he is only concerned about the service department and where it will be or if we will have one.

The meeting with the Metro Parks again is March 31<sup>st</sup> at 9 am at the Metroparks Executive offices. Mr. Kvacek asked if council is invited or if they are inviting themselves. The Mayor confirmed they were invited. Mr. Goetsch graciously offered to attend to smooth the waters.

Mr. Kvacek again noted that some residents had concerns with the rails to trails path behind their property. The Mayor told him that he met with the residents and put them in touch with the Metroparks. He explained that if Mr. Kvacek knew of any other concerned residents, he should direct them to the Mayor who will get them in contact with the Metroparks. The Metroparks seem to be receptive to dealing with the residents with regard to screening.

Mayor Spremulli explained that he will not make any more commitments, sign any more letters or be a part of any more applications without council approval. He explained that he did it twice and still doesn't know where his service department is going to be. He wanted council to know that he is not doing it again without coming back to council to say "they want the Village of Bentleyville and me to sign this document for participating in this fund request" and asking council if they want him to do it.

**FISCAL OFFICER'S REPORT: 00:11:07**

The Mayor directed Council to the cash account balances (see Cash Balance and Outstanding Obligations February, 2022)

**LAW DIRECTOR'S REPORT: 00:11:07**

- No report

**BUILDING INSPECTOR REPORT: 00:19:29**

- Mr. Filarski's report is on file.

#### **ENGINEER REPORT 00:19:45**

- Mr. Filarski's report is on file.
- Mr. Kvacek noted that the property on Solon Road is bringing utilities in under the road and one of the provisions on that approval was that they were not supposed to do any damage to the wetland, yet they have taken excavators back and forth and it is now pretty much muck. According to the engineer, they will smooth it out, fix it and all the native vegetation will grow back.
- Mr. Filarski received the stage three plans from the County Engineers office with regard to the Miles Road bridge project, which are the plans just before bidding to review. The current fencing will be replaced with twin galvanized railing on the Miles Road bridge. The county will also complete some cosmetic work on the bridges such as restraining the parapets and repainting the steel plates on the curb.
- Mr. Rubin asked if there is a form that can be distributed throughout the community for residents that need telephone and electrical boxes fixed. Per Mr. Rubin, boxes are falling over and wires sticking out all over. He and several others have tried to contact the utility companies in the past with no resolve. He explained that he was walking his dog the other day and now that the snow has melted he noticed that there are AT&T fuse boxes just lying on the side of the boxes and there are wires everywhere. Kathleen Hale asked if any community has had success pursuing the issue. Mr. Filarski said they have not and that the problem is that it is all low voltage. He explained that the problem is that there is no hotline and he wasn't sure if any of these companies have service people going around and checking the boxes periodically to replace the damaged ones. The Chief said in his neighborhood, they made some changes and left the old boxes.
- Kathleen Hale noted that the prior problem was that each homeowner needed to contact the company and that no one could actually get in contact with someone, they were just left on hold. Mr. Rubin thought that if we had a point of contact we could gather up as many residents as possible and put them on one list to submit for repairs. Mr. Filarski suggested putting word out to residents to contact Village Hall if there is a utility box that needs repair and go from there. Mr. Rubin said they seemed to insinuate that they need permission from the homeowner, however Mr. Filarski explained that is not the case since the boxes are in an easement. Mr. Filarski said we can try to help as a municipal government, but that the residents themselves are responsible for contacting the utility company.
- Mr. Kvacek asked if the homeowner could attempt to repair it but Mr. Filarski said they cannot. Mr. Filarski noted that First Energy and Dominion have representatives, but Spectrum and AT&T don't have any representatives to contact. Mayor Spremulli said he would inquire and see if he can find out anything.
- Mr. Kvacek inquired about the traffic light planned at the new Sulfur Springs Rd. and Miles Rd. intersection planned by the county. He noted that Mr. Filarski said there would be no significant road closures, but thought we should at least inform the people that live on Chagrin River Rd. Mr. Filarski said we would when the time comes and that this project is still far down the road. Mayor



Spremulli said when we have a definite plan we would inform them. According to Mr. Filarski the county is only 70-80% through the preliminary design stage and that there are still questions to be answered with respect to environmental impacts. Mr. Filarski explained that the bridge project will be bid this year. They Mayor said we will send a letter to the residents at the appropriate time so they know when the project will take place.

**CHIEF'S REPORT 00:31:52**

- Chief Barone's report is on file.
- Mayor Spremulli reported that discussion in the finance committee included the resignation of three part-timers. One is going to the county full-time and the others are getting out of police work permanently.

**SERVICE DIRECTOR REPORT: 00:32:51**

- Service Director Klemm reported that everything is going well. They are working on cleaning up the last of the equipment and that the area around the service garage has been cleaned up. All the trash has been picked up around the outside and disposed of. The repairs to the men's and women's locker rooms in Village Hall are complete. The new women's shower has been installed.
- Mr. Klemm is getting a few final items ready for sale on GovDeals.
- He also reported that he has received the information from the state for the salt order.
- Mr. Goetsch asked when the chipper would be used. Per Mr. Klemm they were going to use it the other day however the dumpster for the Christmas trees was not quite full, so they filled it with brush. The chipper will be used for any additional brush. The goal is to recycle the chips and use them in the trails where the trails are too muddy to access. Mr. Kvacek asked if the chips could be used in the playground area however Mr. Klemm said that it is not good for playgrounds because it is not treated and will decompose.

**STREETS AND SAFETY REPORT: 00:35:35**

- Committee report is on file.

**FINANCE, GRANTS & INSURANCE REPORT: 00:35:40**

- Committee report is on file.
- Mr. Kvacek reported that there has been discussion of purchasing an antique millstone that is currently on the market that can be used some way in the village to further designate and remind people of the history of the Village. Current estimated cost is about \$2,800 and Council persons Esposito, Hale and Kvacek are working to get the funds together for the purchase. It is historic in nature and they thought the money could possibly come out of the Duncan McFarland Fund.

**PLANNING AND ZONING REPORT: 00:36:58**

- The Commission did not meet.

**PARKS: 00:36:59**

- The Committee report is on file.

**UTILITIES COMMITTEE: 00:37:06**

- The Committee did not meet this month.

**EMPLOYEE SAFETY: 00:37:06**

- The Committee did not meet this month.

**PUBLIC COMMENTS: 00:37:06**

- None

**OLD BUSINESS: 00:37:14**

- None

**NEW BUSINESS: 00:37:14**

**2022-08** An Ordinance for the payment of bills in the month of March 2022 in the amount of \$65,025.90 and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Kvacek

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

Motion to adopt by Rubin; second Goetsch

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

**2022-09** An Ordinance authorizing the Mayor to enter into a contract with Love Insurance Agency for the provision of General Liability, Police Professional, Public Official, Automobile and Property Insurance for the Village of Bentleyville at the total aggregate cost not to exceed \$38,000.00 and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Esposito

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

Motion to adopt by Rubin; second Esposito

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

**2022-10** An Ordinance authorizing the Mayor to enter in to contract with American Legal Publishing for the Codification of Ordinances from 2018 forward in an amount not to exceed \$6,574.00 and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Kvacek

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

Motion to adopt by Rubin; second Esposito

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

**2022-11** An Ordinance authorizing the Mayor to enter into a contract with Geotech Services Inc., in an amount not to exceed \$65,750.00 for the 2021 North Fork Culvert Repairs and declaring an emergency.

Motion to suspend the three-reading rule by Rubin; second Goetsch

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent  
Motion to adopt by Rubin; second Esposito

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

**2022-12**

A Resolution authorizing the Mayor to enter into a Memorandum of Understanding with Flock Group, Inc., to access their technology platform and safety dashboard for investigative purposes.

**1<sup>st</sup> Reading**

Motion to put 2022-12 on first reading by Rubin; second Kvacek

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: no; Rubin: yes; Hemmelgarn: absent

Mr. Kvacek thought that in the earlier discussion the Mayor did not present this resolution for what it is, it is an authorization for the Mayor to enter into an MOU that would allow us free access to historical data and to trial technology which collects data from other law enforcement agencies. We would not have to purchase anything but it would allow us to use the data available in surrounding communities to see if there is any value retrospectively. He asked the Chief if he was in favor of having this additional law enforcement tool. Chief Barone stated that using the data, not in real time but as a look back in the event something happens, would be a law enforcement aid depending on the commitment and obligations we would have.

**MOTIONS: 00:45:13**

**Motion to appoint Officer Daniel Peacock from part-time officer to full-time officer.**

Motion to appoint Officer Daniel Peacock full-time officer by Esposito; second Rubin

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

Mayor Spremulli explained that we will be adding a 6<sup>th</sup> full-time officer which we are estimating will add an additional \$2,000 to this year's budget. He also noted that Mr. Peacock has prior full-time experience in Newburg Heights and feels he will make a good addition to Bentleyville.

**Motion to accept the resignation of part-time Officer Kenneth Halligan**

Motion to accept the resignation of Officer Kenneth Halligan by Rubin; second Esposito.

Roll call: Hale: yes; Kvacek: yes; Esposito: yes; Goetsch: yes; Rubin: yes; Hemmelgarn: absent

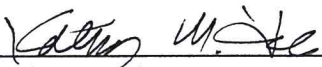
**COMMENTS FROM THE FLOOR: 00:48:41**

- None

**ADJOURNMENT: 00:48:41**

- Motion to adjourn by Hale; second Goetsch. Passed by unanimous voice vote.

Respectfully submitted,

  
Kathleen Hale  
President of Council

  
Nickol Sell  
Fiscal Officer