

RECORD OF PROCEEDINGS
Village of Peninsula Council
REGULAR SESSION

Held: September 14, 2015

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CALL TO ORDER: The Village of Peninsula Council convened from 6:59 p.m. to 9:48 p.m. in the Peninsula Village Hall. Mayor Douglas Mayer called the meeting to order and initiated the pledge of allegiance with the following members and visitors present:

COUNCIL MEMBERS:

Michael Matusz	Present	Brian Schall	Present
Carol Kramer	Present	Pamela Schneider	Present
Dee Holody	Present	Dan Schneider	Present
Douglas Mayer, Mayor	Present		

OTHERS PRESENT

John Stiegel, Connie Hesske, Elizabeth Workman, Brian Thunberg, Maggie DeMellier, Kevin Kramer, Larry Bell

CITIZEN PARTICIPATION

Nothing.

COUNCIL PARTICIPATION

Ms. Schneider asked about the lawsuit against the Village.

Solicitor Hesske reported that she was aware of the lawsuit and it has been turned over to the Village insurance carrier, the Village and individuals named in the lawsuit have not been properly served and until that point there is nothing to report.

Mr. Schall asked if the Village is also being sued and if the Village had been served properly. Solicitor Hesske replied yes, the Village is being sued and no, according to the actual court docket no one has been served. Ms. Hesske stated for public record Brian Schall, Pam Schneider and Dan Schneider are not part of the lawsuit. Ms. Hesske stated that she would have addressed the lawsuit under the Solicitor Report, if Ms. Schneider would have waited.

MAYOR'S REPORT

The Mayor introduced government liaison, Brian Thunberg of Regional Income Tax Agency (RITA).

Mr. Thunberg reported: The Boston/Peninsula JEDD started in January of 2014, RITA began collecting taxes for the Boston Township/Peninsula JEDD on July 1, 2015. When RITA initially met with the Fiscal Officer of Boston Township, they were asked very specifically about the Parks and Recreation employees in Boston Township. Mr. Thunberg explained that the Park and Recreation employees are Federal employees, and that Federal mandate states that if you have less than 500 Federal employees in your Municipality, the Federal Government is not required to withhold taxes for those employees. He is not saying the taxes are not due, he is simply saying the Federal Government is not required to withhold them. Currently there are 27 permanent employees and 34 seasonal employees working in the JEDD. The challenge is, since the Federal Government is not required to withhold taxes, getting information out to the employers to inform these employees that they are required to file and pay taxes in the JEDD. Through the Freedom of Information ACT, the Fiscal Officer of Boston Township requested a list of Federal employees working in the JEDD. RITA has gone through the list and have identified some of the employees that have filed and payed taxes to the JEDD. RITA has also identified 5 tax payers who filed and payed to their resident communities. RITA can identify and correct these types of errors. Mr. Thunberg stated that his intention is to sit down with the Mayor, the Fiscal Officer of the JEDD and Director of the Parks and Recreation and validate the list. A date has not been set yet. Mr. Thunberg reported that in the less than 60 days RITA has administered the tax, the Department of the Interior, which all those folks fall under have been filing and paying. RITA will identify the remaining people, verify with Director of Parks and Recreation and report back to the Village. At this time there are no delinquent accounts. RITA received a list of 10 businesses in the JEDD, 6 are currently filing and 4 are questionable as to if they are still operating. Mr. Thunberg will investigate and report back.

Mrs. Kramer asked Mr. Thunberg what information the Village is required to provide to Boston Township. Mr. Thunberg stated that he does not have a position on that. RITA is only required to provide information to the Fiscal Officer. There is a confidentiality issue and the Fiscal Officer is not able to share some information. In Mr. Thunberg's opinion, the Fiscal

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Officer has provided adequate information to the JEDD. Ms. Holody stated at the JEDD Board meeting in July, Boston Township was asked if they felt comfortable and they answered, yes and agreed to let the process work. Ms. Holody asked Mr. Thunberg if he stated at that meeting that he would need to go back and work with CCA for taxes that should have been paid in 2014. She thinks that this might be part of the money that Boston Township says is missing. This is the second step in the process. Ms. Holody also stated that there is a whole other layer of tax payers, contractors who work in town. Mr. Thunberg stated that House Bill 5 is a complete overhaul of the Municipal Tax Code. Rewriting ordinances. It is going to directly affect every community in the state of Ohio. As it stands any contractor or any business who works in a municipality less than 12 days in a calendar year, are not required to withhold tax. It will change to 20 days in 2016. RITA tracks all large projects to ensure taxes are being withheld. Ms. Holody stressed that Mr. Thunberg stated at the JEDD Board Meeting that this is going to be a very long process, but he will work diligently on getting it done. Ms. Holody wanted to remind everyone that this takes time and takes patience and the money will come. Ms. Holody thinks RITA does have a handle on it.

Mayor Mayer read a proclamation, proclaiming September 2015, Prostate Cancer Awareness Month in the Village of Peninsula.

The Mayor and Council members signed a thank you letter to Carl and Mike LaMancusa, owners of A&C Welding for their generous donation of time and materials to preserve the original Village jail door. The Village intends to display the door for the public to view.

The Mayor reported that M&M Welding repainted the bridge at no cost to the Village, the work was done under warranty. The Mayor announced that volunteers have come forward to paint the Police Department Squad room. The Mayor suggested purchasing the paint at Terry Lumber. Ms. Schneider asked if 3 bids had been acquired. After discussion it was agreed that Ms. Schneider would obtain 3 bids for paint and forward to the Mayor.

MOTION: THAT MS. SCHNEIDER OBTAIN 3 QUOTES FOR PURCHASING PAINT FOR THE POLICE SQUAD ROOM, WITH TERRY LUMBER BEING ONE OF THE QUOTES. AND PRESENT QUOTES TO THE MAYOR WITHIN ONE WEEK.

Moved by Ms. Holody, seconded by Mr. Matusz.

Call for discussion made by Solicitor Hesske: No Discussion.

Votes were: Michael Matusz, aye; Carol Kramer, nay; Dee Holody, aye; Brian Schall, aye;

Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed with 5 votes.** (Motion 128 -2015)

Mayor Mayer presented a quote to purchase 2 radar guns, The Village has been purchasing radar guns from the same company and do not want to mix and match radar guns. The Mayor requested Council approval to purchase 2 guns at \$3,190. Ms. Hesske called for a motion.

MOTION: TO PURCHASE 2 RADAR GUNS.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Call for discussion made by Ms. Holody: Ms. Holody questioned if this was brought to council last month for \$4,000. The Mayor stated that this was the first time it's been brought to Council. Ms. Holody asked Chief Varga if there were any additional installation costs, the Chief replied no.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye;

Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 129 -2015)

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The Mayor presented a Hudson temporary road closure sign. The Village Police Department would like to order 250 signs to be used when roads are temporarily closed. Legislation to be presented next month regarding temporary road closures.

MOTION: TO PURCHASE 250 TEMPORARY ROAD CLOSURE SIGNS.

Moved by Mr. Schall, seconded by Ms. Schneider.

Call for discussion made by Ms. Holody: Ms. Holody asked if there was a state ordinance number that needed to go on the signs. Chief Varga answered that the number of the Village ordinance being presented next month, if passed will go on the signs, making it possible to write tickets when violated.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 130 -2015)

The Mayor announced that 2 auxiliary officers, John Hetzel and John Mueller have accepted fulltime positions and are leaving the Village Police Department. The Mayor swore in a new officer, Andrew Watson and reported that Tim Earle, a retired officer is coming back to do the fire arms certifications for the Village.

Mayor Mayer announced that Trick or Treat is 6-7:30, Halloween Party is 7:30-9:00 at the Woodridge Intermediate School and Trunk or Treat is 6-7:30 in the parking lot of Woodridge Intermediate School.

SOLICITOR'S REPORT

Solicitor Hesske reported on public records requests from last month: Pam Schneider and Nancy Robinson both requested an audio copy of the August 10, 2015 Council meeting. Dee Holody requested an audio copy of the August 25, 2015 Planning Commission meeting. Mike Kaplan requested and payed for audio copies of the next 12 Planning Commission meetings.

FISCAL OFFICER'S REPORT

MOTION: TO APPROVE AUGUST 10, 2015 REGULAR MEETING MINUTES IN FINAL FORM.

Moved by Ms. Holody, seconded by MS. Schneider.

Call for discussion made by Ms. Holody: Ms. Holody pointed out corrections to be made under the sale of the intermediate school section.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 131 -2015)

MOTION: TO APPROVE AUGUST 10, 2015 FINANCE WORKSHOP MINUTES IN FINAL FORM.

Moved by Ms. Holody, seconded by Ms. Schneider.

Call for discussion made by Ms. Holody: No response.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 132 -2015)

MOTION: TO ACKNOWLEDGE THE FINANCIAL STATEMENTS.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Call for discussion made by Ms. Holody: No response.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye; Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 133 -2015)

MOTION: TO PAY THE BILLS.

Moved by Mr. Schneider, seconded by Ms. Schneider.

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Call for discussion made by Ms. Holody: Solicitor Hesske asked the Fiscal Officer if he had received a final bill from Walter H. Drane. Mr. Stiegel responded no.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye;
Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 134 -2015)

MOTION: TO PAY QUARTERLY PAYROLL.

Moved by Mr. Schneider, seconded by Ms. Schneider.

Call for discussion made by Ms. Holody: No response.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye;
Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 135 -2015)

POLICE DEPARTMENT

Chief Varga thanked Larry Bell for being a good neighbor and reporting that he noticed that his neighbors garage was open, which was out of the ordinary. His neighbor stated that he was thankful for Larry letting him know.

Ms. Holody read a letter dated September 9, 2015 received as follow-up by Boston Township to the request to freeze the Police Contract. The original letter dated July 23, 2015 asked Council to consider not increasing the cost of the contract by 5% going into 2016. Ms. Holody suggested inviting Boston Township to a Joint Meeting to allow them to explain their financial situation and what has changed since signing the contract. After discussion, Council agreed to invite Boston Township Trustees to a Joint Meeting at 6:00 pm prior to the October Regular Council Meeting.

MOTION: TO HOLD A JOINT MEETING, TUESDAY, October 13, 2015 AT 6:00 PM FOR THE PURPOSE OF DISCUSSING THE POLICE CONTRACT AND INVITING THE BOSTON TOWNSHIP TRUSTEES.

Moved by Ms. Holody, seconded by Mrs. Kramer.

Call for discussion by Ms. Holody: Mayor Mayer suggested a questionnaire or specifics be sent, so they know what to bring to the meeting. Ms. Holody said that she had a list of questions. Solicitor Hesske stated that this should be done as a public records request for the meeting. Ms. Holody stated she would do this.

Votes were: Michael Matusz, aye; Carol Kramer, aye; Dee Holody, aye; Brian Schall, aye;
Pamela Schneider, aye; Daniel Schneider, aye. **Motion passed unanimously.** (Motion 136 -2015)

SERVICE DEPARTMENT

The Mayor reported Mr. Halko is working on getting the equipment ready for winter and after sitting all summer, the large truck is not starting.

ZONING

Nothing to report.

BOARD OF ZONING APPEALS.

Nothing to report.